ENVIRONMENTAL LAW IN THE RUSSIAN FEDERATION

Aleksey Anisimov
Anatoliy Ryzhenkov

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Environmental Law in the Russian Federation

Authored by

Aleksey Anisimov

Department of Environmental and Natural Resource Law
Kutafin Moscow State Law University (MSAL)
Moscow, Russia

&

Anatoliy Ryzhenkov

Department of Civil Law and Procedure
Kalmyk State University
Moscow, Russia

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Authors: Aleksey Anisimov, Anatoliy Ryzhenkov

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FOREWORD

The state of the environment and the efficiency of protecting environmental human and civil rights leave much to be desired in the last years. The low level of environmental legal culture and environmental education of citizens, civil servants, and representatives of the business community is among the numerous reasons for this phenomenon. Meanwhile, it cannot be said that the state and the scientific community do not take any steps to remedy this situation. The textbook under review written by scholars renowned in Russia is an example of the scientific community's concern over the current environmental problems. The textbook is written in accordance with the requirements of the Russian state standard for jurisprudence.

It should be noted that the book under review is written in simple and clear, legally literate literary language and can certainly be successfully used in the educational process. In addition to the analysis of the current legislation and clarification of the provisions of the scientific doctrine, the authors try to familiarize readers with the procedural issues of the exercise of their environmental rights (or, accordingly, the duties of public authorities) in the field of natural resource management and environmental protection. This methodical approach can be found in all chapters of the textbook.

The textbook includes a total of 10 chapters grouped into three parts. The first (general) part considers the general provisions on environmental law, its scope, sources, problems of the exercise of environmental human rights, the system of environmental management authorities, economic incentives of environmental protection, and liability issues. In the second (special) part, the authors consider the distinctive features of environmental protection in individual areas of human activity (industry, agriculture, defense, *etc.*), specific features of the protection of particular natural resources (land, water, subsoil, *etc.*) as well as the concept and peculiarities of the legal regime of areas with a special environmental legal status. The third (specialized) part includes the study of the distinctive features of international cooperation in environmental protection and the experience of a range of foreign countries.

It appears that being original and innovative both by its idea and structure, this textbook is full of interesting facts and contains valuable information on a wide range of current problems of the theory and practice of environmental law. The textbook encourages thinking about the prospects of environmental legal science development and can be useful to readers from other countries – businessmen, the public, students, and scholars in conducting comparative studies.

E.S. Navasardova
Doctor of Juridical Sciences
The Professor of the Department of Environmental,
Land and Labor Law of North-Caucasus Federal University,
Stavropol
Russia

PREFACE

This textbook is written on the basis of a course of lectures given by the authors at Russian higher education institutions. This textbook includes all necessary sections reflecting the fundamental institutions of Russian environmental law.

The general part of the textbook deals with issues of the subject of environmental law, its systems, environmental human and civil rights, and clarifies the peculiarities and functions of environmental management in Russia, the regulation of environmental protection, and issues of the liability for committed environmental offences.

The special part deals with environmental requirements to certain types of activity (in agriculture, transport, waste management, *etc.*), the peculiarities of protection of some natural objects (water, forests, land, *etc.*), and the procedure for creation of specially protected natural areas (national parks, natural monuments, *etc.*). Particular attention is paid to protecting environmentally disadvantaged areas (ecological disaster zones) affected by human economic activity.

The specialized part deals with issues of international environmental cooperation as well as the peculiarities of environmental legislation of certain countries of the world (Kazakhstan, Belarus, USA, China).

The textbook will be of interest in terms of scientific studies and can be used in the educational process by students taking courses in comparative law and comparative environmental law. In addition, the book contains information about the scope of environmental requirements, prohibitions, and restrictions that can be useful to representatives of commercial organizations planning business in Russia and to public environmental associations intending to implement joint projects with representatives of Russian civil society in Russia.

While writing this textbook, the authors tried not to limit themselves to retelling Russian environmental legislation but to show the complexity and consistency of environmental problems, their universality for all countries of the world, to generalize the valuable experience of other countries, which can be useful for the Russian legislator. In its turn, Russian environmental law contains a number of successful rulemaking decisions that can be of interest to legislative bodies of various countries of the world.

CONSENT FOR PUBLICATION

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CONFLICT OF INTEREST

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Aleksey Anisimov
Department of Environmental and Natural Resource Law
Kutafin Moscow State Law University (MSAL)
Moscow, Russia

&

Anatoliy Ryzhenkov
Department of Civil Law and Procedure
Kalmyk State University
Moscow, Russia, and Honored Scientist of the Republic of Kalmykia

CHAPTER 1

Environmental Law as a Branch of Russian Law

Abstract: This chapter begins with considering the basic concepts of the interaction between nature and society that underlie the legal regulation of conservation of nature. The authors review the concepts of sustainable development, circular economy, climate change, and environmental law and draw attention to the methods (ways) of legal regulation of environmental relations. Generally speaking, a method of legal regulation is understood as a set of ways (techniques and means) enshrined in legal rules to impact peoples behavior and their social relations governed by law. There are two methods of legal regulation that function in environmental law: imperative and dispositive. The imperative method in environmental law means the establishment of prescriptions, permissions, prohibitions for the subjects of environmental legal relations and manifests itself in the possibility of applying state coercion to the execution of legal prescriptions by legal entities, citizens, including foreign ones, as well as by officials. The dispositive method is based on the equality of the parties to legal relations and their possibility to choose the particular behavior patterns independently. The citizens right to establish public and other environmental associations is a typical example here.

The main stages of development of Russian environmental legislation are analyzed and six levels of the sources of environmental law are distinguished subsequently in the textbook. The principles of environmental law are also considered; these are the basic ideas that underlie environmental law as a branch of law, determine its content and areas for further development and are used in law enforcement practice in case there are gaps in law. The authors distinguish generally accepted principles, interbranch, branch principles and principles of institutions of law in the system of principles of environmental law. A separate section in the textbook is dedicated to the system of environmental law – its internal structure. It is followed by the section dedicated to environmental legal relations –types of social relations regulated by rules of environmental law of Russia. This chapter concludes with a section on ownership of some natural resources.

Keywords: Actions, Climate, Environmental law, Environmental legal regime, Events, Facts, Field of activity, Industry, Institutions, Legal relations, Man, Method, Natural objects, Natural resources, Omissions, Principles, Right of ownership, Sources of law, Subject, System of law.

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CONCEPTS OF INTERACTION BETWEEN NATURE AND SOCIETY

Consideration of this issue, which goes beyond the scope of law itself, is traditional in the study of environmental law. Discussion of these concepts is necessary because the law only reflects economic, political, social, environmental and other processes occurring in society. Accordingly, the philosophical concepts perceived by the legislator become rules of law. We will try to show the said dynamics in terms of several such concepts.

Concept of Sustainable Development

The concept of sustainable development was first mentioned in the report of the International Commission on Environment and Development (Gro Harlem Brundtland Commission) in 1987; however, it is finalized in the resolutions of the United Nations Conference on Environment and Development, which was held in Rio de Janeiro in 1992. Sustainable development is understood as the progressive development of the state and society, which ensures a balance of the economic, environmental, and social needs of all private and public entities in the present and future generations. Before the emergence of the concept of sustainable development, different countries had used the concept of rational use of natural resources, which involved finding a balance of economic and environmental interests.

Adopting the concept of sustainable development means the next step – the addition of social interests. In Russian science, in the discussion of sustainable development, the emphasis is usually placed only on environmental interests, but its study inevitably leads us to the conclusion that there is an equivalence of three groups of interests, which must be brought to a “common denominator”. For this purpose, special criteria and indicators show the degree of compliance of legislation and the condition of three groups of interests with the goals stated in the concept.

