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## Economic and Legal Aspects of Environmental Safety

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### Abstract:

The paper is devoted to the economic and legal aspects of environmental safety in modern conditions. It is proved that there are the necessary initial data and rationalizing materials for the introduction in accordance with the established procedure of the normative indicators of the lower threshold of environmental safety. It has been established that in the economically developed countries considerable experience in recycling household waste has been accumulated. It is determined that there are all grounds to assert that, at the present level of development of science and technology, it is technologically possible to ensure environmental safety through the rational use of natural resources, the introduction of wasteless complexes, resource and energy-saving facilities. Practice has shown that in the legislation of the Russian Federation the issues of rational use of natural resources are poorly reflected. These issues were studied in detail in the governmental plans, which in the previous period had the status of laws.

**Keywords:** ecological safety; integration; economy; state; natural environment; technology; risks.

**JEL Classification:** Q50 ; Q54 ; Q57

## Introduction

In recent years, the economy of the Russian Federation has undergone significant changes, primarily the transition from a centralized, planned economy to a market and globally integrated economy. The analysis of Russia's integration into the global economy shows that today it is one of the largest oil producers in the world and the largest exporter of natural gas, nickel, palladium, and titanium.

Energy and metals account for about 80% of Russia's exports, with two-thirds of exports falling on oil and gas. Along with this, it should be noted that after the United States, Russia is the world's second largest exporter of weapons. At the same time, the main trading partners of Russia are, first of all, the European Union, which accounts for almost half of total exports, as well as China, India and Turkey.

Such integration of the Russian market into the international economy requires considering a wide range of various threats associated with it. In these conditions, the problem of ensuring environmental safety is important. In modern conditions, environmental safety is an important aspect of not only many types of economic activity, but, above all, the quality of life, public health security.

Ecological safety is defined by the authors as a state of protection of the natural environment and vital human interests from the possible negative impact of economic and other activities, emergency situations of natural and man-made kind and their consequences.

The study of the economic and legal aspects of environmental safety has found its reflection in works by Alimov and Ermolina (2016), Bogolyubov (2013), Ivakin (2013), Kovalev (2017), Rusin (2017), Utkova and Utkov (2014), etc. Nevertheless, the conceptual bases of the economic and legal aspects are contradictory. The methodology within the framework of development of the theory and practice of environmental safety has not been worked out sufficiently; its specific features are not fully taken into account. And this does not allow in practice to carry out purposeful maintenance of ecological safety in modern conditions.

## 1. Methods

The methodological base of the study included the following general scientific methods: analysis and synthesis in the analysis of existing theoretical and methodological approaches and provisions, scientific developments on the economic and legal aspects of ensuring environmental safety in modern conditions; the structural and logical method in the systematization of factors affecting environmental safety; factor analysis in identifying the impact of indicators on the level of environmental safety.

The information base of the research was legislative and normative legal acts, academic materials of state authorities and local self-government, scientific publications of national and foreign scientists on the problems of ensuring environmental safety in modern conditions (Agamirova, Agamirova, Lebedeva, Lebedev and Ilkevich 2017, Kolupaev, Fadeeva, Ardashev, Novikov and Lebedev 2017, Zavalko, Kozhina, Zhakevich, Matyunina and Lebedeva 2017).

In the process of research, it was planned to substantiate the economic and legal features of ensuring environmental safety in modern conditions, to justify strategies for lowering environmental risks. In addition, the task was to rationalize the approaches to the assessment of environmental parameters, to identify and formulate the main directions for ensuring environmental safety at various levels.

## 2. Results

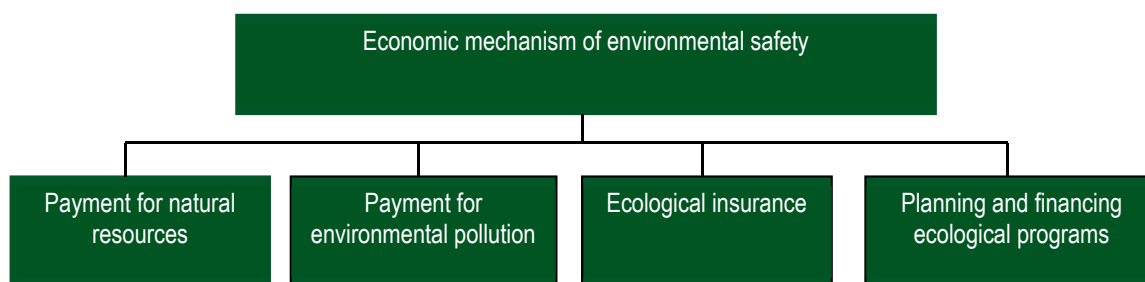
In modern conditions, environmental safety has also become an indispensable requirement for the development and creation of an economic mechanism at various levels (Figura 1). Many international investors bring their requirements to projects, primarily environmental ones. Often such requirements can be based on international generally accepted principles and norms.

