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## **ENFORCING ENVIRONMENTAL REGULATIONS RELATED TO INDUSTRIAL AND OTHER ECONOMIC ACTIVITIES IN RUSSIAN FEDERATION**

MAKSIMENKO, YURIY

Director, Department of the Environmental Legislation & Regulations, Ministry for Environment and Natural Resources Protection, Bolshay Gruzinskay str., 4/6, Moscow, Russian Federation, 123812

### **SUMMARY**

Summary of present environmental situation in Russian Federation is given; characteristics of existing enforcement mechanism and its components for environmental requirements execution are given; state authorities and government administrative organs responsible for its functioning are discussed. Facts about practical activities directed toward implementation of enforcement mechanisms, including instituting administrative, civil, legal, disciplinary, and criminal responsibility, are adduced.

### **1 INTRODUCTION**

Nowadays, the environmental situation on the territory of Russia is considerably determined by general economic processes, mainly caused by the following factors: disintegration of the political, administrative and economic structure of the former USSR; the existence of long-time negative tendencies formed in Russian economy, when it was part of the USSR; and by the new social-economic processes taking place in the country, which developed during radical economic reform.

The real possibilities of solving environmental problems on intergovernmental levels and in Russia itself became worse because of the USSR disintegration. The disturbance of interrepublican connections had a negative influence on the production of nature-protecting equipment, reagents for sewage and waste gas disposal, and other products necessary for environmental protection.

The structural deformation of the Russian economy—manifest by hypertrophy of resources, capacious, and often “dirty” factories, general technology, industry, agriculture, and construction retardation, high concentration of enterprises in some regions, and infrastructure retardation—have been the main unfavorable influences on the environment among the other long-term negative tendencies formed in the past.

During radical reforms Russia came destabilization of the financial system, non-solvency of enterprises, and inflation growth, that to a marked degree caused recession in production and investment activity.

In comparison with 1991 in 1992 the volume of industrial production on average in the Russian Federation reduced to 18.8%, including such branches of industry as non-ferrous metallurgy, to 26.8%, and chemical industry, to 22.2% [1]. However, the considerable drop in production doesn't lead to adequate reduction of environmental pollution. For example, the volume of air pollutants reduced only to 11%, and the reduction of sewage disposal was insignificant.

As a result, in 1992 one or several points of atmospheric air quality standards established in the Russian Federation were exceeded in 171 towns, the excess of these standards by 5 times was fixed in 55 towns, by 10 times in 83 towns, and 50 times in 9 towns of Russia.

The water quality in the majority of reservoirs doesn't correspond to the standards. There is a trend toward increases in the number of reservoirs with high water pollution levels (up to 10 times higher than present standards) and increases in the episodes number of extremely high (more than 100 times) pollutants content.

## **2 ENFORCEMENT COMPONENTS OF ENVIRONMENTAL REQUIREMENTS EXECUTION IN RUSSIAN FEDERATION**

### 2.1 Legislation in the usage of natural resources sphere in environmental protection

In December 1993, the new Russian Constitution was accepted by national Referendum, and from December 25, 1993, it began functioning. According to the Constitution "everyone has a right to a favourable environment, true information about its state and for compensation of health or property damages, caused by ecological infringement of the law" (article 42).

Also, previously accepted laws of Russian Federation, including legislative acts improving laws exclusively in the sphere of quality management of environment, continue to be in force, the following laws among them: "About atmospheric protection" (1982), "About sanitary-epidemiological prosperity" (1991), and "About environmental protection" (1991).

There are laws in the Russian Federation, like all over the world, regulating rights in the usage and protection of some sorts of natural resources spheres, for example: "Water code of the RSFSR" (1972), "About protection and usage of animals" (1982), "Land code of the RSFSR" (1991), "About entrails" (1992), and "Principles of forest legislation in Russian Federation" (1993).