In Russia, the most developed criteria and indicators of sustainable development are observed in forestry, to a lesser extent – in the field of use and protection of the fauna. In many other sectors of social life (agriculture, cities, waste management, *etc*.), criteria and indicators exist only in scientific studies and are still to be introduced in practice in the future. At the same time, even though a full-fledged mechanism for implementing the concept of sustainable development is still being formed, the courts often apply this concept in practice.

For example, considering a claim of Rosprirodnadzor (Federal Service for Supervision of Natural Resources) for suspension of the activities of a livestock breeding complex that caused harm to the environment, the district court stated that the suspension of its work would lead to serious social consequences (unemployment) and undermine the economic foundations of the local government (since this is the only effective enterprise in the municipal district). As a result, a penalty was imposed on the owner of the livestock breeding complex. Though the very concept of sustainable development is not mentioned in the court decision, it was actually applied.

Concept of Circular Economy

This concept emerged in 2010, and Ken Webster is its most famous supporter (Webster, 2013). Supporters of this concept distinguish between two economic models – a linear economy, which entails mass production, consumption, and waste disposal, and a closed-loop economy, in which the amount of generated waste tends to zero. Generally speaking, this is the next step in developing the existing approach to separate waste collection.

The main essence of the concept of "circular economy" is a new approach to waste management: materials of biological origin (which must return to the biosphere as raw materials, for example, as fertilizers for agricultural production) as well as technical waste that does not decompose and enters the biosphere (for example, plastics). The latter must become raw materials and be further reused in production cycles as well. As a result, there will be a saving of non-renewable natural resources, which will not be extracted and processed due to the longer service life of manufactured goods and production of new items from the remains of the old ones. Implementing this concept will make it possible to reduce the negative impact on nature, obtain an economic effect from the decrease in extraction and processing of natural resources, and create new job markets.

Supporters of the concept of circular economy pay much attention to consideration of the interrelation of human, social, natural, and economic capital. Studying the drawbacks of the modern economic model, they draw parallels with the life of the forest, which includes effective interaction of water, energy, plants, animals, bacteria, and fungi. Waste of one biological species becomes the food of another one, and waste of another species is food for the third one: therefore, the entire forest ecosystem not only survives but also flourishes. This is why the linear economy has no future. This future exists in the circular economy based on another system of values.

This concept is implemented in developed European countries with varying degrees of success. For example, in Sweden, 99 percent of household waste is

CHAPTER 2

Human and Civil Right to a Favorable Environment

Abstract: This chapter deals with the main stages of the formation of environmental rights in international law. The authors define the human right to a favorable environment as the possibility for every person, people, and the whole humankind to live with such a state of the Earths biosphere that ensures the maximum level of physical and mental health, as well as means eliminating global threats to the biosphere caused by human activity.

It is stated that further development of the system of environmental rights will inevitably affect human rights and the environment, and the rights of environmental refugees. The main authorities of Russian citizens and public associations in the field of environmental protection are studied in terms of Russian legislation. These include right to establish public associations and non-commercial organizations which carry out activities in the area of environmental protection; the right to participate in assemblies, rallies, pickets, processions and demonstrations, referendums and other activities relating to environmental protection that are not contrary to legislation; the right of citizens to require state authorities, local government bodies and other organizations to provide timely, complete and reliable environmental information; the right to propose organization of a public environmental expert review and participate in it; the right to file complaints, applications and proposals concerning nature protection issues and the negative impact of it on state authorities, local government bodies and other organizations and to obtain timely and substantiated responses; the right of citizens to file claims in court for compensation for harm caused to the environment, as well as to their life, health and property, and the right to provide assistance to public authorities in settlement of environmental protection issues. Further, the authors consider environmental duties of citizens and their associations as well as state guarantees of citizens rights (*i.e.*, a set of Russian conditions for the exercise of environmental rights and means of their protection in case of encroachment on them by the state or third parties).

Keywords: Citizens, Climate, Complaints, Demonstrations, Duties, Environmental information, Expert review, Guarantees, Harm, Human rights, International cooperation, Judicial practice, Law, Public associations, Pickets, Rallies, Refugees, Stages, State authorities, UN.

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HUMAN RIGHT TO A FAVORABLE ENVIRONMENT

Several decades ago, the human right to a favorable environment was formed in international law. Some stages can be distinguished in this process.

1. **1948-1972:** During the first stage, the UN Charter (1945), the Universal Declaration of Human Rights (1948), and the International Covenants on Human Rights (1966) do not mention the "right to a favorable environment" but refer to the connection between the quality of the "standards of life" and the quality of the environment as well as specify the "standard of living" adequate for a dignified human existence. Other international documents of this period focus on the protection of certain categories of subjects from some types of negative impact.

2. **1972-1992:** This stage is attributable to the resolutions of the United Nations Conference on the Human Environment, held in Stockholm in June 1972. The outcome of the conference was the adoption of a declaration on the environment, a declaration of principles and an action plan combined into a single document titled "Stockholm Declaration". The declaration of principles formulates the concept of the human right to a favorable environment for the first time in international law. The Stockholm Conference (1972) is followed by the beginning of the process of the greening of international law, which was not observed earlier. This manifests itself in reference to the need to preserve the environment even in specialized documents in the field of human rights, which are dedicated to entirely different issues, for example, in Article 9 of the Universal Declaration on the Eradication of Hunger and Malnutrition (1974). According to this rule, to assure the proper conservation of natural resources being utilized, or which might be utilized, for food production, all countries must collaborate to facilitate the preservation of the environment, including the marine environment.

During this period, the United Nations General Assembly adopted the World Charter for Nature (1982), which determines the number of essential areas of international cooperation in the field of environmental protection, including measures to maintain genetic diversity; rational use of natural resources; protection of nature from the consequences of military activities.

Since the mid-1970s, international cooperation in environmental rights at UN has gained prominence. Special attention should be paid to the CSCE activities (now the OSCE) and, in particular, the Final Act of the Conference on Security and Cooperation in Europe of 1975. This document states the impossibility to ensure high quality of the environment only at the domestic level; therefore, a system of

measures was proposed to resolve this problem on a global scale. For example, it was stated that it was necessary to take measures to combat pollution of air, water, and land, to intensify the efforts for further development of reserve management and studies, improvement of the state of the environment in settlements, scientific studies, monitoring and assessment of changes in the environment as well as legal cooperation.

These recommendations influenced the subsequent international instruments and were reflected in the 1979 Convention on Long-Range Transboundary Air Pollution. The Vienna meeting of representatives of the CSCE member states, which was held in the period from November 1986 to January 1989, provided recommendations in the field of reduction of emissions of sulphur, hydrogen sulphide, and other pollutants, development of new methods of waste burial instead of dumping it at sea, studies of the phenomena of global climate warming, protection of the ozone layer, *etc*. It was proposed to strengthen international cooperation and improve the exchange of environmental information to achieve these goals.

3. **1992-2002:** This stage is distinguished by implementing the resolutions of the United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992. Since 1992, a favorable environmental quality has been considered as an element of sustainable development of society. The principle of sustainable development means the state duty to preserve all ecosystems and ecological processes vital for the functioning of the biosphere, maintain biological diversity, and observe the principle of optimal sustainability in the exploitation of biological resources and living ecosystems. In other words, sustainable development is stable social and economic development that does not destroy its natural basis and ensures uninterrupted progress in social development.

