

DEVELOPMENT OF RUSSIAN ENERGY LAW SCIENCE: ACHIEVEMENTS AND TOPICAL TASKS

DOI 10.18572/2410-4396-2019-4-63-66



Romanova Viktoriya V.

Head of the Department of Energy Law
of the Kutafin Moscow State Law University (MSAL)
Director of the Energy Law Centre
of the Saint-Petersburg State Economic University (SPbSEU)
LL.D.
■ energylawdep@msal.ru

Since its establishing six years ago, the Department of Energy Law of the Kutafin Moscow State Law University has completed many of its tasks, in which connection, and in order to move forward, one can briefly list the main scientific results and summarize the efforts made.

Presently, the main scientific results include the following:

— *theoretical theses on the subject, methods, principles, and sources of energy law have been developed and scientifically substantiated; scientific conclusions on the essence of the legal treatment of energy resources and facilities, as well as specific features of the legal status of private law relations parties, corporate governance, contractual regulation system, and specific features of state regulation have been formulated;*

— *an integrated study of the problems of legal regulation of energy facilities construction and modernization has been conducted; scientifically substantiated conclusions and theses have been developed regarding the balance of private and public interests in the sphere of energy facilities construction and modernization;*

— *based on the integrated study of the current situation, key tasks of the modern energy law order, and legal support for the energy markets and energy security, the tasks of energy law science have been formulated in the field of energy law order ensuring and developing, energy markets' functioning, and energy security ensuring, as well as suggestions on unification of the rules of law governing public relations in the sphere of energy have been developed.*

It seems that the research monographies and textbooks published based on the studies conducted will be useful for research scientists, lawyers practicing in the sphere of energy, experts engaged in energy companies, public officials, and members of judge community. The works formulate topical tasks of energy law and specific fields of priority studies.

The author would like to acknowledge the efforts of everyone who supports development of energy law in the Russian Federation and wish them success and well-being.

Keywords: *energy law, energy legislation, problems of legal regulation in the sphere of energy, monitoring of energy legislation enforcement.*

Since its establishing six years ago, the Department of Energy Law of the Kutafin Moscow State Law University has completed many of its tasks, in which connection, and in order to move forward, one can briefly list the main scientific results and summarize the efforts made. Today, the Department of Energy Law of the Kutafin Moscow State Law University (MSAL) is the only one in Russia to study energy law as a science and educational subject for all levels of education.

The main scientific results include, among other things, the following:

- theoretical provisions on the subject, methods, principles, and sources of energy law have been developed and scientifically substantiated; scientific conclusions on the essence of the legal treatment of energy resources and facilities, as well as specific features of the legal status of private law relations parties, corporate governance, contractual regulation system, and specific features of state regulation have been formulated;

- an integrated study of the problems of legal regulation of energy facilities construction and modernization has been conducted; scientifically substantiated conclusions and theses have been developed regarding the balance of private and public interests in the sphere of energy facilities construction and modernization;

- based on the integrated study of the current situation, key tasks of the modern energy law order, and legal support for the energy markets and energy security, the tasks of energy law science have been formulated in the field of energy law order ensuring and developing, energy markets' functioning, and energy security ensuring, as well as suggestions on unification of the rules of law governing public relations in the sphere of energy have been developed.

In 2013, the textbook *Energy Law. General Part* by V.V. Romanova was written and published [1]. The textbook covers general theoretical issues of energy law, including those dealing with the legal nature of the public relations being the subject matter of energy law, its methods, principles, and sources. The book offers conclusions on specific features of the legal treatment of energy resources and facilities, on specific features of the legal status of energy companies, contractual regulation

system in the sphere of energy, and specific features of legal regulation of public relations in the sphere of energy.

In 2014, the textbook *Energy Law. General Part. Special Part* edited by V.V. Romanova, LL.D., was published [2]. The book takes into account the main theses considered in the work *Energy Law. General Part* authored by V.V. Romanova. The textbook consists of the General Part and the Special Part. The General Part analyses the issues of the subject matter, notion, and sources of energy law, the legal treatment of energy resources and energy facilities, legal status of the parties of the private law relations in the sphere of energy, contractual legal regulation, state regulation, and self-regulation. Sections of the Special Part are dedicated to legal regulation in specific branches of the energy sector: the gas, oil, and coal sectors, power energy sphere, heat supply, and nuclear energy use.

