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**STATE CONTROL (SUPERVISION)
IN THE IMPLEMENTATION OF ENTREPRENEURIAL ACTIVITIES
IN THE OIL SECTOR OF ENERGY**

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Abstract. *An analysis was made of the current legislation regulating the general procedure for exercising state control (supervision), as well as review documents on state control (supervision) of the Ministry of Economic Development of the Russian Federation, the Federal Antimonopoly Service, the Committee for Permitting and Supervisory Activities of the Russian Union of Industrialists and Entrepreneurs (RUIE). At the same time, directions for development and improvement were identified. In particular, it was noted that a fundamental methodological document has been developed — the Performance and Efficiency Management Maturity Standard, in accordance with which work will be based on the implementation of the performance and efficiency system in the activities of control and oversight bodies in 2018–2025.*

In order to develop a systematic understanding of control (supervision) in the oil industry, their types are considered at certain stages of economic activity of business entities in the oil sector: 1) at the stage of prospecting, exploration of oil fields, 2) at the stage of oil production, 3) at the stage of transportation, 4) during storage, processing and marketing.

On the part of the state, at the first stage of economic activity, the basic requirements are established, and state control is exercised over geological study, rational use and protection of the subsoil. At the extraction stage, in accordance with the provisions of Art. 23.3 of the Law of the Russian Federation “On Subsoil”, technical, tax and other types of control are carried out. At the stage of transportation, along with technical and technological, customs control is carried out. During storage, processing and marketing, as well as at other stages of

economic activity, antimonopoly control is carried out. It is noted that in this area, the reform of control and supervision activities and a risk-based approach are also being carried out in the organization of certain types of control (supervision) in the field of antimonopoly regulation. At all stages of economic activity, the requirements for the safe conduct of work must be met. These requirements relate to energy, industrial, environmental and other types of safety. Along with the specified special control checks in the field of activity of economic entities, checks are also carried out by other control and supervisory bodies: the prosecutor's office, the Ministry of Emergency Situations, the sanitary and epidemiological service, etc. It is concluded that a system-forming regulatory legal act is needed, which defines the concept of control (supervision), types of control (supervision), state bodies exercising control (supervision), procedures for exercising control (supervision) and mechanisms for protecting the rights of controlled economic entities in the oil sector of energy. Within the framework of the tasks defined in the Message of the President of the Russian Federation in terms of improving the control and supervision system, it is advisable to analyze all regulatory legal acts in this area. It is also necessary to develop and adopt a general backbone law on the types of state control (supervision) and general rules for its implementation.

Keywords: *state control (supervision), entrepreneurial activity, oil sector of energy, types of state control.*

Control (supervision) by the state in the oil sector of energy is carried out by various state bodies, depending on the sphere of business activity subject to control. In order to develop a systematic understanding of control (supervision), it is advisable to consider their types at certain stages of the activities of economic entities in the oil sector: 1) at the stage of prospecting, exploration of oil fields, 2) at the stage of oil production, 3) at the stage of transportation, 4) at storage, processing and marketing.

General rules for the implementation of state (municipal) control (supervision) are contained in the Federal Law of December 26, 2008 No 294-FZ “On the protection of the rights of legal entities and individual entrepreneurs in the exercise of state control (supervision) and municipal control”¹.

In Decree of the Government of the Russian Federation of 05.06.2013 No 476 “On issues of state control (supervision) and the invalidation of certain

¹ Federal Law of December 26, 2008 No 294-FZ (as amended on December 27, 2018) “On the protection of the rights of legal entities and individual entrepreneurs in the exercise of state control (supervision) and municipal control” (as amended and supplemented, entered into force from 01/27/2019) // Collection of Legislation of the Russian Federation, 12/29/2008, No 52 (part 1), art. 6249.

acts of the Government of the Russian Federation”¹ the Regulations on the implementation of state control are approved and the types of federal state control are established. In particular, it has been established that federal state control (supervision) is carried out by the following federal executive bodies and their territorial bodies:

a) the Federal Antimonopoly Service in the exercise of control over compliance with the legislation of the Russian Federation and other regulatory legal acts of the Russian Federation on the placement of orders;

b) the Federal Service for Supervision of Consumer Rights Protection and Human Welfare in the implementation of federal state supervision in the field of consumer protection — for compliance with the requirements for including information on the energy efficiency class of the product, other mandatory information on energy efficiency in the technical documentation attached to the product, in its labeling, the application of such information on its label, as well as the rules for the inclusion (application) of such information;

