

Environmental safety regulation in Russia

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Abstract. Legal regulation of environmental protection in Russia is established, first, by the Constitution of the Russian Federation and federal laws. In accordance with Article 42 of the Constitution of the Russian Federation, all citizens of the Russian Federation have the right to a favorable environment, reliable information about its condition and to compensation for damage caused to their health or property by environmental violations. These rights occupy a central place in the system of environmental rights of citizens. We can say that these rights are the rights of citizens in the narrow sense of the word. In the process of carrying out economic activities, the user of natural resources causes increasing damage to the environment and its individual natural components, therefore it is very important to compensate and restore the damage caused to the environment.

1 Introduction

In accordance with the principle of liability for violation of environmental legislation, criminal, administrative and civil liability for environmental offenses is provided. In 2022, about 282 thousand violations in the field of environmental protection were identified in Russia. In 2022, about 57.3 thousand enterprises and individuals were punished for violations in the field of environmental protection, which is 2,000 less than a year earlier, when 59,288 individuals were prosecuted. About 52 thousand people were brought to administrative responsibility. Statistics on bringing to administrative responsibility for environmental offenses are shown in Table 1:

Table 1. Administrative liability for environmental damage.

Year	Number of administrative cases in the field of environmental protection	Subjected to administrative punishment	Of which in the form of a fine	Amount of fines, million rubles.
2020	73721	57016	52808	592,5
2021	68369	53099	48318	873,3
2022	67211	52006	47512	975,0

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In 2022, 5,299 thousand persons were convicted of committing environmental crimes (Articles 246 – 262 of Chapter 26 “Environmental Crimes” of the Criminal Code of the Russian Federation). Of these, 2.5 thousand, or 47%, were convicted of illegal logging of forest plantations (Article 260 of the Criminal Code of the Russian Federation), and 2.2 thousand, or 42%, were convicted of illegal extraction of aquatic biological resources (Article 256 of the Criminal Code of the Russian Federation) [1].

2 Methods

Among the tools with the help of which compensation for environmental damage occurs, we will name the norms of civil legislation. Particularly worth noting, is Article 1079 of the Civil Code of the Russian Federation (hereinafter referred to as the Civil Code of the Russian Federation). It defines sources of increased danger, and formulates the obligation of their owners to compensate for the harm caused, regardless of the presence of guilt. The institution of compensation for environmental damage occupies a central place in the doctrine of environmental and natural resource law. The procedure for compensation for environmental damage caused is enshrined in the environmental legislation of the Russian Federation [2], while the specifics of its compensation can be established by natural resource legislation.

The basis of the regulatory and methodological framework for assessing environmental damage is the acts of the Government of the Russian Federation. Its resolutions establish rules for compensation for damage caused to the environment. An example is the Decree of the Government of the Russian Federation “On approval of the specifics of compensation for damage caused to forests and natural objects located in them due to violation of forest legislation” No. 1730 dated December 29, 2018. Its contents include four appendices with a list of fees for calculating the amount of damage caused to forest plantations and methodology for determining the amount of compensation for damage caused to forests and natural objects located in them. The decree establishes its own tax system for each subject of the Russian Federation, divided into groups according to the degree of harm caused

The Decree of the Government of the Russian Federation “On the calculation and collection of fees for negative impacts on the environment” No. 255 of March 3, 2017 established the rules for calculating and the amount of fees levied on legal entities and individual entrepreneurs carrying out economic and other activities.

However, these methods and rules do not allow us to accurately determine the degree of degradation and pollution of natural objects, which will be used to qualify the actions of a natural resource user as an environmental offense, as well as to determine the degree of his guilt in order to make a claim for damages.

Of course, the most important event was the introduction in 2020 of a new clause into Article 114 of the Constitution of the Russian Federation, which concerns environmental issues. In accordance with this, the Russian Government is implementing measures aimed at creating favorable living conditions for the population, reducing the negative impact of economic and other activities on the environment, preserving the unique natural and biological diversity of the country and creating a responsible attitude towards animals in society. Environmental safety is a priority of state policy of the Russian Federation [3].

It is worth briefly recalling the two most important documents in this area. The first is the “Fundamentals of state policy in the field of environmental development of the Russian Federation for the period until 2030”, which states that in order to achieve the goals of environmental safety it is necessary to improve the legal and regulatory framework for environmental protection, the formation of an effective management system in this area and the creation of economic mechanisms that help ensure environmental safety. In addition, the second key document is the “Environmental Safety Strategy of the Russian Federation for the period until 2025.” What are the main threats to environmental safety? These are

problems in the field of air pollution, water and wastewater quality, land and soil conditions, industrial and consumer waste, and oil spills.

Internal challenges to environmental safety also include inappropriate, ineffective use of funds received by the budgets of the budgetary system of the Russian Federation as payment for negative impacts on the environment, compensation for damage caused to the environment, administrative fines and other environmental payments. Of course, the most important in terms of both documents and events were the development of the national project “Ecology” within the framework of the implementation of Decree of the President of the Russian Federation No. 204 “On national goals and strategic objectives of the development of the Russian Federation for the period until 2024”, and the updating of Decree No. 474 “On national development goals of the Russian Federation for the period until 2030” [4].

