

TRENDS AND TASKS OF THE DEVELOPMENT OF THE LOCAL REGULATION IN THE ENERGY INDUSTRY

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The doctrine and the law enforcers more and more often recognize local acts of companies as independent sources of the legal regulation of relations developing in the energy industry. The regulatory impact of such acts can be aimed not only at streamlining corporate relations, but also at the solution of issues related to the technical regulation, labor relations, procurement, security issues, etc. Today, the most comprehensive system of local acts of legal entities has been established in the gas industry. It seems expedient to extend this approach to other energy industry sectors. The industrial unification of the provisions of local acts regulating the procurement relations and the technical regulation seems to be the primary task. Such unification will make it possible to set uniform requirements for the production and technological processes of energy generation within the same industry and simplify competitive procedures by laying down unified requirements for all parties to industrial procurements. Ensuring the accessibility of the provisions of local acts of energy companies remains another important task for the development of the local regulation in the energy industry.

Keywords: energy law, energy law sources, local acts of energy companies.

The energy industry is currently revealing tendencies for the sustainable development of the local regulation of operations of legal entities through the issue and application of relevant internal documents (local acts).

The doctrine and the law enforcers more and more often recognize local acts of companies as independent sources of the legal regulation of relations developing in the energy industry. [1] The regulatory impact of such acts can be aimed not only at streamlining corpo-

rate relations, but also at the solution of issues related to the technical regulation, labor relations, procurement, security issues, etc.

It is worth noting that some local acts can simultaneously be sources of regulation of several types of legal relations developing in an energy company. For example, the articles of association can be a source of the legal regulation of corporate, labor and other industrial relations.

The local regulation through the use of internal documents has a number of advantages.

Firstly, the implementation of local rule-making ensures the individualization of the company's legal position within the framework of legislative permissions, and therefore the application of local acts can reflect the specifics of relations developing in various sectors of the domestic energy industry including the settlement of certain issues of the company's production activities.

Secondly, the local regulation makes it possible to detail management and production processes, create an additional system of rights and obligations of parties to the legal relations, establish special mechanisms for the implementation of a particular activity taking into account the industrial specifics.

Thirdly, the local regulation is an additional measure to protect the interests of members and investors of energy companies as it allows the named persons to be directly involved in the development and approval of the corresponding sources through the company's management bodies.

Fourthly, the lack of strict formalization of the local act development and adoption processes allows to fix the actual changes in the corporate management processes, reflect the current production needs of an energy company, establish own competitive methods of procurement of goods, works and services in a timely manner not waiting for the development and adoption of the corresponding laws or regulations.

Local acts of legal entities are classified in scientific publications on several grounds.

V.A. Laptev classifies acts depending on the rule-making subjects into the ones adopted by owners of an economic entity (for example, the supreme corporate body) or authorized bodies (board of directors, executive body and others). [2]

V.V. Laptev, in turn, divided local regulatory acts into the ones approved by the founders upon the incorporation of an organization (the articles of association), and the ones issued in

the course of the company's activities (regulations). [3]

V.V. Romanova singles out the following local act groups on the example of the gas industry: local acts regulating corporate relations, local acts relating to the technical regulation, local acts regulating the agreement conclusion procedure, local acts regulating the industrial security relations, local acts regulating the relations to ensure the protection of gas industry facilities against unlawful interference, local acts regulating labor relations. [4]

In terms of types of legal relations regulated by local acts of legal entities in the energy industry, it seems possible to add anti-corruption local acts, local acts regulating the environmental security relations and other local acts to the abovementioned groups.

The activities of energy companies usually impact a fairly wide range of entities, and the provisions of local regulations of such companies are in fact basic for numerous subsidiaries and dependent companies.

Scientific publications note that local regulatory acts determine the rules of behavior of the parties to relations within a business entity, operate constantly (continuously) and are designed for repeated use. [5]

At the same time, the effect of the provisions established by local regulatory acts of legal entities in the energy industry is more and more often going beyond the limits of such a business entity. Thus, such detailed provisions apply not only to the internal relations within the company, but also to the behavior of third parties. For example, local acts regulating the agreement conclusion procedure using competitive supplier selection methods, local acts relating to the technical regulation most often contain provisions an unlimited number of persons will be guided by in carrying out of the corresponding activities. In this regard, local acts of energy companies are characterized as regulatory to a greater extent as compared to similar acts of other legal entities.

In such conditions, local regulatory acts acquire special significance for ensuring an appropriate level of the legal regulation of relations in the energy industry.

Further development of the local regulation in the energy industry and the expansion of its sphere of influence requires systematization of local acts within the framework of the corresponding energy industry sector.

Today, the most comprehensive system of local acts of legal entities has been established in the gas industry. Many local acts of companies in this industry are characterized by tendencies towards unification within the companies of one group.[6]

It seems advisable to extend this approach to other energy industry sectors. The industrial unification of the provisions of local acts regulating the procurement relations and the technical regulation seems to be the primary task. Such unification will make it possible to set uniform requirements for the production and technological processes of energy generation within the same industry and simplify competitive procedures by laying down unified requirements for all parties to industrial procurements.

Ensuring the accessibility of the provisions of local acts of energy companies remains another important task for the development of the local regulation in the energy industry.

It now seems obvious that the applicable requirements of the Central Bank of the

Russian Federation for the disclosure of information on the internal documents of joint-stock companies are unable to ensure full and timely access of interested parties to local acts of energy companies. This is primarily caused by the fact that these requirements are not universal and apply only to a limited number of subjects. Besides, the regulatory impact of these requirements is mostly limited to the corporate management of the company.

At the same time, given that local acts of companies in the energy industry are characterized by the well-developed regulatory nature and focus on the regulation of various types of relations, timely and full disclosure of information about such acts is necessary to ensure the rights and legal interests of a wide range of people. Moreover, proper disclosure of information about local acts can simplify the activities of law enforcers in the implementation of the provisions contained in such acts.

Given such circumstances, the task of the development of special requirements for the disclosure of information on local acts of energy companies remains relevant.

Summing up, it should be noted that the further development of the local regulation in the energy industry meets the strategic goals of the Russian Federation to improve the efficiency and performance on all management levels in the fuel and energy complex branches. ■

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