

## THE REMEDY OF THE ACCUMULATED ENVIRONMENTAL DAMAGE: FROM LEGISLATIVE EXPERIENCE OF DIFFERENT COUNTRIES TO RUSSIAN LEGISLATIVE EXPERIENCE

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### ABSTRACT

**Motives:** In all countries of the world there are objects of the accumulated environmental damage (AED), regardless of the recognition of their presence by the state itself or their legislative regulation. The legal mechanism for the development of this regulation is of significant interest from the point of view of both, science and practice.

**Aim:** The determination of the existence of regulation of the objects of the accumulated environmental damage, in most countries and its comparative characteristics became the aim of following study, to identify the positive experience in such regulation and to see whether it is suitable for Russian legislation, including the possibility of borrowing those norms of law and its incorporation into national legislation.

**Results:** Russian law has a determination of the accumulated environmental damage, as most of the European countries do (not the third-world ones), but there is no definition for the further AED-conception. The amount of damage has to be determined in a particular area or of a concrete natural resource. Unfortunately, in developing countries, such information regarding the objects of accumulated environmental damage is not so widely presented, although such a problem is acute in these countries. The AED is one of the market failures as been based on a permission for environmental pollution. The legal regulation of the Russian Federation: it is necessary to impose responsibility for the leveling and elimination of such an objects on the original owner who acquired the land plot with the AED-object (on the basis of an agreement or the law rules even if the legal entity liquidated). It is necessary to provide real access to information feather land users (the potential purchaser – about the features of the object). The legislator has to develop and detail more carefully the rules on public-private partnerships for liquidation AED-objects.

**Keywords:** accumulated environmental damage (AED), past environmental damage, negative impact on the environment, contaminated land

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## INTRODUCTION

The remedy of the accumulated environmental damage (AED) is an acute problem not only in the Russian Federation, but it is an urgent problem all over the world. It is widespread in developed countries that have more potentials to finance the elimination of accumulated environmental damage more than the countries of the third world (many third world countries have lack of the economic capacity and flexibility to react in short term on such a problem instead of reacting to the current problems of the existing environmental harm). European countries are very active in this sector, including in the Arctic territories of the European Union. Mostly they have formed a concept of accumulated environmental damage and developed measures to eliminate it, established by implementation in law and consistently put into practice.

The undeniable presence of objects of accumulated harm, also undeniable their negative impact on the environment. Legal regulation clearly needs to be better to reduce the impact of such objects and eliminate the objects themselves.

This article is devoted to the experience of different countries in matters of synthesis and systematization of information on the accumulated environmental damage (AED), access to this information of land users (to inform the potential purchaser about the features of the acquired object), identification of the person responsible for the AED, imposition the obligations on compensation or reparation in kind for the AED, the issues of government programs for eliminating the AED-objects and public funding of such works in different countries, compensation of a remedy and collection of such funds, the implementation of these legal rules providing the AED-objects, as well as the possibility of their borrowing for inclusion in the legislation of the Russian Federation. This article also deals with such issues of AED in large agglomerations as legal regulation of inclusion of AED-objects and

elimination of such objects, issues of correlation of environmental legal regulation with urban planning regulation of AED-objects.

## LITERATURE REVIEW

The scientific literature of the Russian Federation legislative consolidation of AED-objects has been considered repeatedly, but there is still no generalized research on most of the issues arising on this topic. The existing monographs consider outdated legislation. The available articles considered in separate scientific articles that are mostly fragmentary, incompletely, considering certain issues. Still some contain criticism of the procedure for entering objects in the register of AED-objects, as well as questions of the practical application of legislation, public private partnerships in this area, but there are mostly insufficient number of real proposals for changing legislation.

There is also no article combining legislative regulation in this area in various countries and their analysis based on modern legislation.

## MATERIALS AND METHODS

In this study, we used general scientific methods. For comparing different characteristics of features of legal regulation of AED-objects it was used the method of comparative jurisprudence.

Methods of analysis and synthesis were used to analyze the experience of different countries.