The year of 2015 saw the publication of the second edition of the *Energy Law* textbook edited by V.V. Romanova, LL.D. [3]. The textbook was reissued to include the significant changes in legal regulation of private law relations, the system of state regulation, and in the sphere of self-regulation.

In 2015, the textbook *Topical issues of energy law* edited by V.V. Romanova, LL.D., was published [4]. The book considers modern development trends in energy law on the national and international levels, studies the issues of legal regulation of private law and public law relations in the sphere of energy, including gas and oil industries, power energy sector, and heat supply.

In 2016, both textbooks edited by V.V. Romanova were published in English [5–6].

Also in 2016, V.V. Romanova's monograph *Energy Law Order: Current State and Tasks* was issued [7]. The work analyses the problematic aspects of legal regulation of public relations in the sphere of energy, including both private law and public law relations. Based on the integrated study of the current situation and key tasks of the modern energy law order on the national and international levels, the author identifies specific features of legal support for the energy law order's elements in various branches of energy sector and formulates the tasks of energy law science

in energy law order ensuring and developing and suggestions on the unification of the rules of law governing public relations in the sphere of energy.

The system of branch-specific legal regulation in key branches of the energy sector has predetermined the main institutes forming that branch of law. Due to specific features of legal regulation of public relations in various branches of the energy sector, the provisions on branch-specific legal regulation were referred to a special section of energy law. The differences between the legal models of branch-specific regulation and the law enforcement practice of the recent decades require a thorough study and comparative legal analysis in order to develop the provisions aimed at eliminating contradictions, gaps, and problems of the legal regulation. Nuclear law is one of the most developed institutes of energy law.

In 2017, the monograph *Problem issues and trends of legal regulation in the sphere of nuclear energy use* edited by V.V. Romanova, LL.D., was published [8]. It was dedicated to modern issues and trends in legal regulation in the sphere of nuclear energy use, particularly, specific features of the legal treatment of individual nuclear-powered facilities (nuclear-powered ice-breakers, floating nuclear power plants, radioactive isotopes and radioisotope products used in nuclear medicine), contractual regulation in the sphere of nuclear energy use, as well as problematic aspects of state regulation and monitoring (supervision) in the sphere of nuclear energy. V.V. Romanova also studies specific features of legal support for nuclear medicine centers' construction and operation and the problematic aspects of legal support for the nuclear medicine. The work offers suggestions on delimitation of the legal treatment of nuclear medical centers on the basis of their functions and location, as well as the suggestions on refinement of the rules establishing specific features of the legal treatment of radioactive isotopes and radioisotope products.

In 2018, the monograph *Energy Markets: Problems and Tasks of Legal Regulation* edited by V.V. Romanova, LL.D., was published [9]. The Ministry of Energy of the Russian Federation highly appreciated that work. The study of the legal regulation of public relations arising in the course of energy markets' forming and functioning identifies the problems and gaps in the

legal regulation of energy markets of the Russian Federation, issues of the unification of the provisions governing the formation of common energy recourse markets of the Eurasian Economic Union, problematic aspects of legal support for the balance of interests of energy market participants and formulates suggestions on refining legal regulation of energy markets on the national and international levels and theses regarding the unification of international law.

Suggestions and recommendations developed on the basis of the research conducted were validated at numerous Russian, foreign, and international symposia, conferences, and round tables.

In 2019, the monograph *Issues of Legal Support of Energy Security and Protection of Rights of Energy Market Participants* edited by V.V. Romanova, LL.D., was published [10]. The work was prepared based on the findings of a several-year research of issues of legal support for energy security and protection of rights of energy market participants and studies the energy law enforcement practice with the most pressing issues discussed at conferences and round tables, including international ones. The monograph was dedicated to the 80th anniversary of V.A. Musin, Corresponding Member of the Russian Academy of Sciences, LL.D., Professor. The work studies the strategic tasks of the legal support for energy security at national and international levels, as well as the issues of legal support for energy infrastructure's security and issues of legal support and protection of rights of energy market participants. The problems identified are analyzed taking into account the law enforcement practice, legal analysis of possible development trends in legal support for energy security considering the acts adopted by the Constitutional Court of the Russian Federation, various cases of judicial practice, and legal analysis of the dispute resolution options and procedure (both out-of-court and in court) in the sphere of energy. The study formulates suggestions regarding law enforcement monitoring in the sphere of energy security. Unfortunately, in fact, law enforcement in the sphere of energy security is not monitored today. However, the legal analysis of judicial practice and acts adopted by the Constitutional Court of the Russian Federation has revealed gaps, contradictions, and

uncertainties in the legal regulation in the sphere of energy resulting in poor balance of interests of various participants of public relations in that sphere. In an ideal scenario, the findings of law enforcement monitoring in the sphere of energy would be the basis for the refinement of the key strategic planning document in the sphere of energy, Russia's Energy Strategy to 2035, and forming the roadmap for populating its legal framework. The suggestions made on the legal support for energy security may be useful for development of legal regulation in the sphere of energy and adjustment of the legal regulation models in particular branches of energy sector.

