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ENVIRONMENTAL POLICY OF THE EUROPEAN UNION : ENSURING SECURE PRODUCTION OF AZERBAIJANIAN ENERGY RESOURCES

Aydin Ulviyye

Assist.Prof.Dr.

Faculty of Economic and Administrative Sciences of Izmir University, Turkey

Abstract: Worsening climate conditions, man-caused disasters, serious diseases have increased public awareness about the environmental issues in the last years. In this sense, secure energy production is one of the priority issues of the governments and societies as well as secure energy consumption. Azerbaijan – one of the primary oil and gas producers in Caspian basin attaches a special importance to environmental issues. This paper argues that the environmental legislation of the EU are the main basics for Azerbaijan to secure its energy production.

Keywords: Azerbaijan, energy production, environment policy, European Union, oil and gas.

Introduction

The most studies of recent years argue that there is a close relationship between economic development and energy consumption [11, p. 259]. Other scholars produce a new dimension of mentioned relationship, evaluating it within the Economy-Energy-Environment (3E) system [13, p.209-212]. The neglected part of these arguments is that energy production should be involved in this triangle as well as energy consumption. Besides its vital role for the world economies, oil and gas industry holds a major potential of environmental damages and may impact environment negatively at different levels [4, p.1]. While developed countries consume more energy because of their economic volume, some countries produce more energy in order to sustain their economies. The second ones are mostly petrostates and developing countries, whose economies are highly dependent on energy revenues. Thus, both oil and gas production and consumption has an important share in environmental pollution.

Following these developments, there have been significant changes in public awareness about the environmental issues in the last years. Worsening climate conditions, man-caused disasters, serious diseases led to create a scientific framework for the economic developments of the countries, taking into account the future of humanity and sustainability.

Azerbaijan is one of the main energy producers of the Caspian basin, whose economic power highly depends on oil and gas sector. The European Union's (EU) member countries are the main consumers of Azerbaijanian energy resources. Relations between the EU and Azerbaijan are governed primarily by the EU-Azerbaijan Partnership and Cooperation Agreement (PCA) and the European Neighbourhood Policy (ENP). Approximating Azerbaijan's legislation with the EU's is one of the headlines of bilateral cooperation, covering environmental issues also. A Memorandum of Understanding on energy signed between the EU and Azerbaijan in 2006 aimed to reform and modernise its domestic energy sector. A Memorandum emphasizes gradually harmonisation of

Azerbaijani legislation with the relevant Community rules in the energy field. Environment is one of the underlying issues within this framework.

In the article it is offered a brief review of the EU's environmental policy. Next section of the article aims to analyze the role of the EU's environmental priorities in ensuring secure oil and gas production of Azerbaijan. In conclusion, it is argued that the EU-Azerbaijan cooperation is one of the effective tools in order to manage the environmental issues of the country's oil and gas sector.

1. Background Of The Environmental Policy Of The European Union

More jobs, stable economies, low unemployment and high productivity are the prominent targets of the EU in recent years. This is the main reason of increasing needs of the member states for energy resources. The EU is one of the big energy consumers in the world today. But a healthy environment is essential if the strength and competitiveness of the economy is to be maintained. Whilst it is often tempting to overlook the environment during difficult economic times, the challenges of producing and using energy resources sustainably and protecting our natural environment equally represent an opportunity to pursue sustainable economic growth. The great challenge faced by economies today is to integrate environmental sustainability with economic growth and welfare by decoupling environmental degradation from economic growth and doing more with less. This is one of the key objectives of the European Union, but the consequences of climate change and the growing demand for energy and resources are challenging this objective. In this sense there is a deep interdependence between economic growth and environment. That is why energy and environmental policies of the EU are not considered separately. Energy issues have constituted a starting point of the European integration process. However, environmental issues have entered the European stage in 1973 with the adoption of first Environmental Action Programme (EAP) by the European Communities [10, p.2]. In spite of that environmental policy is a new field of European integration comparatively, it is one of the strongest focus areas of EU policy-making in last years because of the serious threats both on Union and global level. The major environmental challenges facing Europe have evolved since the early days of European environmental policymaking. In the 1970s and 1980s the focus was on traditional environmental themes such as protecting species and improving the quality of the air or the water by reducing emissions of pollutants. Now, emphasis is on a more systematic approach that takes account of links between various themes and their global dimension. This means moving from remediation to prevention of environmental degradation. It involves ensuring that other areas such as agriculture, energy, transport, fisheries, regional development, research, innovation and external aid take fully into account the environmental consequences of their policy and funding decisions [3, p.3].

Environmental issues was included in the European Single Act and with the coming it into effect in 1987 the environmental policy has been gained its legitimate ground in primary legislation of the Union first time. The environmental protection has been emphasized in the foreword of the Treaty on the European Union of 1993 within the context of economic and social development, internal market and social cohesion. The Environmental Impact Assessment Directive (85/337/EEC) is in force since 1985 and applies to a wide range of defined public and private projects, including oil and gas production projects. The EIA Directive of 1985 has been amended three times, in 1997, in 2003 and in 2009. The Directive 97/11/EC widened the scope of the EIA Directive by increasing the types of projects covered, and the number of projects requiring mandatory environmental impact assessment. The Directive 2003/35/EC was seeking to align the provisions on public participation with the Aarhus Convention on public participation in

decision-making and access to justice in environmental matters. The Directive 2009/31/EC amended the Annexes I and II of the EIA Directive, by adding projects related to the transport, capture and storage of carbon dioxide (CO₂). The Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons has definitely underlined the environmentally secure extraction of fossil fuels, putting emphasize on national security, public safety, public health, protection of the environment, protection of biological resources.