The declaration adopted at the Rio de Janeiro Conference on Environment and Development points out a range of new elements of the human right to a favorable environment, including the human right to require reduction and elimination of unsustainable patterns of production and consumption; the human right to access international information concerning the environment that is held by various states; the human right to participate in settlement of international issues relating to the environment; the human right to effective judicial and administrative proceedings, including redress and remedy; the human right to participate in making decisions that affect the biosphere.

In 1998, the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters was adopted

CHAPTER 3

System of Environmental Management Bodies

Abstract: In this chapter, it is pointed out that management in the area of environmental protection lies in the domain of executive authorities of the Russian Federation and its constituent entities as well as local government bodies. These bodies aim at regulating the interaction between nature and society to ensure a favorable environmental quality. Management activity in environmental protection is carried out exclusively by state executive authorities and local government bodies. Legislative and judicial authorities do not perform any management functions. In a similar manner, public environmental associations and other legal entities are not involved in management. Despite the common goals of environmental management, every level of public environmental management (the Russian Federation, constituent entities of the Russian Federation, local government bodies) has its own level of competence. Management bodies in environmental protection can be classified according to several criteria. The main criterion is the scope of their inherent authoritative powers. According to this criterion, they are divided into general and special competence bodies. Bodies of general competence are distinguished as a special type of public authorities because decision-making in environmental protection is not their special and only function; it is performed along with the fulfillment of other management tasks. The President of the Russian Federation, the Government of the Russian Federation, executive authorities of constituent entities of the Russian Federation, and local government bodies are endowed with general competence.

Bodies of special competence are state authorities that are specially authorized by the Government of the Russian Federation or the President of the Russian Federation to perform the corresponding environmental functions (the Ministry of Natural Resources and Environment, the Ministry of Internal Affairs, *etc*.). According to the nature of their special competence, environmental management bodies are divided into two types: interbranch and branch. Interbranch bodies perform a set of nature protection tasks concerning all (or the majority) of natural objects or types of activities; branch bodies protect the environment in certain life areas (transport, industry, power sector, defense). It is pointed out that the Federal Law "On Environmental Protection" itself does not distribute the powers among specific bodies of general or special competence. The law lists the powers of federal, regional, and local nature protection significance, and these powers are distributed inside each level of authority by other laws and bylaws.

Attention is paid to environmental management functions, *i.e*., the main areas of activities of state executive authorities and local government bodies to ensure a favorable environmental quality and protect environmental human and civil rights (standardization, licensing, expert review, EIA). The state economic regulation of

environmental protection is not less important, and it includes the establishment of the system of payments for environmental pollution, tax benefits, and other incentive payments, including measures for the support of environmental entrepreneurship.

Keywords: Authority, Classification, Constituent entities of the Russian Federation, Economic regulation, EIA, Environmental supervision, Expert review, Functions, General competence, Government, Law, Licensing, Local government bodies, Management, Ministry, Object, Powers, President, Special competence, Standardization, Record.

CONCEPT OF ENVIRONMENTAL MANAGEMENT BODIES

Management in environmental protection is understood as activities of executive authorities of the Russian Federation and its constituent entities and local government bodies. They aim to regulate social relations in the interaction between nature and society to ensure a favorable environmental quality. Management activity in environmental protection is carried out exclusively by state executive authorities and local government bodies. Legislative and judicial authorities do not perform any management functions. In a similar manner, public environmental associations and other legal entities are not involved in management. Despite the common goals of environmental management, every level of public environmental management (the Russian Federation, constituent entities of the Russian Federation, local government bodies) is endowed with its own level of competence.

In addition, when we refer to the division of competence between the federal and regional levels, it is necessary to take into account the formation of a subregional management level as a result of the creation of federal districts (nature protection activities of constituent entities of the Russian Federation that are part of the federal districts are coordinated at this level) as well as protection of water bodies according to the "basin principle". The latter means planning and nature protection management activities about the basins of large rivers, for example, the Volga River. Special structural subdivisions performing this coordination are created for this purpose in the structure of the corresponding management bodies (Rosvodresursy, Roshydromet). There have been repeated attempts to give a special legal status to the resort region of the Caucasian Mineral Waters (a special draft federal law is even prepared), however, so far, there is no single body for the management of this territory, and the natural healing resources of this region are located within the boundaries of several constituent entities of the Russian Federation. Accordingly, every constituent entity of the Russian Federation manages its own natural resources.

Management bodies in environmental protection can be classified according to several criteria. The main criterion is the scope of their inherent authoritative powers. According to this criterion, they are divided into general and special competence bodies.

Bodies of general competence are distinguished as a special type of public authorities because decision-making in environmental protection is not their special and only function; it is performed along with the fulfillment of other management tasks. The President of the Russian Federation, the Government of the Russian Federation, executive authorities of constituent entities of the Russian Federation and local government bodies are endowed with general competence.

Bodies of special competence are state authorities that are specially authorized by the Government of the Russian Federation or the President of the Russian Federation to perform the corresponding environmental functions.

According to the nature of their special competence, environmental management bodies are divided into two types: interbranch and branch. Interbranch bodies perform a set of nature protection tasks about all (or the majority) natural objects or types of activities; branch bodies protect the environment in certain life areas (transport, industry, power sector, defense). We should mention the following important circumstance: the Federal Law "On Environmental Protection" itself does not distribute the powers among specific general or special competence bodies. The law lists the powers of federal, regional, and local nature protection significance and these powers are distributed inside each level of authority by other laws and bylaws. For example, let us consider the federal level of environmental management. These powers are distributed among federal executive authorities according to the Decree of the President of the Russian Federation No. 21 of January 21, 2020 "On the Structure of Federal Executive Authorities," as well as the Decree of the Government on each of these authorities. Accordingly, at the level of constituent entities of the Russian Federation, the governors independently determine the structure of their administrations, names of their constituent bodies (committees, departments), and distribute the powers among them. We can observe a similar approach also at the level of local government bodies.

POWERS OF BODIES OF GENERAL COMPETENCE

The President of the Russian Federation, the Government of the Russian Federation, executive authorities of constituent entities of the Russian Federation, local government bodies are endowed with general competence. The below powers of the President of the Russian Federation are of interest to us. First, the

CHAPTER 4

Legal Liability for Environmental Offenses

Abstract: The authors suppose that legal liability for environmental offenses is understood as a legal relationship between the state represented by specially authorized authorities and the party that has committed an environmental offense (an individual, an official or a legal entity) and is obliged to undergo state coercion measures in the forms of particular forfeitures (of a person, property or organizational nature) for the violation of rules of environmental legislation.

An environmental offense is a ground and the time of the commencement of legal relations of legal liability; it is a guilty wrongful act entailing legal liability and prohibited by environmental legal rules of the Russian Federation and constituent entities of the Russian Federation; it infringes on the constitutional right of everyone to a favorable environment and also causes harm to the natural environment (its objects and components) or poses a real threat of this harm. An environmental offense (like any other offense) includes four elements: the object, the objective aspect, the subject and the subjective aspect. For the classification of an offense as environmental, the object of the encroachment at the time of its commitment must be in the system of ecological relationships with the environment. Liability for environmental offenses performs a range of functions: stimulating (compliance with rules of environmental legislation),preventive (making it possible to prevent new offenses), compensatory (aimed at compensating for harm to the environment, the life, health and property of people) and punitive (punishment of offenders). The authors raise a question about the number of types of legal liability for environmental offenses.