There are some legislative acts, in which environmental requirements are attendant. They are the following: "About property in the RSFSR" (1990), "About enterprises and business undertakings" (1990), "About sanitary-epidemiological prosperity of population" (1991), "About investment activities in Russian Federation" (1991), "About local government" (1991), "About enterprises property tax" (1991), "About principles of tax system in the Russian Federation" (1991), "About profit tax of enterprises and organizations" (1991), and "About principles of town-planning in Russian Federation" (1992).

The following bills are supposed to be worked out and approved in the environmental protection sphere during the next one or two years in the Russian Federation: "About particularly protected natural territories," "Environmental impact assessment law," "About environmental review," "About nuclear security," "About waste industrial and consumption products," "About the Lake Baikal protection," "About the Northern nature protection," and some others.

### 2.2 Normative base of environmental protection in Russian Federation

The normative base of environment protection includes three groups of requirements, norms, and rules: (a) environment quality standards and norms, (b) environment influence norms, and (c) environmental rules.

Environment quality standards determine maximum permitted values of environment pollutants and other normative indices. The following three indices are the basis of environment quality norms: medical (thresholding level of human's health), technological (the economic ability to assure execution of fixed influence limits on human and his life conditions), scientific and technical (technical means the ability to provide control after maintenance of all parametres limits influence).

Environment influence norms determine maximum permitted values of economic and other activity influence, necessary for environment quality standards maintenance. These norms are maximum permitted influences (chemical, physical, acoustic, biological, and so on): maximum permitted concentration of unhealthy substances, maximum permitted wastes, escape of unhealthy substances, radiation influence norms, noise, vibration, content norms of residual chemical substances in food products, and so on.

Environmental rules are rules for conducting economic and other activities (licenses, permissions, instructions, and so on), the observance of which assures environmental security of the society.

### 2.3 State administration bodies, implementing enforcement mechanisms for environmental requirements execution

Nowadays, in Russian Federation there is a system of State administration bodies, including the Russian Federation Ministry for Environment and Natural Resources Protection (Minprirody) and its 88 territorial environmental protection administration bodies in Russian Federation subjects.

Realization of enforcement mechanisms of environmental requirements execution, specified by the Russian Federation legislation and by corresponding normative documents, is one of the main tasks of the Ministry and its territorial organs.

#### 2.3.1 State environmental review offices

The State Environmental Review Office of Minprirody and its 88 territorial bodies in Russian Federation subjects organize and implement prospective environmental control of environmental requirements execution during preparation of economic and other decisions about social and economic development. Overall number of state environmental review offices members is about 650 persons.

#### 2.3.2 Control and inspection services

Control and inspection services of territorial organs of Minprirody in Russian Federation subjects implement state environmental control of environmental standards and rules execution during current economic activity. This system also includes 936 towns, 1176 district and 101 inter-district environment protection committees, and 249 specialized inspectors of analytical ecological control. Overall, this totals more than 15000 persons, and for state sea service inspections the number is 9.6 thousand persons. Inspection services of specially authorized Russian State organs in the usage and protection sphere of water resources, entrails, forest resources, fish resources, and land resources also realize the compulsion mechanisms of ecological demands execution during usage of some kinds of natural resources.

#### 2.3.3 Legislation activities

The legislation organs activity—Office of Public Prosecutor, Courts and Arbitration courts, Organs of home affairs—also implement the enforcement mechanisms of environmental requirements execution. Nowadays, in Russian Federation there are 66 environment protection Offices of Public Prosecutor, which carried out 5623 examinations of environment protection legislation execution in 1992; 1915 illegal law acts were abrogated under demands and protests of procurators, 79 were abrogated in public courts. In 1992 the Arbitration court organs examined about 9000 disputes connected with the breach of environment protection legislation (in 1991, only 3300 such disputes were examined); as a result, about 4.5 milliard rubles were recovered from infringers of environmental requirements (in 1991, only 114 million rubles), and actually 2.8 milliard rubles were recovered. Most of them were disputes about recovering payments for environment pollution and forest disturbances.

