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**PRIVATE LAW MEANS OF LEGAL SUPPORT FOR
ENVIRONMENTAL ENTREPRENEURSHIP**

Specialty 5.1.3 – private law (civil) sciences

DISSERTATION ABSTRACT
for the degree of PhD in Law sciences

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The relevance of the dissertation research topic. Global environmental threats have led to humanity's awareness of the need to correct its economic activities that negatively affect the environment. The primary mechanism aimed at minimizing the harm caused to the environment was the establishment by States of several environmental requirements that are mandatory for compliance with economic activities which have formed national environmental legislation. In the Russian Federation these requirements have found expression, first of all, in the legislation on environmental protection and the basic regulatory legal act – Federal Law dated 10.01.2002 No. 7-FZ (as amended on 08.08.2024) "On Environmental Protection" (hereinafter – the Federal Law "On Environmental Protection").

Awareness of the global problems associated with human harm to the environment has led to the emergence of a new type of business entities activity – environmental entrepreneurship. Such activities are aimed not only at compliance by business entities with state and mandatory environmental requirements, but also at the independent establishment of increased activity environmental standards. The establishment of such standards makes it possible to reduce the negative impact on the environment and make rational use of natural resources.

Human activity has become so large-scale that the state and the sector of non-profit organizations often no longer cope with developing environmental activities at the necessary level and ensuring proper environmental protection. Fears caused by the need to conserve natural resources and minimize environmental damage have contributed to the beginning of the State's activities to introduce mandatory environmental requirements into legislation. However, many business entities continue to carry out their activities either without taking into account mandatory environmental requirements at all, or only formally fulfilling the requirements of environmental legislation.

At the same time, some entrepreneurs in their activities are not limited to compliance with environmental legislation and, pursuing the constitutional goal of preserving nature and the environment, caring for natural resources (Article 58 of the Constitution of the Russian Federation), not only perform these duties, but also

carry out socially useful environmental activities. This, in turn, contributes to the development of an economic activity separate type – environmental entrepreneurship. Environmental entrepreneurship assumes that a number of business entities carry out their economic activities based on the idea of preserving and developing the environment.

Economic entities of environmental entrepreneurship make a significant contribution to the conservation of our planet natural resources. It is entrepreneurs who are the main participants in the development of the economic market, including the sector of environmental entrepreneurship, which provides not only a focus on profit, but also a response to acute global environmental challenges. Thus, in addition to environmental conservation activities, environmental business entities provide environmental services, including those aimed at meeting mandatory state requirements (waste management, recycling, environmental audit, and others). According to statistics from the Federal State Statistics Service (Rosstat), the volume of spending on environmental protection by entrepreneurs (excluding the public sector) for 2018-2023 almost doubled and amounted to 1.038 trillion rubles in 2023. (URL: https://rosstat.gov.ru/storage/mediabank/Rashod_oxr_bez_gos_RF.xls)

Despite the obvious importance of the environmental entrepreneurship institute, its legal regulation is currently insufficient. In fact, there is no systematic state regulation of environmental entrepreneurship, and the named institution remains illegalized. The key current legal regulation problem of the environmental entrepreneurship should be considered the lack of consolidation at the legislative level of the concept and signs of environmental entrepreneurship as an independent entrepreneurial activity. This does not actually allow for the possibility of state support for environmental business entities either as small and medium-sized businesses or as socially oriented non-profit organizations. At the same time, based on the goal of developing private legal means of regulating relevant activities, a gap aspect is also the legislative consolidation lack of the provision specifics of an environmental services agreement (for example, the need to take into account environmental legislation in its provisions).

Private legal means should play a special role in regulating environmental entrepreneurship. This is due, on the one hand, to the public expectation that places a special responsibility on the business community to solve environmental problems. On the other hand, the use of regulation private legal means makes it possible to make environmental entrepreneurship more open and free from harsh government interference, which, given the high degree of sensitivity and social responsibility, corresponds to the need to solve environmental problems with more flexible tools. In addition, the use of private legal means allows for the implementation of environmental entrepreneurship and its control by specialized entities with the necessary expertise and tools. Thus, the current legislation does not imply a limitation of the entities list providing environmental services. However, such a restriction is necessary due to the specificity of such services, which requires the use of specialized knowledge in the field of ecology, tools and methods of providing such services. In this regard, non-governmental ways of regulating environmental entrepreneurship, in particular self-regulation, contractual regulation, and corporate regulation, are becoming important.

To date, the issues of private law means of ensuring environmental entrepreneurship have not been fully studied, especially in the light of new conditions associated with increased demand from society and the state not only in relation to environmental public policy, but also in relation to the environmental responsibility of business. Recently, there has been an increasing tendency to form a policy of ensuring environmental safety, the formation of an environmentally responsible business that contributes to the environmental well-being of the population.