The Federal Law "On Environmental Protection" itself mentions four types of liability in Article 75: property, disciplinary, administrative, and criminal liability. Having analyzed the scientific doctrine and practice, the authors state that environmental offenses entail civil legal, administrative and criminal liability. Criminal and civil legal liability are regulated only by federal acts. Suppose a person is brought to administrative or criminal liability; in that case, he or she may also have to compensate for the harm caused to the environment. However, it is impossible to bring anyone to both administrative and criminal liability. Particular attention is paid to the issues of compensation for environmental harm, which is taken as negative changes in the quality of the environment that are caused by economic or other human activities involving the destruction of ecological relationships, pollution, and destruction of certain natural components and can result in harm to the life, health or property of citizens (property of legal entities).

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Keywords: Accumulated harm, Action limitation, Causal relationships, Consequences, Environmental harm, Harm to human health, Industrial safety, Methods, Non-pecuniary damage, Nuclear energy, Object, Objective aspect, Payments, Rates, Responsibility, Set of offense elements, Source of increased danger, Subject, Subjective aspect, Sufferings.

CONCEPT AND TYPES OF LEGAL LIABILITY FOR ENVIRONMENTAL OFFENSES

Legal liability for environmental offenses is understood as a legal relationship between the state represented by specially authorized authorities and the party that has committed an environmental offense (an individual, an official or a legal entity) and is obliged to undergo state coercion measures in the forms of particular forfeitures (of a person, property or organizational nature) for the violation of rules of environmental legislation.

An environmental offense is a ground and the time of the commencement of legal relations of legal liability; it is a guilty wrongful act entailing legal liability and prohibited by environmental legal rules of the Russian Federation and constituent entities of the Russian Federation, it infringes on the constitutional right of everyone to a favorable environment and also causes harm to the natural environment (its objects and components) or poses a real threat of this harm.

There are three exceptions to this definition: first, harm caused by a source of increased danger must be compensated regardless of the fault of the harm-doer; second, harm caused to the environment by a party in a state of extreme necessity will not be considered an offense; third, Article 41 of the Criminal Code of the Russian Federation mentions substantiated risk among the circumstances that exclude criminality of an act. However, the risk will not be recognized as substantiated if it is known to be associated with a threat to the lives of many people, including the threat of environmental disaster, *etc*.

An environmental offense (like any other offense) includes four elements: the object, the objective aspect, the subject and the subjective aspect. For the classification of an offense as environmental, the object of the encroachment at the time of its commitment must be in the system of environmental relations with the environment. This is the difference of environmental offenses from, for example, violation of the right of ownership of natural resources, where the object of encroachment is the authorities of the owner related to the use of the natural resource that is in the ownership. Consequently, if a citizen kills an animal in a zoo, this will not be characterized as “illegal hunting” (Art. 258 of the Criminal Code of the Russian Federation) since the object of civil (property) rather than environmental legal relations is destroyed.

It is necessary to take into account that the negative impact on the subjects of environmental offenses can be both direct and indirect. For example, Article 8.6 of the Code of Administrative Offenses of the Russian Federation attributes land to the subjects of administrative environmental offenses, and Article 8.35 of the Code of Administrative Offenses of the Russian Federation – fauna, *etc*. At the same time, certain sets of elements of offenses do not imply the necessary direct impact on components of the natural environment as a condition of harm caused to environmental relations. For example, Article 8.1 of the Code of Administrative Offenses of the Russian Federation establishes liability for non-compliance with environmental requirements in urban development activities and the operation of enterprises, structures, or other facilities.

Liability for environmental offenses performs a range of functions: stimulating (compliance with rules of environmental legislation), preventive (making it possible to prevent new offenses), compensatory (aimed at compensating for harm to the environment, the life, health, and property of people) and punitive (punishment of offenders).

A separate question is how many types of legal liability are there for environmental offenses?

The Federal Law "On Environmental Protection" itself mentions four types of liability in Article 75: property, disciplinary, administrative, and criminal liability. The term "property liability" is not optimal since a more precise concept, civil legal liability, is used both in the theory of law and in the Federal Law "On Environmental Protection" itself and in other laws. Distinguishing disciplinary liability for environmental offenses is not convincing since employees can be brought to this legal liability for violation of rules of labor law, consequently, for improper performance of the assigned labor duties at the employee's fault. These labor rules and regulations are included in federal laws and by-laws, regulatory legal acts of constituent entities of the Russian Federation, internal labor regulations of organizations, *etc*. In case of their violation, employees are subject to disciplinary action (Art. 192 of the Labor Code of the Russian Federation): reprimand, admonition, dismissal.

Therefore, environmental offenses entail civil legal, administrative and criminal liability. Criminal and civil legal liability are regulated only by federal acts. Suppose a person is brought to administrative or criminal liability. In that case, he or she may also have to compensate for harm caused to the environment or citizens life, health, and property. However, it is impossible to bring anyone to both administrative and criminal liability.

CHAPTER 5

Legal Regulation of Environmental Protection in Certain Fields of Human Activity

Abstract: The authors prove that with the purpose to implement the tasks of ensuring the appropriate quality of the environment in Russia, environmental legislation provides for a system of measures, which, along with giving a special legal status to certain specially protected areas or establishing rules and regulations for the protection and rational use of natural objects, also includes special environmental requirements mandatory for observance and execution by all legal entities, individual entrepreneurs and citizens engaged in various types of economic and other activities that have a negative impact on the environment. The list of these types of activities is not exhaustive and includes special rules and requirements for real estate construction, operation of industrial, power and agricultural facilities, transport, *etc.* The requirements are comprehensive and thus different from the duties imposed on users of natural resources and third parties using certain natural resources (forests, water, *etc.*). In particular, rules dedicated to the protection of forests from fires contain sufficiently unique prescriptions that can be used only to protect forests. In a similar manner, the measures for fauna protection through the maintenance of the Red Data Book are clearly localized by this natural object. The comprehensive nature of the requirements for certain types of activities consists in the fact that they are aimed at regulating the activities threatening several natural objects rather than one. Requirements for environmentally safe operation of power facilities are a typical example in this case. Requirements for construction and operation of nuclear power stations are intended to exclude any repetition of the tragedy of the Chernobyl Nuclear Power Plant, when the radiation had a negative impact on not one component of the natural environment (land, forests, water, fauna, air) but all at once, and the environment contaminated with radiation caused harm to the life and health of hundreds of thousands of people. Harm to nature and the health of citizens from tests of nuclear weapons or from more peaceful activities, for example, the use of pesticides in agriculture is equally complex with regard to its consequences. In the latter case, violation of environmental requirements in the field of chemicalization of agriculture results in harm to land, surface and ground water bodies.

Keywords: Activities, Agriculture, Chemical weapons, Defense, Green fund, Human settlements, Industry, Missiles, Ozone layer, Pesticides, Power industry, Protective zones, Requirements, Sanitary protection zones, Technical regulations, Transport, Urban development, Waste, Zones with special conditions of use, Zoning.

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CONCEPT AND SIGNIFICANCE OF ENVIRONMENTAL REQUIREMENTS FOR VARIOUS TYPES OF ECONOMIC AND OTHER ACTIVITIES

With the purpose to implement the tasks of ensuring the appropriate quality of the environment in the Russian Federation, environmental legislation provides for a system of measures, which, along with giving a special legal status to certain specially protected areas or establishing rules and regulations for the protection and rational use of natural objects, also includes special environmental requirements mandatory for observance and execution by all legal entities, individual entrepreneurs and citizens engaged in various types of economic and other activities that have a negative impact on the environment. The list of these types of activities is not exhaustive and includes special rules and requirements for real estate construction, operation of industrial, power and agricultural facilities, transport, *etc.*

The requirements for certain types of activities are restrictions and prohibitions established for certain types of economic or other activities of people in various areas of the economy (industry, transport, and so forth) intended to ensure a favorable environmental quality.