2. Azerbaijan's Environmental Legislation For Secure Oil and Gas Production

Azerbaijan is among the most environmentally damaged former Soviet republics largely due to its energy resources. Environmentally careless exploration of Azerbaijan's oil and gas, the Soviet government has left the country with vast quantities of damages related to air and water quality, waste management, nature protection, coastal and marine pollution and land use.

After the independence, Azerbaijan is signatory to numerous international and regional conventions that oblige the government to prevent pollution and protect specified habitats, flora and fauna. The Azerbaijanian Government has committed to a process to align national environmental legislation with the principles of internationally recognised legislation, based on EU environmental legislation. The framework for national environmental legislation in Azerbaijan is provided by the Law on the Protection of the Environment (1999), which addresses the following issues:

- The rights and responsibilities of the State, the citizens, public associations and local authorities;
- The use of natural resources;
- Monitoring, standardisation and certification;
- Economic regulation of environmental protection;
- State Ecological Expertise (SEE);
- Ecological requirements for economic activities;
- Education, scientific research, statistics and information;
- Ecological emergencies and ecological disaster zones;
- Control of environmental protection;
- Ecological auditing;
- Responsibility for the violation of environmental legislation;
- International cooperation [1, p.2-7].

EU relations with Azerbaijan are governed primarily by the EU-Azerbaijan Partnership and Cooperation Agreement (PCA) and the European Neighbourhood Policy (ENP). The PCA entered into force in 1999. Under Article 43: "The Republic of Azerbaijan should endeavour to ensure that its legislation will be gradually made compatible with that of the Community". As part of the PCA an EU assessment of Azerbaijan's environmental legislation against EU Directives identified a number of recommendations for the approximation of national legislation with EU Directives. Following the enlargement of the European Union, the EU launched the ENP and Azerbaijan became part of this policy in 2004. The current National Indicative Programme for implementing the ENP includes a commitment to support legislative reform in the environmental sector, including:

- Approximation of Azerbaijan's environmental legislation and standards with the EU's;

- Strengthening management capacity through integrated environmental authorisation;
- Improved procedures and structures for environmental impact assessment;
- Development of sectoral environmental plans (waste and water management, air pollution, etc.).

In November 2006 a Memorandum of Understanding establishing a strategic partnership in the field of energy between the EU and Azerbaijan has been signed. Four priority areas of cooperation have been identified: harmonisation of legislation, enhancing security of supply and transit systems, development of Renewable Energy Sources and increased Energy Efficiency and technical cooperation. In this context environment has been defined as one of the major areas for the gradual implementation of the acquis communautaire and the Union's assistance Azerbaijan to approximate its environmental standards in oil and gas extraction to the EU standards.

Also Azerbaijan participates in the "Environment for Europe" platform, which is a multilateral framework created in 1989 to steer the process of invigorating environmental awareness in the countries of Central and Eastern Europe, emerging from the old regimes and moving closer to the EU. At regional level, Azerbaijan participates in regional cooperation under the Caspian Environment Programme. Together with the European Commission, Georgia and Armenia, Azerbaijan is a co-founder of the Regional Environmental Centre for the Caucasus.

Conclusion

To achieve a sustainable development is a primary target that has been defined in government policies of Azerbaijan. State Oil Company of the Azerbaijan Republic (SOCAR) is the leader company who manages the country's energy sector. This energy company is involved in exploring oil and gas fields, producing, processing and transporting oil, gas, gas condensate, marketing oil and oil chemical products in domestic and international markets. At the moment, there are 61 oil and gas fields in Azerbaijan, 21 out of which are offshore deposits, and the remaining fields are onshore. That is why SOCAR attaches great value to environmental issues: ecological monitoring of oil pollution of the Caspian Sea, and in particular the Absheron coast, is urgently needed in the implementation of offshore projects, operation of the infrastructure of transportation and storage, as well as the introduction of new technologies aimed at accelerating the process of oil and gas production. Considering that in the nearest future there will be intensive oil and gas production, so environmental issues and their solutions should be in the first place in order to provide sustainable safe development. In this context, taking lead in the protection of environment on global level, aiming minimizing the risks and impacts on the environment during industrial exploitation of oil and gas facilities on the Caspian Sea, the EU's related legislation is main legal foundation for Azerbaijan's secure oil and gas production.

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ЗЛОЧИНИ У СФЕРІ ЗЕМЕЛЬНИХ ПРАВОВІДНОСИН

Бондарчук Н. В.

к.ю.н., доцент, доцент кафедри правознавства

Житомирського національного агроекологічного університету

Зважаючи на цінність землі, вона дедалі частіше стає об'єктом злочинних зазіхань. Злочинці, користуючись своїм службовим становищем, знаходять все нові прогалини в законодавстві України і здійснюють незаконні операції з землею. Злочинці мають високий рівень підготовки, володіють відповідними навиками, які надають їм можливість ефективно приховувати злочинні схеми. Тому, на нашу думку, виявлення і дослідження основних правових і організаційних проблем розслідування злочинів у сфері земельних правовідносин дозволить ефективніше протидіяти злочинцям.

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