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CORPORATIONS' RESPONSIBILITY LEGAL REGULATION FOR ENERGY EFFICIENCY AND LAND PROTECTION

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Abstract

The complex application of the norms of international and national sectoral legislation, as well as special legislation in the field of energy efficiency and energy conservation obliges to make not only a number of legal conclusions, but also to take real actions in the economy and technology aimed at the implementation of the relevant norms. According to the legal analysis it follows that in addition to the previously existing types of legal responsibility, a new type of corporate social responsibility (CSR) is becoming widespread in the international and domestic practice. CSR is a type of legal responsibility arising in the light of international and national principles of law, regulatory and local regulation, trends in the social direction of the development of legislation and its application. Legal responsibility, including corporate, stimulates the use of achievements of scientific and technological progress and rationalization of resource and energy consumption. Land resources are the most valuable ones due to their natural limitations. The electrical power system, which includes the production and transmission of electricity, is one of the most important resources as well. The electrical power system is experiencing constantly increasing loads due to intensive infrastructure development and the demand for additional capacity. Comprehensive and consistent application of the legislation and stimulation measures and legal responsibility provided by it encourages the search for reserves to preserve and improve the environment, enhance living conditions and health of citizens.

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Keywords: Corporate social responsibility (CSR), energy efficiency, land resources, stimulating function of law.



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1. Introduction

Legal support of corporate social responsibility is contained in the form of separate norms in the legislation of various levels and various industry affiliations. The fundamental legal source that has laid the potential for the formation and development of CSR is the Constitution of the Russian Federation. So, the norm of part 1 of article 7 guarantees that the Russian Federation is a social state that creates conditions that ensure a decent life and free development of a person. This norm is further developed sequentially, namely, in part 3 of Article 7 of the Constitution of the Russian Federation: “Voluntary social insurance, the creation of additional forms of social security and charity are encouraged”.

The constitutional delimitation of government level competence sphere relates to the jurisdiction of the Russian Federation, among other things, regulating the principles of federal policy, formation of federal programs in the field of state, economic, environmental, social, cultural and national development of the Russian Federation. The joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation includes coordination of health issues; family, motherhood, fatherhood and childhood protection; social protection issues, including social security.

The starting materials of the study are discovery of superconductivity at normal (room) temperatures, a patent for it was obtained at Rospatent (Official site of Federal Institute of Industrial Property, n. d., Certificate of Rospatent No. 2551421); application of achievements in the field of studying legal regulation of corporate relations; application of conclusions about the current state and development trends of CSR (Official site of the Russian Union of Industrialists and Entrepreneurs, 2019); taking into account the specifics of the current Russian land and environmental, as well as environmental legislation. An integrated approach to this interdisciplinary material through the use of inductive and deductive methods allows us to calculate the economic feasibility of introducing innovative technological achievements, subject to regulatory support.

2. Problem Statement

This article deals with the most acute issues of solving corporate social responsibility problems at the junction of land and energy relations, namely, it is proposed, through the introduction of the latest technologies, to solve the problems of increasing energy efficiency while improving the living space of people and increasing the efficiency of land use. In view of the foregoing, it is necessary to bring the legal regulation of all areas of the legal relationship in strict accordance with constitutional principles. First of all, this concerns the human environment. With the exhaustion of all possibilities, we see opening of new horizons through development, on the one hand, of new social technologies and, on the other hand, energy-saving ones.

3. Research Questions

- 3.1. Energy efficiency and energy saving are an important part of a sustainable development strategy and corporate social responsibility. It is necessary to take into account the previously not perceived in this regard, a new substantial element - the combination of land and environmental relations.

- 3.2. The legislation on CSR covers all the elements of legal responsibility and aims to streamline the regulatory support of the activities of economic entities, stimulate its improvement and increase efficiency.
- 3.3. The comprehensive application of legislation in accordance with the principles of CSR in the context of the possibilities of scientific and technological progress is a legal source of stimulating innovative approaches to energy saving and energy efficiency, rational use of energy and land resources, a reserve for improving the environment, contributes to improving living conditions and protecting health of citizens.