A historical predictive method was used to determine the historical features of the development of countries and compare the possibilities of subsequent legal regulation on the issue under consideration.

Such methods as observation and description are an essential tools when considering scientific research, this work is no exception, they are necessary for subsequent country-by-country conclusions, as well as identifying specific features.

## **CHARACTERISTICS AND COMPARATIVE ANALYSIS OF LEGISLATIVE REGULATION OF AED-OBJECTS**

First formulated in 1972 by the Organization for Economic co-Operation and Development “The polluter pays principle” [OECD Analyses and Recommendations of Environment Directorate, 1992] (as a general principle of international environmental law based on preventive, precautionary and anticipatory approaches, adopted by OECD in 1972 as an economic principle for allocating the costs of pollution control) is applied by many countries for a remedy of AED [Adler, 1995].

The question arises about the possibility of extending this principle to AED and the answer is unequivocal: yes. It is confirmed by the practice of many countries, when a pollutant is known, he will be responsible not only for current pollution but also for an accumulated one. He will be obliged to eliminate pollution or to pay to the third party for its elimination.

What about the distribution of General and financial responsibility for the elimination of past environmental damage: mostly the legislation of different countries establishes that the main responsibility is on the current owner (operator) of the polluted object [Berman, 1983, Grossman, 2007]. But also the law provides the possibility of extending the liability to previous owners or any other person who have contributed to the formation of pollution and AED. In the USA the responsibility (a contaminated land) is assigned to an actual owner [Federal Superfund Law (CERCLA), 1980]. A similar act is Directive 2004/35/CE on environmental liability concerning to the prevention and remedying of environmental damage [Directive 2004/35/CE, 2004].

Though there is a point of view that this law does not remove AED, but rather, leads to a delay of a removing because the procedure takes too long (a point of view of a Chairman of the Post Public Works Community Robert Roy) [Administration of the Federal Superfund Program, 1991]. But still,

it is a very powerful incentive for a responsible approach to current and past activities.

As an example, in Belgium the responsibility for AED is assigned on an actual owner, but if an object was purchased after 1995, then – only if the guilt has been proven. In Bulgaria the responsibility is also assigned on an owner but it also can be assigned on a manager of the property after privatization. If the AED is detected after privatization, the damage is compensated by the state for the period before privatization. In this regard, the experience of the United States is particularly valuable because under the legislation of USA the company or its successors can not be released under any circumstances from liability for AED the emergence of which they could contribute.

United Kingdom’s legislation determines that the original polluter always pays for the accumulated environmental damage.

In Denmark, the polluter-pays principle applies regardless of when the pollution occurred. Thus, the law In Denmark became retroactive. Also, it depends on the type of the pollution in Denmark, it may be assigned to the owner in case of oil and chemical pollution after 1972 and in other cases after 2001, the liability may be assigned on the polluter. The owner and operator of the object are obliged to carry out soil remediation and clean up contaminated areas, including surface waters and groundwater.

In The Netherlands both pay, the polluter and the current owner. They are required to clean an object and repair the damage, as in Germany.

Russian legislation [The Civil Code, 1995, The Land Code, 2001] has norms providing compensation of harm by two ways – compensation for damages in cash and in kind. Also, the tortfeasor may be obliged by a court decision to perform reclamation work at the owner’s or operator’s object at the expense of the causer of harm. It seems that both methods are effective in the event of liquidation of the AED-object, meanwhile, the US experience shows that the contribution of funds to the Federal fund provided for by the Superfund Act is effective, despite the fact that the refund from this fund is a monetary one.

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On the other hand, there are examples of another legislative experience: countries with laws determining time before which liability cannot be imposed on current owners, or rules to determine the nature of liability (strict liability or fault-based liability if found guilty), which are based on the rule that the situation was almost impossible to foresee. Such legislation is in Denmark and the Netherlands.

Regardless of the type of pollution, there are countries where liability is imposed on the owner, where the refund is the current owner's due, for example, in Canada.

