

## Annotation

**to the dissertation for the degree of Candidate of Legal Sciences «Administrative and legal regulation of control (supervisory) measures in the implementation of state environmental control (supervision)» prepared by a graduate student of the Department of Service and Labor Law of the Stolypin Volga Region Institute of Management of the Federal State Educational Institution of Higher Education " Russian Presidential Academy of National Economy and Public Administration of the Russian Federation Russian Federation" Mladenova E. V.**

**Relevance of the research topic.** The environmental function is one of the priority functions of the Russian state, the relevance of the study of problems related to the implementation of which is due to the difficult environmental situation in the country, in which the state of the environment is characterized by large-scale pollution of all its components, thereby creating a real threat to its national security.

The environment is an independent object of state administration, and the problems of its protection are the subject of active research by representatives of various branches of legal science, including the science of administrative law, which necessitates a doctrinal justification of the measures applied by the state, the application of which allows you to have a positive impact on the state of the environment and develop proposals for the development of administrative legislation in this area.

Article 42 of the Constitution of the Russian Federation proclaims the right of everyone to a favorable environment, reliable information about its condition and compensation for damage to health or property caused by the commission of an environmental offense. This constitutional provision was developed in the "Fundamentals of State policy in the field of environmental development of Russia for the period up to 2030", where the preservation of the environment, strengthening the rule of law in this area, the realization of the right of everyone to a favorable environment and ensuring environmental safety are designated as strategic goals of state policy in the field of environmental development.

According to the data of law enforcement practice, there is a steady increase in violations of environmental legislation<sup>1</sup>. Thus, the study of statistical data shows that

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<sup>1</sup> Report on the activities of Rosprirodnadzor [Electronic resource]. URL:

when supervising the implementation of legislation on the state of legality in the field of environmental protection and nature management, only at the initiative of the prosecutor's office, the number of violations detected in 2021 amounted to 81640 people, which is 2.9 % more than in 2020 and 4.9 % more than in 2019. At the same time, 27,935 people were brought to administrative responsibility by the prosecutor's decision, which is 4.4% more than in 2020 and 7% more than in 2019<sup>2</sup>.

These circumstances actualize the issues of establishing and applying measures to ensure environmental protection, scientific assessment of relevant regulatory innovations and modern practice of their implementation. One of the most effective means by which the state influences the state of the environment is state environmental control (supervision), which is designed, on the one hand, to ensure the constitutional right of citizens to a favorable environment, on the other hand, to guarantee the observance of the rights and legitimate interests of legal entities and individual entrepreneurs as subjects of economic activity, participation in which is associated with the risk of having a negative impact on the environment.

At the present stage of development of public administration, control and supervisory activities are being reformed, the legislative framework for state control (supervision) has been established and it is reaching a new level. This was reflected in the adoption of two legislative acts: Federal Law No. 248-FZ of 31.07.2020 (as amended on 14.07.2022) "On State Control (Supervision) and Municipal Control in the Russian Federation"<sup>3</sup> and Federal Law No. 247-FZ of 31.07.2020 No. 247-FZ (as amended on 16.04.2022) "On Mandatory Requirements of the Russian Federation"<sup>4</sup>. In turn, it was necessary to amend the Federal Law of 10.01.2002 (as amended on

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<sup>1</sup> <https://rpn.gov.ru/open-service/analytic-data/rpn-activity-reports/>

<sup>2</sup> See: Statistical data on the main indicators of the activity of the Prosecutor's Office of the Russian Federation for January-December 2021 [Electronic resource]. URL: <https://epp.genproc.gov.ru/web/gprf/activity/statistics/office/result?item=71671102> (accessed: 02.12.2022); Statistical data on the main indicators of the activities of the Prosecutor's Office of the Russian Federation for January-December 2020 (accessed: 02.12.2022) [Electronic resource]. URL: (<https://epp.genproc.gov.ru/web/gprf/activity/statistics/office/result?item=58866781>);

<sup>3</sup> SZ RF. 2020. № 31 (ч. 1). Ст. 5007; Russian newspaper 2022. 20 of July.

<sup>4</sup> SZ RF. 2020. № 31 (ч. 1). Ст. 1506; 2022. № 16. Ст. 2606.



26.03.2022) "On Environmental Protection"<sup>5</sup>. At the same time, there are still problems of differentiation of powers in the field of environmental control (supervision), there are difficulties in interaction between its subjects), as well as conflicts and gaps in legislation.

The application of the risk management system for causing harm (damage) related to the reform of the control and supervisory legislation, when assigning environmental control (supervision) objects to a certain risk category, did not reduce the administrative burden for most controlled entities, since the latter belong to the average risk category, which means that the mode of carrying out their scheduled inspections has not changed.

This requires a doctrinal rethinking of the essence and content of control (supervisory) measures as the most important organizational and legal means of implementing state environmental control (supervision). It seems that the resolution of existing scientific contradictions within the framework of this study, the proposal of certain steps to address important issues related to the implementation of control (supervisory) measures in the implementation of environmental control (supervision) will allow directing the efforts of the legislator to further improve environmental control (supervision), and will also be used in the law enforcement activities of environmental control (supervision) bodies.

Thus, the study of the problems of administrative and legal regulation of control (supervisory) activities carried out within the framework of state environmental control (supervision) is relevant and in demand at the current stage of society's development.

In the legal literature, the issues of administrative and legal regulation and implementation of public administration in the field of environmental protection have always been the object of close attention of scientists, and the relevance of scientific study of these issues remains to this day. At the same time, most of the available studies are of a cross-sectoral nature, many were conducted only at a fragmentary level, at the stage preceding the reform of control and supervision activities in public

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<sup>5</sup> SZ RF. 2002. № 2. p. 133; 2022. № 13. p. 1960.

administration, and did not address the problems of control and supervision measures in the implementation of state environmental control (supervision), paying only attention to such organizational and legal means of its implementation as verification. This allows us to state that the conceptual study of control and supervisory measures taken in this paper in the implementation of state environmental control (supervision) is being carried out for the first time.