The degree of the scientific problem elaboration. Recently, against the background of increasing actual negative consequences and subjective public concerns about the state of the environment, the interest of scientists in the issue of environmental entrepreneurship legal regulation, stimulating the development of this institution, is increasing. A significant number of legal scholars, primarily in the

fields of business and environmental law, address the topic various aspects of legal support for environmental entrepreneurship.

The theoretical and practical foundations of environmental law, issues of environmental entrepreneurship, are studied in the fundamental and applied works of domestic authors: S.A. Bogolyubov, A.N. Varicheva, M.I. Vasilyeva, B.A. Voronin, A.K. Golichenkova, A.S. Yemelyanova, N.V. Kichigina, O.I. Krassova, V.V. Kruglova, M.V. Ponomarev and others.

The works of Russian scientists are devoted to the issues of self-regulation and other private legal means in entrepreneurship, in various aspects affecting or influencing the aspects of environmental entrepreneurship studied in this work: A.V. Barkov, L.I. Bulgakova, V.V. Kvanina, D.O. Grachev, E.P. Gubin, A.G. Demieva, M.A. Egorova, I.V. Ershova, A.V. Zabelin, M.P. Imekova, V.P. Kamyshansky, V.A. Laptev, A.N. Levushkin, Yu.G. Leskova, O.N. Maksimovich, E.V. Oleinik, D.A. Petrova, A.R. Sevastyanova, D.P. Strigunova, U.B. Filatova.

The works devoted to the legal regulation of environmental entrepreneurship do not contain a deep and comprehensive approach to the private legal means consideration of ensuring this entrepreneurship type. At the same time, at the present development stage of environmental entrepreneurship and the Russian legislative framework, it is private legal means that contribute to the most effective and fruitful cooperation of economic entities and the key goals achievement of society environmentally sustainable development.

These circumstances determine the conduct of a study of private law means of legal support for environmental entrepreneurship, devoted to the formation and development of the institute of environmental entrepreneurship, its legal nature and types, the system and means classification of private law regulation.

The purpose and objectives of the study. The purpose of the dissertation research is the scientific development of theoretical and practical provisions, which together make it possible to build a conceptual approach to the system formation of private legal means for environmental entrepreneurship legal support, solve the problems of environmental entrepreneurship legal regulation and its types, as well

as give scientific recommendations on improving the current legislation of the Russian Federation.

The purpose of the study is achieved by solving the following tasks:

- to analyze the formation and development of the environmental entrepreneurship institute in the Russian Federation legislation in the aspect of improving regulation private legal means;
- analyze and clarify the concept of environmental entrepreneurship and its legal characteristics;
- identify the types of environmental entrepreneurship;
- to systematize and classify the means of private law regulation of environmental entrepreneurship;
- analyze the civil law contract as a means of environmental entrepreneurship legal regulation;
- to reveal the features of corporate acts as a means of environmental entrepreneurship legal regulation;
- to investigate the main features of standards and rules of self-regulating organizations (hereinafter – SRO) as a means of environmental entrepreneurship legal regulation;
- to analyze the civil liability features of environmental business entities.

The object and subject of the study. The object of the dissertation research is the public relations that develop when applying private-law means of ensuring environmental entrepreneurship in the Russian Federation.

The subject of the dissertation research is the legal norms that consolidate the foundations of environmental entrepreneurship in the Russian Federation and private legal means of ensuring it, as well as corporate acts of business entities operating within the framework of environmental entrepreneurship, regulating the main approaches and certain types of environmental entrepreneurship of these entities, acts of law enforcement practice, doctrinal sources devoted to some problematic issues of environmental entrepreneurship.

The theoretical and methodological basis of the study. The theoretical basis of the research was the works of modern scientists: monographs, dissertation research, scientific articles, educational literature not only on environmental entrepreneurship (M.A. Astakhova, Ya.S. Grishina, T.V. Ershova, I.N. Zhochkina, S.V. Zlobin, A.A. Mokhov, S.N. Novoselov, A.V. Meshchakin, A.F. Chupilkin et al.), but also on certain issues of business law (in particular, issues of entrepreneurial activity legal regulation, social entrepreneurship, self-regulation). Therefore, the author was based on the works of such prominent scientists in the field of business law as A.V. Barkov, L.I. Bulgakova, V.A. Vaypan, V.V. Kvanina, D.O. Grachev, E.P. Gubin, M.A. Egorova, I.V. Ershova, A.V. Zabelin, M.P. Imekova, V.P. Kamyshansky, V.A. Laptev, Yu.G. Leskova, O.N. Maksimovich, E.V. Oleinik, D.A. Petrov, A.R. Sevastyanova.

