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CRIMINAL LIABILITY FOR VIOLATION OF THE RULES OF PRODUCTION AND CONSUMPTION WASTE HANDLING

Specialty 5.1.4 - Criminal Law Sciences

Abstract

of the Dissertation for the Degree of Candidate of Legal Sciences

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Relevance of the research topic. The ever-increasing consumption growth of modern society causes the global scale of production and consumption waste (hereinafter also PCW) generation. In this regard, a special concern of both the world community and individual states, including the Russian Federation (hereinafter also RF), is the need to solve the problem of PCW disposal, to establish an effective system of PCW management in the legislation, as well as to prevent harm to human health and the environment by improper handling of PCW.

The United Nations (hereinafter - UN) Agenda 21 program adopted at the UN Conference on Environment and Development emphasizes environmentally sound management of solid and hazardous wastes. According to the principles of the Rio Declaration on Environment and Development, states should develop national laws concerning liability and compensation for victims of pollution and other environmental damage.[1]

The Convention on the Protection of the Environment through Criminal Law[2] recommends that, regardless of the consequences, the socially harmful act of illegal trafficking in hazardous waste should be classified as a criminal offence or administrative offence.

The strategic planning documents of the Russian Federation: the Comprehensive Strategy for Solid Municipal (Domestic) Waste Management in the Russian Federation (hereinafter referred to as the Comprehensive Strategy)[3] and the Strategy for Environmental Security of the Russian Federation for the period up to 2025,[4] provide huge figures on the amount of annual generation of

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[1] Rio Declaration on Environment and Development, adopted by the UN Conference on Environment and Development, Rio de Janeiro, June 3-14, 1992. [Electronic resource] // UN site. Access mode: https://www.un.org/ru/documents/decl_conv/declarations/riodecl.shtml_ (accessed on 10.05.2021).

[2] Access from the reference-legal system "ConsultantPlus".

[3] On approval of the comprehensive strategy for solid municipal (household) waste management in the Russian Federation: Order of the Ministry of Natural Resources and Environment of Russia from 14.08.2013 № 298 // Norming in construction and housing and communal services. 2013. № 4.

[4] On the Strategy of ecological security of the Russian Federation for the period up to 2025: Decree of the President of the Russian Federation from 19.04.2017 № 176 [Electronic resource] // Access from the legal system "ConsultantPlus".

PCW, including solid municipal waste (hereinafter referred to as MSW). It is noted that the majority of PCW is disposed of through landfilling and also ends up in unauthorized PCW dumps.

In the Fundamentals of State Policy in the field of environmental development of the Russian Federation for the period until 2030[5] special attention is drawn to the need to form and consistently implement a unified state policy in the field of PCW handling, as well as to strengthen responsibility for violations of environmental legislation and ensure the inevitability of punishment for environmental crimes, and in the Comprehensive Strategy - to the need to create in the legislation of the Russian Federation a consistent system of norms and rules governing the activities in the field of MSW.

The Strategy for Environmental Security of the Russian Federation for the period up to 2025 identifies as an urgent problem in the environmental sphere the presence of a large number of objects of accumulated environmental damage, which include unauthorized landfills, as well as significant criminalization and the presence of a shadow market in the field of nature management.

Presidential Decree No. 474 of 21.07.2020, which defines the development goals of our state for the period up to 2030, indicates the need to create a sustainable system of solid waste management, to eliminate the most dangerous objects of accumulated environmental damage.[6] Similar aspects related to PCW are also noted in the National Security Strategy of the Russian Federation .[7]

Thus, in the Russian Federation at the highest state level emphasizes the special importance of proper legal regulation of social relations formed in relation to PCW, as well as the current lack of an effective environmental-legal mechanism for handling PCW, including criminal-legal measures.

In fact, it is PCW, in the sphere of handling of which a large number of

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[5] Fundamentals of the state policy in the field of ecological development of the Russian Federation for the period up to 2030 (approved by the President of the Russian Federation 30.04.2012) [Electronic resource] // Access from the legal system "ConsultantPlus".

[6] Access from the reference-legal system "ConsultantPlus".

[7] Access from the reference-legal system "ConsultantPlus".

offenses are committed, that today is the main and most dangerous pollutant of the environment, as it can have a harmful effect on various components of the environment for a long time. Specialists note that the sphere of handling PCW has long ago turned into a "shadow" business, which in many cases consists in the organization of unauthorized PCW dumps.