- c) Federal Service for Ecological, Technological and Nuclear Supervision:
- when exercising federal state construction supervision — over compliance within its competence during construction, reconstruction of buildings, structures, structures with energy efficiency requirements, requirements for their equipping with metering devices for used energy resources;
 - when exercising, within its competence, state control (supervision):
 - for the observance by the owners of non-residential buildings, structures, structures during their operation of the energy efficiency requirements for such buildings, structures, structures, the requirements for their equipping with metering devices for the energy resources used;
 - compliance by legal entities in whose authorized capital the share (contribution) of the Russian Federation, a subject of the Russian Federation, a municipality is more than 50 percent and (or) in respect of which the Russian Federation, a subject of the Russian Federation, a municipality have the right to directly or indirectly dispose of more than 50 percent of the total number of votes attributable to voting shares (stakes) constituting

¹ Decree of the Government of the Russian Federation of 05.06.2013 No 476 (as amended on 03.11.2018) “On issues of state control (supervision) and invalidation of certain acts of the Government of the Russian Federation” (together with the “Regulations on federal state supervision in the field of communications”, “Regulations on state supervision in the field of atmospheric air protection”, “Regulations on state supervision in the field of use and protection of water bodies”, “Regulations on federal state supervision in the field of protection, reproduction and use of wildlife and their habitats”, “Regulations on federal state fire supervision in forests”, “Regulations on State Veterinary Supervision”, “Regulations on Federal State Sanitary and Epidemiological Supervision”// Collected Legislation of the Russian Federation, 17.06.2013, No 24, Article 2999.

the authorized capital of such legal entities; state and municipal unitary enterprises, state and municipal institutions, state companies, state corporations, as well as legal entities whose property is more than 50 percent of the shares or shares in the authorized capital owned by state corporations, requirements for the adoption of programs in the field of energy saving and increasing energy efficiency;

— for conducting a mandatory energy audit within the prescribed period;

d) the Federal Tariff Service, when exercising federal state control (supervision) in the field of state-regulated prices (tariffs), over compliance by organizations engaged in regulated activities with the requirements for the adoption of programs in the field of energy saving and energy efficiency improvement and the requirements for these programs in case if prices (tariffs) for goods, services of such organizations are regulated by the Federal Tariff Service.

The provisions of the Federal Law “On the Protection of the Rights of Legal Entities and Individual Entrepreneurs in the Implementation of State Control (Supervision) and Municipal Control”, other federal laws and legislation on energy conservation and improving energy efficiency¹.

Information on the results of control as a whole is published in the annual reports of the Ministry of Economic Development of the Russian Federation “On the implementation of state control (supervision), municipal control in the relevant areas of activity and on the effectiveness of such control (supervision)”². Also, the Committee for Permitting and Controlling and Supervisory Activities of the Russian Union of Industrialists and Entrepreneurs (RUIE) publishes an analytical report “Controlling, Supervisory and Permitting Activities in the Russian Federation: Analytical Report”³. In addition, in accordance with paragraph 5 of the minutes of the meeting of the Presidium of the Council under the President of the Russian Federation for Strategic Development and Priority Projects dated October 19, 2016 No. 8, the FAS Russia is a federal executive

¹ Decree of the Government of the Russian Federation of 05.06.2013 No 476 (as amended on November 3, 2018) “On issues of state control (supervision) and the invalidation of certain acts of the Government of the Russian Federation” (together with the “Regulations on federal state supervision in the field of communications”, “Regulations on state supervision in the field of atmospheric air protection”, “Regulations on state supervision in the field of use and protection of water bodies”, “Regulations on federal state supervision in the field of protection, reproduction and use of wildlife and their habitats”, “Regulations on federal state fire supervision in forests”, “Regulations on State Veterinary Supervision”, “Regulations on Federal State Sanitary and Epidemiological Supervision”// Collected Legislation of the Russian Federation, 17.06.2013, No 24, Article 2999.