4. Purpose of the Study

The main purpose of this study is to create an interdisciplinary team of specialists, who can carry out a search in the fields of physics, economics and law, which revealed the existence of superconductivity from the introduction of the invention under normal conditions, confirmed by the Patent of Rospatent a) of the economic effect; b) legal guarantees and implementation opportunities; c) environmental conservation effect in the field of energy conservation and energy efficiency. The research allowed to formulate the mechanisms for introducing the invention by stimulating the component of socially responsible corporate activities in the field of improving protection of public health, energy conservation, energy efficiency and land conservation.

5. Research Methods

5.1. Sources of Russian law governing activities in the field of extraction of energy resources, their processing, transformation and transfer of energy and energy conservation, CSR companies in the energy sector

Considering constitutional presumption of the priority of generally recognized principles and norms of international law and international treaties of the Russian Federation, they together constitute an integral part of its legal system. In the field of legal support of energy relations, a foreign element is increasingly present. Therefore, energy legislation is constantly updated in accordance with changing foreign and international legislation. The relevant international acts containing CSR norms should be taken into account, in particular, the Treaty on the Eurasian Economic Union (The United Nations official site, n. d.), the BRICS Economic Partnership Strategy (Official site of the President of Russia, n. d.).

5.2. Regulation at the level of federal legislation

At the level of federal legislation, the regulation of CSR, including in the energy sector, is contained in the laws corresponding to the relevant types of social responsibility. CSR in relation to workers is determined by the totality of labor law, and, above all, the codified federal law – the Labor Code (Labour Code of the Russian Federation, 2001). With regard to management – civil and labor law. In relation to investors – corporate and investment legislation. In respect of contractors – civil law and

competition law, in relation to the protection of host territories (mining, processing and production) - land and environmental laws.

In general, the legal support of CSR in the energy sector is built on the general principles of the Russian legal system, which applies to all types of economic activity, ownership, and the origin of capital. However, there are features of legal regulation, namely, there is increased attention to issues of energy conservation and energy efficiency from the standpoint of CSR regulation. Thus, the improvement of this area is not only regulated by the special Federal Law of 23.11.2009 N 261 “On Energy Saving and on Improving Energy Efficiency and on Amending Certain Legislative Acts of the Russian Federation” (Federal Law, 2009), but is also supported by the relevant supporting norms in a number of federal laws. Responsibility for non-compliance with the norms of the legislation on CSR in the field of energy, their violation, neglect of their implementation is provided for by blank, i.e. reference norms contained in administrative and criminal legislation.

5.3. Regulatory Level

The implementation of social guarantees, a unified state policy in the field of science and ecology in the Russian Federation is entrusted to the Government of the Russian Federation, therefore, a significant array of regulation in these areas is carried out by the highest executive authority. Other executive bodies also regulate within their competence, for example, the Ministry of Finance forms requirements for reporting on the implementation of CSR, the Ministry of Labor – in the field of standardization of professional competencies and other regulatory acts of ministries and departments.

5.4. Local regulation

The local regulatory framework for CSR in the energy sector in the Russian Federation is at the level of the most modern world standards. An example is the oil and gas sector, in particular, in the subsidiaries of PJSC “Gazprom Neft” and PJSC “Gazprom” are posted on the websites of companies for general familiarization and there are codes of corporate social responsibility. They are developed individually in relation to the features of each company. Nevertheless, in any of these companies, the set and scope of corporate social obligations meets all the requirements for regulatory acts of this kind. Also, in the field of sustainable development, control is carried out, reports are compiled, posted on websites and available for review.

5.5. Application of CSR standards in the energy sector

Given the foregoing, it is advisable to assess the degree of binding and (or) recommendatory standards of CSR. The principles and norms of CSR, interpreted as the continuation and development of the norms of Constitutional law, that is, norms based on the Constitution of the Russian Federation, have direct and immediate effect and are binding. The norms of international law, as well as the laws of the host countries of energy companies, in particular Directive N 2014/35/EU of the European Parliament and the Council of the European Union (Directive N 2014/35/EU, 2014), are legally binding in the relevant legal relations. At present, the EU sanctions legislation is applied to Russian companies, which by its

right nature has signs of restriction and undermines the notion of European law as an exemplary normative provision for the equality of all participants and the unity of law enforcement.

