

Научная статья

УДК 341

DOI 10.33184/vest-law-bsu-2022.13.8

Mukhametgareeva Natalya Mikhailovna¹, Yusupova Zylia Anasovna^{1, 2}

¹Bashkir State University, Ufa, Russia

¹nmch77@mail.ru;

²zilya_iousupova@mail.ru

THE DEVELOPMENT OF ENVIRONMENTAL COOPERATION BETWEEN THE RUSSIAN FEDERATION AND THE EUROPEAN UNION BASED ON THE PARTNERSHIP AND COOPERATION AGREEMENT AND THE ROAD MAP ON THE COMMON ECONOMIC SPACE

Abstract. The Russian Federation and the European Union have urgent environmental issues that can be solved only by joint efforts. Russia actively works in cooperation with individual European countries and the European Union in this regard. The partnership between Russia and the European Union in the sphere of ecology is supported by the Partnership and Cooperation Agreement and the Road Map on the common economic space. The completion of such a treaty is very significant not only for the under question countries but for the whole continent.

Keywords: environmental protection, European Union, Russian Federation, colabotation, Partnership and Cooperation Agreement, Road Map, common economic space

For citation: Mukhametgareeva N.M., Yusupova Z.A. The Development of Environmental Cooperation between the Russian Federation and the European Union Based on the Partnership and Cooperation Agreement and the Road Map on the Common Economic Space. *Vestnik Instituta prava Bashkirskogo gosudarstvennogo universiteta = Bulletin of the Institute of Law of the Bashkir State Uversity*, 2022, no. 1, pp. 55–61. DOI 10.33184/vest-law-bsu-2022.13.8.

Мухаметгареева Наталья Михайловна¹, Юсупова Зиля Анасовна^{1, 2}

¹Башкирский государственный университет, Уфа, Россия

¹nmch77@mail.ru

²zilya_iousupova@mail.ru

ЭКОЛОГИЧЕСКОЕ СОТРУДНИЧЕСТВО РОССИИ И ЕВРОПЕЙСКОГО СОЮЗА НА ОСНОВЕ СОГЛАШЕНИЯ О СОТРУДНИЧЕСТВЕ И ПАРТНЕРСТВЕ И ДОРОЖНОЙ КАРТЫ ПО ОБЩЕМУ ЭКОНОМИЧЕСКОМУ ПРОСТРАНСТВУ

Аннотация. У Российской Федерации и Европейского союза есть настоящие экологические проблемы, решить которые можно только совместными усилиями. Россия активно работает в этом направлении, взаимодействуя как с отдельными европейскими странами, так и с Евросоюзом в целом. Партнерство России и Европейского союза в сфере экологии подкреплено Соглашением о партнерстве и сотрудничестве и дорожной картой по единому экономическому пространству. Заключение такого договора имеет большое значение не только для рассматриваемых стран, но и для всего континента.

Ключевые слова: охрана окружающей среды, Европейский союз, Российская Федерация, сотрудничество, Соглашение о партнерстве и сотрудничестве, дорожная карта

Для цитирования: Мухаметгареева Н.М. Экологическое сотрудничество России и Европейского союза на основе соглашения о сотрудничестве и партнерстве и дорожной карты по общему экономическому пространству / Н.М. Мухаметгареева, З.А. Юсупова // Вестник Института права Башкирского государственного университета. – 2021. – № 2. – С. 55–61. DOI 10.33184/vest-law-bsu-2022.13.8.

As we mentioned later both Russia and the European Union face urgent environmental issues. These issues are transboundary and can be solved or even smoothed away only by joint efforts, it is also «necessary to analyse the present methods and mechanisms of legal regulation in this area, to combine forces and to work on systematizing the instruments and methods of environmental policy» [1, с. 94]. The Russian Federation is working actively in cooperation with individual European countries and the Union in this regard. Nowadays the cooperation between Russia and the European Union in this field is regulated by the Partnership and Cooperation Agreement.

The Agreement was signed on June 24, 1996¹. The Russian Federation ratified it at the end of 1996. The document came into effect a year later (December 1, 1997) after it was ratified by the European Parliament and by parliaments of member countries.

The Agreement is international by its structure. It was concluded for a term of 10 years. And after this term the document is extended by default annually and will be extended until one of parties declares its denouncement.

It needs to mention that the European Union concluded such agreements with all new independent states of a former Soviet Union excepting Tajikistan. The contents of these documents are completely the same and it allows making a conclusion that the Agreement under question is a kind of «standard treaty». Meanwhile, the conclusion of such documents does not diminish the need of this Partnership and Cooperation Agreement for development of bilateral relationships and of cooperation between subjects of international law that are parties to this document.

