

# **Lecture Notes in Networks and Systems**

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# Energy Sector: A Systemic Analysis of Economy, Foreign Trade and Legal Regulations

 Springer

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*This book is dedicated to  
Oleg V. Inshakov  
(1952–2018)  
with love and gratitude.*

# Preface

Energy is rightly considered to be one of the strategically important sectors of the economy of our country, the normal functioning and further development of which depends on the economic growth of the Russian state and the strength of its positions in the foreign economic arena.

At present, Russia is one of the largest exporters of oil, gas and other energy resources to many countries of the world. Trade in energy resources occupies an important place in Russia's foreign economic turnover and can rightfully be called a key branch of national exports, whose contemporary development is directly dependent on the state of the legal foundations providing it.

The issues of legal regulation of the turnover of energy resources<sup>1</sup> are no less important on the scale of the entire international community, which is conditioned by the objective significance of the fuel and energy complex in the life activity of our planet. Strengthening the processes of globalization, active growth and interpenetration of national economies striving for innovative development and unevenness in the world economic distribution of energy resources cause the emergence of complex dilemmas and new challenges in the legal regulation of international energy cooperation. The law is designed to regulate the foreign trade

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<sup>1</sup>For the purposes of this study, taking into account its limited scope, the study of problems of legal regulation of obligations in the sphere of foreign trade turnover of energy resources and its unification will be limited to regulatory, contractual and local regulation of export–import activities of oil and gas companies, as well as judicial practice accompanying this activity. The concept of “energy resources” will be interpreted mainly in the narrow sense in relation to the legislative approach, as stipulated, for example, in paragraph 1 of Art. 2 of the Federal Law of 23.11.2009 No. 261-FZ “On energy conservation and on improving energy efficiency and on introducing amendments to certain legislative acts of the Russian Federation”. Thus, as an energy resource as a “carrier of energy, the energy of which is used or can be used in the implementation of economic and other activities, as well as the type of energy (atomic, thermal, electrical, electromagnetic energy or another type of energy)” in this book, and also according to the majority of the normative, theoretical and empirical bases of the research used in it, it will mainly mean oil and gas as the most frequently used objects of civil rights in the field of energy resources export.

turnover of energy resources and the disagreements that arise in the course of its implementation between countries.

The objective significance, the share of the Russian fuel and energy sector in the total volume of cross-border turnover of energy resources and the dynamic development of international cooperation in the energy sector cause the relevance of the research appeal to the problems of improving legal regulation, capable of ensuring a balance of interests of all participants in these social relations—economic entities of producing countries, suppliers, consumers and transmitters of energy resources.

The necessity and importance of law in this sphere are determined by the subject of regulation itself—energy as a special object of civil rights and a product that is in high demand. In foreign trade turnover, energy resources are a transnational product, which implies the complication of emerging legal relations by a foreign element and the participation of another legal system. This makes it necessary to study the issues of applicable law, that inevitably arise before the settlement of conflict and have a significant impact on the content of a foreign trade contract. In the book, researchers solve the task of conducting a comprehensive analysis of unified international and national level of substantive law, intra-state conflict regulation of foreign economic activity, international trade and judicial practice in the energy sector.

The relevance of modern scientific research on the strategy, methods and tools for the formation of adequate legal conditions for foreign trade in energy resources, including within the framework of basic civil contractual designs, can't be overemphasized. Relations arising between participants in the process of international movement of national energy resources need to be negotiated. Therefore, a significant place in the book is devoted to the study of the current legal regulation, the main directions of its development, as well as the principles and mechanisms for unifying the foreign trade contractual relations of the Russian Federation in the sphere of international turnover of national energy resources.