However, the transfer of responsibility (in whole or in part) occurs together with the transfer of ownership mostly countries.

This approach is based on the assumption that the buyer was able to obtain information about the object he buys and AED. Since he purchased the property, he agreed to purchase it in a polluted form, and that did not affect the fact of purchase but could affect or affected only by paying a lower price (that may be reduced in accordance with the agreement and may be reflected in the value of the transaction).

Real estate transactions in the UK are based on the principle that quality at the risk of the buyer. This means that the buyer may be held liable for damage caused to the subject matter of the transaction because of hazardous activities unless the subject matter has been thoroughly examined prior to the transfer of ownership. In addition, the seller and the buyer have the right to determine the responsible person themselves by including terms in the contract.

In Germany, the person or its legal successor is responsible for the pollution of a particular piece of land. If the property was transferred to the new owner before 1 March 1999, the former owner was obliged to perform reclamation work at his own expense.

However, specific transactions may involve retaining responsibility for the seller or a third party (often the state) and/or paying compensation to limit the buyer's liability.

In Central European countries the state often retains some financial responsibility for damage caused by already closed or restructured industrial

facilities, involving foreign investors while privatization transactions. It often happens when the previously used areas in the cities are re-building, when the government provides financing or guarantees supporting the solution of problems of AED, hindering the development of the land plots, which are of public interest. In Germany, for example, there is a compensation for partial or full funding under such contracts.

Thus, during the privatization of the former state-owned enterprises, the responsibility passes to the new owners, but the state retains responsibility for the liquidation of the object, as in Germany.

The environmental protection acts in the UK defines different regimes for the management of polluted areas with identifying and reducing environmental risks of harm to human health and to environment to a normative level in contaminated lands. The owner of contaminated land plot is obliged to eliminate the existing pollution at his own expense. Responsibility for accumulated environmental damage is imposed on the first polluter, the original one.

Particular attention should be paid to the experience of Germany, where the rehabilitation of abandoned polluted industrial zones has become an integral part of the urban planning process, the state has a precautionary approach to the implementation of rehabilitation measures as advanced one, seeking to attract necessary investment for the re-developing territories.

In accordance with the General institutional principles that apply to urban planning, the state allocates funds to finance a large part of the rehabilitation and training costs for areas of public interest. The state can create a public-private partnership with the alleged developer or become a temporary owner, acting through a local state organization that rehabilitates the object, and then can sell it.

It is an obligation of a polluter or those who may pollute the soil, as well as landowners, to take measures to reduce the risk of pollution, including actions to reduce the concentrations of pollutants in the soil. The state provides the development of special standards aimed at reducing pollution, rational use of

land and the elimination of present pollution, which is connected with AED.

There is a general rule in Russian legislation requiring compliance with environmental legislation to reduce harmful effects.

If the problem of AED is related to privatized enterprises, which continue to carry out previous activities, applying the same environmental practices, responsibility for AED legally can be assigned (partially or fully) to the current operator or the owner. However, the new owner could radically change the practice or technology, and then the responsibility for AED would be fairly divided between the current and the previous owner. Finally, if the AED is related to a situation that existed only before to the privatization, it refers to a past period and should be considered without any connection with the AED assigned to the current operator.

Poland's experience has a particular value as an international precedent in economic instrument concerning objects of AED. In Poland, the owners of privatized enterprises were given a one-time opportunity within three years after the introduction of the relevant law to apply for exemption from liability for past environmental damage that was occurred before the law came into force. Otherwise, it was considered that they took responsibility for all past environmental damage caused by objects that are in their ownership.

Recommendations on the possible functional use of land plots can be developed for economic activity, based on the results of soil analysis. Soil pollution data are also the basis for measures to protect the rights of landowners or tenants and investors.

However, it can be done only in the ratio of adopted legislative acts and other measures of authorities, such as monitoring, registration, entering into registers and others.

Authorities are obliged to carry out an analysis of the soils on which there are signs of the presence of pollutants or even a suspicion that such substances remained after industrial activity. The results of the studies are evaluated.

