MODERN TASKS OF DEVELOPMENT OF LEGAL REGULATION OF ENERGY SECURITY AS AN ESSENTIAL PREREQUISITE FOR IMPLEMENTATION OF THE NATIONAL TECHNOLOGICAL INITIATIVE

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Abstract: *The tasks of implementation of the National Technological Initiative, the national goals and strategic objectives of development of the Russian Federation up to 2024 are closely interrelated with the conditions for ensuring energy security, while assuming a pronounced innovative component that relates to use of digital technologies in the energy sector. The issues of legal regulation of application of digital technologies in the energy sector have not yet been the subject of separate legal studies. There are practically no rules regulating application of digital technologies in the energy sector. This is recognized as and referred to legal restrictions in implementation of the National Technological Initiative, which is expressly stated in Resolution No. 830-p of the Government of the Russian Federation dd. April 28, 2018 On Approval of the Action Plan ("Road Map") for Improvement of Legislation and Removal of Administrative Barriers to Ensure EnergyNet National Technology Initiative. A legal analysis of the content of the set strategic tasks gives evidence of the need to develop a legal framework, on the basis of which the digital technologies will be applied in accounting of the mined, produced, supplied, transmitted, transported, and stored energy resources, operation of energy systems and facilities, activity and interaction of players in the energy markets in contractual regulation and in consideration of disputes. To further develop the Legal Regulation of energy security, it is necessary to perform fundamental research on the problems of formation and functioning of the system of legal regulation of application of digital technologies in order to develop scientific provisions, on the basis of which the system of legal regulation of application of digital technologies in the energy sector is formed and operated. Legal restrictions in the functioning of energy markets may be eliminated, the procedure for interaction between the state and other players in these markets may be simplified, and positions of Russian energy companies at the international level may be strengthened with the help of these provisions.*

Keywords: *energy law, legal regulation of energy security, legal regulation of application of digital technologies in the energy sector, National Technology Initiative.*

According to the National Security Strategy of the Russian Federation approved by the Decree of the President of the Russian Federation No. 683 dd. December 31, 2015, energy security includes sustainable provision for national demand for energy resources of standard quality, increase in energy efficiency and energy saving, competitiveness of domestic energy companies and energy producers, prevention of deficit of fuel and energy resources, creation of strategic fuel reserves, reserve capacities, manufacture of associated equipment, and

stable operation of energy and heating systems.

The necessary conditions for ensuring energy security include improvement of efficiency including reliability and security of supplies of energy resources to the consumers, ensuring the country's technological sovereignty in the world energy market, introduction of promising energy-saving and energy-efficient technologies, and increase in the level of processing of energy resources.

In accordance with the Economic Security Strategy of the Russian Federation approved by Decree No. 208 of the President of the Russian Federation dd. May 13, 2017, the main tasks for ensuring sustainable growth of the real sector include integrated development of the energy infrastructure, introduction of promising energy-efficient technologies, improvement of the efficient processing of energy resources, and diversification of their export with due account for the world trends of transition to the low-carbon economy.

Different problem aspects of the legal regulation of energy security have been and continue to be subjects of legal research. [1-4]

For the energy law, energy security is a key category since its legal provision demonstrates compliance with the basic principles of energy law: Legal Regulation of the balance of interests of participants in public relations (private and public law) in the energy sector and, above all, the balance of interests of the suppliers and the consumers of energy resources, legal groundwork for protection of rights and interests of participants in public relations in the energy sector, etc. Legal regulation of energy security is a set of rules regulating relations, including those between the suppliers and the consumers of energy resources, setting requirements to quality of energy resources, their price, and requirements to energy efficiency and saving, legal regimes of the energy systems, power generating equipment, establishing powers of public authorities and delineation of their powers, regulating the legal status of energy companies, specifying the procedure for performance of investment activity, providing for the procedure for protection of participants in public relations in connection with production, supply, transportation, storage of energy resources, and construction and modernization of energy facilities within the country and abroad. [5]

The tasks of implementation of the National Technological Initiative, the national goals and strategic objectives of development of the Russian Federation up to 2024 are closely interrelated with the conditions for ensuring energy security, while assuming a pronounced innovative component that relates to use of digital technologies in the energy sector.

Weak innovation activity, a gap in development and implementation of new and promising technologies (including digital economy technologies), insufficient qualification and key competencies of domestic specialists are among the main economic security challenges and hazards in accordance with the Economic Security Strategy of the Russian Federation for the period up to 2030 approved by Decree No. 208 of the President of the Russian Federation dd. May 13, 2017.

The issues of legal regulation of application of digital technologies in the energy sector have not yet been the subject of separate legal studies. There are practically no rules regulating application of digital technologies in the energy sector. This is recognized as and referred to legal restrictions in implementation of the National Technological Initiative, which is expressly stated in Resolution No. 830-p of the Government of the Russian Federation dd. April 28, 2018 *On Approval of the Action Plan ("Road Map") for Improvement of Legislation and Removal of Administrative Barriers to Ensure EnergyNet National Technology Initiative*. [6-7]

The principal directions of the EnergyNet plan are promotion of products and services in the field of distribution networks, distributed energy (including generation), and the system of sales.

The tasks of application of digital technologies in the energy sector are an integral part of the strategic planning tasks for the accelerated introduction of digital technologies in the economy and the social sphere.

In accordance with Decree No. 204 of the President of the Russian Federation dd. May 7, 2018 *On National Objectives and Strategic Tasks for the Development of the Russian Federation for*

the Period up to 2024, the national objectives for development of the Russian Federation include without limitation ensuring accelerated introduction of digital technologies in the economy and social sphere.

