

**A thesis submitted to the Department of Environmental Sciences and Policy of
Central European University in part fulfilment of the
Degree of Master of Science**

Application of Russian Administrative legislation in protecting Environment

Alexandra FROLOVA

July, 2015

Budapest

Notes on copyright and the ownership of intellectual property rights:

(1) Copyright in text of this thesis rests with the Author. Copies (by any process) either in full, or of extracts, may be made only in accordance with instructions given by the Author and lodged in the Central European University Library. Details may be obtained from the Librarian. This page must form part of any such copies made. Further copies (by any process) of copies made in accordance with such instructions may not be made without the permission (in writing) of the Author.

(2) The ownership of any intellectual property rights which may be described in this thesis is vested in the Central European University, subject to any prior agreement to the contrary, and may not be made available for use by third parties without the written permission of the University, which will prescribe the terms and conditions of any such agreement.

(3) For bibliographic and reference purposes this thesis should be referred to as:

Frolova, A. 2015. *Application of Russian Administrative legislation in protecting Environment*. Master of Science thesis, Central European University, Budapest.

Further information on the conditions under which disclosures and exploitation may take place is available from the Head of the Department of Environmental Sciences and Policy, Central European University.

Author's declaration

No portion of the work referred to in this thesis has been submitted in support of an application for another degree or qualification of this or any other university or other institute of learning.

<candidate's signature>

Alexandra FROLOVA

CENTRAL EUROPEAN UNIVERSITY

ABSTRACT OF THESIS submitted by:

Alexandra FROLOVA

for the degree of Master of Science and entitled: Application of Russian Administrative legislation in protecting Environment.

Month and Year of submission: July, 2015.

The project looks at the divide between theory and practice in the application of administrative legislation in the Russian legislation in protecting the environment. The practical side of the legislation is shown using the Rostov region as an example. An analysis of definitions of various types of legal liability related to the environmental protection was undertaken. It is shown that the legislation provides for a broad range of administrative punishments for environmental offenses. These violations were then classified. The system of federal and regional bodies responsible for environmental protection was reviewed and how they operate.

Amongst many environmental bodies, the state environmental control is considered as one of the most important tools to protect the environment. The analyses of its work, functions, responsibilities, and types of inspections conducted by it was done. The analyses of the Administrative Code of the Russian Federation was made and its articles are used to decide on the punishments in the quest for state environmental control.

The results of the inspections over the compliance with environmental legislation were presented. Analysis of imposed punishments revealed positive and negative aspects of environmental legislation. Although there is a tendency to reduce environmental offenses, the main targets of environmental supervision are small businesses. They do not have a significant negative impact on the environment.

The project concludes that the scope of environmental control over companies engaged in different activities should expand and the punishment for damaging the environment should toughen. These issues require consistency of supervisory bodies, law enforcement and judicial authorities as well as supervisory bodies, administrative and law enforcement authorities need to increase cooperation with non-governmental and environmental organizations. It should be noted that the system of environmental funding must be improved.

Keywords: environmental legislation, administrative punishment, the state environmental control, administrative legislation of the Russian Federation, analyses, environmental violation, inspection, legal liability, environmental crime.

Acknowledgements

First of all, I want to thank my amazing parents for being there for me days and nights whenever I needed it.

I am very thankful to my beloved sister. She was my motivator and inspiration during this challenging year. Thank you for believing in me and putting up with me when times were too stressful. Thank you for pushing me forward.

Also, I would like to thank you to my supervisor Professor Ruben Mnatsakanian for all his help and guidance during my research. I am grateful to Victor Lagutov for being a great mentor proving with good and useful advice and helping to know CEU life.

I want to express my deepest gratitude to my best friend

There is no way words by itself can express my gratitude towards my best friend, Akhshy Thiagarajan, for being so supportive, patient and helpful. We met challenges together and you pushed me hard to do well.

I would like to thank you CEU for giving me such a great opportunity to study here. This year was one of the best years of my life. I want to thank all professors and my classmates.

Table of Contents

INTRODUCTION	1
LITERATURE REVIEW	3
RESEARCH AIM.....	6
RESEARCH METHODOLOGY	7
1. ADMINISTRATIVE RESPONSIBILITY IN PROTECTING THE ENVIRONMENT.....	9
1.1. <i>CONCEPT OF ADMINISTRATIVE VIOLATIONS</i>	14
1.2. <i>ADMINISTRATIVE PUNISHMENTS</i>	15
1.3. <i>STANDARDS OF PERMISSIBLE IMPACT ON THE ENVIRONMENT</i>	16
1.4. <i>THE CONCEPT OF ADMINISTRATIVE LIABILITY</i>	16
1.5. <i>ANALYSIS OF THE ADMINISTRATIVE OFFENCES CODE</i>	17
1.6. <i>LEGAL ACTS OF THE ROSTOV REGION</i>	20
1.7. <i>ENVIRONMENTAL CRIMES</i>	21
2. ENVIRONMENT PROTECTION SYSTEM	24
2.1. <i>STATE ENVIRONMENTAL CONTROL</i>	24
2.2. <i>PROBLEMS OF NATIONAL ENVIRONMENTAL MANAGEMENT AND THEIR SOLUTIONS</i>	45
2.2.1. CREATING ENVIRONMENTAL AUTHORITIES.	45
2.2.2. GAPS OF FINES	47
2.2.3. PROBLEMS OF UTILIZATION EMISSIONS	49
2.2.4. PROBLEMS OF COORDINATION OF LEGAL REGULATIONS	50
CONCLUSION	52
APPENDIX	54
REFERENCES.....	57

List of Tables

Table 1. Violation of the prohibitions and neglect responsibilities for environmental protection during economic and other activities which have a negative impact on the environment	14
Table 2. Number of conducted inspections during the period from 2007 to 2013.....	32
Table 3. The number of discovered and resolved violations during the period from 2007 to 2013	32
Table 4. The number of issued and executed orders during the period from 2007 to 2013.....	34
Table 5. The fine amounts paid by “legal entities” during the period from 2008 to 2013	35
Table 6. The number of persons involved in the administrative responsibility during the period from 2008 to 2013	36
Table 7. The number of persons involved in administrative responsibility during the period from 2008 to 2013	38
Table 8. Number of inspections conducted during the period from 2007 to 2013.....	39
Table 9. Fines and number of violations during the period from 2007 to 2013.....	40
Table 10. The results of inspections over using and protecting of water bodies during the period from 2007 to 2010.....	42
Table 11. The results of inspections over using and protecting of water bodies during the period from 2007 to 2010.....	44

List of Figures

Figure 1. Number of conducted inspections during the period from 2007 to 2013	32
Figure 2. The number of discovered and resolved violations during the period from 2007 to 2013	33
Figure 3. The percentage of violations resolved during the period from 2007 to 2013.	33
Figure 4. The number of issued and executed orders during the period from 2007 to 2013....	34
Figure 6. The percentage of collected fines during the period from 2008 to 2013	36
Figure 7. The number of persons involved in the administrative responsibility during the period from 2008 to 2013.....	37
Figure 8. The number of persons involved in administrative responsibility during the period from 2008 to 2013	38
Figure 9. The amount of fines for using mineral resources the period from 2007 to 2013. (thousand rubles)	40
Figure 10. The number of violations for using mineral resources the period from 2007 to 2013.....	41
Figure 11. The percentage of eliminated violations, paid fines, executed orders during the period from 2007 to 2010.....	43

List of Abbreviations

INTRODUCTION

One of the biggest challenges is to protect the Environment and preserve mineral resources. In order to do that, there should be control over human and nature relationship and system of rules and laws. The Russian Federation has such system which is set by laws.

Environmental Legislation has the only one rule which is environmental standards. They are established in the federal laws, regional laws, and in various legal regulations. They should always comply with the head environmental act, the Code. If there are revealed any contradictions between environmental and civil rights, it is necessary to clearly identify to which industry norms belong to (whether they regulate relations concerning environment use and protection) and decide based on the enforcement.

Within environmental legislation regional regulatory acts play an important role. Until a few years ago regional environmental legislation could theoretically argue. In some regions environmental laws were, as a rule, a copy of federal laws, and their number was very small.

Specificity of the regions was taken into account mainly in the documents by the administration heads and the various administrative management bodies. Lawmakers are rarely used the possibility provided by the Constitution of the Russian Federation (Article 72) to adopt their laws that would eliminate the existing cons of federal environmental legislation. Today the situation is changing. Total number of regional legislative acts has increased dramatically, and it consists of several hundred acts. They appear to have no analogues at the federal level. Some regions still often duplicate federal laws in many legal decisions but others are better taking into account the specifics of environmental, cultural and economic characteristics of the region.

The key law that is aimed at environmental security is the Federal Law "On Environmental Protection". The law established the right of Russian citizens to a healthy environment. One of the most important sections of the Law is Economic regulation in the field of environmental protection. This section constitutes the payment principle for the use of natural resources. The law sets out principles of environment quality norms, state environmental assessment procedures, environmental requirements for placing, designing, reconstruction, and operation

of enterprises. Separate sections of the law are concerned with environmental emergencies, protected areas, environmental control, environmental education, environmental protection disputes settlement, responsibility for environmental violation; compensation procedure for the caused damage.

There are other legislative acts in protecting environment:

- 1) The Water Code of the Russian Federation,
- 2) The Land Code of the Russian Federation,
- 3) The Federal Law "On Air Protection",
- 4) The Federal Law "On Ecological Expertise",
- 5) Federal Law "On the Use of Atomic Energy",
- 6) The Federal Law "On Production and Consumption Waste".

Regulations on environmental protection include the sanitary rules of the Russian Federation Ministry of Health, which provide the required quality of natural resources (air, water, soil).

LITERATURE REVIEW

When writing this work I have gone through a lot of the Federal Laws, Decrees of the Government of the Russian Federation and the Codes which cover the main topic of my research. I have been also used the well-known works of Russian scientists on the theory of law, environmental criminal offenses, civil responsibility for environmental offense, administrative and legal support for environmental protection and environmental control, and also scientific articles in journals published in the press and on websites.

The theoretical basis of research includes scientific works of leading Russian scientists engaged legal theory. An analysis of the theoretical and legal bases of environmental protection and environmental safety was based on the works of scientists such as Dubovik Brinchuk, Skomorohina, Chernyakhovsky, Lapina and others.

Legal framework of the research is formed by the Constitution of the Russian Federation, Federal constitutional laws, Federal Laws, Decrees of the President of the Russian Federation, Decisions and Orders of the Government of the Russian Federation, legal acts of federal executive agencies, legal regional acts.

Analytical basis of research is formed by official data contained in the materials of the state statistical reporting, state reports about the environmental situation in the Russian Federation, the official reporting documents of the Russian Federation and the Rostov region, "Ecological Bulletin of Don About Environment Condition and Natural Resources of the Rostov region" for the last 5 years, and materials of enforcement and judicial practice in the region.

Environmental protection, environmental impact assessment, determination of the main directions of state policy in this area, establishing of criminal and administrative responsibility for committing environmental crimes and offenses, and many other details are governed by the Federal Laws "On Environmental Protection" of 10 January 2002, "On Environmental Impact Assessment" of 23 November 1995, the Forestry Code, the Water Code, the Land Code, the Air Code, and the Criminal Code, the Code of Administrative Offences and other legal acts of the Russian Federation. The Federal Law "On Environmental Protection" says about the presumption of environmental danger of any economic activity. The greatest environmental risk is environmental crimes because they cause more harm to the environment, and often lead to environmental catastrophes.

Today, the legislation does not contain a single definition of environmental offenses. The Federal Law “On Environmental Protection” in the Article 75 says about violations and give the following responsibilities such as property, disciplinary, administrative and criminal. The Criminal Code of the Russian Federation uses the term "environmental crime", when the Code of Administrative Offences provide the term of administrative offence in protecting the environment. Administrative responsibility is used by many companies, and all the punishments for administrative offenses are based on the principles of profitability and efficiency. These features define more efficient of use of administrative responsibility in comparison with the criminal, which prevented by a number of reasons (Savichenko 2004). The title of Chapter 8 of the Administrative Code called “Administrative Offences Concerning Environmental Protection and Wildlife Management” has been criticized because it does not reflect all aspects of harm of crime and a favorable human environment should be considered as object of protection (Starkova 2000).

Talking about administrative offences, some authors give their definitions using the concept of an administrative offense. For example, a concept formulated by Dubovik is an environmental administrative offense is wrongful action encroaching on the environmental law, environmental rights and freedoms of citizens, the right of natural resources ownership, environmental management and environmental protection which caused or could harm the environment, and for which the law states an administrative responsibility (Dubovik 2002). Similar definitions can be found among other authors. When determining the subject of environmental violation scientists have different points of view. For example, Brinchuk (2009) believes that the subject of environmental offense appears to be the environment. He also believes that environmental offence is unlawful offense that can cause harm or become a real threat to environmental. From my point of view, the subject of environmental offense cannot be limited to the elements mentioned above. In some cases, the subject of the offense can be information. For example, in the article 8.5 of the Administrative Code, it is Concealment or Distortion of Ecological Information (complete and reliable information about the environment and natural resources, sources of pollution or other harmful effects on the environment). According to Brinchuk (2009) the principle of presumption of potential environmental danger of any economic activities means that implementation of activities may cause harmful effects on the environment. Considering this presumption the main task is to

identify all potential dangers. Based on the resulting data environmental legislation should determine and evaluate measures in order to protect the environment and natural resources, and neutralize environmental damage.

Today, there is a position saying that environmental crimes and environmental offenses vary in the degree of threat to society (Lapina 2008). This opinion is reflected in researches but have not been introduced at the legislative level. Dubovik (2002) identifies public hearings; referendums; public environmental review; appeals to the media; sending of complaints, petitions, lawsuits to the law enforcement agencies and the court as forms of public environmental control. He also suggests that the Law should identify sources of funding for municipal environmental monitoring. To improve the municipal environmental monitoring efficiency we must have a set of regulations at the federal, regional and local levels. At the same time these regulations should be consistent with each other and with other legal acts at all levels.

Chernyakhovsky (2007) has well-described organizational and economic details of environmental security management. It helps to use them effectively in the decision making process related to the negative human impact, natural disasters, accidents and emergency situations.

Lapina (2008) talked about importance of administrative law in environmental legislation, and environment enforcement agencies. Her attention is aimed to improving executive bodies activities, the implementation of administrative reforms, as well as importance of environmental information law.

Administrative environmental offences are the most numerous. In recent years increased administrative law impact on environmental actions related to securing responsibility for offenses in the Code of Administrative Offences of the Russian Federation and regional legislation on Administrative Violations.

RESEARCH AIM

The contradictions created in the result of reforming Russian economy between environment conditions and the practice of legal measures to protect the nature determined the relevance of the topic. These contradictions let to reveal the flaws in the legislation, its practical application and indicate ways to improve them.

Recently, the Russian Federation has adopted a number of environmental legal acts that define approaches to compensation of the harm caused by environmental violations. Nonetheless, the objective of increasing environmental legislation efficiency in order to protect the environment continues to be relevant. Any legislation is plagued by various faults, wrong edition and interpretation. Existing legal acts adopted by various authorities are not sufficiently coordinated with other regulations. Such norms do not contribute to one approach development to compensation of the harm caused by corporations and citizens. This allows avoiding the liability.

