

**ПРАВО ЗАРУБЕЖНЫХ СТРАН:
ПРОБЛЕМЫ ТЕОРИИ И ПРАКТИКИ**

**LAW OF FOREIGN COUNTRIES:
PROBLEMS OF THEORY AND PRACTICE**

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**SOME FEATURES OF LEGAL REGULATION OF
ENVIRONMENTAL RELATIONS IN GERMANY**

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The problem of pollution for the Federal Republic of Germany has been relevant for more than fifty years. Since 1970, the state government has been making various efforts to resolve it. Some preventive measures have been implemented in order to prevent or minimize adverse environmental consequences and, directly, to bring to justice those who have broken the law. In this article, we will try to analyze the existing environmental policy of the state and talk about the difficulties of eliminating the destructive impact of civilization on the ecosystem. We will consider the features of vehicle recycling, providing “environmental bonuses” and “environmental markings” for manufacturers of goods. We try to analyze if the state authorities actions in this area are really interesting, effective and far-sighted.

Key words: ecology; environment; pollution; waste; law; Germany; recycling; climate; nature.

In the 1970s, German policy chose another important direction - environmental protection. As a result, a number of laws were developed and adopted: the Waste Act (1972), the Emissions Control Act (1974), the Nature

Conservation Act (1976), the Chemicals Act (1980), Waste Recycling and Disposal Act (1994), the Soil Protection Act (1998) and the Planned Nuclear Energy Phase-out Act (2002). Four years later, the Federal Environment Agency was established. And, undoubtedly, the creation of the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety in 1986 and the Federal Agency for Nature Conservation in 1993 was very important for nature conservation and environmental protection in Germany.

Nowadays there isn't a single document on environmental protection in the country. But there are various regulatory legal acts of different levels. The basic law of Germany only sets the tone for them, securing in Article 20 a, the state power for the so-called "goal-obligation", according to which the state also protects the environment as the natural basis of life and is responsible for future generations ...

The lack of a unified code is due to long-term political inconsistency. Environmental lawyers and politicians repeatedly called for reducing everything to one document, but they failed to do it in the late 1970s and in 2009. The government of Bavaria and the CSU (Christian Social Union in Bavaria (CSU) actively protested, so the government did not return to this issue anymore.

Today, every federal state in Germany has its own environmental laws. They pursue various goals, which can be divided into categories such as "environmental protection", "climate protection" and "nature protection".

Environmental protection refers directly to the soil (for example, bans or restrictions on the use of pesticides); to air (for example, reducing the emission of greenhouse gases that reduce the ozone layer); to water (for example, a ban on the discharge of pollutants); to plants (for example, prohibition or restriction of deforestation); to animals (for example, regulation of agriculture, animal husbandry).

Nature conservation mainly refers to the conservation of the diversity of nature, wildlife and landscape, the conservation of biodiversity, etc.

Climate protection is a part of the environment and nature protection. This term defines various measures that counteract global warming and reduce or even prevent its effects. The main focus is on promoting the transition to clean energy sources and climate friendly measures.

Every human action affects the environment and the climate in general. Industry and the economy in general, which bring prosperity and comfort to humanity, are detrimental to the ecosystem. Their negative influence was recognized many centuries ago [10, p. 95]. Various environmental protection measures have been developed to reduce their negative influence. However, many experts have concluded that most of the population does not follow them. We need not only strict sanctions, but also a flexible and effective environmen-

tal state policy, it is necessary to introduce so-called "incentives" that will force people to change their behavior.

The state policy of Germany is an example of such an environmental policy. Since Germany is among the countries that have actively begun to raise environmental problems for discussion and try to solve them, also they have developed the usage of an "environmental bonus" or a recycling bonus. Then, in the late 2000s, as part of this measure, car owners who, having disposed the old car and then bought a new one, began to receive a "bonus" in the amount of 2,500 euros. Единственным условием было то, что новый автомобиль должен, по крайней мере, соответствовать стандарту выбросов Евро-4. The only condition was that the new car must at least meet the Euro 4 emission standard. The main objectives of the "bonus" were to reduce air pollution and stimulate the economy. Thus, the government pursued environmental and economic goals [1]. This was a part of the so-called economic stimulus program.