The Russian Federation also is a party to various international treaties, the mechanisms of which are aimed at interacting on environmental issues at the state level. Along with the development of special interstate mechanisms for solving global environmental problems, environmental issues are also actively integrated into the activities and various instruments of international institutions and organizations, including trade, among which the World Trade Organization (WTO) has an important position.

Russia's accession to the WTO and its access to the world markets for goods, services and capital objectively increased its dependence on processes occurring outside the national borders. The accession of Russia to the corpus of international law that shapes the WTO rules, as well as the commitments it makes in connection with the accession, reinforce this dependence.



Figure 1. Economic mechanism of environmental safety



The probability of unfavorable influence of external factors on the national economy is increasing. In this regard, the issues of ensuring the national economic security in the process of its integration into the world economic relations come to the fore. As the main threats to Russia's economic security in the context of its entry into the legal framework of the WTO, the following can be noted: the strengthening of its import dependence (including dependence on food imports); the excessive openness of the economy and the transformation of Russia into the fuel and raw materials periphery of the developed countries; the growth of public debt, unemployment and social tension due to a sharp drop in per capita income, domestic production and consumption.

Also, along with these problems with accession to the WTO, the analysis of the environmental instruments applied within the framework of this international organization was of fundamental importance for Russia as a member of this international trade organization for taking adequate economic, legal and regulatory decisions.

The consideration of environmental aspects in the WTO is carried out mainly through the application of an integrated product policy that considers the entire ecological life cycle of the products. In the modern form, an integrated product policy was developed to reduce the so-called environmental costs that arose in all consecutive stages of economic life: from the extraction of necessary raw materials to production, transportation, use and subsequent disposal.

The application of an integrated product policy is not unconditional, obeying the general principles of the WTO activities, in particular the principle of non-discrimination of the goods of countries-members of the WTO compared to the national goods and the principle of fair competition. This makes it particularly impossible to impose restrictions on the access of certain goods to the national market as a means of forcing foreign producers to comply with more stringent environmental standards.

Environmental requirements and implementing instruments within the WTO are mainly related to product policies. They obey the general principles that determine the functioning of this organization, some of which are borrowed from the previous General Agreement on Tariffs and Trade (GATT).

The most common risks in the prohibition of free trade among the WTO members relating to the environment are related to the application of Article XX, promulgated by the GATT, on general exceptions, and more specifically paragraph (b), which, in the general context of the article, reads: *Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination among countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures necessary to protect human, animal or plant life or health* (General Agreement on Tariffs and Trade 1947).

The essence of this article states the ability of some WTO member countries, in an exceptional capacity, to refuse free trade in their territory with the goods which, in the course of their production, may, at least at one stage, pose a threat to the life and health of humans, animals and plants.

In the WTO system, environmental regulation is carried out with the help of environmental instruments. At the same time, environmental instruments can be divided into those of administrative regulation, economic and informational ones. And all of them, being the instruments of environmental policy, can be evaluated from various positions, including the fulfillment of functions on the internalization of environmental externalities, as well as on the control (minimization) of environmental risks.

The administrative regulation instruments include prohibitions on the use of certain substances, quality requirements for products, obligations to take back used products. The peculiarity of the application of prohibitions on certain substances contained in a product is that these prohibitions are allowed by the WTO rules only if importers are not discriminated by them, *i.e.* they are equally applicable to both domestic and foreign goods.

The economic instruments of environmental policy include, first of all, food taxes and governmental procurement. And at the global level, economic instruments are designed to influence the market, not through direct prescriptions to producers and consumers, but as a mechanism to influence independently taken market decisions.