These problems belong to insufficiently developed in the legislation of the Russian Federation, they have a great practical importance. That was one of the reasons of chosen topic. This research was done such using Rostov region as an example.

The following issues will be considered in the research:

1. Theoretical and legal grounds to combat environmental violations. Theoretical grounds established legal liability for environmental offenses are reviewed as well as different types of law liability, the rules of its application.
2. Administrative environmental responsibility. It discloses the concept and describes types of environmental administrative and ways of improving legislation on responsibility for environmental offenses.
3. Organizational and legal measures in the environmental protection by the example of the Rostov region. The main attention was placed on the comprehensive analysis of the application of administrative responsibility for environmental offenses in the Rostov region. The aim of the research is analysis of the problem of imbalance the existing violations and norms of interaction with the environment and the effectiveness of the legal response to these violations.

RESEARCH METHODOLOGY

The research of efficiency of legal response on existing violations of environmental law is given on the example of one of the subjects of the Russian Federation - Rostov region. It was necessary to process the statistics and examples of administrative and criminal responsibility for environmental offenses and to review the application procedure and different types of punishment.

As the experimental part of work there was a plan to do some field research in the form of questionnaires and interviews with the officials of administrative and supervisory agencies (Environmental Department, Environmental Control), and also among environmental workers. Because of the small amount of time I was in the Rostov region during the writing of this work I couldn't do this program in full.

The research required to process a large amount of information consisting of normative act, works of environmental lawyers and, journal articles, statistical and other data obtained from the environmental services of the administration of the Rostov region.

As the scientific and educational instruments and methods in research I have been used a variety of methods. The method of analysis and logical method that referred to scientific methods are the logical and informative database of the work. The main methods in the research are interdisciplinary methods of comparative analysis, a statistical method and special comparative legal method of my research. In addition, the general scientific empirical method was used. Conducted interviews with the judge of the regional court and the employee of the Ministry of Natural Resources and Environment of the Rostov region, responsible for the purposes and objectives of this work.

The main methods of research are comparative legal and logical methods, providing analysis and comparison of legal norms, the results of their application, identification problems and gaps in the legal regulation of the studied questions.

Using these methods allowed:

- To research the basic environmental legal norms; get objective information about the current condition of detection and suppression of environmental offenses;

- To evaluate the effectiveness of legal regulation of relations in the field of environmental protection, to identify existing legal problems in this area and to formulate reasonable conclusions and suggestions.

1. ADMINISTRATIVE RESPONSIBILITY IN PROTECTING THE ENVIRONMENT

Environmental protection is one of the most important problems of our time. Scientific and technological progress and growing human influence on the environment inevitably lead to increasing environmental crisis: running out of natural resources, polluting the environment, declining physical health, and exacerbating economic and political struggle for commodity markets. Environmental pollution has been increasing rapidly over the last decades. One of the main priorities of any government is to improve environmental security, prevent negative anthropogenic impact on the environment and eliminate environmental damage related to the economic activities.

Environmental security is an important part of Russia's national security. The process of formation of the Russian environmental legislation should concern ensuring environmental security and implementing constitutional right of Russian citizens to a healthy environment. Russian Federation has a set of federal laws, codes of the Russian Federation and other legal regulations, which govern environment security, environmental impact assessment and establish criminal and administrative responsibility for committing environmental crimes and violence.

According to Article 42 of the Constitution of the Russian Federation everyone has the right to a favorable environment, reliable information about its condition and compensation for caused damage to one's health or property by environmental violations. Since this right is inseparably linked with the duty of government to maintain a favorable environment, it increases the importance of environmental functions of government. The Order of the Government of the Russian Federation of 19 November 2012 № 1193 "About approval of the list of breaking of the legislation in the field of the environmental protection, posing threat of damnification to environment, for the purposes of the state ecological inspection" determined violations of the law, which pose a threat of harm to the environment. As government attaches a specific list of violations of the law, which could be a threat of harm to the environment, it should help the authorized bodies in timely discover and prevent any kind of environmental violations.

This goal should be implemented in order to give the federal and regional bodies responsible for environmental supervision legal grounds to carry out unplanned inspections if there are

any appeals and statements of citizens including individual entrepreneurs, ‘legal entities’, information from state bodies, local authorities and the media about any possible harm to the environment. This is provided by the Federal Law of 26 December 2008 №294-FZ “On the Protection of Legal Entities' And Individual Entrepreneurs' Rights In The Course Of State Control (Supervision) And Municipal Control” under Article 10 clause 2, sub clause 2. At the same time the list of offences approved by Order defines cases in which citizens, individual entrepreneurs, ‘legal entities’, and etc. may apply to the authorized bodies to initiate unplanned inspections.

In accordance with the Order, these cases include the following environmental violations:

1. Implementation of economic and other activities without allowing documents based on which implementation of the specified activities is allowed, within the established standard rates of admissible impact on the environment, which availability is obligatory according to the legislation in the field of environmental protection.
2. Implementation of economic and other activities based on the allowing documents with excess of the established standard rates of admissible impact on the environment, which availability is obligatory according to the environmental legislation
3. Breaking of prohibitions concerning implementation of the economic and other activities having negative impact on the environmental, or failure in duty on carrying out measures for environmental protection when implementing such activities, established by the environmental legislation.

Examples of violations of the third group are listed in Table 1.

Violation of the prohibitions and neglect	Federal law that imposes the prohibit or the obligation
1	2
1. Implementation of economic and other activities having a negative impact on air	
1.1. Failure to comply with the technical specifications of emissions or failure to reduce emissions of harmful pollutants into the atmosphere	Federal Law “On Air protection”, 4 May 1999 № 96-FZ (clause 2 and 4, Article 12)
1.2. There is no determination of the danger of air emissions to human health and the environment	Federal Law “On Air protection”, 4 May 1999 № 96-FZ (clause 7, Article 15)
1.3. Placement and operation of economic and other activities	Federal Law “On Air protection”, 4 May 1999

that do not have air and gas purification treatment and control system of harmful substances emissions into the atmosphere	№ 96-FZ (clause 7, Article 16)
1.4. Production and operation of any mobile equipment that emits harmful pollutants more than emission standards	Federal Law “On Air protection”, 4 May 1999 № 96-FZ (clause 1, Article 17)
1.5. Storage and disposal industrial and consumer waste that pollute the air including odorous substances as well as the burning of such waste without special technology.	Federal Law “On Air protection”, 4 May 1999 № 96-FZ (clause 1, Article 18)
1.6. Failure to reduce harmful pollutants emissions into the air when there is a possibility of adverse weather conditions	Federal Law “On Air protection”, 4 May 1999 № 96-FZ (clause 3, Article 19)
2. Implementation of economic and other activities having a negative impact on water bodies	
2.1. Water withdrawal that have a negative impact on the water body	Water Code of the Russian Federation (Chapter 5, article 60, clause 2)
2.2. Sewage discharges, which contain infectious agents and harmful substances	Water Code of the Russian Federation (Chapter 5, article 60, clause 2)
2.3. Disposal industrial and consumer waste into water bodies including decommissioned ships and other watercraft	Water Code of the Russian Federation (Chapter 5, article 60, clause 3)
2.4. Burial of radioactive materials and dumping of nuclear wastes into water bodies	Water Code of the Russian Federation (Article 56, chapter 1)
2.5. Pollution and contamination of bogs with industrial and consumer waste as well as oil, pesticides and other harmful substance	Water Code of the Russian Federation (Article 57, clause 1)
2.6. Discharge of wastewater on glaciers and snowfields and contaminate them with industrial and consumer waste as well as oil, pesticides and other harmful substance	Water Code of the Russian Federation (Article 58, clause 1)
2.7. Discharge of wastewaters into water bodies containing radioactive substances, pesticides, agricultural chemicals and other substances that exceed the established standard	Water Code of the Russian Federation (Article 56, clause 6)
2.8. Discharge of wastewater or drainage water into water bodies which contain medicinal resources or are specially protected water bodies.	Water Code of the Russian Federation (Article 44, clause 2)
2.9. Conducting blasting activity based on nuclear and other types of industrial technology during which released radioactive or toxic substances	Water Code of the Russian Federation (Article 56, clause 7)
2.10. Discharge of sewage and drainage water into water bodies which are located within the boundaries of sanitary protection zones	Water Code of the Russian Federation (Article 44, clause 3)
2.11. Use of wastewater for fertilization and aviation measures to combat pests and plant diseases	Water Code of the Russian Federation (Article 65, clause 15)
2.12. Failure to reduce discharges of substances and microorganisms under established limits for discharge	Federal Law on Environmental Protection No. 7-FZ (Article 23, clause 3)
2.14. Withdrawal of water without taking measures to prevent fish and other biological resources from entering water intake facilities as well as the failure to implement arrangements to protect ground water from contamination and raising	Water Code of the Russian Federation (Article 61, clause 2)
3. Disposal of industrial and consumer waste	
3.1. Discharge of industrial and consumption waste in surface	Federal Law on Environmental Protection No. 7-

and underground bodies of water, water-collection areas, sub-soil and soil.	FZ (Article 51, clause 2, sub clause 1)
3.2. Disposal of hazardous waste in the areas adjacent to urban and rural inhabited settlements, forest/park, health resort, health rehabilitation, recreational areas, animal migration routes, near fish spawning areas and in other places where it can create a threat to the environment, natural ecological systems and human health	Federal Law on Environmental Protection No. 7-FZ (Article 51, clause 2, sub clause 2)
3.3. Burial of hazardous waste and radioactive waste in the water-collection areas of underground bodies of water used as water-supply sources, for health treatment or mineral resource recovery purposes	Federal Law on Environmental Protection No. 7-FZ (Article 51, clause 2, sub clause 3)
3.4. Disposal of industrial and consumption waste in the areas of minerals and mining in cases where there is a threat of pollution in areas of minerals and mine safety	Federal law “On production and consumption waste” (Article 12, clause 5)
3.5. Disposal of industrial and consumption waste in the areas which are not included in the state register of waste disposal areas	Federal law “On production and consumption waste” (Article 12, clause 7)
3.6. Importation of hazardous waste and radioactive waste into the Russian Federation for the purpose of burial and deactivation.	Federal Law on Environmental Protection No. 7-FZ (Article 51, clause 2, sub clause 5)
4. Implementation of economic and other activities having a negative impact on the environment with radioactive waste	
4.1. Failure to take measures to eliminate radiation contamination	Federal Law on Environmental Protection No. 7-FZ (Article 48, clause 1)
4.2. Discharge of industrial and consumption waste in surface and underground bodies of water, water-collection areas, sub-soil and soil.	Federal Law on Environmental Protection No. 7-FZ (Article 51, clause 2, sub clause 1)
4.3. Disposal of hazardous waste in the areas adjacent to urban and rural inhabited settlements, forest/park, health resort, health rehabilitation, recreational areas, animal migration routes, near fish spawning areas and in other places where it can create a threat to the environment, natural ecological systems and human health	Federal Law on Environmental Protection No. 7-FZ (Article 51, clause 2, sub clause 2)
4.4. Burial of hazardous waste and radioactive waste in the water-collection areas of underground bodies of water used as water-supply sources, for health treatment or mineral resource recovery purposes	Federal Law on Environmental Protection No. 7-FZ (Article 51, clause 2, sub clause 3)
4.5. Importation of radioactive waste and nuclear materials from foreign states into the Russian Federation to be stored or buried and also the under-water burial, the space- burial of radioactive waste and nuclear materials are prohibited, except for the cases established in the Article 48, point 4 of the Federal Law on Environmental Protection and in the Article 31 of the Federal Law On management of radioactive waste and amendment of some acts of law of the Russian federation	п. 3 ст. 48, Federal Law on Environmental Protection No. 7-FZ (Article 48, clause 3; Article 51, clause 2, sub clause 5)
5. Implementation of economic and other activities having a negative impact on wildlife and flora	

5.1. Production, breeding and use of plants, animals and other organisms not inherent to natural ecological systems and also those artificially created, without the elaboration of effective measures for preventing their uncontrolled reproduction, a positive state ecological expert examination statement, and a permission by the federal executive governmental bodies responsible for state administration in the field of environmental protection	Federal Law on Environmental Protection No. 7-FZ (Article 50, clause 1)
5.2. Activities leading to a reduction in the numbers of rare and extinction threatened plants and animals and deteriorating their environment	Federal Law on Environmental Protection No. 7-FZ (Article 60, clause 1)
5.3. Forest-processing infrastructure in protection forests as well as in the other cases specified in this Code and other federal laws	Forest Code Of The Russian Federation (Article 14, clause 2)
5.4. Activities which are incompatible with their designation and beneficial functions in protection forests and within special protection parcels of forests	Forest Code Of The Russian Federation (Article 102, clause 5)
5.5. Cut forest stands where any human interference in the nature processes is excluded	Forest Code Of The Russian Federation (Article 103, point clause 2)
5.6. Use toxic chemicals for forest protection against fire and pests in forests within specially protected nature areas, except for biosphere testing grounds.	Forest Code Of The Russian Federation (Article 103, clause 5)
5.7. Carry out clear-cutting of forest stands, agriculture activity, and apply toxic chemicals for forest protection against fire and pests, including their application for research purposes in forests within water-conservation zones.	Forest Code Of The Russian Federation (Article 104, clause 1)
5.8. Apply toxic chemicals for forest protection against fire and pests, including their application for research purposes, practice game management, farm, develop mineral resource deposits, locate major construction sites, except for construction of forest trails and water engineering facilities in green zones, forest parks.	Forest Code Of The Russian Federation (Article 105, clause 3 and 5)
5.9. Clear-cutting of forest stands in high value forests except for the cases specified in part 4 of Article 17 of this Code.	Forest Code Of The Russian Federation (Article 106, clause 1 and 2)
5.10. Harvest a list of tree and shrub established by the Government of the Russian Federation	Forest Code Of The Russian Federation (Article 29, clause 6)
5.11. Harvest wood in volumes exceeding the allowable cuts as well as earlier than at the ages of cutting.	Forest Code Of The Russian Federation (Article 29, clause 4)
5.12. Burning of vegetation, storage and use of pesticides, fertilizers and other materials hazardous to wildlife and its habitats	Federal Law "On Wildlife", Article 28, paragraph 4
6. Implementation of economic and other activities having a negative impact on soil	
6.1. Using non-degradable toxic chemicals in agriculture and forestry	Federal Law on Environmental Protection No. 7-FZ (Article 49, clause 2)

6.2. Bulk storage of pesticides	Federal Law "On the safe handling of pesticides and agrochemicals" (Article 19, clause 2)
6.3. Poisoning, polluting, damaging or destroying the fertile layer of earth that result form a violation of the rules of handling fertilisers, plant growth agents, pesticides and other hazardous chemical or biological compounds in their storage, use or transportation and that have caused a harm to human health or the environment	Land Code of Russian Federation (Article 45, clause 2, sub clause 3)

Table 1. Violation of the prohibitions and neglect responsibilities for environmental protection during economic and other activities which have a negative impact on the environment

Thus, environmental security is a protection of each person, society, the state and the environment from excessive environmental hazards. It is also the preservation of the vital interests of the individual, society, the state and the environment from the adverse impacts of anthropogenic and natural character. This is an important component of national security.