The first environmental bonus was hugely successful. Initially, the federal government allocated a budget of 1.5 billion euros for it. However, the demand was so great that the pledged amount was spent in a few months. The federal government came under such intense pressure that later it was decided to increase the amount to 5 billion euros. This amount was also not enough; on September 2, 2009, all funds were spent, although the campaign was supposed to last until December 31. Applicants who did not receive bonuses were placed on a waiting list. According to the final report on environmental awards published by the Federal Office for Economic Affairs and Export Control and the Federal Office for Motor Transport more than 1.9 million vehicles in Germany were decommissioned as a part of the campaign. Most buyers chose a new car. A little later, a second bonus program was introduced with some peculiarities.

"I believe in a horse. A car is a temporary phenomenon!". This quote is very often attributed to Wilhelm II, the last German emperor and the King of Prussia [2]. It is difficult to say whether this statement belongs to him or not, but, nevertheless, the author was deeply mistaken. According to the Federal Office for Motor Transport almost 47.1 million vehicles were registered in Germany by January 1, 2019. The vast majority of these vehicles run on gasoline (65.9 %) or diesel (32.2 %). One of the latest proposed solutions to reduce harmful exhaust gases into the atmosphere was the transition to the use of electric vehicles. Today Germany is the largest market for electric vehicles in Europe and the third largest market in the world after China and the United States. Government subsidies for buyers rose to five – six thousand euros [3].

In fairness, it should be said that the innovation is subjected to aggressive and massive criticism from experts [4], who argue that the operation of this car is, of course, environmentally friendly, but production and disposal in-

flict incomparably greater damage than the production and disposal of cars with an internal combustion engine ...

The amount of financing for the purchase of an electric car depends on the type of vehicle:

- Buyers receive €4,000 for a battery-powered electric vehicle or a hydrogen-powered fuel cell vehicle.
- Funding is 3000 euros if it is a hybrid electric vehicle.

The differences between the two are easy to explain: a fuel cell car converts hydrogen, while an electric car converts electricity.

There is an environmental premium for hybrid electric vehicles, which is 1,000 euros lower. As their name suggests, they use more than one source of energy to drive: here an electric motor is combined with an internal combustion engine.

Thus, funding for electric vehicles is 4,000 or 3,000 euros. However, the full amount is not paid by the state. The state and car manufacturers divide it in half. A concrete example is: thanks to subsidies, an electric Volkswagen Golf without additional options will cost the buyer not 35 thousand euros, but 31 thousand, while a discount of 2,000 will be funded from the state treasury, and the remaining 2,000 will be paid by Volkswagen. Models of those companies that do not want to join the government's initiative and pay their part of the premium will not be able to qualify for government subsidies [5].

The share borne by the car manufacturer is deducted from the sale or lease agreement. Therefore, the manufacturer must provide the buyer with at least a discount of 2,000 or 1,500 euros. The basis for this is the base model's net list price.

Buyers do not receive an environmental bonus from the state for an electric car automatically. They must make an appropriate statement. The BAFA website has an electronic application form, and a certain list of documents must be attached.

Applicants must provide personal information in an online form as well as provide vehicle information. In addition, applicants are required to upload a sales or lease agreement. If all the requirements are met, the applicant receives a so-called bonus notification. A new electric vehicle must be registered not later than nine months after this notice is sent.

In order for a person to receive an environmental bonus for an electric car, one more step must be taken: buyers of an electric car must provide an invoice and a certificate of registration of the car. Only after checking these documents the special environmental bonus for electric vehicles will be transferred to the applicant's account.

How long will the Electric Vehicle Eco Bonus Program last? This question is asked by many people who are planning to buy an electric car in the future. Originally, the federal government stipulated that the state environmental award should be terminated from June 2019. However, the possibility of an extension is currently being considered. The reason for this is that the government allocated a total of 600 million euros. However, shortly before the end of the environmental bonus, only around 134 million euros were used. Experts hope that the increase in the number of charging stations and new models that should appear on the market in the near future will increase interest in electric vehicles [6].

Another "forced" measure that the government resorts to is to change ticket prices. Train travel is getting cheaper, and domestic air travel is more expensive. A change in the pricing policy for air and rail passenger transport should encourage the Germans to use a more environmentally friendly mode of transport [7].

Work is also being done in the area of waste disposal in an appropriate manner. These are already understandable to us, however it is so far unusual: sorting of household waste, rejection of plastic, programs for the disposal of refrigerators, washing machines, etc.

