

УДК 341

DOI 10.33184/pravgos-2021.3.19

MUKHAMETGAREEVA Natalia Mikhailovna

Candidate of Sciences (Philology), Assistant Professor of the Chair of International Law and International Relations of the Institute of Law of the Bashkir State University, Ufa, Russia; nmch77@mail.ru

YUSUPOVA Zilya Anasovna

Candidate of Sciences (Philology), Associate Professor, Assistant Professor of the Chair of International Law and International Relations of the Institute of Law of the Bashkir State University, Ufa, Russia; zilya_iousupova@mail.ru

**ENVIRONMENTAL PARTNERSHIP BETWEEN
THE EUROPEAN UNION AND THE RUSSIAN FEDERATION
BASED ON THE PARTNERSHIP AND COOPERATION
AGREEMENT: CHALLENGES AND PROSPECTS**

In today's world, there are many global problems, among which one of the most fundamental is the environmental problem. The solution of this issue is impossible without the joint efforts of the neighbor States. Therefore, cooperation between the Russian Federation and the European Union, that share a common border, is promising. The partnership between Russia and the European Union in the sphere of ecology is supported by the Partnership and Cooperation Agreement. **Purpose:** to define the main directions for the evolution of the partnership between Russia and the European Union in the field of environmental protection applying on the Cooperation and Partnership Agreement. **Methods:** the authors made an analysis of international instruments in the sphere of ecological safety, with interpretation and detailed review of normative legal acts. **Results:** there is a great number of opportunities for increasing environmental cooperation between the Russian Federation and the European Union. The authors believe that such increasing should also be built on treaties in the sphere of environmental protection, in the development of the ecological enactments of the Cooperation and Partnership Agreement that regulate the intercourse of States in question. The completion of such a treaty is very significant not only for the under question countries but for the whole continent. **Keywords:** ecology; partnership; environment protection; agreement; partnership; cooperation in the sphere of environment protection.

The problems of environmental safety are very important not only for the Russian Federation but also for the European Union. These problems are universal and they must be solved collectively, by cooperative efforts. The European Union effectively implements its rules to prevent overexploitation of natural resources [1, p. 113]. We should mention that «the European Union is interested in partnership with The Russian Federation in this area» [2, c. 83]. Russia actively works in this field with individual European countries and the Community as a whole. Cooperation between Russia and the European Union in this area is currently governed by the Partnership and Cooperation Agreement.

The Agreement was signed on 24 June 1996¹. The Russian Federation ratified it at the end of 1996. The document entered into force one year later (1 December 1997), when the European Parliament and the parliaments of member States also ratified it.

The Agreement is an international treaty. It was concluded for 10 years. At the end of that period, the document shall be automatically extended each year until one of the parties withdraws from it.

It is necessary to point out that the European Union concluded such agreements with all the newly independent States of the post-Soviet area, except Tajikistan. The contents of these documents are exactly the same, which leads to the conclusion that the Agreement in question is a kind of «model treaty». However, the fact that such treaties were concluded with other countries does not diminish the importance of the Partnership and Cooperation Agreement in question for the development of bilateral relations and cooperation among the parties of international law.

The Agreement in question is not the result of a treaty between the parties in the sphere of environmental reclaim. On the contrary, it deals with relations on a wide range of problems, basically in the economic sphere. Thus, and consistent with art. 1 of the Agreement, economic cooperation is a priority for the parties. It also deals with the collaborations on the environment, science, culture, tourism and other.

Environmental protection is mentioned several times in the Agreement:

- Art. 19 provides for the possibility of prohibiting the import, export or transit of goods in case they cause damage to the environment;
- Art. 55 provides partnership in laws, including the environment safety;

¹ Соглашение о сотрудничестве и партнерстве, учреждающее партнерство между Российской Федерацией, с одной стороны, и Европейскими сообществами и их государствами-членами, с другой стороны от 25.11.1996 № 135-ФЗ // Бюллетень международных договоров. 1998. № 8. С. 3–74.

– Art. 56 provides that economic partnership must take into account the environmental issues;

– Art. 69 deals entirely with cooperation in the field of environmental protection.

So, Art. 69 is very «environmental» in the Agreement under consideration.

Some norms of this article refer to international treaties where the European Union and Russia are participants: the European Energy Charter (1991)¹, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989)², the Lucerne Conference Declaration (1993)³, the Convention on Environmental Impact Assessment in a Transboundary Context (1991)⁴.