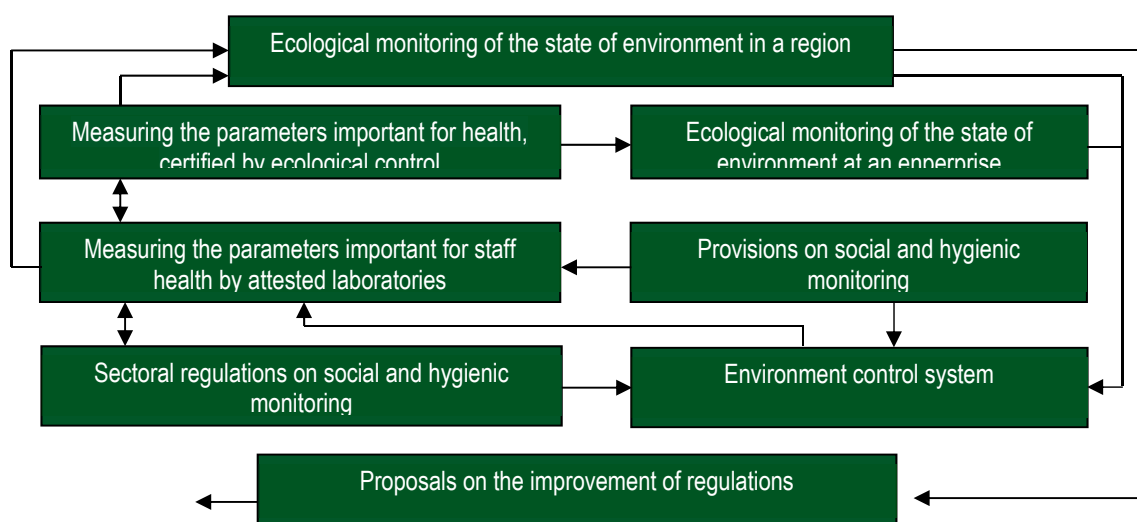
The mandatory information instruments are to a certain extent similar to those of administrative regulation, and as such they can restrict trade. In these cases, the authors propose to use some rules that will only affect the use and disposal of products, but not their making. In addition, the use of mandatory information tools should be based on the international standards and should not discriminate against foreign products in comparison with similar domestic ones.

The above problem determines the need to reduce environmental threats through regulation, which should include cyclical processes of analytical work to assess the results of possible risk manifestation and the choice of regulation method in accordance with the following procedure: assessment of the possible impact of environmental threats on the economic security of the Russian Federation; making a decision on the level of impact of environmental threats acceptable for the economy; development of new method of regulation, if the threats exceed the permissible level; assessment of the effectiveness of the procedure for regulating environmental threats and their impact on economic security.

A common method of regulating threats, including environmental, at the level of international economic relations can be environmental monitoring in order to reduce possible threats and risks to an acceptable level (Figure 2).

The methods of regulation may include: risk aversion by choosing a strategic decision not to start or continue the activities leading to an unacceptable level of environmental threats; elimination of the factor of formation of environmental threats; change in the likelihood of the implementation of threats; change in the range of possible threats; distribution of threats by the other party or parties, including sources of resources, kinds of activities, production line, consumers, organizational and legal forms.

Figure 2. Structure of ecological monitoring in risk management system



Practice has shown that two fundamentally different methodological approaches to the formation of legislative base in the sphere of environmental safety are possible. The first approach implies the implementation of measures and programs aimed at ensuring environmental safety by applying the norms of direct action of other regulations. In this case, environmental safety is actually only declared, i.e. a task is set without further legal concretization.

Another approach is possible, in which environmental safety is defined by law as a legal category with all the regulatory requirements that follow from it. The rules of direct action should prevail in this law. The regulations created on that conceptual basis will provide the necessary conditions for enhancing the effectiveness of environmental protection, control and prosecution supervision in this area.

Perhaps the third direction is possible – a compromise of the formation of the legislative framework for environmental safety, which will reflect both alternative approaches. The development of legislative norms on such a conceptual basis is likely to be actually implemented. Within this approach, most of the norms in the law on environmental safety will be direct.

Meantime, a number of tasks to ensure environmental safety can be resolved by applying the norms of other regulations. Regardless of which of the three ways the formation of legislative basis for environmental safety will take place, a number of key issues will need to be solved. In such issues, first of all, the authors include: threshold parameters of various levels of environmental safety; economic instruments that enable effective and timely



enforcement of regulatory environmental requirements; a control system that includes both administrative structures and related technical means.