Energy efficiency and energy saving as a subject of legal protection are based on international environmental law and a system of international and national environmental legislation, which has an imperative character. The array of legislation governing legal relations in the energy sector is dominated by public law, directive influence on energy corporations. However, an alternative movement is being formed in the direction of preventive regulation by means of CSR.

5.6. Legal instruments for regulating socially responsible activities of corporations in the field of protecting the health of citizens and the use of land resources in the energy sector

The use of exclusively industry-specific tools to stimulate energy efficiency without taking into account the current state of interdisciplinary achievements has practically exhausted itself. Achieving real results requires knowledge of real technological capabilities and the ability to use them with regulatory methods. An example is the systematic underutilization of inventions that have received patent protection and are available on the Rospatent website in the public domain for all persons interested in industrial innovations.

The legal regime of territories located in the zone of overhead high-voltage lines (OHL) is regulated by the new Rules for establishing protection zones of electric grid facilities and special conditions for the use of land located within such zones (Rules, 2009). The need for the availability and implementation of the Rules for establishing protection zones is due to the harmful effects of the electromagnetic field on human health. So, an increased risk of a change in the functional state of the nervous, cardiovascular, neurohormonal and endocrine systems, metabolic disorders, as well as immunity and reproductive function of people living near power lines and transformer substations has been established. Therefore, they believe: the farther from the sources of the electromagnetic field a residential building is located, the better. Needless to say, the side effects of electromagnetic waves on the accuracy of measuring instruments and other mechanisms and devices. In view of the foregoing, the existence of such zones where construction is strictly prohibited is justified. The question arises of the legal fate of land located in the protected areas of the OHL. In accordance with the specified Rules, owners or users of land located in the protected areas of the OHL. However, due to the harmful effects of overhead lines, objectively there are restrictions. It is important to note that in accordance with the Rules, the areas on which the overhead lines are located can be used subject to restrictions (burdens). For overhead high-voltage power lines, sanitary protection zones are installed on both sides of the extreme wires projection onto the ground. These zones determine the minimum distances to the nearest residential, industrial and non-industrial buildings and structures: 2 m - for overhead lines below 1 kW, 10 m - for OHL of 1-20 kW; 15 m - for OHL 35 kW; 20 m - for OHL 110 kW; 25 m - for OHL 150-220 kW; 30 m - for OHL 330 kW, 400 kW, 500 kW; 40 m - for OHL 750 kW; 55 m - for OHL 1150 kW; 100 m - for OHL through water bodies (rivers, canals, lakes, etc.). A verbatim understanding of the norms of Decree of the Russian Federation Government from February 24, 2009 No. 160 "On the procedure for establishing protection zones of electric grid facilities and special conditions for the use of land plots located within the boundaries of such zones" allows you to set the boundaries of the protective zones of electric grid

facilities with a design rated voltage class 1 kW - 2 m for lines with self-supporting or insulated wires laid along the walls of buildings, structures, etc. (Decree of the Government of the Russian Federation, 2009). The security zone is determined by established regulatory legal acts that determine the minimum allowable distances from such lines.

It should be noted that the passage of overhead lines through the territories of stadiums, educational and children's institutions is completely unacceptable. Minimum distances of at least 20 m from the extreme wires of the overhead lines up to 20 kW to the boundaries of household plots, individual houses and collective garden plots have been established. As a rule, it is not allowed to pass overhead lines over buildings and structures, except for overhead lines over industrial buildings and structures of industrial enterprises of I-II degree of fire resistance in accordance with building codes and fire safety rules for buildings and structures with a roof made of non-combustible materials (for OHL 330- 750 kW only above the industrial buildings of electrical substations).