The dissertation research is based on several theoretical concepts that have been proposed in the legal literature, the key of which are:

- the concept of environmental protection as one of the social values, socially approved behavior (A.I. Voeikov, D.N. Anuchin, V.V. Dokuchaev, I.P. Borodin);
- the concept of social entrepreneurship, according to which entrepreneurial activity can have as its main goal not only profit, but also the achievement of some other socially useful goals (moreover, in some types of activities and organization variants of entrepreneurship, social goals of activity are prevailing) (A.V. Barkov, Ya.S. Grishina, B. Drayton, Ch. Leadbeater, Yu.E. Blagov, Yu.N. Arai);
- the concept of the possibility of entrepreneurial activity legal regulation not only by means of public legal regulation, but also by private legal means (E.P. Gubin, I.V. Ershova, S.S. Alekseev, E.A. Sukhanov).

The methodological basis of the dissertation research is general scientific and private scientific methods. The general scientific methods used in the research include: the universal dialectical method, deduction and induction, analysis and synthesis, the systematic method of research, the method of generalization and systematization. Private scientific methods include: comparative law, historical law, formal law, the method of legal modeling and others. In addition, the study applied

logical techniques used at various stages of cognition – analogy, extrapolation and others. In the course of determining the legal nature of environmental entrepreneurship, a formal legal method was applied. Thanks to the historical and legal method, the Institute genesis of environmental entrepreneurship has been determined. The comparative legal method made it possible to compare the approaches developed in the foreign countries practice.

The information base of the research is the Constitution of the Russian Federation; federal laws, first of all – the Civil Code of the Russian Federation, the Federal Law "On Environmental Protection", as well as the provisions of federal subordinate regulatory legal acts adopted in their execution (decrees of the President of the Russian Federation, resolutions of the Government of the Russian Federation, regulatory legal acts of state authorities) concerning various aspects of Environmental Entrepreneurship Institute.

The information base of the dissertation research was also made up of decisions of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, other courts, other materials of judicial practice testifying to the application of normative acts of the Russian Federation affecting certain issues of environmental entrepreneurship, as well as corporate acts of business entities engaged in activities in the field of environmental entrepreneurship.

Validity and reliability of the research results. The reliability and validity of the conclusions obtained as a result of the study is confirmed by using the appropriate methodology, studying a sufficient amount of regulatory framework, scientific literature, judicial practice in specific cases, as well as operating on empirical data collected and analyzed in the process of working on a dissertation study, forming conclusions based on the analysis and interpretation of normative legal acts of the Russian Federation, acts law enforcement, corporate acts of business entities, the author of the dissertation research uses certain scientific research methods that allow him to build the right approach and direction in forming his own original author's conclusions.

The provisions submitted for protection and having scientific novelty are the main result of achieving the set research goal and solving relevant tasks, thereby representing the author's position reflecting his theoretical and practical approaches to the concept and means system of private law regulation of environmental entrepreneurship.

The dissertation author has built up the following provisions to be submitted for defense:

1. Environmental entrepreneurship should be considered in a broad and narrow sense.

In a broad sense, environmental entrepreneurship is an economic activity that has signs of independence, of a risky nature, aimed at systematically profiting from the use of property, the sale of goods, the works performance or the services provision, and which is always associated with achieving a socially useful goal – preventing, limiting and eliminating negative environmental impacts, as well as contributing to solving environmental tasks and environmental problems.

In a narrow sense, environmental entrepreneurship is certain types of environmental activities of business entities, the list of which is not limited and is evaluated taking into account the environmental-oriented effect (*the provision submitted for protection corresponds to paragraph 15 of the specialty passport 5.1.3. - private law (civil) sciences*).

2. Environmental entrepreneurship (in a broad sense) includes the following legal models: a) social environmental entrepreneurship, in which a business entity carries out environmental activities and/or directs profits from any other business activity to solve environmental problems; b) socially oriented environmental entrepreneurship, in which a non-profit organization carries out environmental activities in accordance with Article 31.1 of the Federal Law of 12.01.1996 No. 7-FZ (ed. dated 08.08.2024) "On non-profit organizations" as income-generating activities with such characteristics as consistency, focus on profit (income), riskiness.

These legal models of environmental entrepreneurship differ primarily in its subjects, which have the main goal – solving environmental problems through their economic activities that have all the signs of entrepreneurial activity (*the provision submitted for protection corresponds to paragraph 15 of the specialty passport 5.1.3 – private law (civil) sciences*).