The study of available court practice in criminal cases shows that most violations of the rules of handling PCW are qualified under Article 247 of the Criminal Code of the RF.

At the same time, the study of law enforcement activity allows us to conclude about the ineffectiveness of Article 247 of the Criminal Code of the RF in violation of the rules of handling PCW.

The outdated criminal law, which does not take into account the result of the development of environmental legislation in terms of the legal regulation of relations arising from PCW, as well as the real situation in the field of handling such wastes, coupled with the clarification of the Plenum of the Supreme Court of the RF, supplemented in 2017 the Resolution of the Plenum of the Supreme Court of the RF No. 21 dated 18.10.2012 "On application by courts of legislation on liability for violations in the field of environmental protection and natural resources use"[8] (hereinafter also Resolution of the Plenum of the Supreme Court of the RF), led to a theoretical and applied problem, a kind of conflict between criminal law and substantive law, namely special environmental legislation.

The terms and wording used in the construction of the disposition of the basic corpus delicti of the crime under Part 1 of Article 247 of the Criminal Code of the RF, which has existed in an unchanged form since the adoption of the Criminal Code of the RF, i.e. since 1996, do not allow to clearly establish the subject of the crime in question.

Part 1 of Article 247 of the Criminal Code of the RF contains the phrase "radioactive, bacteriological, chemical substances and wastes", which means that there are alternative subjects of crime in the article in question: substances and

[8] Access from the reference-legal system "ConsultantPlus".

wastes. Since article 247 of the Criminal Code of the RF does not specify in detail the object of legal regulation of which legislation the mentioned wastes are, it follows from analysis of the whole array of environmental legislation that the subject of crime under article 247 of the Criminal Code of the RF is four types of wastes, the relations concerning which are regulated by different legislation included in the environmental legislation.

The problem of identification of PCW as a subject of crime under Article 247 of the Criminal Code of the RF was complicated by the mentioned explanation of the Plenum of the Supreme Court of the RF in 2017: "according to part 1 of article 247 of the Criminal Code of the RF, the subject of transportation, storage, burial, use or other handling in violation of the established rules are only such substances and wastes that are related to radioactive, bacteriological or chemical". At the same time in the Russian environmental legislation there are no definitions of "bacteriological wastes", "chemical wastes", and, consequently, there are no special rules of their handling, the violation of which acts as a sign of the objective side of the offense under Article 247 of the Criminal Code of the RF.

The above situation, as well as the fact that Article 247 of the Criminal Code of the RF, having a blanket nature, does not take into account the specifics and content of special environmental legislation, including legislation on the treatment of PCW, characterized by imperfections, has led to the fact that the current Criminal Code of the RF cannot fully respond to modern environmental "challenges" in terms of PCW.

Given these issues, the chosen dissertation topic is highly relevant from both a theoretical and practical standpoint.

Degree of scientific development of the topic and theoretical basis of the study. Ecological crimes were studied by B.B. Tangiev, M.A. Artamonova, M.M. Brinchuk, S.I. Golubev, O.L. Dubovik, E.N. Zhevlakov, L.V. Inogamova-Hegay, D.A. Krasheninnikov, I.V. Lavygina, N.A. Lopashenko, Y.V. Nadtochiy, A.M. Pleshakov, A.F. Sharipkulova and other researchers.

Some aspects of criminal liability for the crime provided by Article 247 of

the Criminal Code of the RF were touched upon in the dissertations of I.V. Popov "Crimes against the natural environment: theoretical foundations and practice of application", T.V. Tagirov "The problem of determining significant damage in environmental crimes", S.I. Golubeva "Punishment for environmental crimes: theoretical and applied research", A.Y. Bokovnia "Responsibility for environmental pollution in the criminal law of Russia", Y.A. Timoshenko "Construction of criminal-legal norms on responsibility for environmental crimes: problems of theory and practice".

The study of the issues identified in the dissertation is based on the works of domestic scientists in the field of environmental law, devoted to the study of the problems of legal protection of the environment in general, as well as in the field of PCW handling, in particular, the works of S.A. Bogolyubov, M.M. Brinchuk, M.I. Vasilieva, O.L. Dubovik, N.G. Zhavoronkova, O.I. Krassov, N.V. Kichigin.