1.1. Concept of administrative violations

The concept of an administrative violation is given in Article 2.1 of Administrative Offences Code. An administrative offense is an unlawful, guilty (intentional or negligent) action (omission) that encroaches on state or public, and property rights and freedom of citizens. The Administrative Offences Code and regional laws on administrative offences establish administrative responsibility for committed administrative violation (Chernyakhovsky 2007).

The list of administrative offenses in protecting environment is provided in the Article 8 of the Administrative Offences Code. They can be divided into the following groups:

- 1) environmental information (Article 8.1, 8.4, 8.5, 8.40);
- 2) land protection (Article 8.6, 8.7, 8.8);
- 3) soil protection (Article 8.9, 8.10, 8.11);
- 4) air protection (Article 8.21);
- 5) water resources protection (Article 8.12 – 8.20);
- 6) forest protection (Article 8.24 – 8.32);
- 7) wildlife protection (Article 8.33 – 8.38.);

- 8) industrial waste disposal (Article 8.2, 8.19);
- 9) agriculture (Article 8.3);`
- 10) transport (Article 8.22,8.23);
- 11) violations of the protected areas (Article 8.39).

1.2. Administrative punishments

Types of administrative responsibilities for environmental violations are:

- 1) An administrative fine. It should be noted that the size of a fine is different for person, officials and legal entities. Individual pay less than legal entities and the maximum size of a fine is provided for legal entities.
- 2) Deprivation of a special right granted to an individual. Deprivation is established for gross and systematic violations of the procedures for the use of a special right to an individual who had a special right and committed an administrative offense. A judge can issue deprivation of a special right. It should be remembered that the deprivation of a special right for hunting rights may not be applied to individuals for whom hunting is the main legal source of livelihood.
- 3) Confiscation of the instrument or the object of an administrative offence. Confiscation is forced non-repayable seizure of things outside the bounds of commerce making them the federal property or property subject of the Russian Federation. The confiscation is imposed by a judge. The confiscation of hunting weapons, ammunition and other permitted hunting and fishing weapons cannot be applied to individuals for whom hunting and fishing are the main legal source of livelihood. It is also possible to combine penalties, that is an administrative fine and the confiscation of the subject of the offense (Supereka 2006)

By the nature of sanctions, in other words depending on the type of responsibility, environmental violations can be classified as:

- criminal,
- administrative,
- civil,
- disciplinary and other offenses.

According to degree of threat to society:

- environmental crime (criminal offense);

- environmental offenses (administrative, civil, disciplinary offenses).

1.3. Standards of permissible impact on the environment

The main law that establishes the rights and obligations of public authorities, businesses and individuals in protecting environmental is the Federal Law "On Environmental Protection" 7-FZ of 10.01.2002. The article 19 "The Fundamentals of Norm-Setting in the Field of Environmental Protection" says that the state set special standards and specifications related to environmental impact for any human activity. This is done to conserve nature resources and protect environment. The article also mentions that the standards are to establish numerical parameters for admissible effect on the environment.

The list of standards of permissible impact on the environment while running economic and other activities set out in Article 22 "Standards of permissible impact on the environment".

The following norms prevent a negative effect on the environment that can be done by any activity:

- the norms of admissible emission and discharge of substance and micro-organism;
- the norms of industrial and consumption waste generation and limits on its disposal;
- the norms of admissible physical effects (the amount of heat, the levels of noise, vibration, ionizing radiation, electric field strength and etc.);
- the norms of admissible withdrawal of components of the environment;
- the norms of admissible anthropogenic environmental.

These norms protect the environment taking into account land and water areas characteristics. The excess regulations of permissible impact on the environment can damage the nature. Depending on the extent and magnitude of harm, people who caused the damage, have responsibility.

Table summarizes the requirements that must be met, and what responsibility for offenses in environmental safety in accordance with the Law (See Appendix)

1.4. The concept of administrative liability

Until recently, the legal regulations including administrative responsibility for environmental offenses, their structure and content seemed quite difficult and, moreover, contradictory. The

thing is administrative liability was established in the Code of RSFSR about environmental violations in 1984 as well as in a special environmental legislation. But some laws identified the category of environmental violations (for example, the Federal Laws on fauna, on environmental inspection and etc.), other laws established fines, and procedure of administrative offence cases (for example, the Federal Law on environmental protection dated 19 December 1991). The situation changed since a new Administrative Offence Code was adopted. The Article 2.1 sets the definition of an administrative offence “a wrongful, guilty action (omission) of a natural person or legal entity which is administratively punishable under this Code or the laws on administrative offences of subjects of the Russian Federation shall be regarded as an administrative offence”. The environmental violations and fines for punishments for those who are responsible should be clearly defined in the legislation at the federal level (the Administrative Offence Code) and at the regional level (regulations about environmental offences).

The age of administrative responsibility is 16. It is specified in the Article 2.3 of the Code. As for a ‘legal entity’, administrative responsibility ensues if it is known that it had the opportunity to comply with rules and regulations, but there was a violation.

The legal definition of environmental administrative offense is missing. The Federal Law “On Environmental Protection” of 10 January 2002 did not provide definitions of environmental offence or environmental crime unlike in the prior laws. But environmental law doctrine has the administrative environmental offense definition which is an illegal offence violating rights and freedoms of the citizen in environmental protection, environment and resource management that caused or could cause damage to the environment (Brinchuk 2009).

1.5. Analysis of the Administrative Offences Code

The new Code is divided into five sections, 32 chapters and 603 articles. Four chapters of the General provisions section consists of 35 articles governing general provisions, including the objectives and principles of the law on administrative offenses, about guilt, responsibilities of the various categories of subjects, goals, types and rules of administrative punishment.

The Special Part consists of 17 chapters involving 402 Articles. The fifth and eight chapters

are the biggest ones. The fifth chapter set the offenses against the rights and freedoms (44 Articles), and the eighth chapter establishes environmental violations (40 Articles).

The procedural part of the Administrative Offences Code is divided into two sections. Section III, entitled “The judges, agencies, officials authorized to consider cases on administrative offenses” consists of two chapters (64 articles) and Section IV “Proceedings of Administrative Offences” consists of 7 chapters (80 Articles) about the tasks, language production, its participants, evidence, the administrative proceedings. The last one is Section V called “Execution of decisions on cases of administrative offenses” consists only of 2 chapters (22 Articles).

Environmental offenses are mainly concentrated in Chapter 8 “Administrative Offenses Concerning Environment Protection and Environment Management”. Some of them are placed in Chapter 7 “Administrative Offences in the Area of Property Protection” and in Chapter 10 “Administrative Offenses in Agriculture, Veterinary Medicine and Land Reclamation”. Through the analysis of articles changes and results of administrative legislation reform can be defined.

- The number of articles (New Code has 46 articles in 8 Chapter, when the Old Code had 53 Articles in Chapter 7), but what matter is elements of a crimes were significantly increased. This result was achieved through the inclusion new crime elements and breaking them into smaller groups as well as transferring them out of the general and specific environmental laws
- Reduced number of articles providing liability for certain types of administrative offences by generalizing the elements of a crime. It eliminates the repetition of such offence as obstruction to the officials of control and supervision, failure to comply with the environmental requirements and regulations
- The majority of environmental offenses compositions formulated as formal, but saved and construction material composition (for example, Article 8.35 “Eliminating Rare Species of Plants and Animals, as well as Those under the Threat of Extinction”, Article 8.29 “Eliminating Animals' Dwellings”, Article 7.2 “Elimination of Special Marks” and etc.). There are articles where potential damage introduced (for example, Article 8.3, establishes responsibility for violation of rules for dealing with pesticides and agrochemicals, which can cause harm to the environment. Article 8.13 clause 1 establishes responsibility for violation of

water protection regime which can cause contamination; Article 8.13 clause 1 for violation of requirements for the protection of water bodies which can cause pollution, or depletion)

- The approach to the use of compounds such structures as the general and specific: in the new Administrative Code includes a number of general compositions (Art. Art. 8.1 - 8.5), performing among other things, the role of reserve regulations
- Refined objective signs of many traditional compositions environmental offenses. Moreover, they are described in more detail (for example, Article 7.9 provides responsibility for unauthorized use of forest plot or use forest area for stubbing, wood processing, warehouses, buildings construction, plowing without special permission.
- In some cases, elements of administrative offence are described fully. For example, according to Article 8.5 “Concealment or Distortion of Ecological Information” subject of offence is a complete and reliable information about the environment and natural resources, sources of pollution, and about the radiation.
- Complicated regulations governing the application of the system of administrative penalties of subjects, reflecting the complexity of the construction of regulatory bodies. Ministry of Agriculture and Ministry of Natural Resources and Environment (MP) have the authority to impose administrative fines on different violations. For example, MP serves as the environmental control body, water protection, conservation and protection of forest resources, wildlife protection and etc. Its functions to identify and consider administrative cases overlap and even possibly duplicate with Russian Federal Border Service, Ministry of Agriculture and etc.
- An important provision is contained in Article 4.5 governing limitation periods. According to the general procedure the decision on the administrative case cannot be made after two months of committing an administrative offense. But if it comes to violating of environmental legislation, decision on the administrative case cannot be made after a year of committing an administrative offense apparently due to its danger and difficulty of finding responsible, proof of guilt and other evidence.
- Sanctions are set mainly in the form of fines, although in some cases confiscation can be used as a form of sanction.
- In Chapter 8 does not widely establish other types of administrative penalties such as deprivation of a special right which is provided only in Article 8.37 in the form of deprivation of the right to hunt up to 2 years, administrative arrest, deportation from the Russian Federation of a foreign citizen, disqualification. But all these punishments are stated in Article

3.2 “Types of administrative punishments”. The amount of fine is calculated in two ways (Article 3.5) and is stated more often in a multiple of the minimum wage. Much less they are determined based on the cost of the subject of an administrative offence

The reform of administrative law for environmental offenses solved a number of tasks. Significantly ordered the existing legal provisions. A special coordination of environmental and administrative law. It puts responsibility for behaviors not previously punishable by administrative order. Refined features many compositions, first of all, the subject and the objective side. But incomplete regulation of liability for violation of legislation on Environmental Impact Assessment (Dubovik 2002)

1.6. Legal acts of the Rostov region

Improvement of environmental legislation is also being conducted at the regional level. Committee on Environment and Natural Resources Protection of Administration of Rostov region, here after called Committee drafted the following environmental legal acts in 2013 (Ecological Herald of Don 2014).

- Regional Law of 30.07.2013 № 1155-ZS “On Amendments to Article 6.2 of the regional law on Administrative Offences”, with regard to increasing the fines for failure to take measures to prevent the burning of dry vegetation;
- Regional Law of 07.05.2013 № 1121-ZS “On Amendments to Article 14 of the regional law on Environmental Protection in the Rostov region” with regard to bringing it into compliance with the Federal Law “On Education in the Russian Federation”;
- Regional Law of 23.12.2013 № 88-ZS “On Amendments to the regional laws on Environmental Protection in the Rostov region and on the powers of public authorities of the Rostov region in the field of water relations” with regard to bringing them into compliance with the requirements of the budget legislation;
- Regional Law of 12.23.2013 № 89-ZS “On Amendments to Article 11 of the regional law on mineral resources in the Rostov region” with regard to clarify the powers of the executive authorities;
- Regional Law of 01.14.2013 № 30-ZS “On Amendments to Articles 5 and 8 of the Regional Law on Environmental Impact Assessment in the Rostov region” with regard to financial security of the state environmental inspection;

- Regional law of 11.14.2013 № 29-ZS “On Amendments to the regional law on protected areas of the Rostov region” with regard to specifying the powers of the executive authorities.

The above list of adopted environmental legal acts is not a complete list of all measures to improve environmental legislation.

1.7. Environmental crimes

Environmental crime cause the greatest environmental damage to the environment and often lead to environmental disasters. The percentage of environmental crimes of the total number of crimes in Russia according to statistics is growing every year (The Ministry of Internal Affairs 2015):

1999 – 0,29 %

2000 – 0,41 %

2002 – 0,5 %

2003 – 0,82 %

2004 – 1,2 %.

Low percentage of this crime type in total number is not a good indicator. This value suggests low visibility of such crime. Numerous violators have not been convicted and brought to court since it is often impossible or very hard to prove their relationship with the crime. This situation is obvious considering the fact of low availability of relevant legal cases on one side and bad environmental situation on another.

Initiation of legal case is the first independent stage of the legal process. This stage involves numerous important tasks such as checking validity of crime proves, their legal qualification, crime conditions, as well as preventing crime to be related and securing appropriate conditions for crime investigation.

Reasons for initiation of criminal investigation can be the following:

- report by public organization, individuals or mass media. Reports can be submitted orally or in a written form;
- documents, containing information about environmental violations.

Chapter 26 of the Criminal Code of the Russian Federation describes variety of consequences of committing environmental crimes, however, all consequences must be associated with causing harm to human health or environment.

The difficulty to initiate a criminal case and its further consideration is to determine the causation with regard to polluting the environment. The consequences will be presented as done damage to human's health or death. It should be noted that the causation exists if a harmful damage made a significant change that lead to the negative impact on human or the environment. According to Articles 2 and of the Criminal Code, the criminal liability ensue when there is a connection between primary consequences (air pollution, water contamination) and second consequences (harm to the health, massive animal kill, human's death).

There is a certain tendency to conduct prior out-processual investigations. The results of these investigations are not evidence in the case, and even if they were done correctly and prove the causation, are not taken into account in the further consideration of the case. Another problem would be that sometimes there is a need to conduct an inspection prior initiating a criminal case, but these investigations will not evidential significance on the ground of criminal procedural law. Based on that, some investigations should have legal grounds to serve as evidence in certain cases. Often only this kind of investigation can establish the causation and it can be a sufficient basis to initiate an environmental crime.

Thus, the investigator should collect information about an incident, and process it before the decision about initiating criminal proceeding was made. The investigator should check the reliability of data, set the elements of a crime and evaluate the adequacy of collected information.

It should be noted that many norm established for environmental crime do not have contain a specific rule and legislator trying to formulate it uses such a broad phrase as "violation of the rules of environmental protection", "pollution" and etc. Thus, before the relevant body of a problem of the isolation of the entire array of extremely complex in its structure and use of specific terminology, rules and regulations applicable to the particular situation. In connection

with this problem of illegality environmental crime, in both the theoretical and practical aspects, not only does not lose, but becomes even more acute.

2. ENVIRONMENT PROTECTION SYSTEM

In our modern world, we can protect the environment through a set of organizational, legal and economic measures aimed to restore the damaged environment and reduce negative human impact. These measures are considered an important mechanism in order to protect the environment. As far as the practice in recent years has shown that relying on one thing (for example, tightening liability for unlawful pollution) has not led to positive environmental changes. Thus, the environment protection system can be defined as a whole to mean organizational, legal and economic measures aimed to protecting environment and providing a safe and healthy environment for humans.

