

PAPER • OPEN ACCESS

The substance and content of environmental supervisory activities in the Russian Federation

To cite this article: V V Safronov *et al* 2019 *IOP Conf. Ser.: Earth Environ. Sci.* **315** 022020

View the [article online](#) for updates and enhancements.

The substance and content of environmental supervisory activities in the Russian Federation

V V Safronov, A A Babaeva, E L Farafontova, G I Petrova and E S Schebliakov

Reshetnev Siberian State University of Science and Technology, 31, Krasnoyarsky Rabochy Av., Krasnoyarsk, 660037, Russia

E-mail: pravo-sibsau@mail.ru

Abstract. This paper attempts to consider some aspects of the state institute for supervision in the field of environmental activities in Russia. The existing gaps and conflicts in the system for ensuring the proper implementation of environmental law are factors for the need for the state to apply the institutional and legal mechanisms, the analysis of which was presented in this study. One of the most important institutions of environmental protection is the environmental supervision. The existing legislation of the Russian Federation regulates the order and the system of executive authorities, as well as the legal status of environmental entities. However, in practical activities of the environmental legal relations entities, problems arise in the enforcement of environmental law. The article describes the main aspects of the formation, development and operation of environmental supervisory activities in the Russian Federation, presents the interpretation of the basic tools of the environmental protection supervision system in the Russian Federation, and also some problems of law enforcement in this area are identified, and possible solutions are suggested. The purpose of the study is to identify areas of improvement of state environmental protection as the most important tool for managing environmental quality and environmental safety in Russia.

There are several stages in the development of environmental supervisory activities in Russia. The first period concerns pre-revolutionary Russia.

Under Peter I in the 18th century, it is understandable that the nature reserves are not unlimited, it is necessary to apply measures to protect the available resources. The monarch changed and improved the then-current rules of environmental management, complicated the mechanism of the state apparatus. In 1700, the chamber of mines was established, which was replaced in 1719 by the Collegium of Mining, the Waldmeister Chancellery, and other specially designed bodies that monitored the implementation of decrees and regulated the use of forests and subsoil, respectively [3].

Subsequently, the policy of Peter I was supported by the Russian sovereigns. In 1798, the Forest Department was established within the Ministry of Finance, which functioned until 1811 and was re-restored in 1843. The state executive authorities of that time had departments and divisions in their structure, carrying out control and supervisory functions and conducting preventive activities related to the use of natural objects.

The second stage of the environmental activities development began in 1917. The October Revolution defined the new state system in Russia, which was characterized by environmental policy, which set as its main goal the consumption of environmental wealth. Executive functions in this area were assigned to the People's Commissariat of Education. In the first five years of the existence of the



Soviet State, more than 200 decrees and resolutions were issued concerning environmental management. Further development of environmental rules is characterized by a large number of departmental regulations and instructions governing relations in various natural spheres. As a result of the merger of some previously existing environmental inspections of ministries and departments of the USSR, in 1988 the State Committee for Nature Protection and the corresponding committees of the Union Republics were created. In April 1991, on the basis of the State Nature Management Committee, the Ministry of Natural Resources and Environmental Protection of the USSR was established, which in November was transformed into the Interstate Environmental Safety Committee of the USSR.

The third stage of the environmental protection development in Russia is associated with the emergence of the Russian Federation. Established in 1991, the Ministry of Ecology and Natural Resources of the Russian Federation did not last long; in 1992 the State Environmental Protection Committee of the Russian Federation was established as a specialized body in the field of environmental protection. The State Committee for Nature Protection had wide powers, primarily the functions of controlling the use and protection of land, controlling and regulating the use of wildlife and their habitats. In 2000, the Committee was abolished, its functions transferred to the Ministry of Natural Resources of the Russian Federation. This led to a decrease in the effectiveness of state environmental control, since the main purpose of the Ministry of Environment is environmental management [7].