Most European countries developed a national information system of the territories. And it is considered a mandatory element of any comprehensive government initiative and a starting point for the quantitative assessment and prioritization of practical measures which can be applied to the AED-objects. Such registries and lists may take many forms, varying degrees of complexity and practicability or feasibility.

In the United States, for example, there is a national list of priorities, which regards a set of legal regulatory and financial principles, as well as a supporting system of state-level registries and regional-level registries. It may contain a registration system also related to the transfer of the land right, such as in the UK.

In some countries, for example, Germany, if additional studies do not reveal contamination, the legislation provides the possibility of compensation of costs of the previous examination.

Thus, we conclude that it is practically correct when the results are collected in a single register, so it will contain all the necessary information about the AED-object, thus if it is on the land plot or the land plot itself, it would contain all necessary information, including its location, size, category of land, land rights, quality of the soil, degree of pollution and the pollutants in the soil, as well as landscape features, the presence of subsoil cavities, groundwater etc.

Germany law establishes the responsibility of the relevant Federal authorities for the registration, inspection and risk assessment of polluted or abandoned lands; there is the right of recovery of costs for the survey of territories with individuals whose activities have caused pollution. And it is the basis for deciding on the nature and scope of the remediation work on a case-by-case basis, depending on the current and future use of the land as well as on who or what has been affected by the pollution.

There is an example of Germany's approach, where the state allocates financial resources to support technological and methodological development, and in recent years, and in order to assist in the land reclamation of AED-objects, especially when it comes to achieving social objectives in rural areas.

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In the countries of Central Europe, the system of financing the elimination of AED is not well developed, but it is developing in the same direction as in other European countries, stating that the private sector should fund works of elimination the AED-objects for which it is responsible. While recognizing the general acceptance of customary obligations by the state, they do not have a common strategy as in the Russian Federation or general funding for the systematic implementation of rehabilitation measures. There are examples of financing by of reclamation of the territory of a large chemical plant “Spolana” in the Czech Republic by other organization because it could cause a serious threat of transboundary pollution on the river Elbe [World Bank. *Environmental Liability and Privatization in Central and Eastern Europe*, 1993].

The positive the experience to be taken is the possibility of voluntary insurance against AED-object and harm caused to the environment, instead of imposing sanctions, and taxation.

### **CHARACTERISTICS OF RUSSIAN LEGISLATIVE REGULATION OF AED-OBJECTS**

The Civil Code of Russian Federation (Art. 1) provides as a right and opportunity of the parties of the contract to fix any provision in the contract which are not contradicting the legislation of the Russian Federation. However, in practice, such contracts do not contain provisions about the responsibility from AED and concerning objects of AED.

There is a discussion in the Russian Federation whether there is a need to analyze the subsoil for groundwater and cavities, which will be imputed to the owner’s duties before the sale of land. And there is a sense in that because of the need to know not only the history of this land plot since its allocation from the common land and formation as an individual object, all prior transactions, but about its pollution, features of the landscape and subsoil use to make conclusions of the site itself and nearby object’s features, especially

of industrial use, which may affect the ecological situation in the region in whole and the land plot itself.

Such information, combined in a unified state register, should be opened and be in free access, to ensure its transparency, eliminate the possibility of double and “black holes” – the lack of information or even the absence of information about the land plot (Russian Federation has faced such a problem). The registry should collect federal, regional and municipal information, indicating the category of land, current owner and previous owners of the land and the degree, indicating the contaminants, thus it could be seen its AED also.

There is no possibility of compensation of costs of the previous examination in The Russian Federation because unfortunately there are two registers in the Russian Federation – land and real estate – were brought together not so long ago (2017) and now there is “The Unified State Register of Real Estate” [A State Registration of Real Estate Act, 2015] and a list (Register) of AED-objects, but they are not connected with each other.