Environment protection system is composed of six segments (Lapina 2008.):

1. Government mechanism comprising two groups of instruments: institution (system of state bodies in protecting environment) and bodies with different functions: environmental certification, licensing, monitoring, control, and etc.
2. Economic and legal mechanism comprising planning, forecasting, funding, insurance.
3. Legislation mechanism comprising responsibility for environmental offenses, compensation for damage caused by pollution.
4. The mechanism of special protection comprising specially protected areas and hazardous areas.
5. Ideological mechanism comprising environmental education and culture.

2.1. State environmental control

State control is the most effective and commonly used method of organizational and legal measures in the environmental protection. According to paragraph 1, Article 65 of the law number 7-FZ "On Environmental Protection" State Environmental Control is an obligation of authorized federal bodies, and bodies of subjects of the Russian Federation which warns, finds and prevents environmental violations by conducting inspections (Firsov 2013). Control itself is an integral part of the system of state authority in different areas of society. Environmental control is one of the most important tools to protect environmental rights and lawful interests of individuals, society and the state. In order to fulfill requirements and environmental

standards, there should be constant monitoring, both by the state and by the self-regulatory organizations.

When conducting of the state inspection on the enterprise, after reviewing the documents by state inspectors, they should do the bypass the territory of the enterprise, industrial sites, workshops, areas for temporary storage of waste, sewage treatment plants, etc. in order to verify compliance with established standards. There are checks of measures on protection of water bodies, prevention of their pollution, contamination and depletion. There are also checks of the implementation of the analytical control of the company. Analytical control is organized as a part of industrial ecological monitoring at the enterprises where there are sources of water pollution, air, soil, and in other cases. Analytical control provides the necessary information about the composition and properties of objects controlled objects by chemical and biological exposure indicators. Analytical control is carried out in the laboratory of the enterprise. Third-party accredited laboratories can be involved on a contractual basis to implement this type of monitoring.

The term of any inspection shall not exceed 20 working days. The overall duration of the planned inspection shall not exceed 50 hours for medium businesses and 15 hours for small businesses per year. There can be cases that need complex and long-term inspection. The duration of the planned inspection may be extended by the head of The Federal Supervisory Natural Resources Management Service (RPN) or its regional body, but not more than 20 working days for medium business, and no more than 15 hours for small business at a time.

State inspectors draw up the report in two copies on the results of inspection. One report with copies of applications is handed to the director or representative where they should acknowledge the receipt of the report, which serves as a notice of an offense or violation. If the director or authorized representative is absent, or in the case of refusal to acknowledge the receipt of the report, the report is sent as registered mail. The company must keep a register of inspections, where state inspectors write a record about inspection. If there is no register, inspectors must make a note of it.

In case of disagreement either with the facts, conclusions and proposals, which are specified in the report, or issued order about eliminating violations, the person inspected (company) has

right to submit the objections in writing to regional authority of RPN within 15 days of getting the report. The person inspected (company) can attach documents confirming validity of their objections.

When identifying violations state inspectors record violations in the report, issue orders about eliminating violations with a timetable for their elimination, take measures to oversee the elimination of violations, their prevention, obviation of possible harm to the environment, and also measures to bring to justice responsible for violations. If there is a warning sign of an administrative offense stipulated by the Code, state inspectors initiate a case about administrative violations and ensure case will be subject to law. In case committed an administrative offense, state inspectors apply punishment. They also submit recommendations to eliminate the causes and conditions that contributed to an administrative offense.

If state inspectors found that the company's activity is a threat to the environment or damage has been already done, they have the right to take immediate measures to prevent harm or terminate damage up to a temporary ban on the activities of the "legal entity". Temporary prohibition of activity may be applied only in exceptional cases where it is necessary to prevent an immediate threat to life or health of people and prevent harm to the environment. This procedure is short-term termination of the "legal entity" (until the case will be considered in court), and also decommissioning of its units, facilities, buildings and services. At the same time, temporary prohibition of activity may result in it being called an offense and may result in a fine only if it is stated or contained as a clause in law. In case of finding the evidence or any materials indicating the violence, they are sent to law enforcement agencies to decide whether to initiate a criminal case.

The head of the company or representative during the inspection may present during the inspection, give explanations on matters relating to the inspection, or receive information relating to the inspection from state inspectors, learn about the results of the inspection, and also report about agreement or disagreement with the results or with actions of state inspector, and finally appeal against actions (inactions) of state inspectors which led to the violation of human rights during the inspection.

The heads of the company who violates the provisions of the Federal Law dated 26 December 2008 № 294-FZ, or commits the offence of obstruction of justice, inspection evasion, failure to fulfill determination on elimination of the revealed violations of environmental requirements, are responsible under the Administrative Code. In case of violation of an order issued by the state inspector or by obstructing an inspection, preventing access to the information, these cases are reported to prosecutor's offices. In order to address violations the state inspector shall issue an order specifying the period of its execution. At the end of these terms the review of fulfillment of ordered instructions is performed. When a person committed an offense eliminates it, the state inspector makes the report with the applications confirming the elimination of violations. In case of failure to implement of orders in time, state inspector draws up the report as well as issues a new warrant and make the Protocol about administrative offense under Article 19.5 of the Administrative Code.

In case of non-payment of an administrative fine within the specified period of time (no later than 30 days from the date of issuing of the administrative fine) state inspector that issued the decision, sent the materials to a court bailiff for recovering an administrative fine. Failure to pay a fine shall be paying in doubling the additional fine.

It should be noted that the presented list of the standards and requirements of the legislation governing the conducting of scheduled and unscheduled inspections by RPN, is far from exhaustive. At the same time these laws are main one regarding requirements to the state environmental inspection and administrative measures that are applicable to environmental law violations (Firsov 2013).

In detail the process of state environmental inspection can be considered in an example of the control of industrial and consumption waste. There is no secret that as the result of any economic activity there is disposed industrial and consumption waste. The concern about what to do with waste, how to conduct business activities with the least damage to the environment and human, are concerns. The government in order to streamline the disposal of industrial and consumption waste and protect the constitutional rights of citizens to a healthy environment enacts a set of laws and regulations that set requirements about waste management. These requirements and restrictions are binding on all legal entities, individual entrepreneurs and individuals whose activities are related to waste management. State control on waste management is performed by federal bodies and executive branches. It is a part of

the state environmental control in accordance with Article 65 of the Federal Law of 10.01.2002 № 7-FZ “On Environmental Protection” and Article 5 and 6 of the Federal Law of 24.06.1998 №89-FZ “On Waste Production and Consumption”.

Government Decree of the Russian Federation from 08.05.2014 №426 approved rules of state environmental control. State environmental control, including inspections related to waste management is conducted by RPN, and authorized executive bodies of the subjects of the Russian Federation. The right to conduct state environmental control belongs only to those officials of RPN or other ad hoc regional authorities authorized to do so, in most cases these are the state inspectors of the Russian Federation. Also, if it comes to industrial and consumption waste, Federal Service for Ecological, Technological, and Nuclear Oversight (RTN) has jurisdiction over only a few areas.

In accordance with the legislation inspection of legal entities and individual entrepreneurs may be both planned and unplanned. Planned inspections can be carried out not more than once every three years. Reasons of unplanned inspections may be the complaints or appeals about violation of legislation received to the executive authorities, or control over the implementation of regulations previously issued by the environmental control state bodies. So, any inspection which is carried out under the legislation of a “legal entity” or individual entrepreneur by federal or regional agencies of the Russian Federation, begins with notice. The state environmental control body is required to inform the person (company) about the forthcoming inspection by registered letter with delivery confirmation no later than three days prior to the inspection (in the case of planned inspection) and no later than a day (in the case of an unplanned inspection). A copy of the order about conducting an inspection is attached to the letter. The order must necessarily include the “legal entity” (where an inspection will be carried out), name and surname of the state inspector who is authorized to carry out an inspection, the grounds for an inspection, aims and objectives of an inspection, regulations on the ground of which an inspection is conducted; documents of a “legal entity” that are needed to implement control measures, and duration of an inspection.

A “legal entity” must make available the constituent documents, waste permits and reclamation documents requested by the state inspectors. Usually, the main documents are:

- state registration certificate;

- the articles of association;
- minutes of the meeting of shareholders of a limited liability company regarding the appointment of CEO;
- an order on the appointment of CEO;
- the list of immovable public properties;
- public land, lease or permit documents;
- state property right certificate on the immovable property owned by a “legal entity”, or leases of immovable property;
- compliance standards on production of industrial and consumption waste established by federal executive bodies or executive bodies of subjects of the Russian Federation;
- passports issued on producing class 1-4 wastes which are based on the hazard level of the wastes, here after called “categories of hazardous wastes”;
- training certificates of employers who are engaged in the treatment of categories of hazardous wastes;
- contracts for the removal and disposal of industrial and consumption waste;
- landfill receipt confirming categories of hazardous wastes disposal, and also acts official statement on the waste delivery for recycling or disposal;
- licenses of companies for collecting, using, neutralization, transportation and disposing of hazardous wastes, which have signed contracts with a “legal entity” for the removal and disposal of categories of hazardous wastes;
- a license for collecting, using, neutralization, transportation and disposing of categories of hazardous wastes (in case, if a “legal entity” or individual entrepreneur is engaged in this activity);
- technical report about verification of immutability of the production process and used raw materials by an individual entrepreneur or “legal entity” based on the quotas allotted.
- payment documents for waste disposal and consumption;
- payment orders where it says that fees for negative impact of waste on environment have been paid.

Then the stat inspector checks permits, and reporting documents provided to the state environmental control and management bodies. Also, state inspectors establish conformity to issued waste permits of the actual activities. The state inspector checks whether a “legal

entity” complied with the mandatory requirements for waste management established by federal laws and laws of subjects of the Russian Federation. If during an inspection the inspector discovers any violations of environmental legislation and this violation can be punished in accordance with the Administrative Code, an inspector is obliged to bring the perpetrators “legal entity” or officials to administrative responsibility for the violation.

Usually, the state inspectors identify the following violations:

- Legal entities and individual entrepreneurs that produce waste as the result of its activity does not have compliance standards for waste and waste disposal. It is a violation according to Article 11 of the Federal Law “On Waste of Production and Consumption”
- Legal entities and individual entrepreneurs do not submit an annual confirmation of the immutability of the production process and raw materials used in order to prolong the waste disposal limit. That is a requirement of Order of the Ministry Of Natural Resources And Environment of the Russian Federation from 25.02.2010 №50 “On development and approval of standards of waste and waste disposal limits”.
- Failure to have no passports issued on producing 1-4 class danger waste. It is a violation of the Federal Law “On Waste of Production and Consumption”.
- Waste discharge into soil. It is a violation in accordance with the Federal Law “On Environmental Protection”.
- In order to save money on waste disposal and reduce payments for negative impact of waste, a “legal entity” and individual entrepreneurs burn waste. That is prohibited in residential areas and businesses areas without special facilities provided by the rules that were established by the federal authority.
- Person deals with categories of hazardous wastes management without training certificate.
- Failure to have a license if a “legal entity” carries out collecting, using, neutralization, transportation and disposing of categories of hazardous wastes. It is a violation of the Federal Law “On Waste of Production and Consumption”.
- Failure to payments on time for negative impact of waste.

Legal entities and individual entrepreneurs have to follow the requirements of federal laws, as well as laws and regulations of the subjects of the Russian Federation where economic activity is conducted.

As mentioned above, the state inspector is obliged to make a report about the result of an inspection and reflects all violations in it. If there is administrative offence, the state inspector prosecutes an offence, and also issue orders to eliminate this violation. After order deadline, an unplanned inspection will be carried out in order to confirm that all instructions are fulfilled (Belousov 2010).

The state environmental control works in the same in Rostov region. Regional environmental control carried out as planned inspections, and unplanned inspections on fulfillment of previously issued instructions and administrative investigations initiated by Rostov state inspectors if there is a violation of environmental laws. Planned inspections are carried out in accordance with approved inspections plan by the General Prosecutor's Office of the Russian Federation for the current year.

Committee receives information environmental offence coming from citizens, legal entities, and public authorities by a telephone hotline and written statement. If there is evidence of violation, the state inspectors carry out administrative investigations. According to Resolution of the Government of the Rostov Region 26.04.2012 № 331 “On approval of the order of procedure and implementation of the regional state environmental supervision in the Rostov region”, the following regional state environmental inspections are determined:

- the regional state supervision over geological study, resource management and protection, soil conservation;
- the regional state supervision of waste management at industrial sites;
- the regional state supervision over air protection at industrial sites;
- the regional state supervision over water bodies protection, except for water bodies that are under the federal environmental supervision;
- the regional state supervision over protection of specially protected natural areas.

All the following data and information was collected in the Committee.

The number of conducted inspections carried out by the Department of RPN of the South Federal District in Rostov region during the period from 2007 to 2013 can be seen in the Table 2.

Parameter	2007	2008	2009	2010	2011	2012	2013
Planned	149	152	123	168	123	78	119
Unplanned	148	156	139	156	134	81	234
Total	297	308	262	324	257	159	353

Table 2. Number of conducted inspections during the period from 2007 to 2013

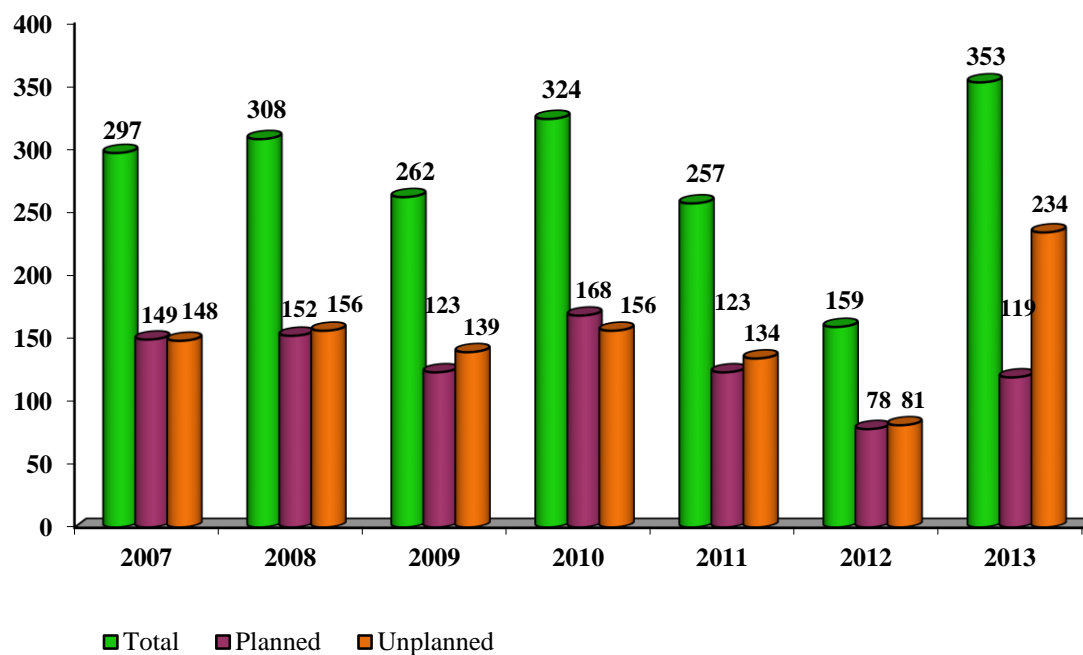


Figure 1. Number of conducted inspections during the period from 2007 to 2013

The number of discovered and resolved violations during these inspections can be seen in the Table 3.