A special monographic study of the problems of criminal liability for violation of the rules of handling of PCW has not been conducted so far, despite the importance of proper legal regulation of these public relations in order to ensure the constitutional right of everyone to a favorable environment, which determined the choice of the topic of the dissertation research.

The **object of the dissertation research** are public relations arising in connection with the violation of the rules of handling of PCW, responsibility for which is provided by the Criminal Code of the RF.

The subject of the study - the norms of criminal legislation of the Russian Federation, as well as the totality of legal norms, enshrined in normative legal acts relating to various branches of legislation, regulating social relations that develop in relation to PCW, materials of judicial practice of bringing to criminal responsibility under article 247 of the Criminal Code of the RF for violation of the rules of handling PCW, as well as works on the theory of criminal law of the authors, in which the issues of criminal responsibility for violation of the rules of handling PCW are considered.

The purpose of the dissertation research is to carry out a comprehensive

study of the criminal-legal regulation of social relations in the sphere of treatment with PCW in interrelation with the study of the correlation of environmental and other branches of legislation in the legal regulation of treatment with PCW in order to develop proposals to improve the criminal law provisions established in Chapter 26 of the Criminal Code of the RF, as well as the practice of their application.

The above goal determined the formulation and solution of the following tasks:

1) to carry out a comparative legal analysis of domestic and foreign legislation regulating criminal liability for violation of the rules of handling PCW, as well as to identify positive experience that can be used to improve the Russian criminal legislation in this part;

2) analyze the peculiarities of public danger of violation of the rules of handling PCW;

3) analyze the object and subject of violation of the rules of handling PCW (Article 247 of the Criminal Code of the RF);

4) to investigate the signs of the objective side of the crime under Article 247 of the Criminal Code of the RF;

5) to analyze the subjective signs of the corpus delicti of the crime provided by Article 247 of the Criminal Code of the RF;

6) to study the problems of differentiation of the criminal offense of violation of the rules of treatment with PCW (article 247 of the Criminal Code of the RF) with related corpus delicti of administrative offenses;

7) to develop the author's proposals to improve the criminal-legal norms establishing responsibility for violation of the rules of handling PCW.

The methodological basis of the dissertation research was formed by general scientific (analysis, classification, synthesis, analogy, functional method, etc.) and private-scientific (formal-legal, historical-legal, comparative-legal, method of legal modeling) methods of scientific research. With the help of formal-legal method of research the content of normative material attracted for the study was analyzed. By means of the historical method the study of the stages of

formation of legislation on PCW management, the concepts of "production and consumption waste" and "solid municipal waste" was carried out. With the help of comparative-legal method the comparative-legal analysis of domestic and foreign criminal legislation, which establishes responsibility for illegal handling of PCW, the question of correlation of branches of legislation in the legal regulation of handling of PCW was carried out. In addition, when studying the issue of correlation of branches of legislation in the legal regulation of handling of PCW, interdisciplinary and comparative methods were used. With the help of the method of legal modeling the proposals on improvement of criminal-legal norms on responsibility for violation of the rules of handling PCW are formulated.

The **normative base of the dissertation research** was formed by: the Constitution of the Russian Federation, international legal acts, federal laws, decrees of the President of the Russian Federation, resolutions of the Government of the Russian Federation, normative legal acts of federal executive authorities of the Russian Federation, laws and other normative legal acts of the subjects of the Russian Federation, municipal normative legal acts, foreign normative sources regulating social relations arising in connection with bringing to criminal responsibility for illegal treatment with PCW.

Empirical base of the research. In the preparation of the dissertation research were used: judicial acts of the Constitutional Court of the Russian Federation, of the Supreme Court of the Russian Federation, practice of arbitration courts, practice of courts of general jurisdiction.