The requirements are comprehensive and thus different from the duties imposed on users of natural resources and third parties using certain natural resources (forests, water, *etc.*). For example, rules dedicated to the protection of forests from fires contain sufficiently unique prescriptions that can be used only to protect forests. In a similar manner, the measures for fauna protection through the maintenance of the Red Data Book are clearly localized by this natural object. The comprehensive nature of the requirements for certain types of activities consists in the fact that they are aimed at regulating the activities threatening several natural objects rather than one. Requirements for environmentally safe operation of power facilities are a typical example in this case. Requirements for construction and operation of nuclear power stations are intended to exclude any repetition of the tragedy of the Chernobyl Nuclear Power Plant, when the radiation had a negative impact on not one component of the natural environment (land, forests, water, fauna, air) but all at once, and the environment contaminated with radiation caused harm to the life and health of hundred thousands of people. Harm to nature and the health of citizens from tests of nuclear weapons or from more peaceful activities, for example, the use of pesticides in agriculture is equally complex with regard to its consequences. In the latter case, violation of environmental requirements in the field of chemicalization of agriculture results in harm to land, surface and ground water bodies.

In addition, it should be noted that the distinctive features of the protection of certain components of the natural environment (land, water, subsoil, *etc.*) and requirements for certain types of activities can naturally overlap. There are no contradiction, problems or collisions regarding that. For example, land protection involves measures to increase fertility of soil of agricultural lands. In their turn, environmental requirements in agriculture involve regulation of reclamation, use of pesticides, state support measures for agricultural production and so forth, *i.e.*, they overlap to some extent. This is explained by the fact that requirements for certain types of activities (also in agriculture) are of a more complex nature, not denying measures for protection of certain components of the natural environment but, on the contrary, supplementing and strengthening them. Another example can also be given. The Armed Forces of the Russian Federation occupy a huge area of land and forests and are subject to general requirements for the protection of these natural objects. However, taking into account the multifaceted nature of the activities of the Armed Forces and various types of negative impact on the environment that they have, the legislator has developed special environmental requirements for the activities of the Armed Forces of the Russian Federation, which bring various particular restrictions and prohibitions down to the "common denominator".

The complex nature of the impact of certain activities on the environment led to an equally complex set of prohibitions and restrictions, as well as management decisions for their implementation. For example, the special nature of environmental threats from nuclear power plants caused the necessity of licensing and additional expert reviews of their activities; environmental threats from hydroelectric power plants required the establishment of the need to develop the safety declaration for these facilities; the construction and operation of plants producing ozone depleting substances is completely prohibited. With respect to hazardous production facilities, which are regulated by the corresponding law, there is a complex set of requirements for environmental protection in the industry that provides for the requirements for design, construction and operation of these facilities, the need to carry out industrial safety expert reviews, development of the industrial safety declaration, special requirements for employees and compulsory insurance of activities. Taking into account that these industrial facilities include plants producing, for example, toxic and explosive substances, the development of special environmental requirements is preventive and makes it possible to avoid accidents there that would entail harm not only to land or air but to all or most components of the natural environment and, accordingly, to the life, health and property of citizens.

There can be no exhaustive list of environmental requirements for certain types of activities in principle since life does not stand still. For example, now the Federal

CHAPTER 6

Legal Regulation of Protection of Natural Objects

Abstract: All types of natural objects are closely interlinked with each other. Deterioration of the quality of one of them inevitably leads to particular consequences for the condition of the other elements of the ecological system. This is why legislation stipulates a range of measures aimed at protecting both the environment in general and its constituent components. Land protection focuses on the preservation of soil fertility. From the analysis of the Forest Code of the Russian Federation it follows that there are nature protection rules of a general nature covering all types of forests and special rules specifying these general provisions for certain categories of forests. In particular, the general environmental rules consist in the fact that all forests are subject to protection from fires, pollution (including contamination by radioactive substances) and other negative impact as well as protection from harmful organisms. The legal regime of water bodies varies depending on whether they are located on the surface of the earth or they are ground water bodies. The Government of the Russian Federation approved special rules for protection of both surface and ground water bodies. The task of water protection is solved by imposing duties on the subjects of water relations – citizens and legal entities as well as public authorities. For the purpose of water protection, environmental and water laws establish a range of general and special requirements. The protection of fauna habitat is one of the areas of fauna protection activities. Legislation establishes two regimes of the protection of animals. The general regime of the protection is established by the Federal Law "On Fauna" (based on the criterion of the possibility of being an object of hunting and fishing, two categories of animals are distinguished); the special regime is established in relation to animals attributed to specially protected ones, including those listed in the Red Data Book of Russia. Researchers point out two main problems in the area of rational use and protection of subsoil. They are the inefficient use of subsoil resources with the increasing complexity of field exploitation and the growing impact of mining on the environment. Finally, the consistent system of legal rules regulating the protection of air from anthropogenic impact is considered at the end of this Chapter.

Keywords: Air, Authorities, Citizens, Drilling, Duties, Economic entities, Fires, Forests, Health, Land, Mineral resources, Natural resource, Natural object, Pollution, Protection, Soil, Subsoil, Use, Water, Water protective zones.

LEGAL REGULATION OF LAND PROTECTION

All types of natural objects are closely interlinked with each other. Deterioration of the quality of one of them inevitably leads to particular consequences for the

condition of the other elements of the ecological system. This is why legislation stipulates a range of measures aimed at protecting both the environment in general and its constituent components. The latter area of the protection is due to the fact that protection of certain types of natural objects has particular features within the general objective of ensuring a favorable environmental quality. Since all natural objects have a close connection with land, the legislator pays more attention directly to land protection measures. The Land Code, as well as the Federal Law "On Environmental Protection", distinguishes two objects of protection – land and soil. This is not accidental. Protection of soil (and its fertility) is of interest mostly in relation to the categories of agricultural land and the forest fund, where land serves as a means of production. With respect to agricultural land, this protection is implemented in accordance with the Federal Law of July 16, 1998 "On State Regulation of Ensuring the Fertility of Agricultural Land", and in relation to land of the forest fund – in accordance with the Forest Code of the Russian Federation. In relation to other categories of land, measures for soil protection are of a derivative nature. Even there, by virtue of paragraph 4 of Article 13 of the Land Code of the Russian Federation, during construction related to soil disturbance and works related to subsoil use, the fertile layer must be removed and used to improve low-yield land.

The requirement in paragraph 2 of Article 6 of the Federal Law "On Circulation of Agricultural Land" of July 24, 2002 is an essential measure to protect the fertile soil layer. According to it, a plot of agricultural land may be forcibly withdrawn from its owner in judicial proceedings if this land plot is used in violation of legislative requirements, which results in significant reduction in soil fertility of the plot of agricultural land or harm to the environment. The criteria of significant reduction in soil fertility of agricultural land are established by Decree of the Government of the Russian Federation No. 612 of July 22, 2011. Moreover, in order to protect agricultural land, the Government of the Russian Federation adopted Decree No. 1482 of September 18, 2020 "On Signs of the Non-Use of Land Plots of Agricultural Lands for the Intended Purpose or their Use in Violation of the Legislation of the Russian Federation".

These signs include the lack of works for cultivation of agricultural crops on arable land (by at least 50 percent of the plot area), the lack of grazing on pastures, haymaking on hayfields and a number of other signs.

However, despite the particular attention paid by the legislator to the protection of the fertile layer, all land is the most important natural object and an integral part of the environment, this is why land protection measures apply to all land categories in the land fund of Russia (there are seven land categories: land of agricultural purpose, land of settlements, land of industrial and other special

purposes, specially protected areas and sites, land of the forest fund, water fund and reserve land).