The year of 2019 saw the launch of the Energy Law Centre set up by the resolution of GAZPROM PJSC under the Saint-Petersburg State Economic University. The main fields of activity of the Energy Law Centre (headed by V.V. Romanova) are: conducting legal research in energy, corporate, and competition law, training top-skilled experts in scientific major 12.00.07. To date, 17 postgraduate students have been enrolled for the Energy Law Centre's courses. The decision to set up the Energy Law Centre received positive feedback from Russian and foreign experts who expressed their certainty that it was good timing and underlined the importance of close interaction of a research center with the major energy company for development of energy law [11].

Energy law science has numerous tasks. As A.G. Lisitsyn-Svetlanov justly notes, characterization of all areas of legal regulation in the sphere of energy and full description of the aspects to be studied in order to refine energy legislation and, moreover, energy law in general, requires a series of large-scale research [12].

M.I. Kleandrov in the famous work *Bright future for energy law science* points out that "research in the field of enhancing efficiency of legal support for energy sector in our country, as well as all studies in the energy sector of the economy, will not run smoothly. They will be actively hindered by: a) those residents of our country who do not love their Motherland; b) our potboiler "scientists" and routineers, deemed scientists by mistake, not able to create anything new in science and envying those who can; c) domestic lobbyists of foreign interests. Foreseeing that, legal research in energy law aimed at enhancing the efficiency of energy security and developing Russian energy industry need further rolling out and comprehensive support" [13].

Sharing the opinions of A.G. Lisitsyn-Svetlanov and M.I. Kleandrov, the author thanks everyone who supports development of energy law in the Russian Federation, expresses hope for further cooperation, and wishes all participants in energy law projects success and well-being. ■

References

1. Romanova V.V. Energy law. General part : textbook / V.V. Romanova. Moscow : Yurist, 2013. 311 p.
2. Energy law. General part. Special part : textbook / edited by V.V. Romanova. Moscow : Yurist, 2014. 656 p.
3. Energy Law. General Part. Special Part : Textbook / Edited by V.V. Romanova, LL.D. 2nd edition, revised and updated. In English. Moscow : Yurist Publishing House, 2016. 677 p.
4. Topical issues of energy law. Textbook / Edited by V.V. Romanova. In English. Moscow: Yurist Publishing House, 2016. 379 p.
5. Energy Law : textbook / ed. by V.V. Romanova. Moscow : Yurist, 2016. 605 p.
6. Topical issues of energy law : textbook / ed. by V.V. Romanova. Moscow : Yurist, 2016. 331 p.
7. Romanova V.V. Energy Law Order: Current State and Tasks. Moscow : Yurist Publishing House. 2016. 255 p.
8. Problem issues and trends of legal regulation in the sphere of nuclear energy use. Moscow: Yurist Publishing House. 2017. 233 p.
9. Energy Markets: Problems and Tasks of Legal Regulation : monograph / edited by V.V. Romanova. Moscow : Yurist. 2018. 238 p.
10. Problems and Tasks of Legal Support of Energy Security and Protection of Rights of Energy Market Participants : monograph / edited by V.V. Romanova. Moscow : Yurist. 2019. 263 p.
11. <https://unecon.ru/info/otkrytie-centra-energeticheskogo-prava>
12. Lisitsyn-Svetlanov A.G. Energy Law: Tasks for Further Development of the Branch / A.G. Lisitsyn-Svetlanov // Legal regulation in the sphere of electric power industry and heat supply : proceedings of the international applied research conference (Moscow, December 13, 2013) : collection of scientific articles. Moscow : Yurist, 2013. 117 p. P. 11.
13. Kleandrov M.I. Bright Future for energy law science / M.I. Kleandrov // Energy Law Forum, 2018. No. 2. P. 9–11.