² <http://economy.gov.ru/minec/main>

³ <http://www.goskontrol-rspp.ru/docladykomiteta/>

body that is a participant in the priority program “Reform of Control and Supervisory Activities”¹. As part of participation in this priority program, the FAS Russia developed a passport for the priority project “Reform of the control and supervisory activities of the FAS Russia”, approved by order of the FAS Russia dated May 11, 2017 No. 624/17².

At the Gaidar Forum, the Prime Minister of the Russian Federation D. A. Medvedev proposed to reduce the burden on entrepreneurs and revise the system of requirements to ensure an economic breakthrough in Russia³. The Message of the President of the Russian Federation on February 20, 2019 notes that “for the remaining two years — there are two years ahead — with the participation of the business community, it is necessary to update the regulatory framework, save only those documents that meet modern requirements. The rest — to hand over to the archive!”⁴.

In the legal literature, both theoretical and practical problems in the field of control and supervision activities have been studied⁵. So, in the legal reference

¹ Report of the FAS Russia to public discussions of law enforcement practice of antimonopoly authorities // <http://knd.fas.gov.ru/doksto/2878>.

² Order of the Federal Antimonopoly Service of Russia dated May 11, 2017 No 624/17 “On Approval of the Passport of the Priority Project” Reform of the Control and Supervisory Activities of the Federal Antimonopoly Service of Russia” // SPS ConsultantPlus.

³ <https://rg.ru/2019/01/15/medvedev-reshil-uprostit-zhizn-biznesa-s-pomoshchiu-regulatornoj-gilotiny.html>

⁴ <https://tass.ru/obschestvo/6137938>

⁵ Control and Supervisory Activities in the Russian Federation: Analytical Report — 2012 / V. V. Bakaev, A. G. Zuev, M. G. Kirzhimanov and others. M.: MAKS Press, 2013. 148 p.; *Blazheev Ya. A.* Legal problems of ensuring state supervision in the oil and gas complex of the Russian Federation // *Legal world*. 2016. No. 5. S. 36–43; *Soldatenkov O. O.* State environmental supervision: some issues of theory and practice // *Legal world*. 2014. No. 8. S. 43–47; *Petrov A. V., Epifanov A. E.* Legal nature of state control and supervision // *Journal of Russian law*. 2013. No. 7. P. 36–49; *Zaslavskaya N. M.* Problems of building a modern functional organization of state environmental control // *Ecological Law*. 2010. No. 3. S. 17–22; *Belyaev V. P.* Control and supervision as forms of legal activity: questions of theory and practice: Dis. ... Dr. jurid. Sciences. Saratov, 2006; *Denisov S. A.* Formation of the control branch of state power and limitation of corruption // *State and Law*. 2002. No 3; *Sterling M. R.* Legal regulation of the organization of control and supervisory activities of federal executive bodies of the Russian Federation: Dis. ... cand. legal Sciences. St. Petersburg, 2004; *Tarasov A. M.* State control: essence, content, current state // *Journal of Russian law*. 2002. No. 1; *Yablonskaya A. B.* The control and supervisory function of state power in the Russian Federation (theoretical and legal research): Dis. ... cand. legal Sciences. M., 2010; *Shlyuter M. S.* Administrative responsibility for offenses in the field of subsoil protection and subsoil use: monograph. Moscow: Prospekt, 2015. 136 p.; *Bevzenko R. S.* Use of subsoil without a license: public and private aspects // *Bulletin of the Supreme Arbitration Court of the Russian Federation*, 2007, No 6; *Karaseva S. Yu.* Overview of the practice of consideration by federal arbitration courts of disputes related to licensing // SPS “ConsultantPlus”. 2008;

system “Garant” there are 3318 non-cancelled regulatory technical documents issued before January 1, 1990, including regulatory and technical documents regulating control (supervision) in the oil sector of the economy (for example, Guiding Document RD 39-30-499-80 “Regulations on the maintenance and repair of the linear part of the main oil pipelines” (approved by the Ministry of the Oil Industry on December 31, 1980, etc.))¹.

