

SCTMG 2020**International Scientific Conference «Social and Cultural Transformations in the Context of Modern Globalism»****RENEWABLE ENERGY IN RUSSIA: PROBLEMS AND PROSPECTS OF LEGAL REGULATION**

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Abstract

Active development of global economy and high population growth, accompanied by the increase in its needs, contribute to a significant increase in energy consumption. According to various experts, by 2030 the volume of energy requirements will increase by another 40% in comparison with the current situation. The relevance of the research is reasoned by the low level of development of renewable energy in the Russian Federation and the need to develop effective legal regulation of relations in this area. This is especially acute against the backdrop of the active use of renewable energy in the world. In this regard, this article is devoted to the identification of legal regulators that could contribute to the active development of renewable energy in Russia. The leading approach to the study of this problem is the analysis of regulatory acts in the field of renewable energy in Russia and in the world in order to identify shortcomings and gain best practices in the legal regulation of the use of renewable energy sources. The conducted analysis allows substantiating a number of proposals for the improvement of the current legislation of the Russian Federation: it is necessary to adopt a law on renewable energy, to fix at the legislative level the terms and definitions related to renewable energy, it is necessary to adopt positively proven mechanisms of financial and legal regulation in the EU countries of renewable energy sources (feed-in-tariff, feed-in-premium and green certificates) in the Russian legislation.

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1. Introduction

One of the directions of the modern Russian national security policy is energy policy (national energy interests and priorities), the development of which generally determines the stability of national sovereignty and the integrity of the state, guarantees the development of socio-economic sphere, and well-being of the population. Over the next ten years, a choice in the energy sector must be made, due to which the problem of new capacities commissioning will be solved - through the construction of power plants based on fossil and nuclear fuels or through the efficient use of renewable energy sources (Kutafin, 2017).

The issues of the development of renewable energy, environmental management in the energy sector of Russia was studied by many scientists, including Chaisse (2016), Bellantuono (2017), Chang (2015). The issues of increasing energy efficiency and energy conservation are considered in the framework of energy legislation (Romanova, 2015). However, despite theoretical and applied research substantiating the need for the speediest introduction of renewable energy into the Russian economy, legal regulation in this area is far from perfect.

2. Problem Statement

It is necessary to identify legal regulators that could contribute to the active commissioning of renewable energy sources in the economy of the Russian Federation on the basis of the analysis of legislation, scientific works, including foreign ones, and propose options for the improvement of legislation.

3. Research Questions

The subject of the study was the norms of the current legislation of the Russian Federation, the EAEU and CIS countries, other countries in the field of state-legal regulation of renewable energy.

4. Purpose of the Study

The purpose of the research is to study the legal problems of the development of renewable energy in the Russian Federation and to develop proposals for their solution.

5. Research Methods

The analysis of international legislation, regulations of countries with a high level of use of renewable energy sources and the regulatory framework of the Russian Federation, as well as the legal experience of the European Union (Kruger, 2016; Sacker, 2010) on the introduction of renewable energy allow identifying legal norms that are necessary to stimulate the development of renewable energy in Russia. The data obtained allowed identifying gaps in legal regulation in the field of the use of renewable energy sources. They were summarized and laid the basis for the development of proposals for the improvement of the legislation of the Russian Federation in the field of development of renewable energy.

6. Findings

The Russian legislator does not propose the definition of renewable energy sources and only gives a list of their types. Thus, in Article 3 of the Federal Law of the Russian Federation “On Electric Power Industry” dated March 26, 2003 No. 35-FL, renewable energy refers to the energy of the sun, wind, and water (including wastewater), with the exception of cases when such energy is used for hydro-accumulative power stations, tidal energy, wave energy of water bodies, including water bodies, rivers, seas, oceans, geothermal energy using natural underground coolants, low-potential thermal energy of the earth, air, water using special heat transfer media, biomass, which includes plants specially grown for energy, including trees, as well as production and consumption waste, excluding waste obtained in the process of using hydrocarbon raw materials and fuel, biogas, gas released by production and consumption waste landfills of such waste, gas generated in coal mining.

This legally proposed definition of renewable energy sources includes a closed listing of the types of corresponding energy and, based on the meaning of the norm, does not imply an expanded interpretation. Accordingly, the types of energy not included in this list cannot be recognized as renewable. However, this limits the scope of research in the search and development of other renewable energy sources. Two options for the improvement of this legal norm should be proposed. Firstly, it is possible to make the fixed list of renewable energy sources open by the addition of the following phrase “... and some others”. Secondly, it is possible to indicate the criteria, guided by which it will be possible to attribute energy sources to renewable. In the National Standard of the Russian Federation “Energy Supply. Terms and definitions” renewable fuel and energy resources are understood as natural energy carriers, constantly replenished as a result of natural processes.

Thus, the following definition of renewable energy sources should be enshrined in law: “these are natural energy carriers that are constantly replenished as a result of natural processes, which include: solar, wind, water energy (including wastewater energy), except when such energy is used at hydro-accumulative power plants, tidal energy, wave energy of water bodies, including water bodies, rivers, seas, oceans, geothermal energy using natural subzones bulk heat carriers, low-potential heat energy of the earth, air, water using special heat carriers, biomass, including plants specially grown for energy production, including trees, as well as production and consumption wastes, with the exception of waste obtained in the process of using hydrocarbon raw materials and fuel, biogas, gas emitted from production and consumption waste in landfills of such waste, gas generated from coal mining and some others”.

One of the main mechanisms to support the development of renewable electric energy sources in the European Union is the application of a preferential price (tariff) for electric energy generated using renewable sources. The preferential price (tariff) is set by the state and is determined normatively on the basis of competitive procedures. The following types of preferential tariff are distinguished:

- fixed tariff FiT (feed-in-tariff), used mainly in relation to small-scale energy facilities;
- preferential tariff FiP (feed-in-premium), which depends on market prices and is used mainly in relation to large-scale energy facilities (Akhmedov, 2018).