Parameter	2007	2008	2009	2010	2011	2012	2013
Discovered violations	736	612	627	532	731	554	697
Resolved violations	524	464	446	377	607	372	384
The proportion of eliminated violations, %	71	76	71	71	83	67	55

Table 3. The number of discovered and resolved violations during the period from 2007 to 2013

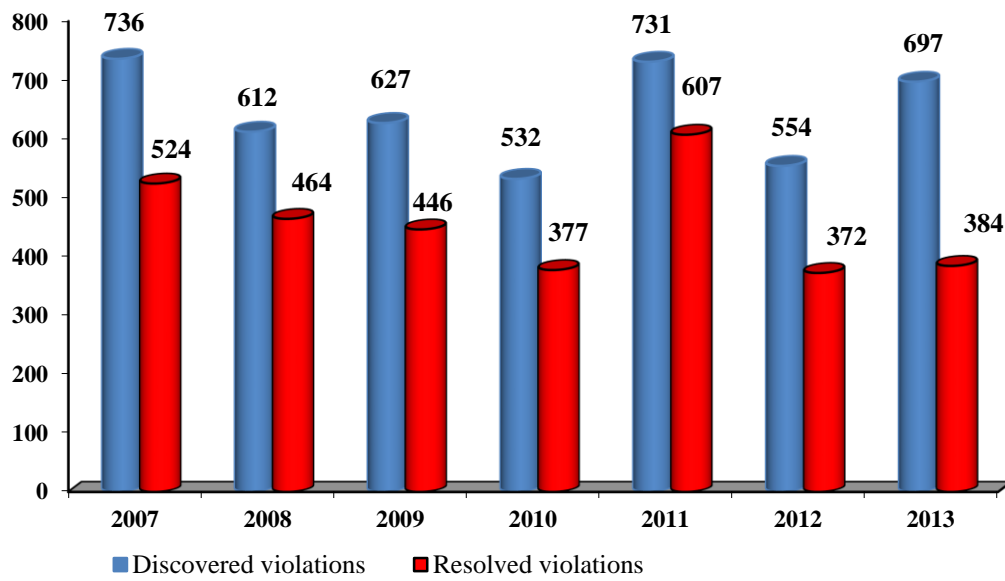


Figure 2. The number of discovered and resolved violations during the period from 2007 to 2013

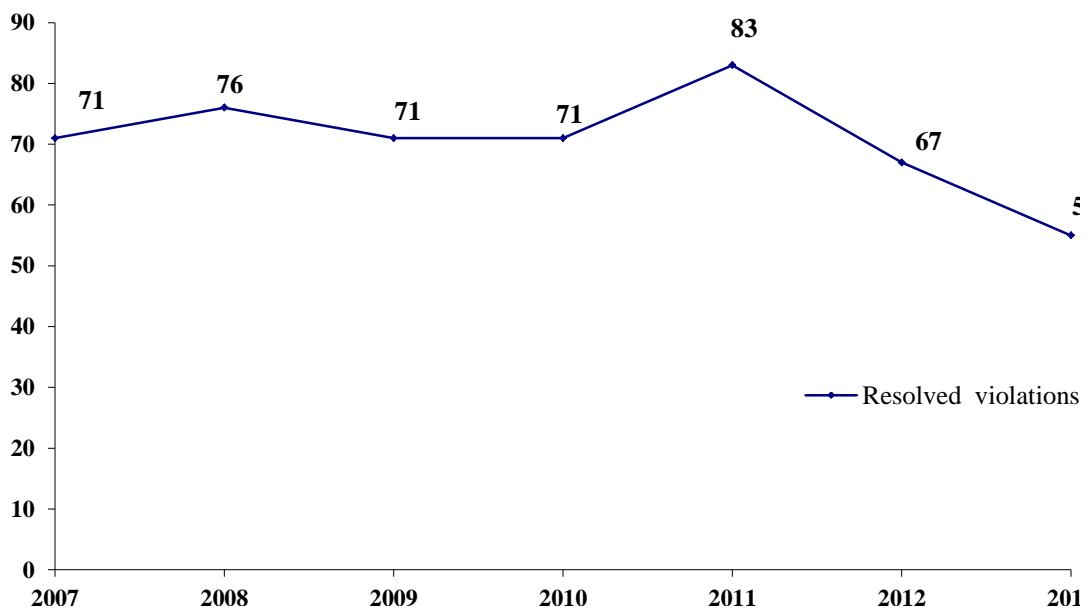


Figure 3. The percentage of violations resolved during the period from 2007 to 2013.

The number of issued and executed orders during the period from 2007 to 2013 can be seen in the Table 4.

Parameter	2007	2008	2009	2010	2011	2012	2013
Issued orders	1354	731	817	436	659	376	651
Executed orders	900	523	702	637	581	270	384
The proportion of executed orders, %	66,5	71,5	86	146	88	72	59

Table 4. The number of issued and executed orders during the period from 2007 to 2013

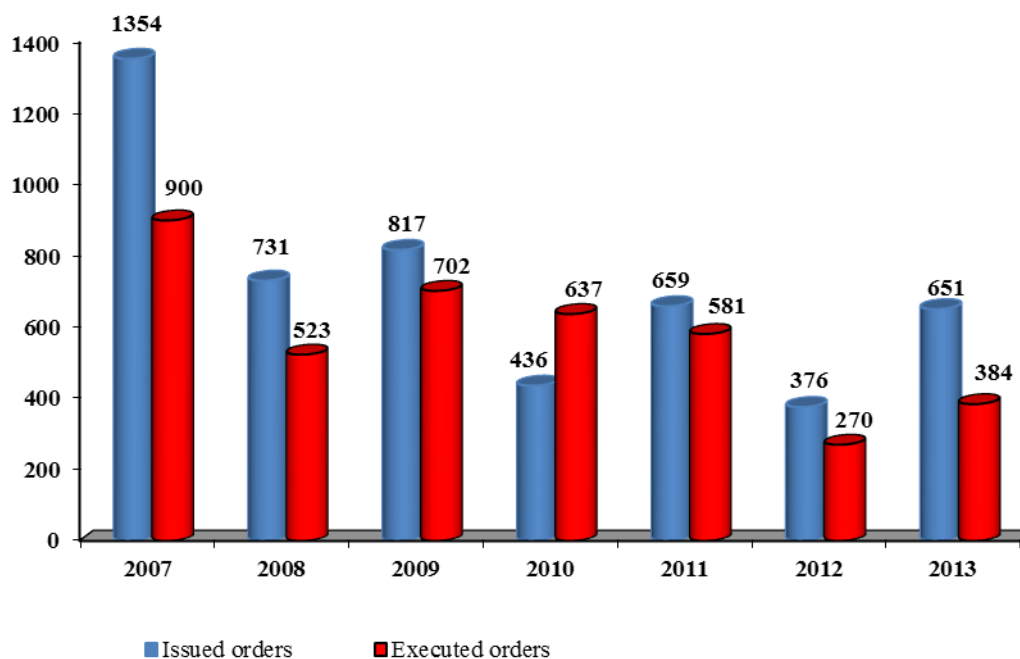


Figure 4. The number of issued and executed orders during the period from 2007 to 2013

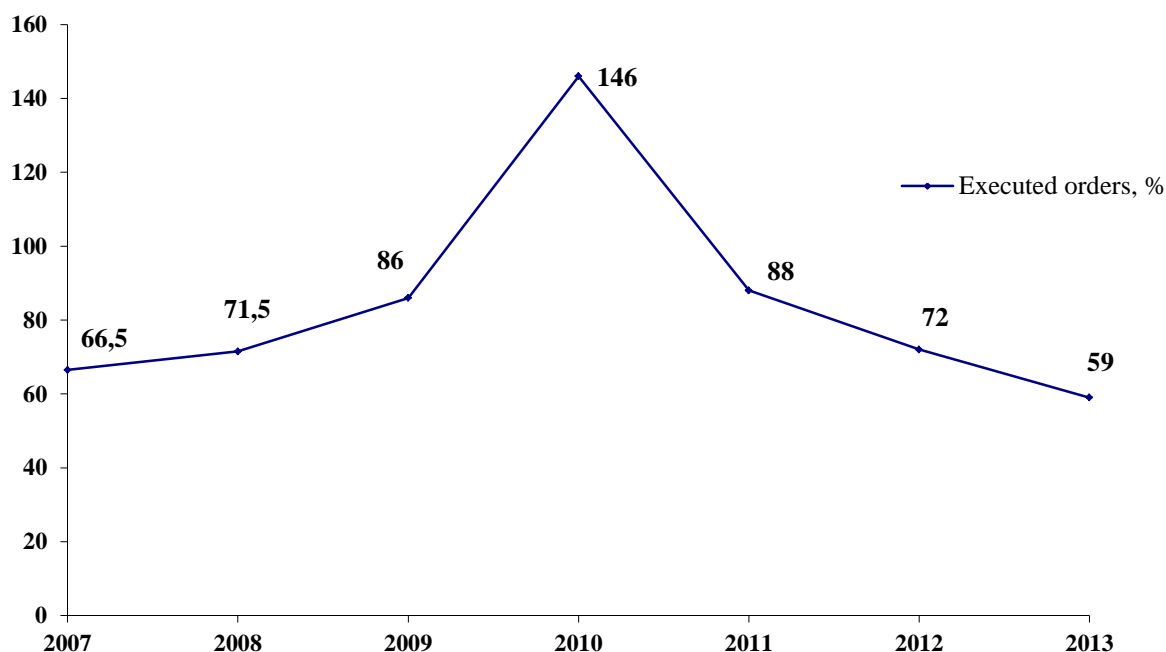


Figure 5. The percentage of executed orders during the period from 2007 to 2013

In recent years, the number of violations resolved has significantly decreased because natural-users sent a large number of petitions about the prolongation terms of execution of orders. One of the main reasons for prolongation is documentation development such as harmful substances emissions record, allowable emissions standards project, passports of hazardous waste, passports on gas and dust catching plants, allowable discharge into water bodies' standards project requires more time followed by its agreement with federal authorities. Petitions received from small and medium business also showed that delay in execution of orders was due to significant financial expenses associated with documentation development. The administrative proceedings are carried out for those companies who did not fulfill previously issued instructions in time according to Article 19.5 of the Administrative Code. Inspection materials are sent to subordinate magistrates.

The fine amounts during the period from 2008 to 2013 are presented in the Table 5.

Parameter	2008	2009	2010	2011	2012	2013
Imposed fines, thousand rubles	17 244,3	9 329	9 329	9 329	9 329	9 329
Collected fines, thousand rubles	17 503,35	8 155	8 155	8 155	8 155	8 155
The proportion of paid fines, %	102	87	87	87	87	87

Table 5. The fine amounts paid by "legal entities" during the period from 2008 to 2013

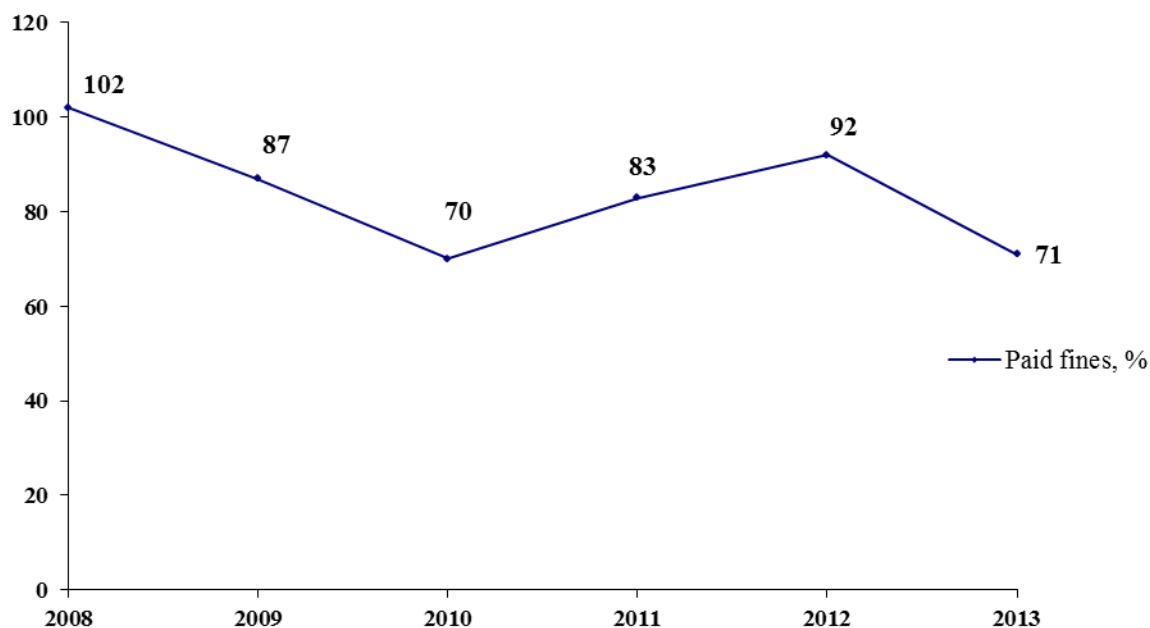


Figure 6. The percentage of Collected fines during the period from 2008 to 2013

All administrative fines are transferred in RPN Department of the Southern Federal District through Federal Treasury Department for the Rostov region. The number of people who were held accountable for administrative responsibilities was calculated by officials of the Department of RPN of the Southern Federal District and can be seen in Table 6.