The reports of the Ministry of Economic Development emphasize the gradual streamlining of the procedures for exercising state control (supervision) and municipal control². In the Report of the Ministry of Economic Development on the results of the activities of the Ministry of Economic Development of Russia for 2017 and the tasks for 2018, the key point is the submission to the State Duma of the Russian Federation of the draft law “On state control (supervision) and municipal control in the Russian Federation”³. Federal Law No. 17-FZ of February 19, 2018 “On Amendments to Article 77 of the Federal Law “On the General Principles of Organizing Local Self-Government in the Russian Federation” and Article 25.1 of the Federal Law “On Protection of Competition” provides for the entry into the Unified Register of Inspections of information on inspections, conducted:

- the FAS of the Russian Federation in exercising control over compliance with antimonopoly legislation;
- bodies of state control (supervision) in relation to local self-government bodies. In addition, in 2013–2017, the number of inspections in Russia (including inspections within the framework of license control) decreased by 31 percent⁴. Decree of the Government of the Russian Federation dated May 23, 2017 No. 999-r on amendments to the main directions for the development and implementation of a system for assessing the effectiveness and efficiency of control and supervisory activities, approved by Decree of the Government of the Russian Federation dated May 17, 2016 No. 934-r, which provides for changes in the conceptual apparatus for the terms “performance”

Panov S. V., Klyuev S. V. Supervision over the execution of legislation in the sphere of the fuel and energy complex // *Legality*. 2011. No 2. S. 3–7.

¹ Control and Supervisory Activities in the Russian Federation: Analytical Report — 2012 / V.V. Bakaev, A.G. Zuev, M.G. Kirzhimanov and others. Moscow: MAKS Press, 2013. 148 p.

² For example, the Report “On the implementation of state control (supervision), municipal control in the relevant areas of activity and on the effectiveness of such control (supervision)” // <http://economy.gov.ru/minec/main>.

³ Report “On the results of the activity of the Ministry of Economic Development of Russia for 2017 and tasks for 2018” // economy.gov.ru/minec/main.

⁴ *Ibid.*

and “efficiency”, changing the structure of the list of performance indicators and the effectiveness of control and supervisory activities, as well as changes in the standard list of indicators and, as a result, focused on minimizing the damage caused to legally protected values (life, health, property, etc.) in controlled areas.

Adopted on the basis of the specified order of the Government of the Russian Federation by eleven federal executive authorities (Ministry of Emergency Situations of Russia, FAS Russia, Federal Tax Service of Russia, Federal Service for Veterinary and Phytosanitary Supervision, Federal Service for Supervision of Consumer Rights Protection and Human Welfare, Federal Service for Surveillance in Healthcare, Federal Service for Supervision of Natural Resources, Federal Service for Supervision in the Sphere of Transport, Federal Service for Labor and Employment, Federal Service for Ecological, Technological and Nuclear Supervision and the Federal Customs Service of Russia) departmental orders on the approval of performance and efficiency indicators for 41 type of control (supervision).

A fundamental methodological document has been developed — the Performance and Efficiency Management Maturity Standard, in accordance with which work will be based on the implementation of the performance and efficiency system in the activities of control and oversight bodies in 2018–2025¹.

To achieve the goal of improving regulation in the field of control (supervision), Decree of the Government of the Russian Federation of December 26, 2018 No 1680 sets out the requirements for the organization and implementation by state control (supervision) bodies, municipal control bodies of measures to prevent violations of mandatory requirements, requirements established by municipal legal acts². This Resolution, which entered into force on January 1, 2019, establishes general requirements for the organization and implementation of measures by the authorities to prevent violations of mandatory requirements.

At the same time, in the sphere of state (municipal) control (supervision) there are issues that need to be addressed, including in the sphere of control (supervision) in the oil sector of the economy, arising at different stages of economic (entrepreneurial) activity.

¹ Report “On the results of the activity of the Ministry of Economic Development of Russia for 2017 and tasks for 2018” // economy.gov.ru/minec/main.