#### 2.3.4 Other environmental monitoring activities

Nowadays, except Minprirody, several other departmental services implement environmental monitoring and its results characterise the effectiveness of environmental requirements, norms, and rules execution, namely:

- State control and supervision service of environment status.
- Monitoring service of forest fund.
- Monitoring service of water resources.

- Monitoring service of geological environment.
- Agricultural chemistry service and monitoring of agricultural lands pollution.
- Monitoring service of lands.
- Sanitary and hygienic control of human environment and health.

Service and monitoring systems mentioned above are directed towards supervision and estimation of the status of some environment components and some kinds of natural resources. Each of these systems functions independently, and actually doesn't coordinate with other programs.

### **3 IMPLEMENTATION OF ENFORCEMENT MECHANISMS OF ENVIRONMENTAL REQUIREMENTS, NORMS, STANDARDS, NORMATIVES, AND RULES EXECUTION**

#### 3.1 Administrative mechanism

##### 3.1.1 State Environmental Review

One of the main tasks of State Environmental Review is estimation of how are environmental consequences taken into account in development activity projects.

According to the article 36, part 2, of the Law of Russian Federation "About environmental protection," projects and programs can't be financed and especially implemented without positive conclusion of State environmental Review Office. If this demand is broken, article 86, "Administrative responsibility for environmental infringement of the law" (point 1, part 2) of the Law of Russian Federation "About environmental protection" comes into operation.

In 1992 the system of Environmental Review Offices of Minprirody examined 56000 units of different projects, and their approximate realization cost is more than 460 milliard rubles. Among them 70% of documents were recommended for realization, 9% were declined, and 21% were returned for revision.

##### 3.1.2 State Environmental Inspection

State Environmental Inspection officials of the system of Minprirody are entitled to visit enterprises independently of their property form and subordination; to examine maintenance of environmental quality standards; to give permission for the right for disposal, release, and distribution of harmful substance; to demand elimination of revealed defects; to institute administrative responsibilities against quality persons in established orders; to make decisions about restriction, suspension, and stoppage of enterprise work that is responsible for environmental pollution or is potentially dangerous for human health (article 70, part 2, RSFSR Law "About environmental protection").

In 1992 in Russian Federation about 286000 enterprises and organisations were examined, and it was found that 16,6% of them infringed fixed influence normatives on environment. Activities of more than 700 separate workshops, agrigates, and constructions were suspended.

In 1992 state environmental control organs made 90000 examinations of legislation demands execution in the sphere of land protection; 608000 environmental infringers were found on an overall square of 1,6 million hectares.

In 1247 occasions the started works were suspended because the legislation demands about entrails were infringed. In addition, 126000 infringements of legislation about fish resources were found in internal fish-farm reservoirs.

### 3.2 Economic mechanisms

Economic mechanisms include two categories of factors, positive and negative, which are introduced in order to maintain high economic interest of nature user to preserve favourable environment. But this aim is achieved by different methods. One of them deals with positive influence factors (financing, crediting, privileges when environmentally pure technologies are applied, when taxes are added) and thus straight economic stimulus for environment protection are formed. Negative factors, on the contrary, influence economic interest by withdrawal of the part of income as payment for exploitation of natural resources, for environmentally harmful products, or products produced with the usage of environmentally dangerous technologies.

The most considerable measure of economic stimulation is payment for usage of natural resources. There are two kinds of payments, which depend on usage: withdrawal, or consumption of natural substance and escape, and disposal, or distribution of garbage in environment. Payments for usage are sent to local budgets for expending for needs of protection and reproduction of corresponding kinds of natural resources.

Payment for disposal of pollutants into environment is introduced in 1991 in the Russian Federation, and the order of its collection is established. Nowadays, about 46000 enterprises, independently from their departmental belonging, kinds, and forms of property, pay for environmental pollution, for disposal of harmful substances into atmosphere from stationary and mobile sources of environment pollution, release of harmful substances into surface and underground waters, and distribution of industrial and consumption garbages.