The scientific novelty of the dissertation research consists in the following:

- for the first time analyzed foreign legislation in terms of criminal liability for illegal handling of PCW;

- for the first time a comprehensive analysis of criminal-legal norms of the Criminal Code of the RF was carried out in order to identify the problems of bringing to responsibility for violation of the rules of handling PCW;

- defects in the legislative regulation of criminal liability for violations of

PCW handling rules under Article 247 of the Criminal Code of the RF have been identified, which affect the effectiveness of prosecution under this article;

- the main difficulties in applying criminal law provisions of Article 247 of the Criminal Code of the RF for violations of PCW handling rules have been determined, taking into account the close interconnection between criminal and environmental legislation of the Russian Federation;

- a theoretical and practical problem in applying Article 247 of the Criminal Code of the RF to violations of PCW handling rules has been identified, solutions have been proposed, and the necessity of considering sectoral legislation on PCW management when formulating norms on environmental crimes involving PCW has been substantiated;

- the author's concept on improvement of criminal-legal norms establishing responsibility for violation of the rules of handling PCW has been proposed.

The following main provisions reflecting the scientific novelty of the dissertation research are put forward for defense:

1. Based on the analysis of criminal legislation of foreign countries in terms of responsibility for illegal handling of PCW, the close interrelation of criminal and related environmental legislation has been revealed both in the CIS countries and in the EU member states, since the majority of dispositions of criminal law norms in terms of responsibility for illegal handling of PCW are of blanket nature and refer to the norms of special environmental legislation that establishes the rules of handling PCW.

The study of the peculiarities of the regulation of criminal liability for the illegal handling of PCW in the legislation of foreign countries led to the conclusion that for Russia the most acceptable as a borrowing is the legislative experience of Germany and Latvia, which consists in fixing criminal liability for the illegal handling of PCW in a separate article, which formulates a number of corpus delicti with a single subject in the form of PCW. This approach indicates that the relations on the established order of handling PCW are considered as a unique object of criminal law protection, in connection with which separate criminal law norms are

formulated. *This provision refers to paragraphs 1, 3, 12 of the passport of scientific specialty 5.1.4. "Criminal-legal sciences".*

2. The branches of law and legislation that are significant for the correct determination of all elements of a crime under Article 247 of the Criminal Code of the RF (due to the legislator's use of a blanket technique in constructing the disposition of the criminal law norm in Part 1 of Article 247 of the Criminal Code of the RF) have been identified, namely: environmental legislation, technical regulation legislation, sanitary-epidemiological legislation, and civil legislation. *This provision refers to paragraphs 1, 3 of the passport of scientific specialty 5.1.4. "Criminal Law Sciences".*

3. The following reasons have been established for the current absence in part 1 of article 247 of the Criminal Code of the RF of clear correlation between the terminology used (blanket definitions) and legislation on handling of PCW: 1) the wording of part 1 of article 247 of the Criminal Code of the RF has existed unchanged since the adoption of the Criminal Code of the RF (since 1996) and does not take into account all changes in sectoral environmental legislation, including its conceptual apparatus; at the same time, criminal law norms of article 247 of the Criminal Code of the RF should operate only with those terms that are fixed in environmental legislation, including legislation on handling of PCW; 2) criminal law regulation under article 247 of the Criminal Code of the RF is carried out not only in relation to the subject of legislation on handling of PCW (relations concerning PCW), but also the subject of other legislation (relations concerning medical waste, radioactive waste, substances, etc.).

In connection with the above, there are difficulties in establishing the content of the definitions enshrined in Article 247 of the Criminal Code of the RF, which causes the problem of determining the content of such a blanket sign within the framework of Article 247 of the Criminal Code of the RF as "rules of treatment" (i.e. search for the presence of relevant rules of treatment in environmental legislation). *This provision refers to paragraphs 1, 3 of the passport of scientific specialty 5.1.4. "Criminal Law Sciences".*

4. The outdated criminal law, which does not take into account the result of the development of environmental legislation in terms of regulation of relations on handling of PCW, as well as the real criminological situation in the sphere of handling of PCW, coupled with the explanation of the Supreme Court of the RF, set forth in the Resolution of the Plenum of the Supreme Court of the RF, has led to a theoretical and applied problem, a kind of conflict between the criminal law and special environmental legislation.

The corpus delicti "Production of prohibited types of hazardous waste, if these acts have created a threat of substantial harm to health human or the environment" operates with the terms "hazardous waste", "production of waste", "prohibited types of hazardous waste", which are absent in environmental legislation, including legislation on the treatment of PCW, and therefore PCW cannot be the subject of crime in the considered corpus delicti.