In January 2008, the first three ecological zones were introduced in Germany - in Berlin, Cologne and Hanover. These ecological zones are marked with special road signs. Sign 270.1 denotes an ecological green zone ("Umwelt zone"). It indicates which vehicles are allowed to enter this area. If you want to drive through these areas, your car must have a special "environmental" sticker. They are issued by bodies carrying out state registration, technical supervision and auto repair shops. To obtain it, you must provide a certificate of registration of the vehicle (if necessary, a certificate from the manufacturer or a technical supervision station on the standard of toxicity of exhaust gases for this type of transport).

Since the spring of 2008, other cities have also followed the example. Regardless of where the car is registered it must have a corresponding environmental sticker to enter ecological zones. These stickers have an unlimited period of validity for a specific vehicle and all environmental zones [8]. The fine for driving in the ecological zone without a valid pass is about 80 euros.

Another way to reduce harm to the environment of the country is eco-labeling. The Blue Angel (Der Blaue Engel) is an eco-labeling program that was developed in 1978 by the Federal Environment Agency and a number of German government ministries and is the world's first eco-label with third-party certification.

The Blue Angel voluntary ecolabel is intended to show consumers that the manufacturer minimizes environmental pollution. In Russia, the sign of the German environmental certification "Blue Angel" can be found on household and office equipment, audio and video electronics, finishing materials, materials for repairs, etc. [9] The logo itself is a picture that depicts:

1. Name and symbol of the United Nations Environment Program (a blue ring, a laurel wreath and a blue figure with outstretched arms).
2. An indication of the main environmental properties of the product (e.g. "energy efficient", "made from recycled paper" or "low noise").
3. An indication of the positive impact of the product (e.g. "it saves resources").

Today there are 4 variations of this sign, the provision of which depends on the quality of the product and its impact on the environment.

Another important direction in Germany's environmental policy is the switch to organic and seasonal food. Environmental organizations advise to limit purchases of seasonal fruits and vegetables. For example, strawberries, which are offered in December, mostly cross long distances, which in turn pollutes the air.

Many regions already have organic department stores or organic departments. The products offered here are often produced in an environmentally friendly manner. In Germany, therefore the Fairtrade seal is used to inform the buyer. To obtain the seal, the Fairtrade trademark rigorously tests the applicant. It examines the company's ecology (for example, organic farming), the economy (for example, stable minimum prices) and the social sphere (for example, the working conditions of employees).

The next direction is the development of the "use of a rented car" service. Various companies offer a so-called car exchange, which is a short-term rental of vehicles. The consumer registers with the company and can access a large number of vehicles. This method is also popular among neighbors and friends and is called car sharing, because it allows several people to travel economically by agreement.

Another important measure is the various fines that are provided for environmental pollution. Each federal land has its own catalog of environmental fines. How high they can be is decided by the land authorities.

The consistent emergence of environmentally oriented measures in German policy is a forced measure, due to the economic growth in the post-war period. The most intensively developing industries are the energy sector, the automotive and chemical industries, construction and agriculture. wThey produce the most waste and adversely affect the ecosystem. However, this problem affects not only the environment in Germany, but also the whole world.

Pollution is not limited to national boundaries. In this regard, it is especially important now to analyze the experience of various countries, to maintain co-operation between states and to follow the uniform principles and rules developed by the international community in this area.

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ОСОБЕННОСТИ ПРАВОВОГО РЕГУЛИРОВАНИЯ ЭКОЛОГИЧЕСКИХ ОТНОШЕНИЙ В ГЕРМАНИИ

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Проблема загрязнения окружающей среды для Федеративной Республики Германия актуальна на протяжении более пятидесяти лет. С 1970 года государственная власть прикладывает различные усилия по ее разрешению. Сюда входят и превентивные меры, позволяющие предотвратить или минимизировать неблагоприятные последствия для экологии, и непосредственное привлечение к ответственности лиц, нарушивших закон. В этой статье мы попытаемся проанализировать существующую экологическую политику государства и рассказать о сложностях устранения губительного воздействия цивилизации на экосистему. Рассмотрим особенности утилизации транспортных средств, предоставления «экологических бонусов», «экологических маркировок» для производителей товаров. Мы попытаемся проанализировать, насколько интересны, эффективны и дальновидны действия государственной власти в этой области.

Ключевые слова: экология; окружающая среда; загрязнение; отходы; закон; Германия; утилизация; климат; природа.

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