

CURRENT TASKS OF ENERGY LAW AS A SCIENCE AND AN ACADEMIC DISCIPLINE

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Quite a lot of problems are facing energy law today. First of all, these are fundamental problems: legal regulation of the balance of interests of energy resource suppliers and consumers, legal regulation of access to the energy networks, legal regulation of pricing in the energy sector, legal protection of rights of energy market players. Legal regulation development trends at the national level are determined by tasks of energy security legal regulation in the Russian Federation. No less pressing are problems of international law regulation in the energy sector. This applies to both international private and international public law relations.

Currently, there is a trend towards intensification of energy law studies. Areas of scientific research are conditioned primarily by the most pressing tasks, problems of legal regulation in the energy sector, existing gaps. Areas of law studies conducted by scientists within their thesis research include the following: specific features of the legal status of energy companies in different energy sectors, legal regulation of corporate governance in state-owned energy companies, challenges of legal regulation of natural gas exports, challenges of legal regulation of the use of renewable energy sources, legal regulation of procurements, challenges of legal regulation of energy companies' access to foreign markets.

The article also addresses education development objectives in the energy law sector for students at all levels.

It seems appropriate to develop international cooperation on energy law in both scientific and educational processes, to create educational programs including foreign energy law courses, in particular, considering students' areas of research, experience sharing, comparative law studies. Such cooperation will contribute to development of international law regulation in the energy sector necessary to implement international projects, as well as development of national regulation in practical activities of energy companies, authorized state bodies, in training of legal staff with field-specific expertise.

Keywords: energy law; energy legislation; occupational standards; areas of scientific energy law research; energy law academic courses.

Such scientists as A. P. Vershinin, O.A. Gorodov, M.I. Kleandrov, P.G. Lakhno, A.G. Lisitsin-Svetlanov, V.F. Popondopulo, V.V. Romanova, R.N. Saliyeva, L.I. Shevchenko, V.F. Yakovlev, etc., have made a vital contribu-

tion to creation and development of energy law studies. [1]

Scientists have focused on issues of the legal nature of relations regulated by energy law, principles, methods of energy law, sources of en-

ergy law, addressed various aspects of contractual regulation, self-regulation, international law regulation.

Currently, there is a trend towards intensification of energy law studies. Areas of scientific research are conditioned primarily by the most pressing tasks, problems of legal regulation in the energy sector, existing gaps. It seems possible to call attention to law studies on problems of legal regulation of energy markets, protection of rights of energy market players, legal regulation of energy security. [2]

Areas of law studies conducted by scientists within their thesis research include the following: specific features of the legal status of energy companies in different energy sectors, legal regulation of corporate governance in state-owned energy companies, challenges of legal regulation of natural gas exports, challenges of legal regulation of the use of renewable energy sources, legal regulation of procurements, challenges of legal regulation of energy companies' access to foreign markets. [3]

Energy law faces quite a lot of problems today. First of all, these are fundamental problems: legal regulation of the balance of interests of energy resource suppliers and consumers, legal regulation of access to the energy networks, legal regulation of pricing in the energy sector, legal protection of rights of energy market players. Legal regulation development trends at the national level are determined by tasks of energy security legal regulation in the Russian Federation.

In the current unfavorable epidemiological situation, many problems of legal regulation in the energy sector have become even more prominent. This includes legal regulation of the balance of interests of energy market players, a growing debt to the companies supplying energy resources.

To support energy consumers, Decree of the Government of the Russian Federation No. 424 on Special Features of Provision of Utility Services to Owners and Users of Premises in Apartment Blocks and Residential Houses dated April 2, 2020, established a moratorium on penalties for delayed payment of utility charges until January 1, 2021. [4]

As per Clause 3 of this Decree of the Government of the Russian Federation, provisions of agreements executed under the laws of the

Russian Federation on gas, electricity, heat supply, water supply and discharge establishing public utility providers' right to charge penalties or fines for delayed payment and/or failure to pay for utility services in full by the entities managing apartment blocks do not apply until January 1, 2021.

These measures seem extremely well-timed. As consumers lack the necessary funds, a significant increase in the debt for energy resources and public utilities is anticipated and has already begun. This leads to an increase in the debt to power grid operators and generating companies. Representatives of energy companies point out that it could "disrupt implementation of investment programs, scheduled and emergency repairs in the industry, jeopardize preparation for the autumn and winter period of 2020-2021, complicate timely payment of wages in companies of all these sectors resulting in a decrease in tax payments." [5]

Therefore, it seems that the issues of legal regulation of tariff setting, pricing on energy markets, striking a balance between the interests of all energy market players and protection of their interests are becoming ever more pressing.