² Decree of the Government of the Russian Federation of December 26, 2018 No 1680 “On approval of general requirements for the organization and implementation by state control (supervision) bodies, municipal control bodies of measures to prevent violations of mandatory requirements, requirements established by municipal legal acts” // Collection of Legislation of the Russian Federation, 31.12.2018, No 53 (part II), article 8709.

At the first stage of the activities of economic entities of the oil industry, the executive authorities and executive authorities of the constituent entities of the Russian Federation, within their powers, resolve issues of subsoil use, subsoil protection and environmental protection.

On the part of the state, at this stage, the basic requirements are established, and state control is exercised over geological exploration, rational use and protection of the subsoil.

The main requirements for the rational use and protection of subsoil are defined in Article 23 of the Law of the Russian Federation “On Subsoil”, in particular, they include:

1. compliance with the procedure established by law for granting subsoil for use and preventing unauthorized use of subsoil;
2. ensuring the completeness of the geological study, rational integrated use and protection of subsoil;
3. conducting advanced geological study of subsoil, providing a reliable assessment of mineral reserves or properties of a subsoil plot provided for use for purposes not related to the extraction of minerals, etc.

The powers of federal government bodies in the sphere of regulation of subsoil use relations include, in particular, the establishment of a procedure for exercising state supervision over geological exploration, rational use and protection of subsoil, organization and implementation of federal state supervision over geological exploration, rational use and protection of subsoil.

Decree of the Government of the Russian Federation of May 12, 2005 No 293 approved the Regulations on State Supervision of Geological Survey, Rational Use and Protection of Subsoil¹. The task of state geological supervision is to ensure that all subsoil users comply with the established procedure for using subsoil, the requirements of the legislation of the Russian Federation and duly approved standards (norms, rules) in the field of geological exploration, use and protection of subsoil, the rules for maintaining state accounting and reporting.

State geological supervision is carried out in accordance with the legislation of the Russian Federation:

- the Federal Service for Supervision in the Field of Natural Resources, which is the body of state geological supervision, the Federal Service for Environmental, Technological and Nuclear Supervision, which is the body

¹ Decree of the Government of the Russian Federation of May 12, 2005 No 293 (as amended on June 5, 2013) “On Approval of the Regulations on State Supervision of Geological Survey, Rational Use and Protection of Subsoil” // Collection of Legislation of the Russian Federation, May 16, 2005, No 20, art. 1885.

of state mining supervision, and their territorial bodies in cooperation with other control bodies;

— state authorities of the constituent entities of the Russian Federation.

Order No. 670 of the Federal Service for Supervision of Natural Resources dated 10/18/2016 approved the List of legal acts containing mandatory requirements, compliance with which is assessed when carrying out control measures within a separate type of state control (supervision) (together with the “Procedure for maintaining the List of legal acts containing mandatory requirements, compliance with which is assessed when carrying out control measures within a separate type of state control (supervision)”)¹. Order No. 447 of the Federal Service for Supervision of Natural Resources dated September 18, 2017 approved the forms of checklists (lists of checklists), in particular, those used in the implementation of federal state supervision of geological exploration, rational use and protection of subsoil; as well as those used in the implementation of state environmental supervision in the internal sea waters and in the territorial sea of the Russian Federation (including when laying submarine cables and pipelines; carrying out drilling operations; carrying out measures to prevent and eliminate spills of oil and oil products)².

In this supervisory area, by Order of the Federal Environmental, Industrial and Nuclear Supervision Service No. 254 dated July 10, 2017 approved the List of regulatory legal acts and regulatory documents related to the scope of activities of the Federal Service for Ecological, Technological and Nuclear Supervision (section I “Technological, construction, energy supervision”) P-01-01-2017”³.

¹ Order of the Federal Service for Supervision in the Sphere of Natural Resources dated 10/18/2016 No 670 (as amended on 04/17/2018) “On the List of legal acts containing mandatory requirements, compliance with which is assessed when carrying out control measures within a separate type of state control (supervision)” (together with the “Procedure for maintaining the List of legal acts containing mandatory requirements, compliance with which is assessed when carrying out control measures within a certain type of state control (supervision)”) // The text of the document is given in accordance with the publication on the website <http://rpn.gov.ru> as of May 14, 2018.