Parameter	2008	2009	2010	2011	2012	2013
Total	456	668	876	1256	928	1146
Legal entities	174	313	396	673	487	621
Officials	223	341	438	542	425	512
Natural persons	59	14	42	41	16	13

Table 6. The number of persons involved in the administrative responsibility during the period from 2008 to 2013

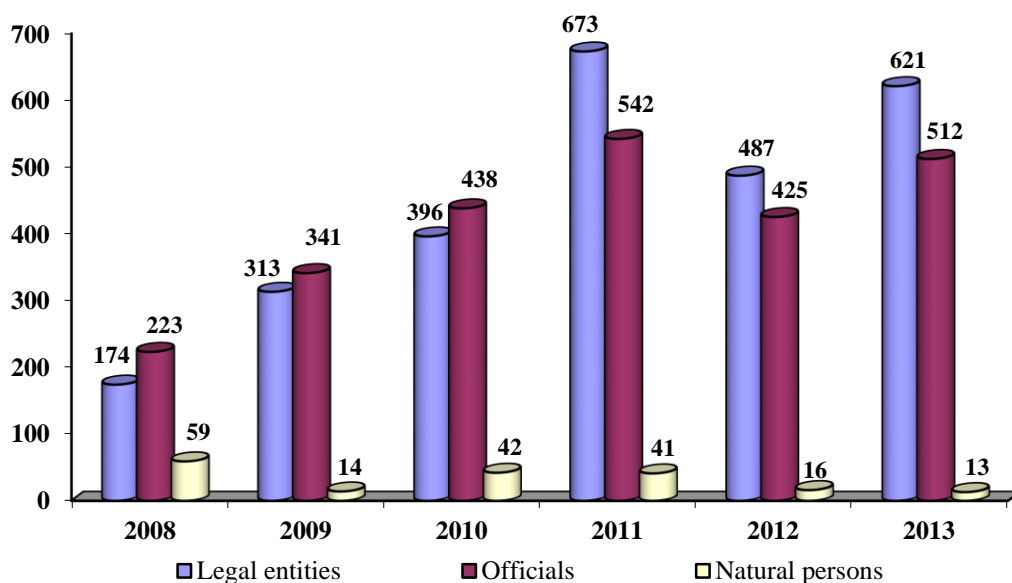


Figure 7. The number of persons involved in the administrative responsibility during the period from 2008 to 2013

As we can see from the chart the number of persons involved in the administrative responsibility is growing. Therefore, administrative measures do not work efficiently. For example, as soon as illegal dumps are discovered in country areas, they are urgently liquidated, and violations are eliminating. But they appear again after a few weeks. The urban administration organizes waste collection and disposal, but outreach is not conducted, there is no proper control, and no measures taken against violators.

According to the results of the state environmental control by the Committee a huge number of administrative offences were reviewed. Natural persons, “legal entities” and officials were brought to administrative responsibility. Information about the number of administrative cases is presented in the Table 7.

Parameter	2008	2009	2010	2011	2012	2013
Administrative Cases	1 626	1 924	1 907	2 851	1 942	1 832
Total of prosecuted cases	1 626	1 865	1 455	956	1 630	2 428
Natural persons	78	117	45	12	170	236
Legal entities	535	247	310	235	264	589
Officials	1 013	1 501	1 125	697	1 119	1 479
Individual entrepreneurs	-	59	20	12	77	124
The total amount of fines, thousand roubles	12 737,8	14 100	15 824,6	7 238,3	17 770,5	28 400

Table 7. The number of persons involved in administrative responsibility during the period from 2008 to 2013

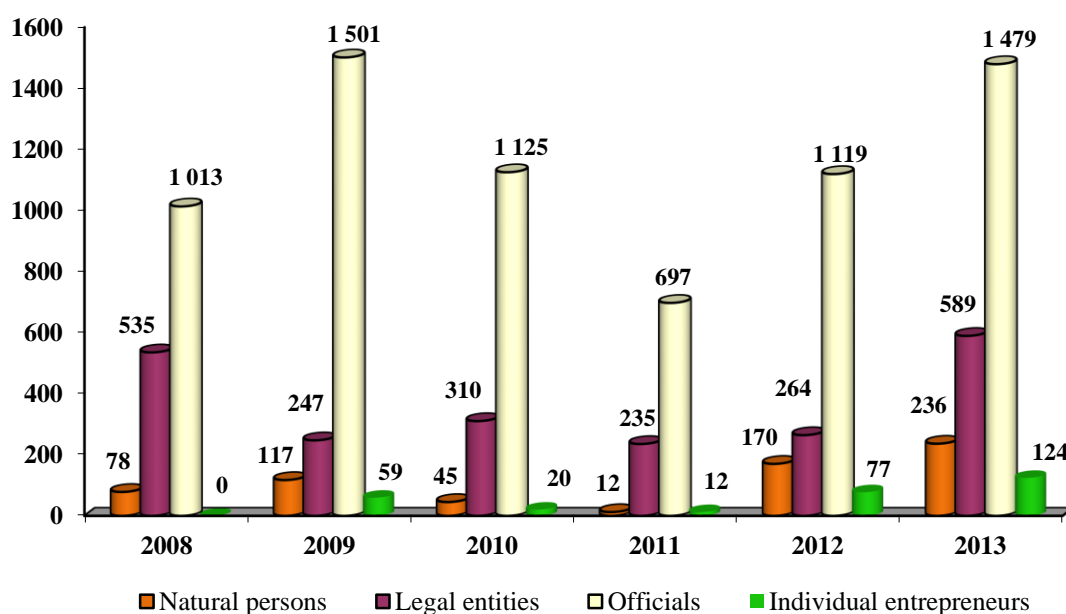


Figure 8. The number of persons involved in administrative responsibility during the period from 2008 to 2013

As we see from the chart the number of persons involved in the administrative responsibility is also growing. Using only this data, we can conclude that public management currently does not lead to improvement of the situation. Analysis of these offenses leads to the following conclusions:

- a company director (in 85% it is small business) are insufficiently knowledgeable of environmental regulations;
- almost all discovered violations are associated with low level of environmental protection management, the lack of documents such as records, instructions, regulations and permits, which are required by legislation;

- the majority of discovered violations of environmental legislation is not related to the direct negative impact on the environment.

The regional state environmental supervision finds it work to combat illegal use of mineral resources very important. For several years, executive bodies and local government took measures to prevent illegal of mineral resources use. Unfortunately, it did not give tangible results. In order to improve their work, the structure of management of the regional state ecological supervision has been changed. Now all inspectors have the right in case of discovered violations to impose administrative measures in the form of penalties to violators. A commission on coordination between authorities to prevent illegal common mineral resources mining was set up and led by the Committee. A new agenda was approved to stop their unlicensed mining. At the same time, local government does not accept measures to prevent illegal mineral resources use, despite there being a municipal land control. Intervention of internal affairs bodies is sufficiently low. Within the agenda, the regional state environmental supervision identify a large number of violations related to breach of the license conditions which were obtained by “legal entities” to use subsoil ((Ecological Herald of Don 2013)

Due to the request of the prosecutor's office, appeals of tax inspection, The Federal Subsoil Resources Management Agency (Subsoil Resources Management Department of the South Federal District) and citizen, as well as to check implementation of the orders earlier issued the state supervision conducted the number of inspections which are presented in the Table 8.

Parameter	2007	2008	2009	2010	2011	2012	2013
Total	74	51	92	116	108	97	102
Planned inspections	59	51	70	63	75	65	78
Unplanned inspections	15	-	22	22	33	32	24

Table 8. Number of inspections conducted during the period from 2007 to 2013

Comparative characteristics of fines and number of identified violations related to mineral resources use during the period from 2007 to 2013 in the Rostov region is presented in the Table 9 (Ecological Herald of Don 2010)

Parameter	2007	2008	2009	2010	2011	2012	2013
Total amount of fines, thousand rubles	2 498,5	1 781	2 022,0	6 425,5	1 170,0	2 397,0	3 977,0
Total amount of fines on an natural person, thousand rubles	24,0	51,0	75,0	0,0	140,0	285,0	377,0
Total amount of fines on a legal person, thousand rubles	2 348,5	1 585,0	1 654,0	5 765,0	706,0	1 649,0	3 054,0
Total amount of fines on the official, thousand rubles	126,0	145,0	293,0	660,5	324,0	463,0	546,0
Total number of violations	320	192	148	232	116	90	118
Number of violations by natural persons	1	3	4	-	9	1	3
Number of violations by legal entities	227	111	75	132	25	32	39
Number of violations by officers	92	78	69	100	82	57	76

Table 9. Fines and number of violations during the period from 2007 to 2013

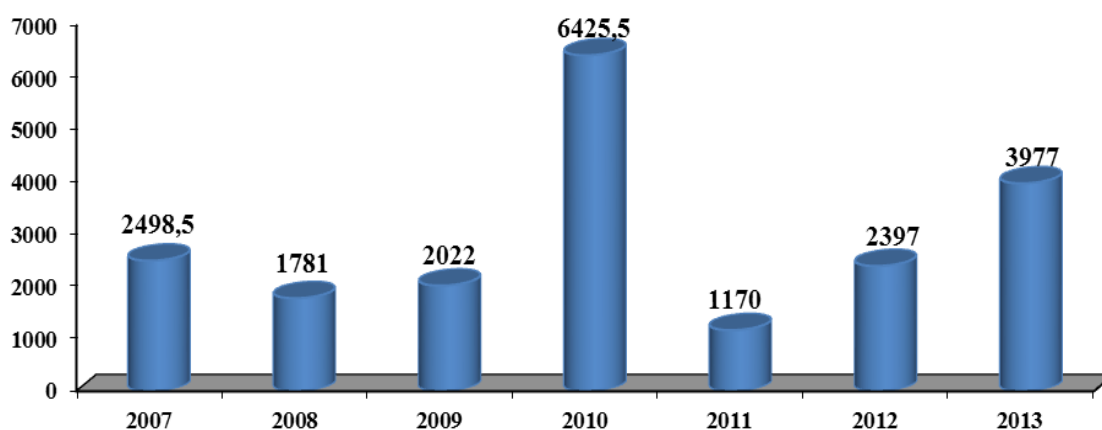


Figure 9. The amount of fines for using mineral resources the period from 2007 to 2013. (thousand rubles)

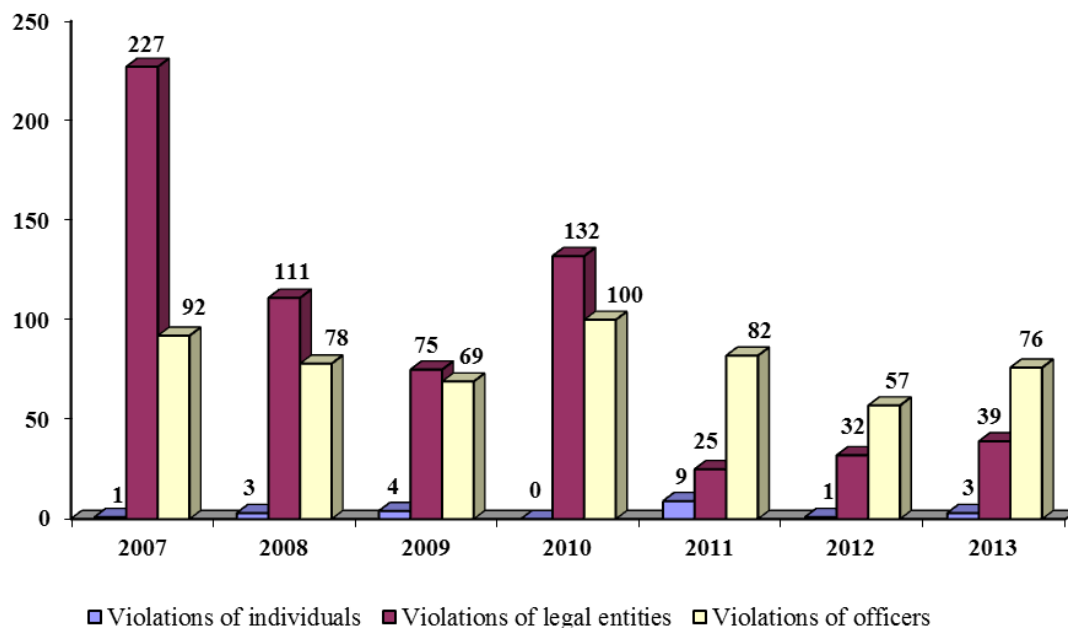


Figure 10. The number of violations for using mineral resources the period from 2007 to 2013.

As it can be seen in above bar graphs, the total amount of fines is increasing every year meanwhile the total number of violations is approximately the same. The amount of fine imposed on companies and individuals is incising. Therefore, violations for using mineral resources are getting more significant.

The most common identified violations of legislation committed by enterprises mineral resources users are:

- failure to comply with the license agreement, including failure to meet the start of groundwater exploration deadline, the start of mining, field commissioning;
- failure to comply leveled production;
- non-payment for mineral resources use;
- mineral resources use without the project documentation and land use permit;
- approved by the State Reserves Committee (SCC) of mineral resources;
- approved technical project documentation;
- failure to comply orders of control bodies;
- unauthorized discharge of polluted water and waste;
- violation of activity standards;
- unlicensed use of mineral resources.

The results of the state supervision over using and protection of water bodies, as well as to check implementation of the orders issued earlier are shown in the Table 10.

Unplanned inspections were carried out to verify the information provided by the Water Resources Department in the Rostov region of the Don Basin Water Management authority. This information was procured through a right to information appeal of citizens.

Parameter	2007	2008	2009	2010
Total number of inspections	87	64	79	113
Planned inspections	54	26	52	81
Unplanned inspections	33	38	27	32
Discovered violations	162	162	137	85
Resolved violations	129	118	96	55
The proportion of eliminated violations, %	80	73	70	65
Imposed fines, thousand rubles	1007,6	1059,1	980,3	1 988,0
Collected fines, thousand rubles	896,8	984,0	701,3	1 927,5
The proportion of paid fines, %	89	93	72	97
Administrative Case	94	106	158	234
Issued orders	187	208	180	113
Orders executed	154	181	161	89
The proportion of orders executed, %	82	87	89	79

Table 10. The results of inspections over using and protecting of water bodies during the period from 2007 to 2010

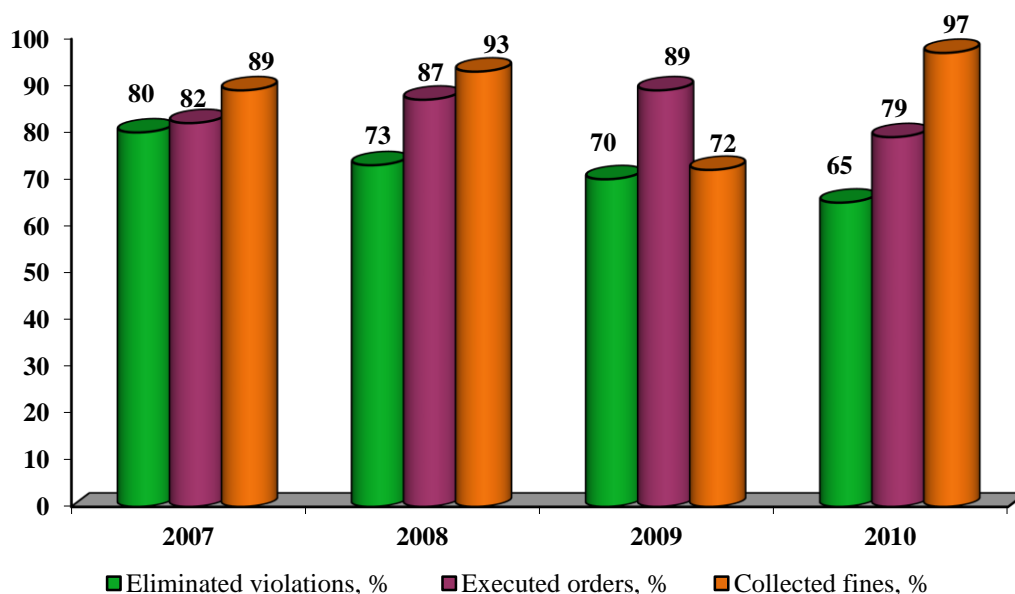


Figure 11. The percentage of eliminated violations, paid fines, executed orders during the period from 2007 to 2010

The percentage of collected fines is gradually increased, and eliminated violations and executed orders are reduced. Failure to fulfill an order in time by enterprises is administrative offence under the Article 19.5 of the Administrative Code Article. The number of these identified cases is growing every year.