3 Results

The main goals and measures for the projects of the national project “Ecology” are:

- Elimination of all unauthorized landfills in cities identified before January 1, 2018. At least 191 objects need to be eliminated. In addition, eliminate at least 75 more landfills that harm the environment. Their territory - an area of at least 3.7 thousand hectares - should be reclaimed;
- Increasing the share of recycled municipal solid waste to 36%, and those sent for processing to 60%. To do this, it is necessary to put into operation 31.7 million tons of capacity for processing MSW and 23.1 million tons of capacity for recycling waste and fractions after processing MSW;
- Creation of a modern infrastructure that ensures the safe handling of waste of hazard classes II; and I
- Reducing the level of air pollution in large industrial centers, including reducing by at least 20% the total volume of emissions of pollutants into the air in the most polluted cities;
- Improving the quality of drinking water for the population of the Russian Federation;
- Improving the ecological condition of the Volga River and ensuring the sustainable functioning of the water management complex of the Lower Volga by reducing by three times the share of polluted wastewater discharged into the Volga River by 2024 and implementing a set of measures to restore water bodies of the lower Volga, including additional watering of the river Akhtuby;
- Environmental improvement of Lake Baikal by reducing the volume of discharges of contaminated wastewater into Lake Baikal and other water bodies of the Baikal natural territory by 28.2%, as well as reducing the total area of territories subject to high and extremely high pollution and affecting Lake Baikal, by 448.9 hectares;
- Preservation of at least 98 unique water bodies through restoration and ecological rehabilitation of at least 23.5 thousand hectares of water bodies, clearing of river beds - at least 260 km, as well as cleaning the banks and coastal waters of lakes and rivers from debris;
- Preservation of biological diversity, including through the creation of at least 24 new specially protected natural areas;
- Ensuring a balance of forest disposal and reproduction of 100% by 2024;
- Creation of conditions for the introduction of a regulatory system for enterprises that have a significant negative impact on the environment. Modernization of these enterprises or creation of new capacities with higher levels of environmental and resource efficiency [5].

4 Discussion

The Ministry of Natural Resources and Ecology of the Russian Federation submitted to the State Duma a draft federal law on the liability of companies for damage caused to nature “On amendments to certain legislative acts of the Russian Federation in terms of ensuring that the owners of industrial infrastructure facilities fulfill the obligation to eliminate damage caused to the environment.” This document amends several federal laws, including the laws “On Joint Stock Companies”, “On Industrial Safety”, “On Environmental Protection”, as well as the Urban Planning Code of the Russian Federation.

According to the bill, it is planned to introduce regulation in relation to the most dangerous production facilities that have a negative impact on nature: large chemical, metallurgical and oil refineries, as well as enterprises that use toxic substances. The key innovation is the requirement to obtain a conclusion on the assessment of damage caused to the environment. Obtaining a conclusion will become mandatory when hazardous production facilities are excluded from the state register, when facilities that have a negative impact on the environment are removed from state registration, as well as when they are alienated, transformed or bankrupt. The federal executive body specially authorized by the Government, the Ministry of Natural Resources of the Russian Federation, will be responsible for issuing such conclusions.

The Ministry of Natural Resources also prepared a bill establishing administrative liability for violating the requirements of the law on conducting an experiment on quotas for emissions of pollutants into the atmosphere - a bill “On Amendments to the Code of the Russian Federation on Administrative Offenses in terms of liability for violating the legislation on conducting an experiment on quotas for emissions of pollutants into the atmospheric air.”

Thus, for this violation, legal entities carrying out economic activities at facilities that have a negative impact on the environment, the emissions of which contain priority pollutants, will be subject to a fine of 200 thousand rubles. At the same time, for a repeated violation, the fine will be increased to 500 thousand rubles. There is also a fine for officials for 20 thousand rubles. Changes are proposed to be made to Art. 8.21 Of the Code of Administrative Offenses of the Russian Federation, which establishes administrative liability for violation of rules for the protection of atmospheric air.

This experiment is carried out within the framework of the adopted Federal Law of July 26, 2019 No. 195-FZ, according to which in 12 cities (Bratsk, Krasnoyarsk, Lipetsk, Magnitogorsk, Mednogorsk, Nizhny Tagil, Novokuznetsk, Norilsk, Omsk, Chelyabinsk, Cherepovets and Chita) quotas for emissions of pollutants into the atmospheric air based on consolidated calculations of atmospheric air pollution. Thus, legal entities that carry out economic activities in the listed cities must provide the Ministry of Natural Resources with information on the results of an inventory of emission sources and emissions of pollutants from such facilities.

The experiment is carried out from January 2020 to December 31, 2024. The above is established in Art. One and Art. Six of Law No. 195-FZ. The quota rules in the pilot territories are enshrined in Order No. 814 of the Russian Ministry of Natural Resources dated November 29, 2019 “On approval of the rules for quotas for emissions of pollutants (except for radioactive substances) into the atmospheric air.”

5 Conclusion

Today, Russia generally faces the same environmental problems as other countries in the world: air, water and soil pollution, waste problems, deforestation and climate change. Air

pollution In 46 Russian cities with a total population of 13.4 million, the level of air pollution is assessed as high and very high [6].

Currently, despite economic and geopolitical difficulties, the environmental agenda in Russia does not lose and, according to experts, will not lose relevance. The environmental agenda is one of the components of the concept of “sustainable development”. For Russia, environmental safety is a priority. This agenda will remain with us in the future. At the same time, changes are also obvious: firstly, the departure of the climate agenda, the holders of which are mainly global players, and a temporary shift in the domestic focus from purely environmental issues to social or socio-ecological ones.

Today, the legal framework for environmental projects, which act as a driver of economic and technological development, is being systematized.

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