In terms of the threshold parameters of environmental safety, taking into account the world experience and the real situation in the Russian Federation, not only ecological, but also socio-economic, it is possible to identify with a sufficient degree of reliability at least three levels: the ecological situation has worsened to such a critical state that there is a need to classify separate territories as zones of ecological disaster; the pollution of the environment remains within the established standards of maximum permissible concentrations of pollutants in the air and water bodies, and permissible levels of radiation; the highest level of environmental safety is ensured by the wide introduction of resource-saving production facilities, waste-free complexes and maximum utilization of waste, as a result of which the negative anthropogenic impacts on the environment are minimized.

### 3. Discussion

The reliability of the presented aspects of environmental safety is confirmed by the fact that today the most acute issue is the need for legal regulation of ensuring environmental safety in the zones of ecological disaster (Karpov, Kovalev, Korableva, Khairov and Lebedev 2017, Kolupaev, Fadeeva, Ardashev, Novikov and Lebedev 2017, Konysbaeva, Belan, Suindikova, Gorbulya and Zhokusheva 2017). In the process of solving this problem, it is necessary to formulate the criteria that allow raising the issue of giving a territory the status of an ecological disaster zone, and economic instruments that provide the opportunities to find some means to improve the quality of the natural environment in this territory to the normative level.

These nodal provisions have their own characteristics for different threshold levels of environmental safety. Therefore, each level requires a special legal study of this problem. When identifying the criteria that allow classifying a particular territory among such zones, it is necessary to clearly separate the indicators of the environment quality from the indicators characterizing the public health in the territory under consideration.

It seems inappropriate to include indicators of public health in the criteria that serve as the basis for classifying a territory as a zone of ecological disaster. One can give a number of reasons, but the main one can be considered the following: it is far from being always possible to unequivocally indicate the reason for the poor state of public health, because along with a poor environmental situation, widespread phenomena such as alcoholism, drug addiction, poor nutrition, medical service may affect public health. Even a hard social and economic situation in the region, including housing and living conditions, has a certain impact on people's health.

In connection with this, the indicator of medical statistics may become quite controversial as a normative criterion of referring a territory to an ecological disaster zone, since, even if there are statutory norms, the justification of the status of an ecological disaster zone, taking into account the health status of the population, can in some cases turn into work, which will inevitably bring a certain amount of subjectivity to the final decision on this issue.

Meanwhile, the quality indicators of the environment are sufficient to obtain an objective and practically discrepancy minimizing criterion for classifying territories as zones of ecological disaster. So, the sanitary and epidemiological supervision bodies have the opportunity, together with the relevant medical authorities, to determine the threshold values for the level of pollution of the atmospheric air and water bodies, under which living in these territories is unacceptable.

The solution of this problem can be simplified by a methodical approach that would ensure comparable indicators of negative impact on the population of various harmful substances in the environment. Indicators for the assessment of pollutants can be used in the preparation of legislative acts to ensure environmental safety.

### Conclusion

Summing up, it can be noted that there are the necessary initial data and rationalizing materials for the introduction in accordance with the established procedure of the normative indicators of the lower threshold of environmental safety. Other methodological approaches can be used in determining the normative thresholds for environmental safety, which is provided through the rational use of natural resources, including through the utilization of waste.

The principle of rational use of natural resources is theoretically extremely simple and understandable: waste from one production facility can be used as raw materials for another. In practice, this requires a thorough reconstruction of the entire production infrastructure and huge capital investments. So, if the products are traditionally made in a standard way, then within non-waste production that meets the requirements on the rational use of natural resources, secondary raw stock can serve as primary raw stock.

In the economically developed countries, significant experience in recycling household waste has been accumulated. The list of examples of rational use of natural resources by means of their deep technological

processing and waste disposal can be continued. In general, there is already every reason to assert that, with the current level of development of science and technology, it is technologically possible to ensure environmental safety through the rational use of natural resources, the introduction of wasteless complexes, resource and energy-saving facilities.

At the same time, in the legislation of the Russian Federation, the rational use of natural resources is poorly reflected. These issues were studied in detail in the governmental plans, which in the previous period had the status of laws. However, despite such a high status, the planned targets for the rational use of natural resources at that time were also not implemented systematically and in significant amounts. The reason for this was serious shortcomings of the existing economic system.

Thus, the environmental safety indicators for the highest threshold acquire a new quality. The main criteria of ecological well-being in this case are the indicators of rational use of natural resources and waste utilization. The ultimate goal with this approach to solving the environmental problem should be the transformation of the entire production infrastructure into a single wasteless complex, which, in turn, must be enshrined in legislation.