The administrative reform of 2004 led to the creation of three federal services - the Rosselkhoznadzor (the Federal Veterinary and Phytosanitary Monitoring Service), Rosprirodnadzor (the Federal Service for Supervision of Natural Resource Usage) and Rostekhnadzor (the Federal Environmental, Industrial and Nuclear Supervision Service), which performed supervisory functions within their powers. Their activities were characterized by duplication of authority, inconsistency and dissociation, which led to a decrease in the effectiveness of environmental control.

Since 2009, state environmental supervision has been carried out by the Federal Service for Supervision of Natural Resource Usage and its territorial bodies, which are still active today. More than 10 types of state environmental control are included in the activities of the service. Also, other administrative bodies - the Ministry of Agriculture, the Federal State Registration Service, etc., implement the respective powers within their competencies.

Currently, the majority of law ecologists consider the institute of state environmental supervision as the activity of authorized federal executive bodies and executive bodies of the constituent entities of the Russian Federation. This activity is aimed at preventing, identifying and stopping violations of the requirements established in accordance with the legislation in the field of environmental protection. The mechanism for the implementation of state environmental supervision is carried out through the verification of participants of environmental legal relations; taking measures envisaged by the legislation to suppress and (or) eliminate the consequences of the revealed violations; the activities of the authorized state authorities to systematically monitor the implementation of mandatory requirements, analysis and forecasting the state of meeting compulsory requirements in the implementing the entities activities.

State environmental supervision includes:

state supervision of geological study, rational use and protection of the subsoil; state land supervision; state supervision in the field of waste management; state supervision in the field of air protection; state supervision in the field of use and protection of water bodies; state environmental supervision on the continental shelf of the Russian Federation; state environmental supervision in inland waters and in the territorial sea of the Russian Federation; state environmental supervision in the exclusive economic zone of the Russian Federation; state environmental supervision in the field of protection of Lake Baikal; federal state forest supervision (forest protection); federal state supervision in the field of protection, reproduction and use of fauna and their habitats; federal state control (supervision) in the field of fisheries and conservation of aquatic bio resources; federal state hunting supervision; state supervision in the field of protection and use of specially protected natural

territories; government supervision over meeting the requirements for the treatment of ozone-depleting substances [5].

The objects of state environmental supervision are the factors that have a negative impact on the environment, the activities of entities of environmental legal relations.

Federal state environmental supervision is organized and carried out in the course of economic and (or) other activities at facilities that have a negative impact on the environment and included in the list approved by the federal executive body authorized by the Government of the Russian Federation, regional state environmental supervision is carried out at facilities not included in the above list and not falling under the criteria established by the Government decree of the Russian Federation of August 28, 2015 No. 903.

The key risks in the sphere of environmental management and environmental protection are causing harm or potential threat of endangering the lives, health of citizens, harm to animals, plants, the environment in economic and other activities.

At the same time, the participants of environmental supervision throughout the country are: state bodies; local authorities; persons engaged in economic and other activities in the field of environmental relations (legal entities, individual entrepreneurs, citizens of the Russian Federation, foreign citizens and stateless persons). The legislator pays special attention to meeting the requirements of environmental legislation by legal entities and individual entrepreneurs when they use sources of increased danger that negatively affect natural environmental objects.

The state supervision of environmental activities is carried out by: the Public Prosecution Service of Russia, the Ministry of Ecology and Natural Resources Usage of Russia, special state (federal) and local inspectorates.

Among the tasks that environmental authorities must undertake are the following six:

- integrated management of environmental activities in the country and the implementation of a unified scientific and technical policy in nature conservation and rational use of natural resources;
- state control over the use and protection of land, surface and groundwater, atmospheric air, plant (including forests) and animal (including fish stocks) of the world, marine environment and natural resources of the territorial waters of Russia, the continental shelf;
- development of proposals for improving the mechanism of environmental management, approval of environmental standards, rules and standards, development of proposals to government programs for the rational use of resources, nature conservation and monitoring their implementation;
- governmental environmental review of development schemes and placement of the productive forces of the country and sectors of the national economy, monitoring compliance with environmental standards in the development of new equipment, technologies, etc.;
- issuance of permits for the burial (storage) of industrial, household and other wastes, for special water use, control over land allocation under the weight of types of economic activity;
- reserve management and studies.