Is the list of land protection measures the same for all categories of land in the land fund of the Russian Federation? It does not seem so. For example, land of settlements does not serve as the basis for ensuring food security of the country, its use does not involve improvement of its fertility, mineral fertilizers, *etc.* This is why many nature protection activities relevant to agricultural land are not necessary for land of settlements, for example, reclamation. The purposes of forest use on land of the forest fund and in cities are also different. Given that urban forests are used primarily for cultural, sport and recreational purposes (for example, in contrast to exploitable or reserve forests), the purposes and methods of forest protection will be different. For example, aerial protection of forests from fires is not applicable to the protection of urban forests.

Measures to protect urban forests from pests and diseases are much less relevant (in terms of their extent and costs). Similar differences in the goals and methods of land protection can be found with respect to any categories of land in the land fund of the Russian Federation. At the same time, we should mention the general similarity of the goals and objectives of land protection of all categories – the prevention of harmful impact during economic activities on the land as an integral part of the environment and the need to take rapid and effective measures if this harmful impact occurs.

Therefore, the list of specific measures to protect land and soil differs significantly depending on the particular land category of land plots. The largest number of land protection measures is provided for agricultural land plots.

Land protection is a set of organizational and economic agronomic, technical, reclamation, economic and legal measures to prevent and eliminate the processes which deteriorate the condition of land and cases of violation of the land use procedure.

Considering the concept of land protection, it is necessary to determine the relationship between the concepts of land protection and land use. The current legislation specifies one lawful option of this relationship, rational use of land. The need for precise clarification of this term follows directly from the current legislation, which associates various legal consequences with the rational or irrational use of land. Protection of land of any category and its rational use reflect two forms of interaction between society and nature: natural resource management and environmental protection.

CHAPTER 7

Concept and Types of Areas with a Special Environmental Legal Regime

Abstract: The Russian Federation now stipulates the possibility of establishing two special environmental legal regimes in the country, including specially protected natural areas (SPNAs) and ecological disaster zones. The essence of both environmental legal regimes consists of establishing a special procedure for the use and protection of a clearly localized territory different from the regime of using land plots and other natural objects of the country. This manifests itself in establishing features of the management of this territory, the regime of restrictions of civil and corporate rights, as well as additional funding of a range of special nature protection activities. The purpose of the establishment of special restrictions and prohibitions for economic and other use of these territories is to create additional guarantees of the achievement of the main objective of environmental legislation – to ensure a favorable environmental quality.

This means that the establishment of the special environmental legal regime is necessary if the general environmental requirements (licensing, standardization, *etc*.) do not make it possible to preserve and restore specific natural objects and systems in the appropriate state. The list of the relevant prohibitions and restrictions is contained in federal and regional environmental legislation as well as in land, water, forest legislation, legislation on natural and cultural heritage, *etc*. Particular additional measures in the area under consideration can also be adopted at the municipal level with the corresponding legal acts of local government bodies. The legal status of both varieties of areas with a special environmental legal regime (SPNAs and ecological disaster zones) has several similar and different features. The purposes of giving a particular territory a special environmental legal regime are also the same – to ensure everyone's right to a favorable environment. Significant differences between these territories consist in the objective related to them. SPNAs are created to conserve certain ecological systems for present and future generations and to study the unique natural areas; ecological disaster zones are created to restore disturbed ecosystems. In this regard, the access of citizens to SPNAs is not prohibited (it is even encouraged), while they have to obtain a special permit to enter an ecological disaster zone. Consequently, the special regime is established to ensure the protection of two territories that are opposite to their ecological state.

Aleksey Anisimov and Anatoliy Ryzhenkov

Keywords: Arboretum, Baikal, Botanical garden, Cultural heritage, Ecological disaster zones, Fines, Lessee, Natural landscape, Natural monument, National park, Natural system, Nature park, Owner, Privatization, Prohibitions, Recreational activities, Reserve, Restrictions, Specially protected natural areas, Wildlife sanctuary.

CONCEPT AND TYPES OF SPECIALLY PROTECTED NATURAL AREAS

The Russian Federation now stipulates the possibility to establish two special environmental legal regimes in the country – specially protected natural areas (SPNAs) and ecological disaster zones. The essence of both environmental legal regimes consists of establishing a special procedure for the use and protection of a clearly localized territory different from the regime of using land plots and other natural objects of the country. This manifests itself in establishing features of the management of this territory, the regime of restrictions of civil and corporate rights, as well as additional funding of a range of special nature protection activities. The purpose of the establishment of special restrictions and prohibitions for economic and other use of these territories is to create additional guarantees of the achievement of the main objective of environmental legislation – to ensure a favorable environmental quality. In other words, the establishment of the special environmental legal regime is necessary if the general environmental requirements (licensing, standardization, *etc*.) do not make it possible to preserve and restore specific natural objects and systems in the appropriate state. The list of the relevant prohibitions and restrictions is contained in federal and regional environmental legislation as well as in land, water, forest legislation, legislation on natural and cultural heritage, *etc*. Particular additional measures in the area under consideration can also be adopted at the municipal level with the corresponding legal acts of local government bodies.

The legal status of both varieties of areas with a special environmental legal regime (SPNAs and ecological disaster zones) has several similar and different features. The similar feature of the legal regime of SPNAs and ecological disaster zones is that a wrongful act committed in their territory is a characterizing attribute in some sets of elements under the Criminal Code of the Russian Federation (for example, paragraph 2 of Article 250 of the Criminal Code). The purposes of giving a particular territory a special environmental legal regime are also the same – to ensure everyone's right to a favorable environment.

Significant differences between these territories consist in the objective related to them. SPNAs are created to conserve certain ecological systems for present and future generations and to study the unique natural areas; ecological disaster zones are created to restore disturbed ecosystems. In this regard, the access of citizens to SPNAs is not prohibited (it is even encouraged), while they have to obtain a

special permit to enter an ecological disaster zone. Consequently, the special environmental legal regime is established to ensure the protection of two territories that are opposite to their ecological state. Despite the obvious difference in the condition of the natural objects and systems in the relevant territories, both are two sides of the same coin and go beyond the standard state of the environment in a locality.

The Russian Federation now has no ecological disaster zones since no special federal law has been adopted on them yet. This is why the practice follows the way of protecting these "especially polluted areas" by developing "targeted" measures for their protection.

SPNAs had more luck in this sense, and the history of their creation in Russia goes back to several centuries. The first information about the creation of conservation areas in Russia belongs to the period of the 14th and 15th centuries. Complete or partial bans on unauthorized hunting, fishing, logging, and visiting certain areas were imposed than in some territories.

These areas were protected based on the tsar's decrees (the Decree of Peter I on the preservation of ship groves, the Decree of Catherine II on the protection of reserve groves). The activity of monasteries, which declared certain areas of forests with their fauna as a reserve (the reserve forest of the Trinity Sergius Lavra, Valaam Island, *etc*.), also contributed to their protection. Though these bans were due to economic, religious, and other state objectives, they contributed to preserving certain natural objects and systems in their natural state.