On the other hand, the Agreement is a framework document. Specific agreements of bilateral cooperation should be concluded on its basis. For example, in 2002 on the basis of the Partnership and Cooperation Agreement the Agreement for the Trade of some steel products was signed by the Russian Federation and the Community. According to the Declaration 2 of considered document parties recognize that a comparability their legislations in environmental protection is an important condition for trade development.

The Partnership and Cooperation Agreement establishes the basis for relationships between parties. According to E.V. Matveeva opinion «there have never been agreements between Russia and the European Union at such high level» [2, c. 313]. Thus, there are all background for extension of ecological cooperation between the Russian Federation and the European Union. We think that such cooperation should be based on special bilateral agreements in the environment protection field to a development of the Partnership and Cooperation Agreement regulating relationships between the Community and Russia in present time. The conclusion of such agreement will be very important not only for parties but also, considering an extensiveness of operation of such treaty, for the whole continent.

In addition to the Partnership and Cooperation Agreement relationships between Russia and the European Union in the environment protection field are

¹ Соглашение о сотрудничестве и партнерстве, учреждающее партнерство между Российской Федерацией, с одной стороны, и Европейскими сообществами и их государствами-членами, с другой стороны, от 25 ноября 1996 г. № 135-ФЗ // Бюллетень международных договоров. 1998. № 8. С. 3–74.

built on the basis of «Road Maps» of four common spaces accepted at the summit of Russia and the European Union in 2005¹.

In particular, «Road Map» on common economical space provides the following directions of cooperation in the environment protection field:

- the field of assistance for application of the United Nations Framework Convention on Climate Change and for execution of the Kyoto Protocol and its flexible mechanism in the form of expert consultations;

- the application of cleaner production policies and using of technologies that conserve natural resources;

- the field of conservation of biological diversity including creating of protected natural areas systems in accordance with the Biodiversity Convention;

- the field of water policy taking into account gathered experience of Russia and the European Union; in the field of transboundary river basins;

- the field of protection, conservation and sustainable use of a marine environment taking into account the European Marine Strategy including in terms of its regional development and application, and also provisions of the environment protection of the Marine Doctrine of the Russian Federation. Special focus should be placed on a fulfillment of obligations within relevant global and regional conventions such as the United Nations Convention on the Law of the Sea² and the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (Helsinki Convention)³ including the use of existing and possible further development of effective cooperative mechanisms to prevent and to obviate negative ecological situations;

- improving an effectiveness of the use of water, forest and other natural resources;

- reducing the risks of emergencies and reducing environment pollution effects, especially seas and inland waters, based on useful experience and information from relevant international and regional forums;

¹ «Дорожные карты» по четырем общим пространствам [Электронный ресурс] // Постоянное представительство Российской Федерации при Европейском союзе : сайт. URL: https://russiaeu.ru/userfiles/file/road_map_on_the_common_economic_space_2005_russian.pdf (дата обращения: 15.012.2021).

² United Nations Convention on the Law of the Sea пространствам [Электронный ресурс] // Организация Объединенных Наций : сайт. URL: https://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm (дата обращения: 15.012.2021).

³ Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (Helsinki Convention) пространствам [Электронный ресурс]. URL: helcom.fi/media/publishingimages/Helsinki-Convention_July-2014.pdf (дата обращения: 15.012.2021).

- supporting efforts to meet requirements of the Convention on Environmental Impact Assessment in a Transboundary Context of the United Nations Economic Commission for Europe;
- to struggle against illegal forest and wood harvesting and related trade, in particular by further development of reliable and cost-effective systems to monitor and verify the legality of round wood and wooden goods origin;
- an approximation of laws in the environment protection field towards higher standards, especially in the energy sector;
- to promote using of economical facilities to reduce a negative impact on the environment;
- in the field of conservation of the forest fund especially to prevent and struggle against forest fires;
- in the field of ecological information exchange and education.

For further effective cooperation between the Russian Federation and the European Union in the field of environment protection and solving global ecological issues it is necessary to harmonize a domestic legislation. And there are some steps in this direction.

Primarily the transformation of European standards into national legislation affected an implementation of requirements waste utilization by environmentally sound way. So in 2013 a draft of Federal law № 584399-5 «On amendments being made to the Federal law "On production and consumption wastes" and other legislative acts of the Russian Federation in terms of economic stimulation of activities in the field of waste management»¹, was approved in the second reading, but unfortunately it has not yet been accepted. According to this draft manufacturers and importers of goods after loss of their consumer properties will be obliged to ensure their use and utilization in environmentally sound way.

In accordance with the Federal Law of 28.07.2012 «On Amendments to the Federal Law «On production and consumption wastes» and article 51 of the Fiscal Code of the Russian Federation» in order to ensure ecological safety an obligation to pay a disposal charge is assigned to importers and manufacturers of vehicles.