As for the European Energy Charter, it is an international instrument signed in 1991, not only by Russia and the European Union, but also by some States in Asia and North America. It is an environmental instrument that is the basis for specific international energy treaties. The arrangements for effective performance of the energy market under the Charter are environmental protection. Cooperation in this area includes:

– coordination of energy policies necessary to promote the aims of the Charter;

– access to economic and technical information compatible with property rights;

– establishment stable legal conditions for the development of energy resources;

– coordination the field of safety of energy products and their transportation, as well as in energy installations;

– alleviation the interaction and exchange of the new technological information in the energy and environmental fields, including training;

– research, technological development and demonstration projects.

¹ Energy Charter Treaty, 1991 [Электронный ресурс]. URL: <https://www.energy-charter.org/fileadmin/DocumentsMedia/Legal/ECT-ru.pdf> (дата обращения: 13.09.2021).

² Базельская конвенция о контроле за трансграничной перевозкой опасных отходов и их удалением, 1989 [Электронный ресурс]. URL: <https://www.basel.int/Portals/4/Basel%20Convention/docs/text/BaselConventionText-r.pdf> (дата обращения: 13.09.2021).

³ Lucerne Conference, Second Ministerial Conference «Environment for Europe», 28–30 April 1993 [Электронный ресурс]. URL: <https://unece.org/lucerne-conference> <http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/efe/history%20of%20EFE/Luzern.E.pdf> (дата обращения: 13.09.2021).

⁴ Конвенция об оценке воздействия на окружающую среду в трансграничном контексте от 25.02.1991 [Электронный ресурс]. URL: https://www.un.org/ru/documents/decl_conv/conventions/env_assessment.shtml. (дата обращения: 13.09.2021).

As a result of the Lucerne Conference of European Ministers of the Environment, the Environmental Action Programme was adopted, it was based on the European Commission report «Elements for a Long-term European Environment Programme» which defined the main directions for the growth of environment cooperation in Europe. The Programme was adopted as the base for European environmental actions, including the common mechanism for financing environmental activities.

Article 69 of the Cooperation and Partnership Agreement establishes goals and objectives of partnership in the sphere of environment protection:

- pollution control and monitoring the environmental status;
- water and air pollution control on all levels: local, regional;
- ecological recovery;
- chemicals sound management;
- appraisal of water quality;
- following the Basel Convention standards ,waste reduction, recycling and safe disposal;
- environmental impact on chemical pollution, agriculture, soil erosion;
- forests protection;
- biological diversity conservation;
- use of economic and fiscal instruments;
- global climatological changes;
- ecological education;
- use the Espoo Convention on environmental impact assessment in a transboundary context.

Thus, the areas of partnership between the parties take into account environmental problems and envisage large-scale team-work to solve them.

Also, art. 69 of the Agreement proposes the necessary means to cooperate between the parties concerning the problems connected with the environment safety and protection:

- prediction of cataclysms, disasters, incidents;
- information and experts exchange, exchange of the information connected with clean technology and safe use of bioengineering technique;
- joint exploratory and scientific activity;
- development of legal theory;
- regional and international levels cooperation, including partnership within the European Environment Agency;
- strategizing of global and climate problems and with the aim of achieving sustainable development;
- environmental testing.

However, the document analysis shows that the statutes on cooperation in this area are not sufficient. For example, the list of means of environmental cooperation is closed and it is not understood if it is possible to use the other means that are not written in the Agreement. The document doesn't study the need of specific mechanisms for cooperation in environmental protection.

On the other hand, the Agreement in question is a framework document. It should lead to specific bilateral cooperation treaties. Let us say, in 2002 the Russian Federation and the Community signed the Agreement on Trade in Certain Steel Products and it was based on the Partnership and Cooperation Agreement¹. In accordance with Declaration 2 of the instrument under consideration, the Parties recognize that the compatibility of their environmental legislation is a fundamental term for the trade development.

The Partnership and Cooperation Agreement establishes the basis for the relationship between the parties. Thus, there are a lot of opportunities for extending environmental partnership between the Russian Federation and the European Union. We believe that such extension should be based on special bilateral environmental agreements, on the growth of the environmental regulations of the Partnership and Cooperation Agreement, that, at present day, regulates the Russian Federation and the Community mutual relations. The completion of such a treaty is very significant not only for the under question countries but for the whole continent.

