

OBJECTIVES OF FURTHER DEVELOPMENT OF THE LEGAL REGULATION OF ENERGY RESOURCE USAGE FOR ENERGY LAW AND ORDER ENHANCEMENT

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The nature of the legal regime of energy resources, requirements for their quality, metering, extraction, production, delivery, transportation, storage, pricing, customs regulation are fundamental problems of energy law. Certainty in the legal regulation of the use of energy resources as the key object of social relations within the scope of energy law has a direct impact on securing the balance of interests between energy law subjects at national and international levels. The level of the international unification of provisions on the legal regime of energy resources remains low, with the exception of unified provisions on the use of nuclear power. Due to the specific nature of energy resources, both national and international unification is performed primarily using an industry-based approach. Further development of the legal regulation of the use of energy resources, the improvement of the legal regime of energy resources, in particular, factoring in the need to apply innovative energy saving, energy efficient technologies, ensuring anti-terrorism security, and industrial safety of the energy infrastructure require legal studies in this area. Comparative legal studies of provisions on the legal regime of energy resources in other countries will be especially valuable. This article can be useful for further research into the subject matter, for education purposes.

Keywords: energy law, legal regime of energy resources, social relations within the scope of energy law.

Current State and Objectives of the Legal Regulation of the Use of Energy Resources

The nature of the legal regime of energy resources, requirements for their quality, quantity, metering, extraction, production, delivery, transportation, storage are fundamental problems of energy law.

The state of energy law and order depends on adequate legal regulation of the use of energy resources [1].

Certainty in the legal regulation of the use of energy resources as the key object of social relations within the scope of energy law has a direct impact on securing the balance of interests

between energy market stakeholders at national and international levels.

The principles of using energy resources shall balance interests of different energy market stakeholders. The key principles of using energy resources are:

- Availability of energy resources for the consumers,
- Metering of the used energy resources at all stages, including extraction, production, delivery, transportation, handover, storage,
- Adequate pricing of energy resources,
- Use of energy saving, energy efficient technologies,
- Safe use of energy resources,
- Proper condition of the energy infrastructure, including the fulfillment of the industrial safety and anti-terrorism security requirements.

Due to the specific nature of energy resources, both national and international unification is performed primarily using an industry-based approach.

At the moment, there is no unified regulatory document establishing the requirements for legal regimes of energy resources. The peculiarities of the legal regime of energy resources, depending on what kind of relations the energy resources are involved in, are established by various regulatory documents governing private law or public law relations, and are determined in accordance with the terms and conditions negotiated by the parties to the corresponding contracts.

Key general regulations governing relations in this sphere include, but are not limited to: the Constitution of the Russian Federation, the Civil Code of the Russian Federation, the Tax Code of the Russian Federation, the Code of Administrative Offenses of the Russian Federation, Law of the Russian Federation No. 5003-1 “On the Customs Tariff” dated May 21, 1993, Federal Law No. 147-Φ3 “On Natural Monopolies” dated August 17, 1995, Federal Law No. 135-Φ3 “On Competition Protection” dated July 26, 2006, etc.

General provisions establishing requirements for energy metering, energy saving, energy efficiency are stipulated by the Federal Law “On Energy Saving, Energy Efficiency Improvement, and Amendments to Certain Laws of the Russian Federation”.

The peculiarities of the legal regime of particular energy resources are established by the following federal laws: “On the Electric

Power Industry”, “On Gas Supply”, “On Heat Supply”, “On Nuclear Power Use”, “On the State Regulation of Coal Extraction and Use”, “On the Peculiarities of the Social Protection of Coal Industry Workers”. An exception is legal regulation in the oil sector, where there is still no specific federal law. The peculiarities of the legal regime for oil, including as an object of domestic market supply relations, of exchange trading, of transportation, shipment relations, of foreign trade transactions, have been established by the above general regulations, as well as at the level of subordinate legislation, local regulations of exchanges, in international agreements.

Legal studies aptly note the need for the improvement of legal regulation in the use of energy resources [2].