Another novelty of Russian legislation based on the best practices of the European Union can be considered an integration provisions about the best available technologies and about complex ecological permits into domestic legislation. These novelties were introduced by the Federation Law of 21.07.2014

¹ О внесении изменений в Федеральный закон «Об отходах производства и потребления» и статью 51 Бюджетного кодекса Российской Федерации : федер. закон от 28.07.2012 № 128-ФЗ [Электронный ресурс] // Доступ из справ.-правовой системы «КонсультантПлюс». URL: http://www.consultant.ru/document/cons_doc_LAW_133273/3d0cac60971a511280cbba229d9b6329c07731f7/ (дата обращения: 15.012.2021).

«On Amendments to the Federal Law "On Protection of Environment" and separate legislative acts of the Russian Federation»¹. Changes relate to system of standardization of environment impact, types and handling procedures of permitting documentation, production environmental control.

On November, 18, 2009 during the summit Russia – the European Union that took place in Stockholm «The Partnership for Modernisation initiative» was put forward as one of the main vectors of deepening the strategic nature of relations between two subjects of the international law.

The goal of the Partnership is to assist in solving the problems of modernizing the Russian economy and adapting the entire range of relations between Russia and the European Union accordingly, taking into account the experience of existing dialogue mechanisms.

At the summit in Rostov-on-Don in June 2010, the leaders of Russia and the European Union launch new «Partnership for Modernisation»². The document sets priorities for cooperation, which include support for international negotiations on action against climate changing.

Based on the analysis of existing formats of cooperation with European partners, it was determined that the «Partnership for Modernisation» should build on existing achievements within the framework of the formation of four common Russia-European Union spaces, but not replace the existing «road maps» and not be a matter for creating of new structural top-outs. Sectoral dialogues were recognized as the main mechanisms for implementing the initiative.

The corresponding memorandums of understanding were signed by Vnesheconombank and the European Bank for Reconstruction and Development and Vnesheconombank and the European Investment Bank in order to form financial mechanisms of interaction within the framework of the «Partnership for Modernisation». The documents provide for the possibility of allocating up to 2 billion dollars in total to finance projects within the framework of the Partnership, provided that they meet the criteria of financial institutions and are approved by authorized agency of administration of the parties. The environmental protection is chosen among others as priority directions of financing.

¹ О внесении изменений в Федеральный закон «Об охране окружающей среды» и отдельные законодательные акты Российской Федерации : федер. закон от 21.07.2014 № 219-ФЗ [Электронный ресурс] // Доступ из справ.-правовой системы «КонсультантПлюс». URL: http://www.consultant.ru/document/cons_doc_LAW_165823/ (дата обращения: 15.012.2021).

² EU – Russia Partnership for Modernisation [Электронный ресурс] // European commission : сайт: URL: https://ec.europa.eu/commission/presscorner/detail/en/IP_10_649 (дата обращения: 15.012.2021).

References

1. Ibatullina N.S. On the Question of Youth Participation in the Urban Environmental Protection. *Vestnik Instituta prava Bashkirskogo gosudarstvennogo universiteta = Bulletin of the Institute of Law of the Bashkir State University*, 2021, no. 4 (12), pp. 93–100.
2. Matveeva E.V. Environmental policy of the European Union. *Vestnik Nizhegorodskogo universiteta imeni N.I. Lobachevskogo = Vestnik of Lobachevsky University of Nizhni Novgorod*, 2009, no. 6, pp. 311–316. (In Russian).

Список использованной литературы

1. Ibatullina N.S. On the Question of Youth Participation in the Urban Environmental Protection / N.S. Ibatullina // Вестник Института права Башкирского государственного университета. – 2021. – № 4 (12). С. 93–100.
2. Матвеева Е.В. Экологическая политика Евросоюза / Е.В. Матвеева // Вестник Нижегородского ун-та им. Н.И. Лобачевского. – 2009. – № 6. – С. 311–316.

Информация об авторах

Мухаметгареева Наталья Михайловна – кандидат филологических наук, старший преподаватель кафедры международного права и международных отношений Института права Башкирского государственного университета;

Юсупова Зилия Анасовна – кандидат филологических наук, доцент кафедры международного права и международных отношений Института права Башкирского государственного университета

Information about the Authors

Mukhametgareeva Natalya Mikhailovna – Candidate of Sciences (Philology), Assistant Professor of the Chair of International Law and International Relations, Bashkir State University;

Yusupova Zylia Anasovna – Candidate of Sciences (Philology), Associate Professor, Assistant Professor of the Chair of International Law and International Relations, Bashkir State University

Статья поступила в редакцию 16.02.2022; одобрена после рецензирования 03.03.2022; принята к публикации 04.03.2022.

The article was submitted 16.02.2022; approved after reviewing 03.03.2022; accepted for publication 04.03.2022.