Along with such a support mechanism as “green tariff”, “green certificates” are quite popular in the European Union. They are documents that allow taking into account and monitoring the production

and consumption of electricity from renewable sources. The producers of such energy receive special “green certificates” confirming that they have produced and sold a certain amount of renewable energy on the market. The number of issued certificates is related to the amount of energy produced, but usually they are equal to 1 MW per hour. Green certificates are being traded in special markets. The Russian Federation should consider this positive experience and implement it on its territory.

The experience of EAEU and CIS countries is of particular interest in the legal regulation of this area. The Decision of the Council of Heads of States of CIS “On the Role of the Inter-Parliamentary Assembly of CIS Member States in the Development of Inter-Regional Cooperation of CIS Member States”, adopted in Minsk in 2014, emphasized the need to introduce environmental innovations, alternative technologies and energy sources for environmental safety. In 2013, the Concept of Cooperation between CIS Member States in the field of the use of renewable energy sources was adopted in St. Petersburg, which was aimed at the expansion of interstate cooperation in the field of using renewable energy sources and further development of their application.

CIS countries adopted the Model Law on the Use of Alternative Types of Motor Fuel, in which, along with alternative types of motor fuel (compressed or liquefied natural gas, consisting of at least 85 % methane, liquefied petroleum gas and some other types energy raw materials obtained as a result of processing of non-traditional sources and types of energy raw materials, which have undergone special processing and meeting the requirements of engine fuel in their energy and environmental characteristics) and unconventional sources of energy commodities (all, except oil, sources of raw materials, including the raw materials of vegetable origin, solid combustibles biogas suitable and economically feasible to produce motor fuels) are also determined.

Almost all CIS member states are taking active steps to develop energy efficiency, energy conservation and the use of renewable energy based on modernization, technological development and the transition to the rational use of energy resources. Since 2010, the Law on Renewable Energy Sources has been in force in the Republic of Belarus. The Law of the Republic of Tajikistan “On the Use of Renewable Energy Sources” of 2010 regulates the legal relations arising between government bodies, individuals and legal entities in the field of priority and efficient use of renewable energy sources and determines the legal and economic foundations that ensure the increase in the level of energy saving and the decrease in the level of anthropogenic impact on the environment and climate, saving and preserving non-renewable energy sources for future generations.

Small hydropower is developing successfully and rapidly in the Republic of Armenia due to the state policy pursued, which is based on the Law on Renewable Energy and Energy Saving. The Republic of Kazakhstan adopted Law dated July 4, 2009 No. 165-IV “On Supporting the Use of Renewable Energy Sources” and regulatory legal acts regulating the renewable energy market. The Kyrgyz Republic also adopted Law No. 283 of December 31, 2008, “On Renewable Energy Sources”.

The Russian Federation does not have a law on renewable energy sources, but scattered legal acts of various legal force regulating the introduction and use of renewable energy facilities are adopted. Accordingly, there is no single strategy for the development of renewable energy in the country. Analyzing the development of renewable energy in countries where their share is quite high, it should be concluded that it is necessary to adopt a unified law “On renewable energy in the Russian Federation”. In

this law, it is advisable to establish basic terms and concepts, to determine the powers of regulating bodies in the field of the regulation of relations on the development and use of renewable energy sources. State incentives and support for the development and use of new technologies aimed at the development of renewable energy sources, the use of renewable energy sources in households and industry should be provided. This support is possible also in the form of subsidies, soft loans, etc. The development of leasing agreements of developing enterprises with suppliers of equipment for renewable energy sources should also be consolidated. This will be an incentive for the development of both enterprises producing environmental equipment and enterprises introducing effective, affordable environmental technologies into their production.

On the 15th of April, 2014, the Government of the Russian Federation approved the program “Energy Efficiency and Energy Development”, which aims to provide the country with fuel and energy resources, increase the efficiency of its use and reduce the anthropogenic impact of the fuel and energy complex on the environment. As a part of this program, the subprogram “Development of the use of renewable energy sources” is adopted. Unfortunately, among the tasks defined by the goal of the program, there is no task for the development of renewable energy sources, and one of the tasks of the program is only to promote the innovative development of the fuel and energy complex. Relevant gaps can be found in the target indicators and indicators of the Program and in the expected results of its implementation. Taking into account the need to introduce renewable energy sources into the economic development mechanism of our country, the absence of such a task and targets seems strange.

Taking into account that the first stage of the Program implementation is defined until 2020, in the future version of the Program for the second period of its implementation it seems necessary to revise the tasks and make the following changes: “To add in the Passport of the state program “Energy Efficiency and Energy Development” the following phrase “the development of use of renewable energy sources”, in the part of the Target indicators and indicators of the Program the phrase “obtaining electricity from renewable energy sources”.

7. Conclusion

As a result of the research, the gaps in the legal regulation of the use of renewable energy sources in the energy system of the Russian Federation were identified. The analysis of the legislation of countries actively developing renewable energy, comparing it with the legislation of Russia allowed formulating proposals for the improvement of the legal standards governing the development and efficient use of renewable energy in the country.

We believe that in order to further develop relations in the field of the development of renewable energy sources, it is advisable to develop and adopt a special law on renewable energy at the federal level. It is advisable to establish the basic terms and concepts (including the term renewable energy sources) in the law, determine the powers of management bodies in the field of the regulation of relations on the use of renewable energy sources, and also establish incentive measures for the development and use of new technologies at the level of the law aimed at the development of renewable energy sources.

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