Problems of legal regulation of energy companies' activities considering specific features of their legal status are just as relevant. The President of the Russian Federation highlighted that "leading companies of the national fuel and energy complex are systemic companies, and performance of various economy sectors depends on their stable operation, at the same time, we must maintain reliability of these cooperation, production connections, in particular, we must prevent fuel deficiency on the domestic market, limited energy supply of companies, settlements of the country." [6]

It is not a coincidence that the conducted research on legal standing of state-owned energy companies [7] led to a conclusion that it would be useful to develop a specific federal law regulating the legal status of energy companies stemming from an apparent social focus of their activities combined with their economic significance and capabilities. This unification can be industry-specific, considering that energy law of each specific energy sector has its own distinctive features. Our collaborative law study can be useful for further academic and research activities.

No less pressing are problems of international law regulation in the energy sector. This applies to both international private and international public law relations.

As per the Energy Security Doctrine of the Russian Federation approved by Decree of the President of the Russian Federation No. 216 dated May 13, 2019, main activities ensuring energy security include international legal protection of interests of Russia's fuel and energy complex companies, support of exports of their products, technologies, and services.

Russian energy companies supply, transport energy resources abroad, construct energy facilities abroad, act as shareholders, members of foreign companies. Therefore, energy companies have to understand the conditions of access to foreign energy markets, legal regulation of foreign energy markets.

Research of foreign law provisions governing relations on energy markets, establishing requirements foreign energy companies are to meet to enter energy markets, comparative law studies are important and can help formulate proposals and recommendations on improvement of the legal regulation of energy market players both on the national level and globally.

With this in mind, it is extremely useful to cooperate with foreign energy law experts, conduct collaborative research, scientific workshops.

Writings of such foreign scientists as F.J. Säcker, D. Handrlík, R. Heffron, K. Talus, etc., should be mentioned. [8]

Enhancing cooperation with foreign experts in the area of educational energy law programs appears important.

Today, there is a favorable environment for further development of energy law courses for all levels of education, training, and advanced training of legal staff with field-specific expertise for the energy industry. The main energy law course taught in the Kutafin Moscow State Law University (MSAL) includes general and special parts. The general part addresses general theoretical issues, energy law sources, problems of legal regulation of private and public relations in the energy sector. The special part focuses on distinctive features of legal regulation of social relations in specific energy sectors (gas, oil, coal, electrical, heat, nuclear power). This allows students both to acquire comprehensive knowledge of energy law and to choose their

future area of focus which is extremely important for lawyers to be.

Areas of focus for future lawyers in the fuel and energy complex are numerous and can be subdivided into several groups:

(1) Depending on the energy industry sector: electrical power, heat supply, gas, oil, coal, nuclear power,

(2) Depending on where exactly a lawyer to be plans to work in the energy industry: energy companies, state authorities, courts, consulting companies,

(3) Depending on the area of focus of energy companies: production, delivery, transportation, storage of energy resources, construction of energy facilities, etc.,

(4) Depending on the area of focus of the companies' legal departments: contracting, claim management, corporate, property law, etc.

Potential areas of activities of lawyers pre-conditioned development of such additional courses as contractual regulation in the energy sector, energy dispute resolution, corporate law in the energy sector, etc.

For master students, there are more tailored courses allowing for a more in-depth examination of challenges of legal regulation of activities of natural monopoly entities in the energy sector, legal regulation of international business activities in the energy sector, legal regulation of energy saving and energy efficiency, etc.

Foreign master degree programs in energy law are taught by many educational institutions: the Technical University of Berlin, the University of Aberdeen (Scotland), the University of Birmingham (United Kingdom), the University of London (United Kingdom), the University of Dundee (Scotland), the University of Tulsa (USA), the University of Oslo (Norway), the University of Calgary (Canada), the International Hellenic University. [9]

Courses of master degree programs are different in scope; they are described at official websites. This abundance of master degree programs in energy law provides students with excellent opportunities. Development of international inter-university master degree programs also seems promising.

Courses for postgraduate students include the most pressing issues of energy law and incorporate academic interests of postgraduate students.

Currently, programs at the Kutafin Moscow State Law University (MSAL) and the Energy Law Center of the Saint-Petersburg State Economic University are available to postgraduate energy law students. Obviously, more programs of this sort would be appreciated.

It seems appropriate to develop international cooperation on energy law in both scientific and educational processes, to create educational programs including foreign energy law courses,

in particular, considering students' areas of research, experience sharing, comparative law studies. Such cooperation will contribute to the development of international law regulation in the energy sector necessary to implement international projects, as well as the development of national regulation in practical activities of energy companies, authorized state bodies, in training of legal staff with field-specific expertise. ■

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