Specific issues related to the problem under study have found some coverage in the domestic legal literature, which made it possible to use them in this study. At the same time, a conceptual study of the implementation of control (supervisory) measures in the implementation of state environmental control (supervision) is being carried out for the first time.

**The purpose of the dissertation research** is a complete and comprehensive study of the features of the organization and conduct of control (supervisory) measures in the implementation of state environmental control (supervision), which allows us to formulate scientifically based conclusions and proposals aimed at improving the mechanism of their implementation.

**Research objectives.** The goals of the study identified here allow us to identify the following list of its priority tasks:

- to study the content of the concept of "environment" as an object of administrative and legal protection;
- substantiate the concept and purpose of the category of state environmental control (supervision) used in the theory of administrative law;
- identify the types of bodies that carry out control (supervisory) measures in the implementation of state environmental control (supervision);
- to investigate the competence of the bodies that carry out control (supervisory) measures in the implementation of state environmental control (supervision)
- define the concept and conduct a specific classification of control (supervisory) measures in the implementation of state environmental control (supervision);



- to study the mechanisms of organizing and conducting control (supervisory) activities in the implementation of state environmental control (supervision), to identify negative trends in administrative and legal regulation in this area;

- develop and justify scientific and practical recommendations for improving the mechanism for organizing and conducting control (supervisory) measures in the field of environmental protection.

**The object of the dissertation research** is social relations that arise in the process of conducting control (supervisory) measures in the implementation of environmental control (supervision).

**The subject of the dissertation research** is the doctrinal provisions of the theory of administrative law related to the organization and conduct of control (supervisory) measures in the implementation of state environmental control (supervision), norms of international law, legal acts of the Russian Federation, materials of judicial and law enforcement practice, current agreements between executive authorities, scientific literature on research issues.

**The scientific novelty of the dissertation work** is due, among other things, to the fact that within the framework of the dissertation research, definitions of legal phenomena that have a significant impact on the implementation of environmental control (supervision) are formulated. The proposed measures to improve the mechanism for organizing and conducting control and supervisory activities as a means of environmental control (supervision) are new. The legal constructions formulated by the author at the level of dissertation research should have a positive impact on the further development of administrative legislation regulating the institute of environmental control (supervision).

**The theoretical and practical significance of the results of the dissertation research** is determined by its novelty, as well as by the author's theoretical and legal conclusions. The proposals formulated by the author can be used both by the federal legislator for further regulatory regulation of control (supervisory) measures in the implementation of state environmental control (supervision), and in the law enforcement practice of state bodies.

Conclusions and generalizations made based on the results of the dissertation research can be used in the educational process in the process of preparing textbooks, training courses and teaching aids, as well as teaching courses "Administrative Law", "State Control (supervision)".

**Approbation of the dissertation research.** The main results and conclusions of the research made by the author are reflected in six scientific publications, three of which are published in scientific publications recommended by the RANEPA Academic Council for publishing articles on jurisprudence. Thus, the list of publications of the author includes:

1. Mladenova E. V. Environment as an object of administrative and legal protection. 2021. No. 3. pp. 245-252.
2. Mladenova E. V. The concept and purpose of state environmental control (supervision). 2021. Vol. 21. No. 5. pp. 78-87.
3. Mladenova E. V. Types of executive authorities exercising environmental control (supervision) Almanac Man and Law: XXI century: Almanac of the Institute of Prosecutor's Office of the Saratov State Law Academy: Proceedings of the I International Legal Forum dedicated to the 300th anniversary of the Prosecutor's Office of Russia and the 25th anniversary of the Institute of Prosecutor's Office. In 2 parts. Saratov, 2021. pp. 237-244.//
4. Mladenova, E. V. To the question of the organization of Prosecutor's supervision over execution of the legislation in the sphere of procurement for state and municipal needs // Man and law: the XXI century: the Almanac of the Institute of the Prosecutor's office of Saratov state law Academy. Saratov, 2021. pp. 18-21.
5. Mladenova, E. V. The problem of delineating the competence of Federal State environmental control (supervision) bodies Human and Law: XXI century: Almanac of the Institute of Prosecutor's Office of the Saratov State Legal Academy]. Saratov, 2022.
6. Mladenova E. V. The problem of differentiation of competence of federal and regional bodies of state environmental Control (supervision). 2022.



The results of the study were presented to the scientific community at international and regional scientific conferences, including: International Scientific and Practical Conference "Public Administration in the Russian Federation: Problems of formation in the modern system of administrative and administrative-procedural relations", dedicated to the memory of Nadezhda Georgievna Salishcheva"(Moscow, October 29, 2021); International scientific and practical conference "Public Control in the social state"(Moscow, November 25, 2021); I International Legal Forum dedicated to the 300th anniversary of the Prosecutor's Office of Russia and the 25th anniversary of the Institute of Prosecutor's Office "Prosecutor's Office of Russia in the XXI century: strategic tasks and ways to implement them" (Saratov, December 8, 2021) International Scientific and Practical Conference dedicated to the memory of Yu. M. Kozlov "Strategic Planning in the theory of administrative Law and law enforcement Practice"(Moscow, February 17, 2022), etc.

The dissertation was discussed and approved at the meetings of the Department of Administrative and Information Law of the Russian Presidential Academy of National Economy and Public Administration.

**Structure of the dissertation research.** This dissertation consists of a table of contents, an introduction, three chapters divided into 6 paragraphs, a conclusion, a bibliographic list, and an appendix.



E. V. Mladenova