The establishment of protection zones does not remove land plots located in these protection zones from civilian traffic. The restrictions and burdens indicated in the documents-certificates and cadastral passports specified without fail can be completely eliminated by using the existing innovative energy transfer technology. Using the capabilities of protection against electromagnetic fields, which are a concomitant effect of power transmission by applying the open effect of superconductivity at normal (room) temperatures. Patent for invention obtained in Rospatent (Official site of Federal Institute of Industrial Property, n.d., Certificate of Rospatent No. 2551421 "An ideal conductor and method of its production"). This example shows the underutilized potential of introducing an innovation with energy-saving, environmental and social benefits.

6. Findings

It should be concluded that at the constitutional level in the Russian Federation, social responsibility is perceived inextricably linked with concern for human well-being in the integrated development of components: state, economic, environmental, social, cultural and national development. Such an understanding of the problems of closely interconnected land, energy and environmental relations is fully consistent with the comprehensive legal support of similar relations in the European Union.

Ensuring the implementation of the above measures to protect the life and health of the population is carried out through prohibitive norms and the establishment of sanctions for their non-compliance. Violation of the requirements of the "Rules for the Protection of Electric Networks with Voltage Above 1000 W", if it caused a break in the supply of electricity, may result in administrative liability, namely: individuals are punished with a fine in the amount of from 5 to 10 minimum monthly wages; legal entities are fined from 100 to 200 minimum monthly wages.

Thus, taking into account the existing technologies for the transmission of electricity, the state duly implements a set of measures to ensure the constitutional right of citizens to a favorable environment through regulation and monitoring its compliance.

7. Conclusion

As a result of an interdisciplinary study and the proposed formula for legal support for the use of the existing confirmed invention in the field of superconductivity in the operation of high-voltage electrically conductive equipment. Implemented by the forces of socially responsible corporate structures, the application of the superconductivity effect will allow you to extract resources: 1) increasing the safety of overhead high-voltage lines operation, as well as reducing their electromagnetic effects on environmental objects; 2) the conversion of protected areas into exploitable (specify in accordance with the legal regime); 3) the use of vacated land resources in the territorial proximity to the most popular land plots, near communications, i.e. highly profitable.

The results achieved in the course of this study suggest that there is a large and unexplored layer of inventions like this one that are ready to be used, which allow for a technological breakthrough and a qualitatively improved living environment, provided that coordinated actions of scientists and practitioners in the course of interdisciplinary studies implementation.

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References

- Decree of the Government of the Russian Federation. (2009). *On the procedure for establishing protection zones of electric grid facilities and special conditions for the use of land located within the boundaries of such zones*, № 160. Retrieved from ConsultantPlus Database [in Russ.].
- Directive 2014/35/EU. (2014). *On the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits*, of the European Parliament and of the Council of 26 February 2014. *Official Journal of European Union*, L 96/357, 357-374.
- Federal Law. (2009). *On Energy Saving and on Increasing Energy Efficiency and Amending Certain Legislative Acts of the Russian Federation*, from 23.11.2009 N 261-FZ. Retrieved from ConsultantPlus Database [in Russ.].
- Labour Code of the Russian Federation. (2001). Retrieved from ConsultantPlus Database [in Russ.].
- Official site of Federal Institute of Industrial Property. (n.d.). *Certificate of the Federal Service for Intellectual Property № 2551421 from 23 August 2013*. Retrieved from http://www1.fips.ru/registers-docview/fips_servlet?DB=RUPAT&DocNumber=2551421&TypeFile=html
- Official site of the President of Russia. (n.d.). *BRICS Economic Cooperation Strategy*. Retrieved from <http://static.kremlin.ru/media/events/files/ru/KT0SBHnIZjOpIuAj2AOXCnszNQA8u7HL.pdf>
- Official site of the Russian Union of Industrialists and Entrepreneurs. (2019). *Social Charter of Russian Business (adopted in 2004 by Congress of RUIE)*. Retrieved from <http://rspp.ru/simplepage/474>.
- Rules (2009). *Rules for the establishment of protected areas of electric grid facilities and special conditions for the use of land located within the boundaries of such zones*. Retrieved from ConsultantPlus Database [in Russ.].
- The United Nations official site. (n.d.). *Treaty on the Eurasian Economic Union*. Retrieved from https://www.un.org/en/ga/sixth/70/docs/treaty_on_eeu.pdf