Now, the following regulations are the legal framework of the organization, protection, and use of SPNAs:

- Paragraph 1 of Article 72 of the Constitution of the Russian Federation, attributing specially protected natural areas to the subjects under the joint jurisdiction of the Russian Federation and its constituent entities;

- Federal Laws "On Environmental Protection", "On Specially Protected Natural Areas", "On Protection of Lake Baikal" and several other Federal Laws;

- Laws and other acts of state authorities of constituent entities of the Russian Federation. Law of Volgograd Region No. 641-OD of December 7, 2001 "On Specially Protected Natural Areas of Volgograd Region" can be mentioned as an example. Similar legal acts are also adopted in other regions;

CHAPTER 8

International Cooperation in the Field of Environmental Protection

Abstract: In this chapter, it is stated that the international environmental law is a set of international legal principles and rules governing international relations regarding the protection of the environment from negative impact. These rules and regulations ensure the rational use of environemnt and its components and provide favorable conditions for the life and health of the present and future generations of people. The development in international environmental cooperation was gradual, like the development of national (Russian) environmental law. Some references to international cooperation in this chapter in environmental protection can be found even in the era of the ancient world. However, the full-fledged international cooperation in environmental protection began only in the second half of the 19th century. This can be explained by the fact that the human impact on nature was small before the Industrial Revolution. The negative impact of the neighboring countries on nature arose with the massive construction of plants that release emissions into the air and water bodies. This resulted in the need for governments of different countries to agree on various parameters about the safety of the environment. The development of international cooperation in environmental protection is divided into several stages. It is pointed out that international environmental law is a young branch of law closely interacting with other branches of international law, including international maritime, air, and space law. These branches of law regulate relations regarding the exploitation of the relevant natural resources and are based on the exercise of the rights of sovereign states to use natural resources. According to the authors, international environmental law has an independent subject of legal regulation – international environmental relations, which can be conveniently divided into three groups:

a) Relations for the prevention and limitation of the harmful impact on the environment, which can be resolved only by efforts of the entire world community (pollution of the World Ocean, the air basin, pollution of the environment during military conflicts, *etc*.);

b) Ensuring the rational use of international natural resources (for example, resources of the sea bed);

c) Protection of unique natural objects through their conservation from human economic impact (for example, natural heritage sites, wetlands, rare animals and plants, *etc*.).

Aleksey Anisimov and Anatoliy Ryzhenkov

The subjects of international environmental law include states, international organizations, and international non-governmental organizations. However, states are the main subject of international law.

Keywords: Air, Arctic, Armed conflict, Conventions, Climate, Declarations, International law, Flora, Fauna, International organizations, International non-governmental organizations, Nature, Oil, Refugees, Swamps, State, Tanker, UN, UNESCO, World Ocean.

CONCEPT OF INTERNATIONAL ENVIRONMENTAL LAW

In this chapter, it is stated that the international environmental law is a set of international legal principles and rules governing international relations regarding the protection of the environment from negative impact. These rules and regulations ensure the rational use of environment and its components and provide favorable conditions for the life and health of the present and future generations of people. The development in international environmental cooperation was gradual, like the development of national (Russian) environmental law. Some references to international cooperation in this chapter in environmental protection can be found even in the era of the ancient world. However, the full-fledged international cooperation in environmental protection began only in the second half of the 19th century. This can be explained by the fact that the human impact on nature was small before the Industrial Revolution.

The negative impact of the neighboring countries on nature arose with the massive construction of plants that release emissions into the air and water bodies. This resulted in the need for governments of different countries to agree on various parameters about the safety of the environment. The development of international cooperation in environmental protection is divided into several stages.

1. The first stage of the development of international environmental law began from 1839 to 1913. August 2, 1839, is considered as the beginning of the first stage in the history of the development of international environmental law, when the bilateral Convention on oyster fishing and fishing off the coast of Great Britain and France was adopted. It established the rules of fishing in the English Channel and the North Sea. According to that Convention, the Mixed Commission was created with the duties of developing recommendations regarding the period and areas of fishing. As advised by the Commission, in 1843, Great Britain and France approved the Rules of Fishing outside the three-mile zone of territorial waters. Afterward, the number of bilateral agreements on the protection and use of certain species of animals (the Convention for the

preservation of the fur seal of November 6, 1897) as well as on the protection of other natural objects (the Convention for Navigation on the Rhine of 1868, which regulated the protection of the river from pollution) grew every year. There was still no full-fledged system of international agreements comprehensively regulating environmental protection in that period.

Similar trends took place at the national level. Environmental law of the Russian Empire originated in the second half of the 19th century. Until the 1917 revolution, it focused on the protection of certain natural objects from several types of negative anthropogenic impacts.

2. The second period of the development of international environmental law covers the period from 1913 to 1948. The first attempt in the world to outline an action plan for the international protection of the environment as a whole rather than of its elements was made at the First International Conference for the Protection of Nature held in Bern on November 17, 1913. Representatives of 17 countries, including the Russian Empire, took part in the conference. The Agreement on the Foundation of an Advisory World Nature Protection Committee was signed at the conference. However, the meeting was mainly informational and organizational in nature and did not develop any practical measures to protect the environment. Moreover, all international environmental cooperation ceased after the outbreak of World War I. However, the efforts of the participants of the Bern conference were not void: the International Council for Bird Protection was founded in 1922, and the International Society for the Protection of Bison was founded in 1923. The Standing Committee on Pacific Conservation was created in 1929. The International Office for the Protection of Nature was established in Brussels in 1935 to maintain the register of national nature protection laws and national parks and reserves. Moreover, the Convention Relative to the Preservation of Fauna and Flora in their Natural State (1933) and the Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere (1940) were adopted in the 1930s (Mokhammad, 2011).

3. The third period of the development of international environmental law covers the period from 1948 to 1972. The beginning of this stage in international cooperation in environmental protection is associated with the creation of the United Nations and the first international environmental organization established in 1948, which was originally called the International Union for Conservation of Nature. The African Convention on the Conservation of Nature and Natural Resources was adopted on September 15, 1968. This Convention is an example of a comprehensive approach to the issue of environmental protection, and it highlights two fundamentally new issues: recognition of the need to protect the habitats of endangered species and the requirement of special responsibility for

CHAPTER 9

Legal Regulation of Environmental Protection in Foreign Countries

Abstract: In the era of globalization, international cooperation becomes more important since no country in the world can solve the problem of global climate change or pollution of the World Ocean on its own. However, the interpenetration of the most successful legal rules and institutions of other countries into national legal systems is a no less significant trend. The study of this comparative aspect makes it possible to better understand the advantages and disadvantages of Russian environmental legislation, formulate constructive suggestions for the Russian legislator, and identify possible ways of bilateral cooperation in environmental issues that are understood in the national legislation of two or more countries.

Russian environmental legislation is more closely linked to the CIS countries both for the geographical reason (as neighbors) and because these countries were part of the USSR for many years, and the approaches to the legal regulation of environmental (and many other) social relations that were established during that period of our joint history are still used today. The environmental laws of the Russian Federation, the Republic of Kazakhstan, and the Republic of Belarus can be compared as an example. The criterion for comparison is the content of the main environmental legal institutions included in these laws. The relevant environmental legal institutions in Russia and these countries can coincide completely, partially, or don't not coincide at all. The main focus in this chapter is not so much on comparing the laws of the Republics of Kazakhstan and Belarus with each other but comparing them with the basic institutions of Russian environmental law. The fundamental difference between environmental law of the European Union and the Russian Federation is not only the supranational nature of EU directives but also the fact that the EU almost does not regulate natural resource management issues *e.g.*, in terms of the procedure for the provision of natural resources based on the right of ownership or other rights. This is the scope of national legislation of the member countries.

Both in Russia and the environmental law of the EU, we can observe a trend of ecologization of related legislation: it means environmental rules are introduced into the regulatory acts governing related areas of social relations (transport, power industry, fight against unemployment, *etc.*). Moreover, in this chapter, the authors point out several characteristics of not only the environmental law of the United States but of Russia, China, the European Union, or many other countries and consider the current distinctive features of the nature protection policy of China.