There is a list of main violations:

- using of water body without permits;
- waste water discharge to aquatic environment without established standards;
- poor maintenance of treatment facilities and water systems;
- violations in water protection zone;
- divert untreated stormwater into water bodies and into the sewerage system;
- lack of water meters or no records of water intake volume and volume of wastewater;
- wastewater discharge above established standards.

The results of state control over fishing and protecting aquatic resources conducted by the Azov and Black Sea Territorial Administration of the Federal Agency for Fisheries are presented in the Table 11 (Ecological Herald of Don 2010)

Parameter	2011	2012	2013
Total number of administrative offences:	3875	4891	4637
Fisheries	3329	4066	3798
Environmental protection	341	602	644
Late payment of fines	196	213	181
Other	9	10	14
Imposed fines, thousand rubles	3 856,19	4257	7702,6
Collected fines, thousand rubles	2 814,31	3024	4994,4
The proportion of collected fines, %	72,9	71	65
The amount for damage claimed, thousand rubles	925,8	1444,8	911,4
The amount of damage recovered thousand rubles	322,8	445,9	689

Table 11. The results of inspections over using and protecting of water bodies during the period from 2007 to 2010

This data shows us that a high number of offences were committed, but most of them fall into a fisheries violation category. Even heavy fines for poaching do not stop offenders.

In 2014 the Governor of Rostov Region Vasily Golubev decided to create a single body for monitoring environmental protection. It is called the Ministry of Natural Resources and Environment of the Rostov region (MP RO). It is not just the merger of three executive bodies of, the regional department of fauna, water resources and forestry protection and use. It is a new agency that will coordinate all the environmental activities on in Rostov region.

Minister of MP RO Genadiy Urban spoke in his interview that about current aims which are not only bringing responsible to administrative responsibility, but also the preventing violations of the legislation. In addition to planned and unplanned inspections, there will be carried out administrative investigations to detect unauthorized waste disposal, prevent illegal mineral resources using and burning of dry vegetation (Interfax Russia 2015)

In accordance with the of the Decree of the Government of the Rostov region dated 30 April 2014 № 320 “On Approval of the Ministry of Natural Resources and Environment of Rostov region” (together with the Resolution) MP RO carries out the regional state environmental control on in the Rostov region. In order to ensure implementation of the federal environmental policy of the Russian Federation in Rostov region, the Committee signed agreements about cooperation with local authorities and various executive bodies. Outside this

agreement officials of MP RO cooperated with prosecutors, with the Department of RPN of the Southern Federal District, Federal Service for Veterinary and Phytosanitary Supervision, EMERCOM of Rostov region, Federal State Institution “Rostov Center for Hydrometeorology and Environmental Monitoring with regional functions” and other regional executive bodies during 2014.

The MP RO was entrusted with a mandate to conduct the regional state environmental supervision in 2014 in accordance with the inspection plan that was agreed with the prosecutor's office of the Rostov region. The plan was provided for carrying out 858 inspections. In fact, there were 754 inspections, or 87.9% of the planned inspections. 104 of planned inspections were not conducted. The main reasons of non-conducting planned inspections are termination of business activity, liquidation or reorganization of a company, and also the absence of a “legal entity” at a registered office.

The state inspectors monitored elimination of the previously identified violations. For this purpose, they conducted 514 unplanned inspections on the implementation of previously issued prescriptions. Administrative investigation was one of the ways to prevent violations of the legislation during the 2014. The citizens, ‘legal entities’, and public authorities sent the information to the MP RO about a possible violation of legislation via letters or hotline phone calls. If incoming information has any real signs of violation, the state inspectors carried out administrative investigations. In total, there were 238 administrative investigations in 2014. The supervision results of MP RO indicate the positive outcomes of the execution of obligatory requirements by legal entities and individual entrepreneurs in 2014 (Report of MP RO 2015)

2.2. Problems of national environmental management and their solutions.

2.2.1. Creating environmental authorities.

First federal environmental protection agency was established in 1988 in the USSR at the suggestion of the community and workers of science and culture. They believed that the industrial departments would not be able to cope with environmental deterioration. Created in 1990, environmental protection agency was reorganized several times (1991, 1992, 1996, 1998). However, it maintained its independence from the departments that directly used

natural resources (agriculture, mineral resources, forest resources, etc.). For 10 years, from 1991 to 2000, the following were the functions that were built up from scratch:

- system of state environmental control and independent environmental impact assessment;
- well-developed legal and regulatory framework (adopted more than 30 federal laws);
- administrative chain of command;
- system of training and retraining which was lacking before;
- the system of protection and promotion of the interests of Russia in international relations. The environmental issues became not only the main sphere of cooperation, but also a mechanism of pressure on separate countries;
- significant change of protected areas. The areas of preserves increased by 50% with administrative and financial support from regions over 10 years.

By presidential decree the new structure of the federal agencies was established in May 2000. According to the Decree State Committee for Environmental Protection and Federal Forest Service of Russia were dissolved. The functions of both dissolved departments were transferred to Ministry of Natural Resources and the Environment.

In interview, Natalya Komarova, Chairman of State Duma Committee on natural resources, their management and ecology claims that according to the current environmental legislation of the Russian Federation there are different types of responsibility for violation of environmental legislation. This responsibility is provided by the Administrative Offence Code and the Criminal Code of the Russian Federation. However, today the punishment for the offense is not always proportional to the damage to the environment. The punishment provided by the Code of Administrative Offences are often negligible. For example, a company with a profit of a few million will pay from ten thousand to twenty thousand rubles for lack of emissions treatment equipment or its abuse. The same amount of fine will be paid by small enterprises. If a 'legal entity' is responsible for air permit violation, it will pay from thirty thousand to forty thousand rubles (Garant 2009)

2.2.2. Gaps of fines

Taking an enterprise as an example, proportionality of turnover of a company and fine, as well as the proportionality of a wage of a worker and fine can be considered.

In 2011, there were two types of violations discovered during the inspection of Rostov Coal Company. The company disposed of drainage water into the river Bistraya, and violated mineral resources use standards that have been specified in the license “PCT 13676 TE” on coal exploration and mining in the area “Bistrianskaya 1-2”. In accordance with the results of inspection by the RPN Department of the Southern Federal District officials and ‘legal entity’ were brought to administrative responsibility under section 2 Article 7.3, Articles 7.6, 8.5, 8.13, section 1 Article 8.14 of the Administrative Offences Code. The total amount of fine was 382 thousand rubles. Six orders were issued, one of them enforced to make an additional fee for a negative impact on water over 2010 and first quarter 2011. The order was executed by the enterprise, the additional payment was made of 1137, 04 thousand rubles. The annual turnover of Rostov Coal Company was 986, 8 million rubles at the time (Ecological Herald of Don 2012). Therefore, the fine will be only 0.04% of the annual turnover for the enterprise with the same annual turnover.

The average monthly salary per employee who is engaged in the production of fuel and energy minerals was 18,337.8 rubles in Rostov region in 2011 (Ecological Herald of Don 2012). The amount of fine for the company's employees will be 3-22% of the salary.

After the inspection at Kirov stud farm, mineral use violation specified by the license “PCT RE 02,117” on groundwater exploration and extraction to provide agricultural facilities with water was discovered in 2011. The legal entity and official were brought to administrative responsibility under section 2 Article 7.3 of Administrative Offences Code. The amount of imposed fine was 320 thousand rubles. The sum of payment made by the ‘legal entity’ was 300 thousand rubles and the official paid 20 thousand rubles (Ecological Herald of Don 2012). The annual company turnover was 2036, 3 thousand rubles in 2011 (Kirov stud farm 2012). Any enterprise having the same annual turnover will not be seriously affected by paying administrative fines as fine will be only 0.014% of the annual turnover. The average monthly salary of an employee in the Rostov region in this field was 12 187 rubles in 2011. It would take 2 monthly salary of an employee to pay this fine.

Another example of violations at the enterprise can be given. According to the Resolution of administrative punishment № 0028/09/6352/5972/SL/2015 dated 27 January 2015, the Department of RPN of the South Federal District established that the company “Tander” (a supermarket chain) does not comply with the requirements of environmental legislation. The company “Tander” did not render quarterly reports to Don Basin Water Directorate for the 3rd quarter of 2014. Hence, the following rules have been violated:

- sub clause 5 clause 2 Article 39 of the Water Code of the Russian Federation
- sub clause 15 of the Decision on granting water body use permit dated 18 March 2014

Thus, the actions of the official “Tander” (environmental engineer) resulted in above violations of regulations and constitute an administrative offense under Article 8.5 of Administrative Offences Code “Concealment or misrepresentation of environmental information”. In accordance with Article 2.4 of Administrative Offences Code in case of an administrative offense in connection with the default or improper performance of their duties an official is to be responsible.

According to the Resolution of administrative punishment an official of “Tander” (environmental engineer) was admitted guilty for an administrative offense and had to pay 1 000 rubles. The average monthly salary of an environmental engineer of the given enterprise was 18,000 rubles in 2014. Hence, the amount of fine for an employee will be 5% of the salary.

Such punishment cannot stimulate industrial and commercial companies to introduce expensive advanced technologies and comply with environmental legislation.

State Duma Committee on Natural Resources and Environment is taking measures to bring the regulatory framework into compliance with the requirements of environmental protection. Thus, in accordance with the Federal Law N 309-FZ adopted in December 2008 “On Amendments to Article 16 of the Federal Law On Environmental Protection and some legislative acts of the Russian Federation”, the amounts of fines for violations of legislation with regard to industrial and consumption waste were increased. The amount of an administrative fine for collection, storage, use, incineration, recycling, disposal, and transportation industrial waste was from ten thousand to one hundred thousand rubles. Now it amounts to one hundred thousand up to two hundred fifty thousand rubles. However, the punishment should not be the main motivation of compliance with environmental legislation.

It is necessary to combine different methods of environmental protection. When adjusting the various activities at all times the so-called “carrot and stick” approach was used. Economic incentives to introduce environmentally-friendly technologies reduce resource consumption and energy consumption and reduce waste production should be included. The existing legislation provides with such benefits, but at the moment they are poorly used and also insufficient. It is necessary to improve the payment system for negative impact on the environment. State Duma adopted on first reading a draft of the Federal law "On Amendments to Certain Legislative Acts of the Russian Federation in order to improve the energy and environmental efficiency". The draft provides changes to the budget and tax legislation of the Russian Federation to stimulate eco-friendly activities of citizen and ‘legal entities’. This Law also establishes requirements to ensure widespread use of best available technologies, environmental inspections, implementation of environmental insurance of business and other activities, improvement of the payment system for negative impact on the environment and etc..

2.2.3. Problems of utilization emissions

International environmental requirements for the production process have become tougher. Since Russia ratified the Kyoto protocol, it is necessary to solve such problems as the utilization of associated petroleum gas (APG). In his annual address to the Federal Assembly in 2007, President of the Russian Federation noted that more than 20 billion m³ of APG is burnt off in the oil fields in Russia per year, and pointed to the need of an adequate accounting system, increasing of environmental fines. The president also supported stricter licensing requirements for mineral resources users. The MP of Russia estimates out of 55 billion m³ annually recovered APG 26% is sent for processing, 27% is burnt off in gas flares, and 47% is used to the needs of mineral resources users or write off to process losses. Russia loses more than 13 billion dollars a year because of irrational use of APG. Although high-quality, liquid hydrocarbons, propane, butane and dry gas can be produced during APG processing.

Liabilities for the emissions of APG has been enhanced by the Government Decree of the Russian Federation from January 8, 2009 N 7 “On Measures to Stimulate the Reduction of Air Pollution Products from Burning Associated Gas in Flares”.

As an incentive in this case, first of all, tax and customs preferences for companies that implemented projects for the rational use of APG can be used. Secondly, Mineral Extraction Tax (MET) can be reduced when the oil companies reach more than 95% of APG utilization. The idea of preferences has not received legislative recognition yet. However, a draft of the Federal Law N 160401-5 "On Amending to Certain Legislative Acts of the Russian Federation on the effective use of APG" is now being considered in the State Duma. This document provides with punitive measures (administrative responsibility for emission without a special permission) and incentive measures (lowering MPT rate and customs privileges) (Garant 2009).

2.2.4. Problems of coordination of legal regulations

As previously noted there is lack of consistency in the legal requirements and punishments for environmental violations. For example in the draft development of the sanitary protection zone (SPZ) for enterprises typical problems and contradictions of public administration in protecting environment can be observed. Sanitary Protection Zone (SPZ) is a special area, which is set around plants. It is created because plants can impact on the environment and human health. SPZ is a protective barrier to support level of public safety. There is no clear position of supervisory authorities on project development of SPZ for class 4 and 5 industrial enterprises which are based on risk level. According to the clause 3.1 of "Sanitary rules and norms" (SanPiN) 2.2.1/2.1.1.1200-03 "Sanitary protection zones and sanitary classification of enterprises, buildings and other facilities", which operate according to the Resolution of the Chief State Sanitary Doctor of the Russian Federation dated 25 September 2007 №74, project development of SPZ for class 4 and 5 industrial enterprises is obligatory. However, in some regions of the Russian Federation (Rostov region is no exception) class 4 and 5 industrial enterprises are required to have SPZ by supervision authorities.

There is different interpretation of regulations. The fact is that SanPiN did not point which industrial enterprises are obliged to have develop of SPZ. In conclusion that under the current SanPin of projects development of SPZ for class 4 and 5 industrial enterprises is not obligatory. Hence, there is a legal misinterpretation of the contradictory documents.

There is another example. According to clause 12 of SanPiN 2.2.1/2.1.1.1200-03 requirement project development of SPZ applies to siting, designing, construction and operation of new and reconstructed industrial facilities, transportation facilities, communication facilities, agriculture facilities, energy facilities, public utilities facilities, shopping facilities, public catering facilities and other which are the sources of impact on the environment and human health.

Changes and additions that have been made to №3 old edition clause 1.2 of SanPiN 2.2.1/2.1.1.1200-03 the words “and operating industrial facilities and productions” were excluded. Thus, operating facilities are not obliged to have of project development of SPZ. However, the situation is not so unambiguous. Thus, in clause 3.1 of SanPiN 2.2.1/2.1.1.1200-03 it is indicated that the project development of SPZ is performed at all stages of urban planning documentation development, construction projects, reconstruction and operation of single industrial facility. Therefore, this clause obliges project development of SPZ for operating facilities that contradicts with the logic of clause 1.2 of SanPiN 2.2.1/2.1.1.1200-03.