According to the Energy Strategy of Russia for the period until 2030 (Energy Strategy of Russia for the period up to 2030, 2009), the main vectors for the development of the fuel and energy complex are the transition to a path of energy-efficient and innovative development, as well as the integration of Russia into the world energy system. The guidelines for energy development, set by the country's main strategic act, allow us to conclude that the study of the problems of the legal regulation of the foreign trade turnover of energy resources and its unification acquires particular urgency and practical significance. Provided that the research takes into account the need to enhance high-tech, innovative activities in the energy sector and the expediency of close cooperation between the Russian Federation and international organizations and integration associations.

Modern world economic development is impossible without the implementation of innovative activities consisting in the introduction of the latest high-performance technologies and equipment, the use of advanced world experience, improving the environmentally friendly production of raw materials and the level of its processing, the transition to the use of modern raw materials, fuel, energy, based on the use of

renewable and alternative energy sources. In this regard, the study reflected the issues of legal regulation of innovation in the energy sector.

Today, the external economic regulation of the energy sector can't be limited only by the domestic methods of a single country. The processes of globalization of the world economy, internationalization and liberalization of the energy sector, as well as the mutual integration of the fuel and energy complex of various states rely on close interstate cooperation, including, in the field of lawmaking of international organizations and integration associations. For international entities involved in the process of forming a balanced external economic regulation, there are many tasks, aimed at solving problems related to the fragmentary and unsystematized nature of their activities, the issues of their legal personality and competence, the lack of a unified strategy and the difficulties in developing uniform standards because of the predominance of interests a single state taken over international interests.

Unification and harmonization of the fundamental principles and norms of international law and Russian legislation regulating cooperation in the world energy market is included in the Consolidated Plan ("road map") of the state energy policy activities for the period until 2030, which ensure the implementation of the Energy Strategy of Russia.

Solutions of practical problems proposed in the book are aimed at overcoming by legal methods and means the consequences of energy crises, the destruction of energy systems, the uneven distribution of energy resources and the "energy hunger" of certain regions, lagging behind the technological development and integration of the energy sector. The identified problems are, among other things, the consequence of the prevailing disunity of the national foreign economic regulation with international norms and standards.

At the present stage, one can't fail to take into account the growing influence of economic and legal integration, acting as the starting point for the necessary legal unification of all levels of legal regulation in analysing the prospects for the development of legislation in the field of energy. In this regard, it is obvious the need to study international integration forms of cooperation and the legal foundations of foreign trade energy relations that are developed as a result of their activities. From the point of view of the development of national law and the economy of the Russian state, research in this direction is primarily of interest from international integration associations with the participation of the Russian Federation, such as the CIS, the EAES and the BRICS. In addition, it is important to understand the priority directions of development, the system, principles and essence of the legal foundations of international integration associations—the largest foreign economic partners of Russia, of which the EU is a bright representative.

The growth of the degree of energy interdependence, the strengthening of the internationalization and globalization of world energy, and the indisputability of comprehensive international cooperation to ensure energy security that is becoming widespread lead to further development and improvement of the institutions of the world energy policy of legal support and its unification in the sphere of foreign trade turnover of energy resources at the global level. The study of the legal regulation



of the foreign trade turnover of energy resources in the Russian Federation, which needs to be improved and unified, is systemic in the book. All elements of the legal regulation of foreign trade in the energy sector, both general and special legislation, including unified norms of international legal regulation, strategic and framework acts, national legislation, as well as soft law, recommendatory and technical standards have been studied.

The research reflects theoretical and practical aspects of self-motivation of energy saving by business entities within their corporate market responsibility, as well as regulatory mechanisms for motivating energy conservation in the interests of ensuring sustainable development of the economy. Issues of progressive development and unification of legal regulation in the energy sector within the framework of the interstate associations are studied in the book considering the special integration potential of the energy industry of law.

Analysis of the effectiveness of existing models of the general legal energy policy of many countries, legal methods and tools used to implement it and create a unified energy regulation including in the sphere of trade turnover is an important research task, which is of great practical importance for the socioeconomic modernization of the Russian Federation.

Volgograd, Russia

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