3. All types of economic activity that fall under the signs of environmental entrepreneurship can be classified into:

1) activities related to the provision of environmental services (for example, environmental audit, environmental insurance, eco-tourism, environmental support, waste management services);

2) activities related to the performance of works with an environmental effect or result (for example, the performance of research (development) work in the field of environmental management, engineering and environmental surveys);

3) activities for the sale of environmental goods – a material product of an activity with an environmental purpose, which consists in ensuring the preservation and restoration of the environment and the protection of natural resources (for example, equipment for cleaning products and raw materials, equipment for processing solid debris, atmospheric air monitoring systems);

4) activities for the provision of environmental property for use (for example, leasing an ecologically clean pond or lake, a forest area, a land plot) (*the provision submitted for protection corresponds to paragraphs 13 and 15 of the specialty passport 5.1.3 – private law (civil) sciences*).

4. The system of private legal support means for environmental entrepreneurship includes:

– civil law contracts (contracts (for example, engineering and environmental surveys), paid provision of environmental services, environmental insurance, performance of research (development) works, purchase and sale of environmental equipment, lease of environmental property);

- corporate acts (constituent documents, internal acts regulating the implementation of environmental activities or aimed at making a profit from the

implementation of any other economic activity to solve environmental problems, standards and rules of the SRO);

– civil liability of both environmental business entities (contractual and tort) and corporations of which they are members (*the provision submitted for protection corresponds to paragraphs 13 and 15 of the specialty passport 5.1.3 – private law (civil) sciences*).

5. An environmental services agreement should be considered as an independent type of business agreement. This agreement is an agreement between economic entities regulating the provision of environmental services on a reimbursable basis related to ensuring the conservation and restoration of the environment, protecting natural resources, reducing negative effects on it or using natural objects for tourism and recreation.

The key feature of an environmental services agreement that distinguishes this type of agreement from other service agreements is its addition to public environmental specifics, which consists in supplementing the contractual terms with environmental law norms – in terms of restrictions and requirements for the subjects of the relevant contractual relations, supplementing their rights and obligations, taking into account the specifics of the object of the agreement. In addition, unlike the named natural resource agreements, the proposed new type of agreement does not involve making a profit from the use of natural resources.

The varieties of the contract for the provision of environmental services are contracts: for environmental audit, organization of ecological tourism, solid waste disposal and others (*the provision submitted for protection corresponds to paragraphs 8 and 13 of the specialty passport 5.1.3 – private law (civil) sciences*).

6. Environmental audit and waste management are those types of environmental entrepreneurship in respect of which it is necessary to establish at the legislative level the possibility of their implementation only if there is membership in a self-regulating organization. The implementation of this proposal in the legislation will make it possible to supplement the tort and contractual liability of such persons with the subsidiary liability of the business community represented by

a self-regulating organization in the relevant field (*the provision submitted for protection corresponds to paragraphs 13, 15 and 17 of the specialty passport 5.1.3 - private law (civil) sciences*).

7. Incentives and motives for the formation and development of environmental entrepreneurship should be associated not only and not so much with government support measures. Money resources from the compensation fund of a self-regulating organization in the relevant field in the form of targeted loans to members of a self-regulating organization can act as a private legal means of supporting environmental business entities. This support model can be implemented by analogy with targeted loans to members of self-regulatory organizations in the field of construction (*the provision submitted for protection corresponds to paragraphs 13, 15 and 17 of the specialty passport 5.1.3 - private law (civil) sciences*).

Based on the results of the study and on the basis of the provisions submitted for protection, proposals for amendments and additions to the legislation of the Russian Federation are formulated.

The theoretical and practical significance of the study. The provisions submitted for protection and other author's conclusions can become the basis for further research in the direction of the legal characteristics of environmental entrepreneurship. The conclusions drawn in the study are intended to contribute to the development of consistent law enforcement practice, as well as to be applied within the framework of the activities of environmental entrepreneurship economic entities, including in their corporate acts. In addition, the presented research results can be applied in educational activities – in the preparation of lawyers for business.

Approbation of the research results. The dissertation was completed, discussed and approved at the Department of Business, Labor and Corporate Law of the M. M. Speransky Law Faculty in the Institute of Law and National Security of the Russian Academy of National Economy and Public Administration Under the President of Russian Federation (Presidential Academy).

The main provisions and conclusions of the dissertation research were reflected in the author's speeches at six international and All-Russian scientific conferences, as well as published in the author's articles issued in scientific publications, among them peer-reviewed scientific journals included in the list of the Higher Attestation Commission (hereinafter – the Higher Attestation Commission) under the Ministry of Education and Science of the Russian Federation, general volume of 5.2 pp. 1.

The structure of the work. In accordance with the purpose and objectives of the research outlined by the author, the structure of the work is also constructed. The work includes eight paragraphs combined into two chapters, as well as an introduction, conclusion and a list of sources used (bibliography).