It is necessary to pass a law on waste products of manufacturing and consumption, which would determine the legal basis for environmental safety. The law should ensure that the harmful effects of manufacturing and consumption wastes on the environment are prevented. In addition, it should provide for the involvement of such wastes in economic circulation as additional sources of raw materials.

The framework nature of the law on environmental safety will be largely conditioned by the economic situation, since at the present stage of the economic development of the Russian Federation it is difficult to ensure a radical restructuring of the production infrastructure on the principle of a wasteless complex or at least to turn to a broad introduction of resource-saving facilities.

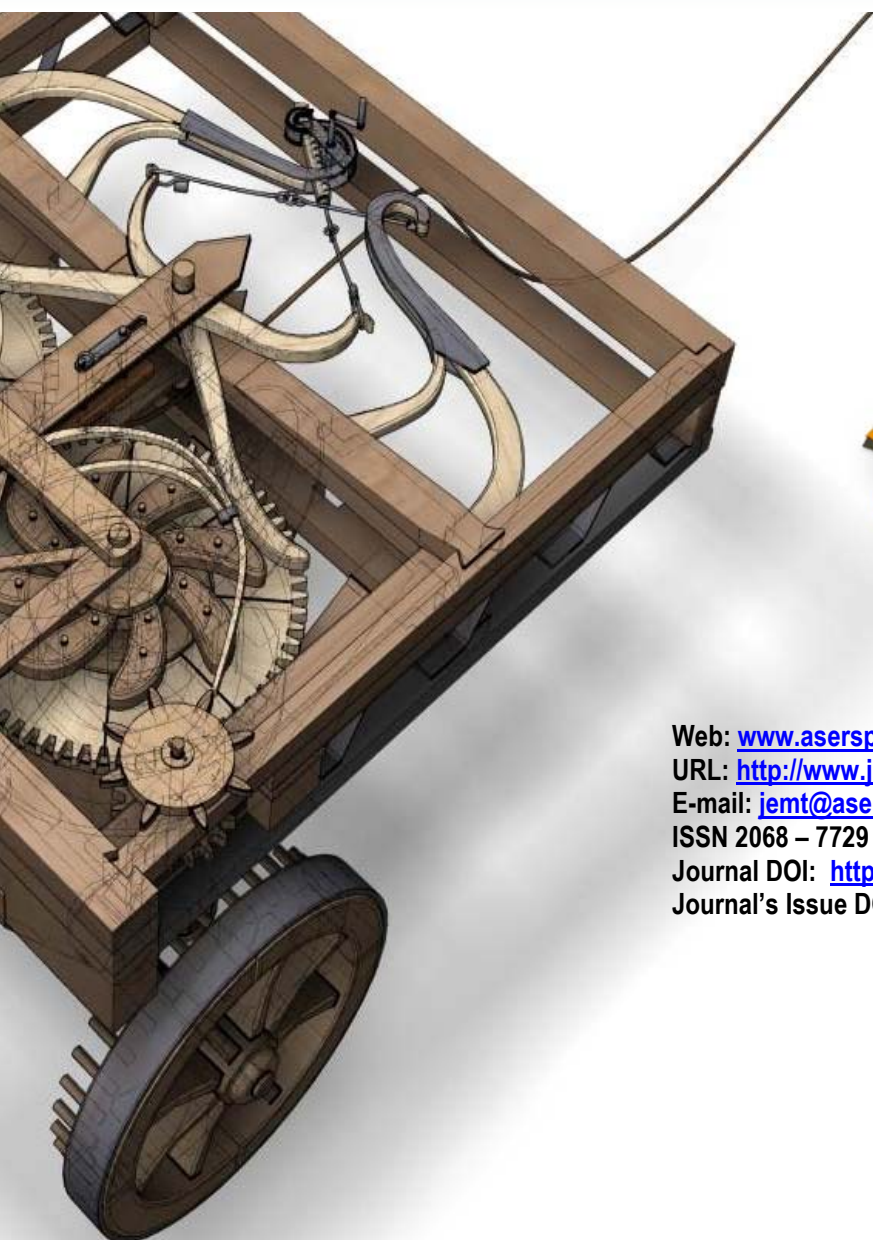
Nevertheless, already now in this sphere it is possible to adopt a number of normative regulations. The positive changes in the Russian political life, the small but steady growth of the gross domestic product allow for a hope for a general improvement in the investment climate. In these conditions, it is expedient to implement the formation of new and transformation of the existing production potential in at least some areas, relying on a new legislative framework, oriented to the rational use of natural resources and the maximum utilization of waste.

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