² Order of the Federal Service for Supervision of Natural Resources dated September 18, 2017 No 447 (as amended on May 30, 2018) “On approval of the forms of checklists (lists of checklists)” (Registered with the Ministry of Justice of Russia on November 9, 2017 No 48820) (as amended and add., entered into force on 01.01.2019) // Official Internet portal of legal information <http://www.pravo.gov.ru>, 09.11.2017.

³ Order of the Federal Environmental, Industrial and Nuclear Supervision Service No. 254 of July 10, 2017 (as amended on March 21, 2018) “On Approval of the List of Regulatory Legal Acts and Regulations Related to the Field of Activities of the Federal Environmental, Industrial and Nuclear Supervision Service (Section I “Technological, construction, energy supervision”) P-01-01-2017” // ConsultantPlus.

In addition, the state authorities of the constituent entities of the Russian Federation exercise state geological supervision. The timing and sequence of administrative procedures in the implementation of state geological supervision are established by administrative regulations developed and approved in accordance with the Decree of the Government of the Russian Federation of May 16, 2011 No 373¹.

At the extraction stage, in accordance with the provisions of Art. 23.3 of the Law of the Russian Federation “On Subsoil”, subsoil users who carry out the primary processing of mineral raw materials obtained by them from the subsoil are obliged to ensure:

1. strict observance of technological schemes for the processing of mineral raw materials, providing a rational, integrated extraction of the useful components contained in it; accounting and control of the distribution of useful components at various stages of processing and the degree of their extraction from mineral raw materials;
2. further study of the technological properties and composition of mineral raw materials, conducting experimental technological tests in order to improve the technologies for processing mineral raw materials;
3. the most complete use of products and waste products (sludge, dust, wastewater, and others); storage, accounting, and storage of temporarily unused products and production waste containing useful components. Accordingly, inspections are carried out by the Federal Service for Environmental, Technological and Nuclear Supervision, the Federal Service for Supervision of Natural Resources, the tax service, antimonopoly authorities, etc.

At the stage of transportation, along with technical and technological control, customs control is carried out². Since January 1, 2018, the Customs Code of the Eurasian Economic Union has been in force on the territory of Russia “(Appendix No. 1 to the Treaty on the Customs Code of the Eurasian

¹ Decree of the Government of the Russian Federation of May 16, 2011 No 373 (as amended on January 23, 2014) “On the development and approval of administrative regulations for the performance of state functions and administrative regulations for the provision of public services” (together with the “Rules for the development and approval of administrative regulations for the performance of state functions”, “Rules for the development and approval of administrative regulations for the provision of public services”, “Rules for the examination of draft administrative regulations for the provision of public services”) // Collection of Legislation of the Russian Federation, 30.05.2011, No 22, art. 3169.

² Order of the Federal Customs Service of the Russian Federation of 04.05.2006 No 422 “On the control of documents related to the application of the procedure for the movement of goods by pipeline transport”.

Economic Union)¹. Customs regulation is carried out in accordance with international treaties regulating customs legal relations, including the Customs Code of the EAEU, and acts constituting Union law, as well as in accordance with the Treaty on the Eurasian Economic Union of May 29, 2014².

During storage, processing and marketing, as well as at other stages of activity, antimonopoly control is carried out. It should be noted that in this area, the reform of control and supervisory activities and a risk-based approach are also being carried out in the organization of certain types of control (supervision) in the field of antimonopoly regulation.

Decree of the President of the Russian Federation dated June 30, 2016 No. 306 “On the Council under the President of the Russian Federation for Strategic Development and Priority Projects” established the Council under the President of the Russian Federation for Strategic Development and Priority Projects³, which was transformed into the Council under the President of the Russian Federation for Strategic Development and National projects⁴. One of the priority areas of strategic development is the reform of control and oversight activities.

At all stages of economic activity, the requirements for the safe conduct of work must be met. These requirements relate to energy, industrial, environmental and other types of safety. The list of regulatory legal acts containing industrial safety requirements was approved by order of the Federal Service for Ecological, Technological and Nuclear Supervision⁵. Order of the said Federal Service dated

¹ Customs Code of the Eurasian Economic Union (Appendix No. 1 to the Treaty on the Customs Code of the Eurasian Economic Union) // Official website of the Eurasian Economic Union <http://www.eaeunion.org/>, 04/12/2017.