In Russia, state environmental supervision is organized both at the federal level - by the Federal Service for the Supervision of Natural Resources (ROSPRIRODNADZOR), and at the regional level - by the state bodies of the constituent entities of the Russian Federation (for example, the Interregional Office of the Federal Service for the Environment and Environmental Control of the Krasnoyarsk region and Rep. Tyva). As part of their activities, these executive bodies are guided by the Land Code of the Russian Federation, the Water Code of the Russian Federation, the Code of Administrative Offenses of the Russian Federation, the Forest Code of the Russian Federation, the Decree of the President of the Russian Federation of February 1, 2005 No.112 "On the competition to fill the vacancy of the civil service of the Russian Federation", the Federal law of January 1, 2002 No.7-FZ "On Environmental Protection", the Federal law of March 14, 1995 No. 33-FZ "On Specially

Protected Natural Territories”, the Federal law of April 24, 1995 No. 52-FZ “On Animal world”, the Federal law of June 24, 1998 No. 89-FZ “On Production and Consumption Wastes”, the Federal law of May 4, 1999 No.96-FZ “On the Protection of Atmospheric Air”, the Federal law of July 31, 1998 No. 155-FZ “On the internal sea waters, the territorial sea and the territorial waters of the Russian Federation”, the Federal law of November 30, 1995 No. 187-FZ “On the Continental Shelf of the Russian Federation”, the Federal law of July 24, 2009 No. 209-FZ “On Hunting and on the Conservation of Hunting Resources and on Amendments to Certain Legislative Acts of the Russian Federation” and others.

In addition to monitoring compliance with the requirements of environmental legislation, state environmental supervision authorities carry out over 10 different functions, including such as organizing and conducting state environmental expertise, issuing permits for importing (exporting) zoological collections to the Russian Federation, etc.

A special place in the system of environmental supervisory activities in Russia is assigned to such a state body as the Public Prosecution Service of Russia, which oversees the implementation of laws in various fields of entities activity in the state, including in the field of environmental protection. Throughout the existence of the Russian state, the Public Prosecution Service has realized its purpose: general control and supervision over the observance of law and order in any sphere of life, including in the field of environmental protection. The subject of the activities of the Public Prosecution Service includes supervision over the implementation of environmental legislation, control over the exercise of powers by specialized environmental authorities, as well as coordination of relations with them in the struggle to ensure law and order. The specialization of the Public Prosecution Services contributed to the strengthening of the prosecution authorities' independence in resolving issues of law and order in the ecological environment. The competence of representatives of the Public Prosecution Service in the implementation of supervisory functions has increased, relationships with specialized environmental authorities have strengthened, and the effectiveness of environmental activities has enhanced. [1] In the Russian Federation, a hierarchy of prosecutorial authorities is provided. The Office of the Prosecutor General of the Russian Federation heads the system of the Public Prosecution Service, and the prosecution authorities of the constituent entities of the Russian Federation function in the regions. For example, within the Krasnoyarsk region, the Public Prosecution Service of the Krasnoyarsk region carries out environmental protection activities and environmental supervision. As part of the structure and organization of the Public Prosecution Service of the Krasnoyarsk region, there is a Department for Monitoring the Implementation of Federal Law and a corresponding Department for Monitoring the Implementation of Law in the Field of Economics and Nature Protection, as well as a specialized body in the hierarchy of the Public Prosecution Service—the Krasnoyarsk Environmental Prosecutor's Office.

Krasnoyarsk Environmental Prosecutor's Office oversees the implementation of legislation in the field of environmental protection, the use of natural resources, the protection of citizens' rights to a favorable environment and reliable information about its status in the Krasnoyarsk region. It takes measures prescribed by law to eliminate the consequences caused by negative environmental impact, illegal use of natural resources, to bring perpetrators to justice in accordance with the established legal procedure, as well as to compensate damage caused by environmental offenses, prohibit (suspend) environmentally harmful activities. The Krasnoyarsk Environmental Prosecutor's Office works in cooperation with the city, district and inter-district prosecutor's offices of the region, which also monitor compliance with environmental legislation.