In the State of the Nation Address of Vladimir Putin, the President of the Russian Federation, to the Federal Assembly of the Russian Federation dd. March 1, 2018, it is noted that new technologies for generation, storage and transmission of energy are to be introduced, energy systems should be changed over to the digital mode of operation throughout the country, and it is necessary to solve the issue of energy supply to remote areas using distributed generation.

According to the Economic Security Strategy of the Russian Federation for the Period up to 2030 approved by Decree No. 208 of the President of the Russian Federation dd. May 13, 2017, the objectives of the state policy in the field of ensuring economic security include improvement of the rules and standards of application of innovative technologies (including digital economy technologies) and materials in production and economic activities.

The objectives, tasks and measures relating to implementation of domestic and foreign policy of the Russian Federation in the field of application of information and communication technologies aimed at development of the information society, formation of the national digital economy, provision of national interests, and implementation of strategic national priorities are defined in the Strategy for Information Society Development in the Russian Federation for 2017-2030 approved by Decree No. 203 of the President of the Russian Federation dd. May 9, 2017. This Strategy uses definitions of the concepts of digital economy and the ecosystem of the digital economy.

The digital economy is understood as economic activity, in which the key factor in production is data in digital form, processing of large volumes, and use of analysis results of which, as compared to the traditional forms of management, can significantly improve the efficiency of various types of production, technology, equipment, storage, sale, and supply of goods and services. The ecosystem of the digital economy is understood as partnership of organizations that ensures the continuous interaction of their technological platforms, web applications, analytical systems, information systems of the public authorities of the Russian Federation, organizations and nationals.

For the energy sector, the definitions of such concepts as active consumer, active energy complex, demand and supply aggregating organizations, and distributed data registers are introduced in the EnergyNet plan.

For the purposes of legal regulation, the EnergyNet action plan provides for the following strategic objectives:

• determination of the legal status of the functioning of active energy complexes within the Unified Energy System of Russia and technologically isolated territorial energy systems, establishing the peculiarities of participation in the markets of electric power, capacity and related services as well as interaction with organizations of commercial and technological infrastructure;

• development of criteria and procedure for classifying the aggregate of electric power facilities as an active energy complex; development of a mechanism to compensate for the missing income of grid organizations;

• development of a mechanism for introduction of a fee for grid reserve for an active energy complex;

• determination of the legal status of aggregators in the Russian electric power industry;

• extension of the rules for regulation of relations arising in connection with preparation, conclusion, performance, modification, and termination of concession agreements relating to heat supply facilities to power supply facilities;

• reduction of risks of concessioners and their contractors (including energy service companies) in transfer of the newly created property to the party granting the concession under the concession agreement.

Moreover, regulatory grounds are provided for the wide application of technologies for decentralized maintenance of registers for accounting and settlements in the energy sector including:

• in implementation of contractual relations between the players in the electricity

(capacity) market through technologies of decentralized maintenance of registers and "smart contracts";

• in confirmation of reliability of data on the volume of electricity (capacity) consumption (production) — a set of requirements for the digital signature of devices, automated verification of credentials by maintaining a balance on a real time basis;

• in the presence of disagreements between the parties – with regard to the procedure for digital identification of devices and their owners in connection to the grid using the technologies of decentralized maintenance of registers for accounting and settlements in the energy sector.

A legal analysis of the content of the set strategic tasks gives evidence of the need to develop a legal framework, on the basis of which the digital technologies will be applied in accounting of the mined, produced, supplied, transmitted, transported, and stored energy resources, operation of energy systems and facilities, activity and interaction of players in the energy markets in contractual regulation and in consideration of disputes.

It is necessary to perform fundamental research on the problems of formation and functioning of the system of legal regulation of application of digital technologies in order to develop scientific provisions, on the basis of which the system of legal regulation of application of digital technologies in the energy sector may be formed and operated.

The main tasks of Legal Regulation of the application of digital technologies in the energy sector and, therefore, the new level of legal regulation of energy security are:

— defining the concept of digital technologies in the energy sector;

— defining the principles of legal regulation of public relations arising in application of digital technology in the energy sector;

— defining the directions and areas of legal regulation of application of digital technologies in the energy sector;

— studying the legal nature of public relations that arise in application of digital technologies in the energy sector;

— studying the sources of legal regulation of public relations arising in application of digital technologies in the energy sector;

— defining the requirements to the legal regime of digital technologies used in the energy sector;

— defining the basic requirements to the legal regime of the facilities of use of digital technologies in the energy sector;

— defining the main provisions on the digitization of the accounting of energy resources;

— defining the main provisions on the digitalization of functioning of the energy systems and facilities;

— defining the basic requirements to the digitalization in performance of activities and interaction of the players in the energy markets;

— defining the main provisions on the digitalization in contractual regulation in the energy sector and settlements of disputes;

— defining the main provisions on the digitalization in state regulation, management, and state control in the energy sector;

— defining the main provisions on the digitalization in functioning of the institution of self-regulation in the energy sector.

Preparation of the missing regulatory legal acts on application of digital technologies in the energy sector is currently not systematic.

Draft Law No. 139989-7 *On Amendments to Certain Legislative Acts of the Russian Federation in Connection with Development of Electricity (Capacity) Accounting Systems* in the Russian Federation, according to which supplements are proposed for smart metering systems for power and capacity, for example, should be mentioned among innovation projects. However, as already noted in legal studies, the proposed version of the draft law needs substantial revision. [8]

Therefore, very serious tasks to develop the fundamental legal basis for application of digital technologies in the energy sector, which is required by strategic planning documents to remove legal restrictions in the functioning of the energy markets, simplify interaction of the state and other participants in these markets, strengthen positions of Russian energy companies at the international level, and, therefore, develop Legal Regulation of energy security, are set for the science of energy law. ■

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