The composition "transportation, storage, burial, use or other handling of radioactive, bacteriological, chemical substances and wastes in violation of the established rules, if these acts have created a threat of causing substantial harm to health human or the environment", fixing the general concept of "waste", refers us to the study of the entire body of environmental legislation, the analysis of which shows that the subject of this composition can be four types of waste: 1) production and consumption waste; 2) radioactive waste; 2) radioactive waste.

However, the clarification of the Plenum of the Supreme Court of the RF, which in 2017 was supplemented by the Resolution of the Plenum of the Supreme Court of the RF: "according to part 1 of Article 247 of the Criminal Code of the RF the subject of transportation, storage, burial, use or other handling in violation of the established rules are only such substances and wastes that relate to radioactive, bacteriological or chemical" (hereinafter - clarification of the Plenum of the Supreme Court of the RF 2017), entered into a certain contradiction with environmental legislation, which lacks the definitions of "bacteriological waste", "chemical waste".

Accordingly, there are no special rules of their circulation, and,

consequently, there is no sign of the objective side of the corpus delicti established by Article 247 of the Criminal Code of the RF. *This provision refers to paragraphs 1, 3 of the passport of scientific specialty 5.1.4. "Criminal Law Sciences".*

5. Clarification of the Plenum of the Supreme Court of the RF 2017 does not lead to the exclusion of PCW from the subjects under Article 247 of the Criminal Code of the RF (Composition 2).

Firstly, paragraph 6 of the Resolution of the Plenum of the RF Supreme Court states that in deciding whether the actions of a person have elements of a crime under Article 247 of the Criminal Code of the RF, the courts should be guided by the norms of both the Federal Law "On Production and Consumption Waste" (hereinafter - Law No. 89-FZ) and other federal laws. That is, the Supreme Court of the RF, pointing to the Law No. 89-FZ, puts PCW in the first place among all the subjects of crime under Article 247 of the Criminal Code of the RF. The RF Supreme Court thus confirms the conclusion that PCW are the subject of the offense under Article 247 of the Criminal Code of the RF.

It seems that when formulating the explanation of the Plenum of the Supreme Court of the RF 2017 ("according to part 1 of article 247 of the Criminal Code of the RF the subject of transportation, storage, burial, use or other handling in violation of the established rules are only such substances and wastes that relate to radioactive, bacteriological or chemical"), the Supreme Court of the RF had in mind not the types of waste (since there are no such types of waste in the legislation), but the qualitative content of such waste. PCW always consist of chemical substances (components), which is confirmed when considering the legislation on PCW management.

Secondly, this conclusion follows from a systematic analysis of the provisions of Article 247 of the Criminal Code of the RF and environmental legislation, including legislation on the treatment of PCW. In particular, there is the use of identical terms: Article 247 of the Criminal Code of the RF operates with the term "waste", and the Law No. 89-FZ, fixing among the basic concepts the definition of "production and consumption waste", introduces their abbreviation -

"waste".

Thirdly, the study of judicial acts on bringing to criminal responsibility for violation of the rules of handling PCW allows us to conclude that the court in most cases qualifies this criminal act under article 247 of the Criminal Code of the RF.

Our conclusion is also confirmed by the fact that article 8.2 of the Code of Administrative Offenses of the RF (hereinafter - CAO RF), under which the violation of the rules of handling PCW is qualified, before its amendment in 2019 contained the wording of the offense, which is almost similar to the wording of article 247 of the Criminal Code of the RF. However, under the new wording of Article 8.2 of the CAO RF the only subject of the offense is PCW.

In addition, the study of scientific literature shows that a number of authors, based on the results of the analysis of environmental legislation, also considers PCW as the subject of the crime enshrined in article 247 of the Criminal Code of the RF. *This provision refers to paragraphs 1, 3 of the passport of scientific specialty 5.1.4. "Criminal Law Sciences".*

6. It is revealed that when committing an act in the form of violation of the rules of handling PCW, there is a problem of differentiation of part 3 of article 8.2 of the CAO RF from part 1 of article 247 of the Criminal Code of the RF, as well as the problem of delimitation of corpus delicti contained in Part 1 and Part 2 of Article 247 of the Criminal Code of the RF.