Due to these discrepancies in judicial practice there is no consensus on this issue in some cases, courts point to the need the project development of SPZ for existing facilities, in other cases court points otherwise. The reason for different positions on the same issue is the statement of SanPiN 2.2.1/2.1.1.1200-03 that are not perfect from a legal perspective. This was confirmed by the analysis of SanPiN by the Ministry of Economic Development of the Russian Federation, which was conducted to identify the difficulties in business and investment. The report has been prepared. There is hope that the statements of the report will be adjusted to eliminate the ambiguities of interpretation.

To solve the problems of environmental management it is necessary to try to fill all the legal gaps in environmental legislation. Moreover, the punishment for damaging the environment should be toughened.

CONCLUSION

In recent years, legislation of responsibility for environmental offences has solved a number of urgent tasks. The statutes law about the environmental conservation, wildlife, forestry and administrative law were agreed. Liabilities for a number of environmental offenses which were not specified by administrative law earlier were introduced in the new legislations. Through this a number of new violations were specified and this facilitated the procedure of bringing violators to justice. The amount of the administrative fines was increased.

Despite the considerable number of laws adopted, and all of them regulate the environment and natural resources protection to different extents, the system of already developed laws needs modification as they have considerable defects. As research shows, the amount of fines are often significantly lower than the environmental damage caused by the actions of citizens and businesses. Existing legislation does not affect the negative impact of mineral users on the environment. Economic incentives of environmental management do not exist in the Russian Federation

Considering the mentioned above, the following conclusions on the issue of administrative environmental protection can be drawn:

1. It is necessary to have the theoretical scientific grounds of the state goal to protect the environment and its legislative recognition on the basis of the conceptual approach.
2. This goal needs to have scientific, technical, financial and legal, ideological support, so the following measures are necessary:
 - further improvement on the existing environmental legislation in accordance with the state goal;
 - ensuring more efficient and effective state guarantees to implement the constitutional right of citizens to a healthy environment. Creating a favorable living environment is one of the ways to achieve the state goal;
 - improving the public authorities system with regard to environmental protection. The reorganization of authorities should be carried out to improve their activity, and not vice versa, as it is being carried out today. Differentiation of functions of environmental

management and environmental control is a key principle in achieving the needed effect of environmental activity.

3. Existence of a perfect system involves the creation of federal and regional agencies. Adjustment of federal and regional agencies names is necessary to overcome the differences in their activities and in order to avoid and prevent their independent actions.

4. There are two dominant groups of methods to improve environmental management which are administrative and economic methods. To solve the problems of state goal which is the environmental protection more attention needs to be paid to economic regulation measures, as the prosecution and the imposition of fines are not always an effective measure and does not always have the desired result. It is all about economic incentives, and financial interests of enterprises to minimize the negative impact on the environment. Economic sanctions, economic incentives, economic guarantees are the measures that have a greater effect on mineral resources users, encouraging them to take measures to protect the environment.

5. Implementation of adequate funding. Today, the system of environmental funding is far from being perfect. Consolidation of environmental funds to the budget did not improve the situation, but on the contrary worsened it by decreasing the amount of funds allocated for environmental needs. Hence, the implementation of the state goal for environmental protection will be almost impossible if the items of expenditure of the federal budget concerning the environmental problems will be so small.

For solving the state problems on the environment the following measures need to be taken:

- raise the level of public environmental culture. It requires a change in the public consciousness in the understanding that environmental conservation costs are not recompensed at all or will be recompensed in a far future. Global practice shows a high efficiency of investments in environmental projects, giving the effect for the economy, which is 10-15 times exceeding the investment;
- ensuring of consistency and focusing in the activities of regulatory and supervisory authorities, law enforcement and judicial authorities.

The judiciary plays a special role. It must ensure the protection of citizens' rights and rights from any infringing actions and decisions.

There are often cases of violation of the rights of citizens in public management. They also apply to citizens' environmental rights. The summary of court rulings have a very small number of cases related to the protection of environmental rights. One of the reasons is low professional skills of judges on environmental issues. In this regard, the system of their training needs to be changed. Today there is a lack of environmental specialists, and especially environmental lawyers. The expansion of environmental education can contribute to solving this problem. Reforming of the judicial system could take the track to the creation of the environmental prosecutor's office. Attribution of limitation, suspension or termination of activities of 'legal entities' for violation of environmental legislation to the jurisdiction of courts can lead to the fact that these cases will be lying on the shelves for a long time, granting the judicial load work, and damaging activities will continue.

Thus, the implementation of state goals for environmental protection will depend on the coordinated works of public authorities and social activity. Its implementation depends on the will and desire of the government to achieve the goal.

APPENDIX

A short list of requirements that must be followed, and what responsibility for offenses in environmental protection in accordance with applicable legislation

Infringement of environmental legislation	Requirement	Responsibility	Authority responsible for environmental control
Lack of stationary sources record, lack of MPE (Maximum Permissible Emissions) project	Sub clause 2, clause 1, Article 30, № 96-FZ “About Air Protection” 4 May 1999	Code of Administrative Offences, Article 8.1 Failure to comply may result in warning or the imposition of a fine on citizens from 1 000 to 2 000 rubles; on officials from 2000 to 5000 rubles; for legal entities from 20 000 to 100 000 rubles	Russian Nature Supervision, regional authorities
Failure of production control on the sources of pollutant emissions	Sub clause 7, clause 1, Article 30 № 96-FZ “About Air Protection” 4 May 1999		
The absence of emission permits for harmful substances (pollutants); violation of the permit conditions for MPE	Sub clause 1, clause 1 Article 14 № 96-FZ “About Air Protection” 4 May 1999	Code of Administrative Offences, Article 8.21. Failure to comply results the imposition of a fine on citizens from 2 000 to 2 500 rubles; on officials from 40 000 to 50 000; on legal entities from 180 000 to 250 000 rubles or suspension of business activity up to 90 days	Russian Nature Supervision, regional authorities The Federal Service for Hydrometeorology and Environmental Monitoring
Industrial and consumption waste			
The absence of standards for waste production (Low-Level Waste Disposal Plan)	Clause 3, Article 11 № 89-FZ “About Production and Consumption Waste” 24 June 1998	Code of Administrative Offences, Article 8.2 Failure to comply results in the imposition of a fine on from 1 000 to 2 000 rubles; on officials from 10 000 to 30 000 on legal entities from 100 000 to 250 000 rubles or suspension of business activity up to 90 days	Russian Nature Supervision, regional authorities
The absence of Hazardous Waste Passports	Clause 3, Article 14 № 89-FZ “About Production and Consumption Waste” 24 June 1998		
Infringement of water resources protection rules and water use rules			
The absence of a permit on the granting of a water body use. The absence of a license to use mineral resources	Articles 11, 21, 22 of The Water Code of the Russian Federation	Code of Administrative Offences, Article 8.1 Failure to comply may result in warning or the imposition of a fine on citizens from 1 000 to 2 000 rubles; on officials from 2000 to 5000 rubles; for legal entities from 20 000 to 100 000 rubles	Russian Nature Supervision, subjects of the Russian Federation authorities, The Federal Subsoil Resources Management Agency, Federal Water Resources Agency
The absence of a permit on emission and discharges of	Clause 4, Article 23 of The Federal Law № 7-FZ “About		

harmful substances (pollutants). The absence of a project of Wastewater maximum allowed discharges into water bodies	Environmental Protection”, 10 January 2002		
The lack of control over the water quality from the wells and the waste water quality. The lack of quality control of water bodies used for wastewater discharge. The lack of control over the water withdrawal from wells and reservoirs; water discharge volume		<p>Code of Administrative Offences, Article 8.13, clause 2 Failure to comply result in the imposition of a fine on citizens from 3 000 to 5 000; on officials from 20 000 to 30 000 rubles; on legal entities from 200 000 to 300 000, or suspension of business activity up to 90 days.</p> <p>Code of Administrative Offences, Article 8.13, clause 4 Failure to comply result in the imposition of a fine on citizens from 1 500 to 2 000 rubles; on officials from 3 000 to 4 000; on legal entities from 30 000 to 40 000.</p> <p>Code of Administrative Offences, Article 8.45 Failure to comply result in the imposition of a fine on citizens from 3 000 000 to 4 000; on officials from 30 000 to 40 000; on legal entities from 500 000 to 1 000 000 rubles.</p> <p>Code of Administrative Offences, Article 8.14 Failure to comply result in the imposition of a fine on citizens from 500 to 1000 rubles; on officials from 10 000 to 20 000; on legal entities from 80 000 to 100 000 rubles, or suspension of business activity up to 90 days</p>	
Payment for negative effects on environment			
Nonpayment on time for the negative impact on the environment.	Clause 1 and 2, Article 16, of the Federal Law№ 7-FZ “About Environmental Protection”, 10 January 2002. Article 28 № 96-FZ “About Air Protection” 4 May 1999	Code of Administrative Offences, Art. 8.41 Failure to comply result in the imposition of a fine on officials from 3000 to 6000 rubles; on legal entities from 50 000 to 100 000 rubles	Russian Nature Supervision, subjects of the Russian Federation authorities, Federal Environmental, Industrial and Nuclear Supervision Service
Sanitary Protection Zone			
The absence of sanitary protection zones and the project of size of the sanitary protection zone.	Sanitary requirements for organizations engaged in medical activities 2.2.1/2.1.1.1200-03 “Sanitary protection zones and sanitary classification of enterprises, structures and other facilities”	Code of Administrative Offences, Article 6.3 Failure to comply result in the imposition of an fine on citizens from 100 to 500 rubles; on official from 500 to 1 000 rubles; on legal entities from 10 000 to 20 000 rubles or suspension of business activity up to 90 days	Russian Nature Supervision

	№ 52-FZ “On The Sanitary And Epidemiological Welfare Of The Population”, 30 March 1999		
Industrial environmental monitoring enterprise			
The absence of a worker who is responsible for industrial environmental monitoring at an enterprise	Clause 1 and 2 Article 67 of the Federal Law № 7-FZ “About Environmental Protection”, 10 January 2002.	Code of Administrative Offences Article 8.1 Failure to comply may result in warning or the imposition of a fine on citizens from 1 000 to 2 000 rubles; on officials from 2000 to 5000 rubles; on legal entities from 20 000 to 100 000 rubles	
The absence of a worker who is responsible for waste management.	Article 25 of the Federal Law № 7-FZ “About Environmental Protection”, 10 January 2002. Article 30 № 7-FZ of the Federal Law “About Environmental Protection”, 10 January 2002. Article 26 of the Federal Law № 89-FZ “About Production and Consumption Waste” 24 June 1998.	Code of Administrative Offences, Article 8.2 Failure to comply results in the imposition of a fine on from 1 000 to 2 000 rubles; on officials from 10 000 to 30 000 on legal entities from 100 000 to 250 000 rubles or suspension of business activity up to 90 days	
The lack of training in waste management for workers engaged in treatment of hazardous waste	Article 73 of the Federal Law № 7-FZ “About Environmental Protection”, 10 January 2002.		
Untimely submission of reports on calculations fees, the results of production control, established by the state statistical reporting, lack of primary documentation on the formation and movement of waste	Article 15 № 89-FZ “About Production and Consumption Waste” 24 June 1998.	Code of Administrative Offences, Article 8.5 Failure to comply results in the imposition of a fine on from 500 to 1000 rubles; on officials from 3000 to 6000 rubles; on legal entities from 20 000 to 80 000 rubles	

REFERENCES

- Belousov, A.V. 2010. Rosprirodnadzor po TSFO [Russian natural supervision on the CFD]. Scientific and practical journal *Ekologiya proizvodstva* 2 (67): 47
- Brinchuk, M.M. 2009. *Ekologicheskoye pravo* [Environmental Law] Moscow: Gorodets
- Chernyakhovsky, E.R. 2007. *Upravleniye ekologicheskoy bezopasnost'yu: Uchebno-prakticheskoye posobiye* [Management of ecological safety: Educational and practical aid]. Moscow: Alfa-Press
- Dubovik, O.L. 2002. Administrativnaya otvetstvennost' za ekologicheskiye pravonarusheniya: predvaritel'naya otsenka reformy zakonodatel'stva [Administrative responsibility for environmental offenses: a preliminary assessment of the reform of the legislation]. Moscow: *Ekologicheskoye pravo* 2:10-15
- Firsov, Y.V. 2013. Ecology of production. *Scientific and practical journal* 7 (108):24
- Garant. 2009. Interview with Chairman of the State Duma of the Federal Assembly of the Russian Federation on Natural Resources, Environment and Ecology Komarova N.V. Accessed July 15. URL www.garant.ru.
- Interfax Russia. 2015. Accessed July 7. URL: www.interfax-russia.ru.
- Kirov stud farm. 2012. Accessed June 25. URL www.kirovhorse.ru.
- Lapina, M.A. 2008. *Ekologicheskoye pravo. Kurs lektsiy*. [Ecological right. Course of lectures]. Moscow: *Consultant Plus*
- Merkurisov, V.H. 1998 Kriminalisticheskiye problemy rassledovaniya zagryazneniya vod i atmosfery. [Criminalistics problems of investigation of water pollution and the atmosphere]. Ulyanovsk: *Pravo* 2: 42-52

Ministry of Natural Resources and Environment of the Rostov region. 2010. *Ecological Herald of Don About the state of the environment and natural resources of the Rostov region in 2008*. Rostov-on-Don

Ministry of Natural Resources and Environment of the Rostov region. 2012. *Ecological Herald of Don About the state of the environment and natural resources of the Rostov region in 2011*. Rostov-on-Don

Ministry of Natural Resources and Environment of the Rostov region. 2014. *Ecological Herald of Don About the state of the environment and natural resources of the Rostov region in 2013*. Rostov-on-Don

Ministry of Natural Resources and Environment of the Rostov region. 2015. *Report on the implementation of state control (supervision) and its effectiveness in 2014*. Rostov-on-Don

Ospanov, K.I. 2006. *Grazhdansko-pravovaya otvetstvennost' za ekologicheskiye pravonarusheniya. Osnovy prava: Uchebnoye posobiye* [Civil liability for environmental offenses. - Basics of Law: Study guide]. Almaty: Zhep zharty

Savichenko, A.I. 2004. Problemy vozbuzhdeniya ugovnykh del po ekologicheskim prestupleniyam [The problems of criminal cases on environmental crimes]. *Sibirskiy Yuridicheskiy Vestnik* 3

Skomorohina, E.V. 2002. *Administrativno-pravovoye obespecheniye zashchity okruzhayushchey sredy* [Administrative and legal support for the protection of the environment: the Dissertation of law and jurisprudence]. Voronezh: Dissertatsiya po pravu i yurisprudentsii

Starkova, I.V. 2000. *Administrativno-pravovaya bor'ba militsii obshchestvennoy bezopasnosti s ekologicheskimi pravonarusheniyami*. [Administrative and legal struggle of public security police with environmental offenses] Moscow: Avtoref. Dis

Supereka, S.V.2006.*Ekologicheskoye pravo: Uchebnyy minimum*. [Ecological right: Study minimum]. Moscow: Yurisprudentsiya

The Ministry of Internal Affairs of the Russian Federation. 2015. Accessed July 19. URL: <https://en.mvd.ru/>