For the possibility of the subsequent imposition of the obligation to liquidate the AED-object, it is necessary to include in the legislation the responsibility of the current owner, regardless of the time of the occurrence of the AED-object, since the person was entitled to be acquainted with the AED registry and the condition of the facility upon acquisition. But still there are peculiarities for the states that were part of the USSR when the AED-object were attributed to the responsibility of the state, since the right not to private but to state ownership prevailed (or did not prevail, but was the only form), in this case, liquidation of AED-object is to be entrusted on state. Another arising question – whether the state authorities that are currently acting as successors are legally responsible for the formation of such facilities as a signee. Anyway, the liquidation financing is to be carried out from the federal budget, thereby is laying on the shoulders of taxpayers.

Completion of works on carrying out an inventory of AED-objects in 2014, based on the execution of orders of Russian President and the Prime Minister

[The order of Rosprirodnadzor, 2014]. According to the On environmental protection Act [2002] the Government of the Russian Federation decided to approve the enclosed rules of maintaining the state register of objects of the AED. It was made only in April 2017 [The decree of the RF Government, 2017]. The state register of AED-objects is maintained by the Ministry of natural resources and ecology of the Russian Federation on the basis of materials for the identification and assessment of objects [The order of the Ministry of natural resources of Russia, 2017].

It is a positive practice in legislative consolidation of “The state register of AED-objects”. It includes consideration of materials of identification and assessment of objects, making a decision on inclusion of objects in the state register or refusal in the inclusion of objects in the state register, categorization of objects, updating of information about an object and the exception from the state register. There is a Federal state register, it includes the list of objects which are included thereafter providing the relevant information by constituent entities of the Russian Federation, maintenance of a regional list of constituent entities of the Russian Federation seems rational – that is what should be done in the current legislation within fixation of objects of accumulated environmental damage.

The entities have to transmit the information compiled by the Federal level to the unified register available to all individuals and legal entities, including land users interested in acquiring the relevant land plot.

Further, it should be made an identification of the person (or persons) responsible for the accumulated environmental damage.

As already mentioned, an obvious drawback is that the registration of real estate, as well as the creation of a Unified state register of real estate and a unified system of accounting and registration (Unified State Register of Real Estate) does not have data from the state register of AED-objects and they are not linked. This is a minus for a possible buyer or the current owner or another user of the object.

Therefore, a common feature of international experience in solving the problem of AED is the

development of the accounting and ranking system of AED-objects (database), which usually exists in the form of a register of contaminated sites.

There is such a legal experience in different countries. A national information system of the territories allows to collect quickly, present and analyze data on the use of soils, their quality, degree of pollution and chemicals. For example, in Germany, this system consists of three information subsystems, including the information system for contaminated areas and the information system for soil conditions. The German environmental information network including the sites of Federal agencies and Federal governments allows users to search all information databases. Therefore, in the environmental information network, you can see information about the necessary land.

The study draws the conclusions about the development of the legislation of the Russian Federation and the minuses it has now and could be improved, for example, it considers the issues of bringing AED-objects and information about them into the register for thither availability of this information to the buyer with the possibility of laying responsibility on him for the liquidation of AED-object.

However, the identification of the owner is not always possible (if owner is a natural person and he died, or the entity is bankrupt or was defunct), as well as accumulated environmental damage refers to the time when the land was in the state ownership, so the recovery is impossible due to historical peculiarities of the Russian Federation).

At identification of the owner it is necessary to establish, whether he was the causer of a AED caused to the land and the cause of accumulated environmental damage in general, or it was the preceding owner or other land user (in case if land was rented or in another form of tenure – a term one, indefinite in a term, onerous or gratuitous).

Some countries enshrined in law that it is necessary to establish a causal link (for example, Russian Federation), some countries do not have a legal requirement to establish a causal link. Meanwhile, there are another requirements fixed in legislation and been applied in a situation when accumulated

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environmental damage is identified. There are rules of law establish that the current owner is responsible by virtue of the acquisition of ownership of the relevant object, compensation for the damage is the responsibility of the current owner.