The situation is caused, on the one hand, by the absence in Article 8.2 of the CAO RF of explanations of the content of the concepts of "harm to human health", "harm to the environment" in relation to the material composition of Part 3 of Article 8.2 of the CAO RF, on the other hand, by the absence of clear criteria of threat of substantial harm to the environment and human health established in relation to Part 1 of Article 247 of the Criminal Code of the RF or clear criteria of the presence of criminal consequences in relation to the material composition of Part 2 of Article 247 of the Criminal Code of the RF.

To solve the problem under consideration, it is necessary to amend the current criminal law (Article 247 of the Criminal Code of the RF) or take into

account our proposals in the design of a new article of the Criminal Code of the RF on liability for violation of the rules of handling PCW.

First, from the point of view of logic and legislative technique, it is advisable to replace in part 2 of article 247 of the Criminal Code of the RF the words "pollution, poisoning or contamination of the environment, causing harm to human health or mass death of animals" with the words "causing substantial harm to human health or the environment", thus unifying the terminology relating to the consequences of violation of the rules of handling PCW in the basic and qualified composition of article 247 of the Criminal Code of the RF.

Second, it should be clearly established what is to be understood as a threat of substantial harm to human health or the environment and (or) substantial harm to human health or the environment.

The criteria may be the degree of exceeding the environmental quality standards (maximum permissible concentrations of harmful substances in the environment) and (or) the specific amount/degree of harm caused to the environment or human health as a result of violation of the rules of handling PCW. *This provision refers to paragraphs 1, 3 of the passport of scientific specialty 5.1.4. "Criminal legal sciences".*

7. It has been established that the subject of the crime under Article 247 of the Criminal Code of the RF is common.

However, taking into account the prevalence of violations of the rules of handling PCW by persons who are entrusted with special duties and powers in this area, it is necessary to adjust article 247 of the Criminal Code of the RF, establishing in it the qualifying feature "committed by a person using his official position" (or to provide for such a feature in the new article of the Criminal Code of the RF on liability for violation of the rules of handling PCW). *This provision refers to paragraphs 1, 3 of the passport of scientific specialty 5.1.4. "Criminal Law Sciences".*

8. It is advisable to introduce a new article 247[1] in the Criminal Code of the RF under the title "Non-compliance with requirements in the field of

environmental protection when handling production and consumption waste". Within the framework of the new article there should be only one subject of the crime - PCW.

In the basic composition of the new crime (part 1 of article of Article 247[1] of the Criminal Code of the RF) it is necessary to separately fix such objective signs of the crime as the organization of unauthorized dumping of PCW.

The introduction of the institute of administrative prejudice in respect of the main corpus delicti, providing for responsibility for violation of the rules of handling of PCW, will contribute to the prevention of committing such an act, as well as to the harmonization of criminal-legal and administrative-tort norms on responsibility for violation of the rules of handling of PCW.

A new Article 247[1] of the Criminal Code of the RF is proposed as follows:

"Article 247[1]. Violation of environmental protection requirements in the handling of production and consumption waste

1. Violation of requirements in the field of environmental protection in the collection, accumulation, transportation, processing, recycling, disposal, neutralization or placement of production and consumption waste of I-IV class of danger, including the organization of unauthorized dumping of production and consumption waste of I-IV class of danger, by a person who has been subjected to administrative punishment for a similar act, or if these acts have created a threat of causing substantial harm to health human or the environment,- -.

is punished by the penalty at a rate up to five hundred thousand rubles or in the amount of wages or other income of the convicted person for the period up to eighteen months, or restriction of freedom for the term up to two years, or compulsory works for the term up to two years, or imprisonment for the same term.

2. the same acts:

a) Causing substantial harm to health human or the environment;

b) committed in an environmental disaster zone or an environmental emergency zone;

c) committed by a person with the use of his official position,-.

is punished by the penalty at a rate from five hundred thousand up to three million rubles or in the amount of wages or other income of the condemned for the period from one year up to two years, or compulsory works for the term up to five years, or imprisonment for the same term.

3. Acts envisaged by parts one or two of this article, which have caused by negligence the death of a person or mass disease of people, shall be as follows

shall be punished by imprisonment for a term of up to eight years.". *This provision refers to paragraphs 1, 3 of the passport of scientific specialty 5.1.4. "Criminal-legal sciences".*

Theoretical and practical significance of the study. The results of the study can be used in the work on improving the norms of Chapter 26 of the Criminal Code of the RF, for taking measures of explanatory-interpretative nature by the highest judicial instances in the presence of procedural reasons and grounds for this; in the consideration by the courts of criminal cases under Art. 247 of the Criminal Code of the RF, in the activities of law enforcement agencies; in the activities of the environmental prosecutor's office; for conducting further scientific research on the problems of criminal responsibility for environmental crimes; for teaching of the educational course of the Russian Federation.