² “Treaty on the Eurasian Economic Union” (Signed in Astana on May 29, 2014) (as amended on April 11, 2017) // Official Internet portal of legal information <http://www.pravo.gov.ru>, 01/16/2015.

³ Decree of the President of the Russian Federation of 06/30/2016 No 306 (as amended on 07/19/2018) “On the Council under the President of the Russian Federation for Strategic Development and Priority Projects” // Collection of Legislation of the Russian Federation, 07/04/2016, No 27 (part III), art. 4459.

⁴ Decree of the President of the Russian Federation of July 19, 2018 No 444 (as amended on January 26, 2019) “On streamlining the activities of advisory and advisory bodies under the President of the Russian Federation” (together with the “Regulations on the Council under the President of the Russian Federation for Strategic Development and National Projects”) // Collection of legislation of the Russian Federation”, 07/23/2018, No 30, article 4717.

⁵ Order of the Federal Environmental, Industrial and Nuclear Supervision Service No. 421 dated 10/17/2016 (as amended on 05/15/2018) “On approval of lists of legal acts containing mandatory requirements, compliance with which is assessed when carrying out control measures as part of the implementation of types of state control (supervision) assigned to the competence of the Federal Service for Environmental, Technological and Nuclear Supervision” (together with the “Procedure

November 15, 2018 No 567 approved the Safety Guide “Recommendations on the procedure for the temporary decommissioning of technical devices and structures at hazardous production facilities of the oil and gas complex”¹ in accordance with paragraph 2 of Article 10 of the Federal Law of July 21, 1997 No 116 -FZ “On Industrial Safety of Hazardous Production Facilities”², as well as in order to promote compliance with the requirements of the Federal Norms and Rules in the field of industrial safety “Safety Rules in the Oil and Gas Industry”³.

Along with the specified special checks in the field of activity of economic entities, checks are also carried out by other control and supervisory bodies: the prosecutor's office, the Ministry of Emergency Situations, the sanitary and epidemiological service, etc.

The main problems of control and supervision activities, in particular, in the field of subsoil use and protection, were identified in the work of the team of authors “Control and supervision activities in the Russian Federation: Analytical report — 2012”⁴.

It should be noted that there are also difficulties associated with the implementation of control and other control and supervisory bodies. So, for example, in the practice of the Ministry of Emergency Situations, the question arose of the need to develop an oil spill response plan for an organization that is an oil carrier, as well as the question of whether an organization (small oil company) not categorized by civil defense operating hazardous production facilities is required III

for maintaining lists of legal acts and their separate parts (provisions) containing mandatory requirements, compliance with which is assessed when carrying out control measures as part of the implementation of types of state control (supervision), referred to the competence of the Federal Service for Ecological, Technological and Nuclear Supervision”) // ConsultantPlus.

¹ Order of the Federal Environmental, Industrial and Nuclear Supervision Service No. 567 dated November 15, 2018 “On approval of the Safety Guide “Recommendations on the procedure for temporary decommissioning of technical devices and structures at hazardous production facilities of the oil and gas complex” // ConsultantPlus.

² Federal Law of July 21, 1997 No 116-FZ “On Industrial Safety of Hazardous Production Facilities” // Collection of Legislation of the Russian Federation, 1997, No 30, art. 3588; 2017, No 11, art. 1540.

³ Order of the Federal Environmental, Industrial and Nuclear Supervision Service No. 101 dated March 12, 2013 (as amended on January 12, 2015) “On Approval of the Federal Norms and Rules in the Field of Industrial Safety “Safety Rules in the Oil and Gas Industry” (Registered with the Ministry of Justice of Russia on April 19, 2013 No 28222) (as amended and supplemented, effective from 01/01/2017) // Bulletin of normative acts of federal executive authorities, No 24, 06/17/2013. Information posted on the official website of the Federal Service for Environmental, Technological and nuclear supervision at: <http://www.gosnadzor.ru>.