Stating the necessity of further development of energy laws, A.G. Lisitsin-Svetlanov noted that the importance of energy legislation for Russia was comparable with that of fundamental laws, and drew an analogy “with the anticipation of the adoption of the Civil Code of the Russian Federation which, at the initial stage of market-oriented reformation of the Russian legislation, was christened *Second Constitution* in the 90s” [3].

The Federal Law “On Energy Saving, Energy Efficiency Improvement, and Amendments to Certain Laws of the Russian Federation” is the fundamental regulatory document governing relations involving the use of energy resources. This federal law defines the term *energy resource*, establishes requirements for the metering of the used energy resources, principles of legal regulation in the field of energy saving and energy efficiency improvement, powers of state bodies in this area, provisions on state regulation, energy survey procedures, energy efficiency requirements. In furtherance of this federal law, some subordinate regulations have been adopted.

Provisions on the metering of energy resources are of crucial significance for payments for the used energy resources. In this regard, it should be noted that, apart from general provisions on energy metering, there is also specialized regulation in the energy laws stipulating the use of smart metering systems and imposing the responsibility to procure, install and replace electric power meters and/or other equipment as necessary to ensure fiscal metering of electric power (capacity) on energy companies.

Relevant provisions on the metering of other energy resources have not been developed yet, which is why the expert community believes that the need to use smart metering systems for natural gas, heat energy shall be enshrined in legislation [4]. However, there are still relatively few legal studies in the field of energy saving and energy efficiency [5].

Therefore, it seems reasonable to dwell on the possibility to promote the use of energy saving, energy efficient technologies considering the development of corporate legal regulation.

For instance, the institution of anti-trust compliance is applied to make sure that the anti-trust law requirements are met. According to Article 9.1 of the Federal Law “On Competition Protection”, a business entity may establish an internal anti-trust compliance system in order to ensure compliance with the anti-trust laws and prevent violation thereof.

The implementation, application of energy saving, energy efficient technologies for the use of energy resources is just as important. In this regard, it seems reasonable to raise the issue of the development of a compliance concept for energy saving and energy efficiency improvement, the inclusion of respective provisions in energy laws, the development of corporate regulations to ensure compliance with the requirements of the energy saving and energy efficiency improvement laws.

State of International Legal Unification

Currently, there is no universal international agreement that would regulate relations in the energy sector, establish unified principles of cooperation between parties to international energy relations, define conditions of using energy resources, energy facilities.

According to a study on the current state and development goals of energy law and order, the top-priority task of international energy law and order is energy security of people's lives and activities. This is due to the impossibility to live and operate without energy resources, as well as potential adverse consequences occurring during their extraction, production, processing, transportation, storage that may be cross-border in nature. Therefore, international legal regimes of energy resources are of great significance for ensuring global energy law and order [6].

A.G. Lisitsin-Svetlanov distinguishes such fundamental principles of international legal regulation in the energy sector as: the recognition of the integrity of sustainable global energy security and interdependence of all energy distribution stakeholders; cross liability of the countries consuming and supplying energy resources as well as transit countries for ensuring global energy security; the recognition of safety of offer (supply) and demand (transparent and predictable sales) as the key aspects of global energy security [7]. It seems that these principles could be enshrined in a universal international energy agreement. A legal analysis of the international treaties existing in the energy sector shows that, at the moment, international energy law and order is created predominantly within international integration associations, regional economic integration organizations, and at the industry level. International legal regulation in the field of nuclear energy use is the most well-established [8].

The objective of the energy law science is to develop universally applicable international regulations establishing, without prejudice to the national interests, principles of international energy law and order, uniform legal regimes of the use of energy resources, the energy infrastructure, provisions on cooperation between parties to international private law and public law relations in the energy sector, provisions ensuring anti-terrorism security and industrial safety of energy facilities.

Conclusion

The legal regulation of the use of energy resources, the peculiarities of the legal regime of energy resources, requirements for energy saving and energy efficiency improvement shall serve the purposes of science and technology advancement, energy security, and promote energy law and order at national and international levels. Legal regulation in this area has to be improved, in particular, based on the results of the legal analysis of foreign legislation and enforcement practices. Therefore, it seems useful to conduct comparative legal studies, joint scientific and research events in order to develop best models of the legal regulation of the use of energy resources. ■

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