Approbation of the research results. Certain proposals of the dissertant are approved in speeches in the following events: VI International Arctic Legal Forum "Conservation and sustainable development of the Arctic: legal aspects" (St. Petersburg, 29-30.11.2018); VI International Arctic Legal Forum "Conservation and sustainable development of the Arctic: legal aspects" (St. Petersburg, 29-15.04.2015, Moscow State University named after M.V.Lomonosov). State University of Land Management); VI International Arctic Legal Forum "Preservation and Sustainable Development of the Arctic: Legal Aspects" (St. Petersburg, 29-30.11.2018); international scientific-practical conference "Vectors of development of legislative support of the state land policy: experience of the XX century and modernity" (Moscow, 18.12.2018, State University of Land

Management); VI All-Russian scientific-practical conference Volzhenkinskie Readings (St. Petersburg, 27.11.2020, St. Petersburg Law Institute (fili Ecological crimes (Volzhenkinskie readings)" (St. Petersburg, 26.11.2021, St. Petersburg Law Institute (branch) of the University of the Prosecutor's Office of the Russian Federation).

The main provisions and results of the dissertation research have been published by the author in scientific articles, including those in the editions recommended by the VAK under the Ministry of Education and Science of the RF and the editions recommended by the Academic Council of the Academy:

1. Kolb, A.A. On the Problems of Legal Regulation of the Powers of Local Self-Government Bodies in the Field of Waste Management / A.A. Kolb // Self-Governance. - 2015. - №10. - C. 30-33.

2. Kolb, A.A. Correlation of environmental and civil legislation in determining waste, including solid municipal waste, as an object of ownership / A.A. Kolb // Agrarian and Land Law. - 2018. - №10 (166). - C. 24-27.

3. Kolb, A.A. Administrative responsibility for environmental and other offenses in the field of waste management, including solid municipal waste / A.A. Kolb // Agrarian and Land Law. - 2018. -№11 (167). - C.20-25.

4. Kolb, A.A. Definition of the concept of waste, including solid municipal waste, as an object of interbranch legislative regulation / A.A. Kolb // Agrarian and Land Law. - 2018. - №12 (168). - C.15-20.

5. Kolb, A.A. Comparative analysis of the environmental legislation of foreign countries and the legislation of the Russian Federation on the issue of defining the concept of waste, including solid municipal waste / A.A. Kolb // Law and State: theory and practice. - 2019. - №3 (171). - C.146-151.

6. Kolb, A.A. Comparison of environmental and civil law regulation of solid municipal waste circulation / A.A. Kolb // Law and State: theory and practice. - 2019. - №4 (172). - C.137-143.

7. Kolb, A.A. Problems of qualification of violation of the rules of solid

municipal waste handling under article 247 of the Criminal Code of the Russian Federation / A.A. Kolb // Agrarian and Land Law. - 2020. - № 11 (191). - C. 154-158.

8. Kolb, A.A. Production and consumption waste as a subject of the crime provided by Art. 247 of the Criminal Code of the Russian Federation / A.A. Kolb // Agrarian and Land Law. - 2022. - № 4 (208). - C. 104-109.

9. Kolb, A.A. Improving the norms of criminal legislation of the Russian Federation on responsibility for violation of the rules of production and consumption waste handling / A.A. Kolb // Agrarian and land law. - 2022. - № 5 (209). - C. 100-106.

10. Kolb, A.A. Criminal liability for violation of the rules of handling production and consumption waste in the European Union / A.A. Kolb // Eurasian Bar. - 2024. - № 2(67). - C. 142-148.

11. Kolb, A.A. Problems of defining the term "unauthorized waste dump" / A.A. Kolb // Agrarian and Land Law. - 2024. - № 10 (238). - C. 112-117.

Structure of the dissertation research. The work consists of an introduction, two chapters with seven paragraphs, a conclusion, a list of references and an appendix.