After acquisition of the land plot the responsibility for AED could be assigned to the person who purchased the land plot, as that person could and had to check AED-information of the land in the information system.

The financing of remediation (clean up) of contaminated areas has to be laid on the private sector. Thus, such norms should be worked out in the Russian Federation. State funds should be used only for the rehabilitation of territories whose pollutants are either impossible to identify or insolvent.

In most high-income countries, the government often commits itself to allocate significant financial resources for land rehabilitation over a long period of time.

Usually, such funds are used to settle situations where the responsible party is the state and where there are no real responsible parties (ownerless objects) or where the intervention of the state serves the interests of society.

In addition, it would be a good initiative if a state assumed the initial costs of cleaning up the territory if the situation requires immediate action and then attempted to recover those costs through a court by a claim and the court's decision on the recovery of funds in recourse.

The role of the Federal government in the remediation of such territories should be limited by law within the organization of measures to clean up areas from buried hazardous waste until a certain period.

For Russian legislation, this period should be determined up to the USSR-historical period because land had been in a state property at that period. Afterwards, the remediation of contaminated areas with AED should be laid on the private sector. In the case of the elimination of AED, the liability for the costs of remediation and the applicability of the various laws depends on when the disposal of hazardous (harmful) substances has ceased.

Despite this, public authorities have the right to invest in cleaning up the area or to suspend or completely stop work at such facilities and oblige the operator to pay the costs of the land reclamation.

Mostly by the legislation (and in the Russian Federation also) the responsibility in whole can be individual or joint, just the same in liability for the current environmental damage responsibility that can be shared and individual. If the share of participation in the violation can be identified, the compensation will correspond to the degree of violation, if it is impossible to prove the degree of participation of the person, they participate in equal shares of monetary compensation for the caused damage and AED.

At the same time, the Executive authorities can attract other persons and impose a duty of partial reimbursement or to speed up the reclamation of the territory and ensure its effectiveness if, after causing damage by some persons, the object was in other person's usage whose actions led to the increasing of AED.

Here is a problem we face – the possibility of proving the damage is problematic because of its latency as well as the complexity of causation; there is a difficulty in establishing and proving a causal link between the offence and the consequences. It could be hard to calculate the damage caused by the offender for the correct imposition of liability (compensation and remedy).

Russian legislation should consolidate the rule of law providing that in the absence of the owner occurred the contamination; the responsibility would go to the current owner or operator. Currently, there is a rule of law providing the liability of a causer of harm (current environmental damage).

If the perpetrators of the pollution were several, the responsibility for eliminating the pollution can be assigned to the one who initiated the dangerous activities. An alternative would be to allocate responsibility among all pollutants.

In addition, currently, the Russian Federation's legislative regulation provides the permissive order of emissions and payments for them with a notification order of the level of the pollutants, thus, the legislator fixes the fact of the resolution of emissions (named



maximum permissible concentrations and maximum permissible levels), which is the basis of a permissive order, what is fundamentally wrong.

The absence of an integrated conception of the AED and its remedy in Russian Federation at the moment predetermined the situation when there are individual laws including several legal institutions, but they are not integrated into a unified conception, which only begins to form and the conception of AED is still in process of being formulated; instead of that, there is an institute of the remedy of the past or accumulated environmental damage in Russian legislation, but it does not work, as it should.

Earlier the legislation of the Russian Federation did not have even a definition of AED, it was legislatively fixed in December 2016. First, Russian legislation establishes norms-definitions of key terms that determine the importance of the institution of environmental harm – “accumulated environmental damage” and “objects of accumulated environmental damage”, and introduces a new Chapter XIV.1 into the structure of the Federal law “On environmental protection” in order to regulate the general procedure for the elimination of accumulated environmental damage. It is noteworthy that there was no Federal law regulating this issue before. Federal law implements the broadest possible approach to the definition of accumulated environmental damage, which made important legal emphasis on the restoration of the environment but not on determining for the elimination of negative environmental consequences of past economic activities.