Payment for disposal, release, and distribution of garbages is transferred by enterprises that pollute environment into environmental funds. In 1992 more that 833 million rubles were recovered, taking into account suits brought earlier for the infringement of environmental requirements.

The future direction of development of compulsion economic mechanism of environmental requirements execution will be the establishment of cost normatives for radioactive, noise, electromagnetic influence.

### 3.3 Mechanism of juristical responsibility for environmental infringements

Juristical responsibility for environmental infringements in Russian Federation is divided into administrative, civil, legal, disciplinary and criminal, depending on sanctions applied.

Administrative responsibility for environmental infringements is the most widespread kind of punishment. In 1992, 38733 persons were instituted to this kind of responsibility, and penalties were more than 82.5 million rubles.

Civil and legal responsibility is a part of the struggle with environmental infringers. Compensation of caused damage is the measure of responsibility.

In 1992 prosecutors brought suits to public and arbitrage courts on 0,5 milliard rubles for compensation of environmental damage.

Disciplinary responsibility potentially has high effectiveness in the struggle with ecological infringers. In 1992, 6300 officials were instituted to disciplinary responsibility for infringement of environmental requirements by prosecutors' order.

Criminal responsibility for infringement on environment foresees the following punishment: imprisonment, reformatory works, compensation, confiscation, make person to correct caused harm and so on. In 1992, 291 criminal cases against 416 persons were instituted and directed to court on the basis of facts of criminal infringement by enterprises of environmental requirements connected with environment pollution. In addition, 880 criminal cases against 1269 persons were investigated and directed to courts by home affair organs, based on the facts of illegal fishery, fur-seal hunting, illegal hunting, forest cutting.

#### **4 MAIN CONCLUSIONS AND METHOD OF IMPROVEMENT OF ENFORCEMENT MECHANISMS OF ENVIRONMENTAL REQUIREMENTS EXECUTION: WAYS OF REACHING AGREEMENT**

Environmental situation in Russian Federation remains very strained and the role of enforcement mechanisms of environmental requirements, norms, standards, normatives, and rules execution in it is very high. The present state of this question fixes the following positive points of law practice.

There is extensive legislation in Russia in the sphere of environment protection, and also there are great number of environmental requirements specified in the legislation of other spheres of social, and economic development of the society.

General environmental requirements are gradually conducted from legislation to the level of normative-methodical documentations, that permit applying them into practice.

A wide network of administrative organs and organizations exist and function. This network contributes to execution of environmental requirements and does it with the help of administrative and economic compulsion mechanisms.

The majority of existing in world practice kinds of juristical responsibility for committing environmental infringements: administrative, civil, legal, disciplinary, criminal, are present.

At the same time, environmental situation in Russia indicates that present organization of environment protection in general and law practice in particular require serious improvement. The main ways may be the following:

- Reconstruction of legislation in the sphere of environment protection and natural resources usage, keeping in mind that in the new Russian Constitution this sphere is regarded to the joint management of Russian Federation and its subjects.
- Working out new and improved legal norms, including environmental requirements, that to an even greater degree meet public interests in favourable environment; expansion of public participation in this work.
- Improvement of administrative and economic compulsion mechanisms of environmental requirements execution during economic or other activity.
- Reorganization of department monitoring systems and creation of united state system of environmental monitoring.
- Conduction into the system the acceptance of decisions of all levels: from conceptions, plans and programs up to the construction of concrete economic objects, procedures of estimation of planned activity influence on environment, as one of the measures of working out environment requirements and conditions for stable social, economic development.
- Development of negotiations about environment problems, including working out environmental requirements and conditions for conducting economic and other activities and achievement of the agreement in society about the necessity of their realization.
- Working out the program of measures for improvement of environmental mechanisms of execution of environmental norms, standards, normatives rules for economic and other activity for Russian Federation.

#### **REFERENCE**

1. State report. "About environment state in Russian Federation in 1992," 1993, p.102.