One of the elements of environmental supervisory activities in the Russian Federation is to bring to justice the violators of the environmental legislation. Enterprises, organizations, institutions, their officials, as well as citizens may be brought to justice as offenders. Offenses in the field of protection of the atmosphere, land, mineral resources, water, flora and fauna entail all types of responsibility - material, disciplinary, administrative, and criminal. The most common type of liability is currently administrative liability. Measures of administrative penalty in the field of environmental protection are a warning, a financial fine, and the confiscation of property (for example, the gear), suspension of

rights. The administrative penalties apply only to citizens and officials. In relation to enterprises, institutions and organizations that commit administrative offenses, administrative measures are applied: suspension or interruption of the works of enterprises, workshops, units and other economic and technical facilities that regularly pollute OPS (the environment) with wastewater and air emissions; prohibition of the use of some machines, mechanisms, devices that are sources of pollution, noise, vibration, radiation above acceptable standards, etc. Some administrative measures may apply to citizens. Measures of administrative influence and penalties in the field of environmental protection are applied by relevant officials or state bodies, or according to decisions of administrative commissions at local government bodies on the basis of protocols or acts on committed offenses drawn up by state or public inspectors for nature protection [4].

Employers and officials who are guilty of violating legislation and other regulations on labor protection, failing to fulfill obligations established by collective agreements or regulations on the occupational protection, or interfering with the activities of state supervision representatives and control, as well as public control, are brought to legal responsibility in the procedure established by the legislation of the Russian Federation and the legislation of the constituent entities of the Russian Federation.

In cases when the production activities of enterprises or their structural subdivisions are life-threatening for workers and citizens, their activities may be suspended by order of state supervision officials and control bodies, and the decision to close these enterprises is made by state supervision and control bodies. The decision of state control and supervision bodies to close the enterprise may be appealed in court.

Environmental authorities, including local ones, have the necessary powers, in particular, to impose bans on construction, reconstruction or expansion of industrial and other facilities, and work on the exploitation of natural resources that are carried out in violation of environmental legislation; suspend the work of enterprises that directly violate the norms and rules of environmental protection; sue enterprises and citizens for compensation caused to the environment by pollution and the irrational use of natural resources.

Finally, it is necessary to single out such an institute of environmental supervisory activity in the Russian Federation as the State Service for Monitoring and Control of the Level of Pollution of the Atmosphere and the Natural Environment - OGSNK, which is a part of the Russian Committee on Hydrometeorology. This entity of environmental activities, in accordance with the legislation on the protection of atmospheric air within the Russian Federation, monitors the state of the atmosphere. The work of OGSNK is based on the complexity of chemical composition observations of the atmosphere, meteorological parameters and harmful emissions into the atmosphere. Observations of atmospheric pollution are carried out at stationary, route and mobile (flare plume) sites. A number of issues related to the state of the environment are controlled by the State Committee for Sanitary and Epidemiological Surveillance (Gossannadzor of the Russian Federation) [2].

In conclusion, it should be noted that the analysis of the activities of environmental protection entities showed that a moratorium on inspections of small businesses in Russia led to a decrease in planned inspections, but did not significantly reduce their total number, and there was no significant improvement in the environmental situation. As solutions, it is proposed to change the procedure for applying penalties, issuing orders to terminate activities that are contrary to the environmental requirements, and introduce an environmental management system.

References

- [1] Daminov O A 2004 On the activities of the Volga Interregional and Kazan Interdistrict Environmental Prosecutor's Offices. *Ecological consulting* **1**(13) 37
- [2] Kirichenko S G 2003 *Prosecutor's supervision over compliance with environmental legislation* (Ekaterinburg) p 20
- [3] Who and how "protected the nature" in the USSR Available from: <https://history.wikireading.ru/62602>

- [4] Kurilova E V 2014 *Legal and organizational basis of the prosecutor's supervision over the implementation of legislation on administrative responsibility in the environmental field* (Moscow) p 39
- [5] Lerner A P 2015 State environmental supervision. Problems and solutions. *Electronic newsletter of the Rostov Social and Economic Institute* **3-4 (Jul-Dec)** 773