That is why the text of the act does not use the term “accumulated environmental harm” for the designation of environmental contamination by past economic and other activities.

## CONCLUSIONS

The research provides examples of legislative regulation of AED in different legislative systems for the possibility of comparing and raising the question of the possibility of borrowing positive experience from other countries, despite the differences of country development. The study draws the conclusions

about the development of the legislation of the Russian Federation and the minuses it has now and could be improved, for example, it considers the issues of bringing AED-objects and information about them into the register for thither availability of this information to the buyer with the possibility of laying responsibility on him for the liquidation of AED-object.

The possibility of borrowing from other legal systems of norms concerning the elimination of objects of accumulated environmental damage is impossible due to the peculiarities of the historical development of the social characteristics of the economy of a particular country.

Borrowing is possible only in some elements that need to be enshrined in legislation at the national level, based on the specifics of this legislation. For example, the other economic methods have to be implemented, including those based on voluntary participation, rather than raise sanctions for what has already been done, the positive experience of the voluntary insurance against AED-object and harm caused to the environment, instead of imposing sanctions, and taxation. It is better to provide rather than to improve.

AED-objects are an acute problem because the AED is one of the market failures as been based on a permission for environmental pollution (in Russian Federation).

Russian law has a determination of the accumulated environmental damage, as most of the European countries do (not the third-world ones), but it is necessary to consolidate the definition for the further conception and to know what we should protect ourselves from. This legislation should be divided into laws including a particular sector where the damage is caused to determine the amount of damage, its specificity is in the regulation of AED mostly by by-laws providing (for methods of calculation of environmental damage).

The existing problems arise from the territorial characteristics, considerable length and shortcomings of interaction of the interdepartmental. In The Russian Federation, it is necessary to identify objects as quickly as possible and enter them by submitting information from local governments of constituent entities,

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from constituent entities of the Russian Federation for inclusion in the registers. Thus, not all real AED-objects are recognized as such objects by registering in the register.

The legislator has to develop and detail more carefully the rules on public-private partnerships to accelerate the process of leveling the impact of such objects and their liquidation. For this country is characterized by the need of acceleration from the moment of filing an application in the field of public private partnership to the moment of liquidation of the accumulated object of environmental damage (which now can take more than 2 years).

The legislative acts have to be better even perfectly secured, widely disseminated, although it is a widespread problem in other countries of the world, the Russian Federation and constituent entities of the Russian Federation. There is a need to develop laws, prescribing sanctions and a mechanism for imposing liability with enforcement and observance of the principles of the irreversibility of punishment. Punishment should be not only as a sanction itself but it must compensate the damage in full and if it is money, then in addition to the fine, they should be enough to restore the object, or the recovery should be in kind. So the mechanism providing the real imposition of sanctions on the offender should not be declarative, but really punishing a violator and recovering the AED-object.

The need for eliminating AED-objects reduces the efficiency of the national economy, which has to be taken into account in macroeconomic calculations. Eventually, thereby, the elimination of an AED-object will prevent spending budgetary funds to eliminate its impact on the environment.

It is concluded that it is necessary to impose responsibility for the leveling and elimination of such an objects on the original owner who acquired the land plot with the AED-object on the basis of an agreement or include the law rules on the imposition of responsibility on the owner or the person in charge, even if the legal entity is declared bankrupt and liquidated. It is ensured not by declaration of the right, but by providing real access to information feather

land users (to inform the potential purchaser about the features of the acquired object).

The further development of the best available technologies and their legislative inclusion as and technical methods based on a science for the elimination of objects of accumulated harm is the next step in the development of legal regulation.

Unfortunately, developed countries do not want to share its best available technologies with less developed countries, as the acceleration of their development (of less developed countries) is potentially dangerous by their subsequent competition and the negative effect on the economy of a developed country as a result.

However, this “greedy” leads to an ever-increasing level of pollution of the country and transboundary pollution, ultimately, thereby harming the environment of many countries and by reducing the environmental quality of a country that has refused to provide the best available technology to other countries itself.

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