Aleksey Anisimov and Anatoliy Ryzhenkov

Keywords: Acid rains, Agency, Belarus, Experience, China, Directive, Drinking water, Federation, Flint, Government, Greenhouse gases, Legislation, Kazakhstan, Principle, Quotas, Russia, State, Superfund, United States, Waste.

LEGAL PROTECTION OF THE ENVIRONMENT IN THE CIS COUNTRIES

In the era of globalization, international cooperation becomes more important since no country in the world can solve the problem of global climate change or pollution of the World Ocean on its own. However, the interpenetration of the most successful legal rules and institutions of other countries into national legal systems is a no less significant trend. The study of this comparative aspect makes it possible to understand better the advantages and disadvantages of Russian environmental legislation, to formulate constructive suggestions for the Russian legislator as well as to identify possible ways of bilateral cooperation in environmental issues which are understood in the national legislation of two or more countries.

Russian environmental legislation is more closely linked to the CIS countries both for the geographical reason (as neighbors) and because our countries were part of the USSR for many years, and the approaches to the legal regulation of environmental (and many other) social relations that were established during that period of our joint history are still used today. The main environmental laws of the Russian Federation, the Republic of Kazakhstan and the Republic of Belarus can be compared as an example. The criterion for comparison is the content of the main environmental legal institutions included in these laws. The relevant environmental legal institutions in Russia and these countries can coincide completely, partially or not coincide at all. Below we will pay attention not so much to comparing the laws of the Republics of Kazakhstan and Belarus with each other as to comparing them with the basic institutions of the Russian Federal Law "On Environmental Protection" of January 10, 2002 (hereinafter "the Law of the Russian Federation"). It should be noted that Kazakhstan carried out codification and uses the Environmental Code of the Republic of Kazakhstan of January 2, 2021. In the Republic of Belarus, as well as in Russia, there are numerous environmental laws, the Law of the Republic of Belarus "On Environmental Protection" of November 26, 1992 is the main of them.

Let us compare the environmental legal institutions of the said three countries.

I. Complete Coincidence

1) The name and the general principles of most state regulation measures in the field of environmental protection generally coincide in Russia, Kazakhstan and

Belarus. While comparing with Kazakhstan we observe a number of significant differences in the implementation of some of these state management measures (for example, in terms of economic regulation), there is much more in common between the Russian Federation and the Republic of Belarus, both in form and content. In particular, the institutions of standardization, monitoring, requirements for certain types of environmentally hazardous activities, regulation of issues of environmental control and environmental education coincide in many aspects in the Russian Federation and in the Republic of Belarus. Like Russia, the Republic of Belarus maintains the Red Data Book, based on the same principles and having the same goals and objectives.

2) The lists of environmental rights and duties in the Russian Federation, Belarus and Kazakhstan coincide almost completely. In all three countries, citizens have the right to environmental information, compensation for harm, rallies, processions, demonstrations, *etc.* The right of citizens to participate in environmental decision-making is expressly stated in Kazakhstan and Belarus but cannot be found in Article 11 of the Law of the Russian Federation, however, this right is enshrined in other Russian laws (the Urban Development Code of the Russian Federation). The lists of environmental duties coincide in Russia and Kazakhstan not word for word but in the meaning. The list of environmental duties is broader in the Republic of Belarus than in Russia and Kazakhstan. Meanwhile, these duties are not something fundamentally new (for example, the duty to fulfill requirements in the area of waste management). These duties are just set forth in other federal laws in Russia.

3) Like the Russian Federation, the Republic of Kazakhstan has its own main nature protection authority, the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, an analogue of the Russian Ministry of Natural Resources and Environment. In Belarus, this authority is called the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

4) In Russia, Belarus and Kazakhstan, the lists of environmental expert reviews coincide – there are state and public expert reviews.

II. Partial Coincidence

1) The Environmental Code of the Republic of Kazakhstan contains no special article dedicated to environmental legal terminology, though some definitions are given throughout the text of the law (for example, what environmental information or environmental safety are). In general, the terminological understanding of the issues of waste management, environmental monitoring, specially protected natural areas, state environmental control (supervision) and

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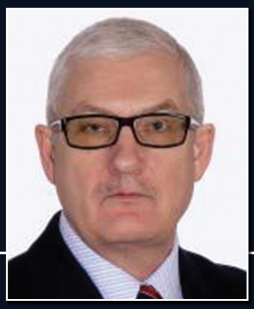
Aleksey Anisimov

Aleksey Pavlovich ANISIMOV graduated from Institute of Economics, Education and Law (city of Vozhskiy). He has a doctor of juridical sciences degree and is currently teaching the subjects «Land Law» and «Ecological Law» at the Kutafin Moscow State Law University (MSAL). His scientific interests are focused on retrieval of balance between private and public interests in the field of real estate, as well as in consideration of interaction between various branches of Social Sciences (Law, Politics and Philosophy). Professor Anisimov in his research pays great attention to historical - legal and comparative - legal analysis of land relations, learning the experience of European countries and the prospects of its use in the legislation of Russia and the CIS countries. A.P. Anisimov is the co-author of the comments to the Environmental and Land Laws of Russia. His work with the students A.P. Anisimov combines with the legal practice, advising representatives of Russian small businesses on Land Law. It has the following published: «Evaluation Categories in Private and Public Law: Problems of their Application and Interpretation» (Journal of Advanced Research in Law and Economics. 2013. Vol. IV. Issue 2 (8). PP. 84-95); «Solar and Wind Power as Natural Resource: Legal Theory and Practice of Use of Renewable Energy Sources (view from Russia)» (Law and Development Review. 2014. Vol.7. Issue 1. PP. 165-185); «Linking Environmental Legislative Inefficiency to Lack of an Environmental Philosophy» (Environmental Policy and Law. 2015. Vol. 45. No. 3-4. PP. 145-155) etc.



Anatoliy Ryzhenkov

Anatoliy Jakovlevich RYZHENKOV has a doctor of juridical sciences degree and is currently teaching the subject «Civil Law» at the Kalmyk State University. His scientific interests are in the field of law and economics, including legal aspects of development of nano-industry. The main scientific works of Professor Ryzhenkov are dedicated to the exploration of the role of law in regulation of commodity-money relations, as well as the detection of main trends of influence of the Civil Law on public relations (regulatory, security and educational functions, etc.).

A.J. Ryzhenkov is the author of several major monographs on the theory of property rights, as well as the co-author of a textbook on Civil Law for Bachelors. A.J. Ryzhenkov combines University teaching with management at an engineering firm which carries out modern scientific research works introducing them into production of advanced materials and energy carriers.

A.J. Ryzhenkov has published the following articles in recent years: Anisimov A., Ryzhenkov A., Menis E. Acquisition of private ownership over land plots in Russia by virtue of acquisitive prescription: issues and prospects // Journal of Property, Planning and Environmental Law. 2020. Vol. 12. No. 1.P. 72-86; Anisimov A.P., Mirina N.V., Ryzhenkov A.J. Contemporary Legal Issues of Ensuring Food Security in the Post-Soviet Space (in terms of Russia) // Central European Journal of International and Security Studies. 2020. Vol. 14. Issue 1. P. 106-131; Anisimov A.P., Ryzhenkov A.J. Is It Possible to Change the Destiny of Stray Animals by Legal Means? International Journal of Legal Discourse. 2019. Vol. 4. Issue 2. P. 143-166; Anisimov A., Ryzhenkov A., Sokolskaya L. Impact of the Legal Doctrine on Lawmaking and Judicial Practice in Russia: Historical Legal Research // Archiv für Rechts - und Sozialphilosophie. 2019. No. 4. P. 453-470 etc.