⁴ Control and Supervisory Activities in the Russian Federation: Analytical Report — 2012 / V.V. Bakaev, A.G. Zuev, M.G. Kirzhimanov and others. Moscow: MAKS Press, 2013. 148 p.

and IV hazard classes, which does not have a mobilization task, does not operate hazardous chemical production facilities, create and maintain local warning systems in a state of readiness¹.

In general, the solution of these problems requires a systematic approach, i.e., a system-forming regulatory legal act is needed, which defines the concept of control (supervision), types of control (supervision), state bodies exercising control (supervision), procedures for exercising control (supervision) and mechanisms for protecting the rights of controlled economic entities in the oil energy sector.

We believe that the improvement of subsoil legislation, as well as the formation and development of special legislation regulating economic (entrepreneurial) activities in the oil industry, can contribute to the solution of existing difficulties.

For example, the “Model Code on Subsoil and Subsoil Use for the CIS Member States” (hereinafter referred to as the Model Code on Subsoil Use)² contains section XV “Subsoil Use Safety”, which sets out the basic principles of subsoil use safety and types of security, and also contains section XVI “State supervision and control over the use and protection of subsoil”.

In the Model Subsoil Code, safety principles include:

1. labor safety for the life and health of the population living and (or) working in zones of harmful influence of mine workings and associated technological processes;
2. safety for buildings and structures;
3. safety of the natural, including geological, environment;
4. security from encroachments on property.

The types of security include:

1. preservation of the geomorphological state of the earth's surface;
2. geoeological safety;
3. technical and technological safety;
4. social security.

We believe that the list of types of security in the national legislation on oil activities should be set out more broadly, taking into account the provisions of

¹ “Overview of the law enforcement practice of the supervisory authorities of the Ministry of Emergency Situations of Russia. Answers to the most pressing issues of organizing and implementing supervisory activities of the Ministry of Emergency Situations of Russia” (approved by the Ministry of Emergency Situations of Russia) // Consultant Plus. The text of the document is given in accordance with the publication on the website <http://www.mchs.gov.ru> as of April 28, 2017.

² “Model Code on Subsoil and Subsoil Use for the CIS Member States” (Adopted in St. Petersburg on December 7, 2002 by Resolution 20–8 at the 20th plenary meeting of the Interparliamentary Assembly of the CIS Member States) // Information Bulletin. Interparliamentary Assembly of States Members of the Commonwealth of Independent States. 2003. No 30 (part 2). Pp. 5–218.

the National Security Strategy¹ and the Environmental Security Strategy². Thus, according to the concept of national security contained in the National Security Strategy, national security includes the defense of the country and all types of security provided for by the Constitution of the Russian Federation and the legislation of the Russian Federation, primarily state, public, information, environmental, economic, transport, energy security, personal security.

In the Model Subsoil Code, in the section “State supervision and control over the use and protection of subsoil”, the tasks of state control in the field of use and protection of subsoil are highlighted and the powers of state supervision and control over the use and protection of subsoil are defined.

Taking into account the model legislation, the existing theoretical provisions on control and supervision activities, it is advisable to include in the Law “On Subsoil” a special chapter “State supervision and control over the use and protection of subsoil”, which provides for the principles of subsoil use safety and types of security, and also discloses tasks of state control in the field of use and protection of subsoil and determine their types, as well as regulate the powers of state supervision and control over the use and protection of subsoil.

Within the framework of the tasks defined in the Address of the President of the Russian Federation in terms of improving the control and supervisory system, it is advisable to analyze all regulatory legal acts. It is also necessary to develop and adopt a backbone law on the types of state control (supervision) and the general rules for its implementation.

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¹ Decree of the President of the Russian Federation of December 31, 2015 No 683 “On the National Security Strategy of the Russian Federation” // Collection of Legislation of the Russian Federation, 04.01.2016, No 1 (Part II), Art. 212.

² Decree of the President of the Russian Federation of 19.04.2017 No 176 “On the Strategy for Environmental Security of the Russian Federation for the period until 2025” // Collection of Legislation of the Russian Federation, 24.04.2017, No 17, art. 2546.

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