We believe, that the environmental safety cooperation between Russia and the European Union is developing within the multilateral conventions and agreements, international organizations and bilateral treaties and agreements. However, «despite the development of international environmental law, the growth in the number of international treaties on nature protection, our environment continues to deteriorate and new environmental challenges appear» [3, с. 158].

The Russian Federation and the European Union have gained great experience in the international legal regulation of environmental protection and are actively cooperating with each other in this area, owing to the transboundary nature of the problems under consideration. The basic document governing this relationship is the Agreement on Partnership and Cooperation (1996).

¹ См.: Соглашение между Российской Федерацией и Европейским сообществом о торговле некоторыми изделиями из стали от 29.05.2002 [Электронный ресурс] // Электронный фонд правовой и научно-технической документации. URL: <http://docs.cntd.ru/document/902014019> (дата обращения: 20.10.2020).

References

1. Dubos O., Marguénaud J.-P. La Protection Internationale et Européenne des Animaux. *Pouvoirs*, 2009, no. 4 (131), pp. 113–126. DOI: 10.3917/pouv.131.0113.

2. Gusev A.A. *Sovremennaya ekologicheskaya politika* [Contemporary environmental policy]. Publishing house of the Institute of Europe of the Russian Academy of Sciences, 2008. 222 p.

3. Yusupova Z.A., Muhametgareeva N.M. On the Issue of the Effectiveness of International Environmental Law. *Pravovoe gosudarstvo: teoriya i praktika = The Rule-of-Law State: Theory and Practice*, 2020, no. 4-2 (62), pp. 157–164. (In Russian).

Received: 20.09.2021

МУХАМЕТГАРЕЕВА Наталья Михайловна

кандидат филологических наук, доцент кафедры международного права и международных отношений Института права Башкирского государственного университета, г. Уфа, Россия; nmch77@mail.ru

ЮСУПОВА Зилия Анасовна

кандидат филологических наук, доцент, доцент кафедры международного права и международных отношений Института права Башкирского государственного университета, г. Уфа, Россия; zilya_iousupova@mail.ru

**ЭКОЛОГИЧЕСКОЕ СОТРУДНИЧЕСТВО
МЕЖДУ ЕВРОПЕЙСКИМ СОЮЗОМ
И РОССИЙСКОЙ ФЕДЕРАЦИЕЙ НА ОСНОВЕ
СОГЛАШЕНИЯ О СОТРУДНИЧЕСТВЕ И ПАРТНЕРСТВЕ:
ПРОБЛЕМЫ, ПЕРСПЕКТИВЫ РАЗВИТИЯ**

Одной из насущных и актуальных проблем современного мира является проблема защиты окружающей природной среды, решение которой невозможно без объединения усилий сопредельных государств. В этой связи сотрудничество между Европейским союзом и Российской Федерацией, имеющими общую границу, является многообещающим и пер-

спективным. Взаимоотношения России и Евросоюза в сфере охраны окружающей среды строятся на основе Соглашения о партнерстве и сотрудничестве. **Цель:** определить основные направления развития международно-правовых отношений России и Европейского союза в области охраны окружающей среды на основе Соглашения о партнерстве и сотрудничестве. **Методы:** анализа и толкования нормативных правовых актов. **Результаты:** расширение экологического сотрудничества оправданно и необходимо как для Российской Федерации, так и для Евросоюза, авторы считают, что подобное расширение должно основываться на специальных двухсторонних соглашениях в сфере охраны окружающей среды в развитие экологических положений Соглашения о партнерстве и сотрудничестве, регулирующего отношения Европейского сообщества и России в настоящее время. Соглашение имеет огромное значение не только для стран-участниц, но и, принимая во внимание пространство действия этого документа, для всего континента.

Ключевые слова: экология; защита окружающей среды; соглашение; партнерство; сотрудничество в области охраны окружающей среды.

Библиографический список

1. Гусев А.А. Современная экологическая политика. М. : Изд-во ИЕ РАН, 2008. 222 с.

2. Dubos O., Marguénaud J.-P. La Protection Internationale et Européenne des Animaux // Pouvoirs. 2009. № 4 (131). P. 113–126. DOI: 10.3917/pouv.131.0113.

3. Юсупова З.А., Мухаметгареева Н.М. On the Issue of the Effectiveness of International Environmental Law // Правовое государство: теория и практика. 2020. № 4-2 (62). С. 157–164.

Дата поступления: 20.09.2021