

# STRATEGIC TASKS OF THE DEVELOPMENT OF THE FUEL AND ENERGY COMPLEX AND TRAINING OF TOP QUALIFICATION ENERGY LAW SPECIALISTS

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Today, training of specialized top qualification legal specialists for the fuel and energy complex becomes of special relevance. The energy industry of the Russian Federation is being actively developed, new areas and new tasks appear, the solution of which requires due legal regulation. A great number of legal research including comparative legal research is needed to set up a regulatory framework regulating the application of digital technologies in the energy industry, the use of hydrogen energetics, renewable energy sources, unmanned aerial vehicles and many other breakthrough areas of further development of the fuel and energy complex. Such work needs to be performed on a systemic basis by professional top qualification legal specialists. This area of training of top qualification specialist for the fuel and energy complex deserves comprehensive support as it is in line with the tasks of assurance of energy security and the energy law and order both on the national and international levels.

**Keywords:** energy law; energy strategy; training of top qualification specialists; academic degree awarding procedure.

In accordance with the Energy Security Doctrine of the Russian Federation approved by Order of the President of the Russian Federation No. 216 of May 13, 2019, the improvement of the regulatory framework, human resource sufficiency of the fuel and energy complex organizations refer to the energy security assurance tasks.

The development of the human resource potential, the development of a branch system of professional qualifications and competences taking into account the priority areas of the technological development of fuel and energy complex branches are referred to the strategic tasks in accordance with the Energy Strategy of the Russian Federation

for the Period until 2013 (the “Energy Strategy”).

Pursuant to the Energy Strategy, the fulfillment of the set strategic task in the conditions of the forecasted changes of the world economy and the economy of the Russian Federation will require an accelerated transition (the modernization breakthrough) towards a more effective, flexible and sustainable economy able to adequately face challenges and threats in its sphere and overcome the existing problems. The Energy Strategy pays much attention to the need for the improvement of the applicable statutory regulation and the development of new one, inter alia, in the breakthrough technology sphere: the digital transformation of energetics; hydrogen energetics; the use of renewable energy sources and energy accumulators; the use of unmanned and “connected” transport; the use of liquefied natural gas, etc.

The legal regulation in energetics affects all citizens of the country, business entities, non-profit organizations. One cannot live or engage in any activities without energy resources. The issues of uninterrupted supply of energy resources, adequate prices for energy resources, accident-free functioning of energy infrastructure are relevant for each citizen due to objective reasons. The fundamental energy law task is the support of the due energy law order. A.G. Lisitsyn-Svetlanov singles out the essential task of the legal regulation in energetics and notes that it is “...the support of the balance of interests of energy companies, the operations of which are to a great extent linked to the external market, and public interests within the country involving supply of energy to the population, viewing energy resources as national wealth. This case requires a systemic approach combining the adoption of public and private acts and the legal regulation of the balance of private and public interests. The fulfillment of these conditions is needed for the energy law to be the integration center of regulation in energetics”. [1]

The strategic tasks in energetics also determine the need to boost the legal research of

the most acute problems of the legal regulation in various sectors of energetics. Such work needs to be performed on a systemic basis by professional top qualification legal specialists. In this respect, training of specialized top qualification legal specialists for the fuel and energy complex becomes of special relevance.

Today, our country has the legal framework allowing training of such specialized personnel.

In accordance with Order of the Ministry of Education and Science of Russia No. 1027 of October 23, 2017, On the Approval of the Nomenclature of Scientific Specialties for which Academic Degrees are Awarded, energy law is included in the nomenclature of scientific specialties (under code 12.00.07). The name of scientific profession groups, the name of the scientific specialty are corporate law, competition law, and energy law. The name of scientific branches in which an academic degree is awarded is law.

Theses in energy law within the framework of the existing nomenclature of scientific specialties can now be defended at the Kutafin Moscow State Law University (MSAL), [2] the Saint Petersburg State University. [3]

The training of top qualification personnel in energy law in accordance with the federal state educational standard of higher education approved by Order of the Ministry of Education and Science of Russia No. 1538 of December 5, 2014, now takes place at the Department of Energy Law of the Kutafin Moscow State Law University (MSAL), at the Center for Energy Law of the Saint Petersburg State Economic University.

The developed programs make it possible to train specialists of a high professional level able to take an active part in the development of the legal regulation in energetics, expert activities, adequately represent and protect the interests of Russian energy companies, organizations, state authorities, capable of training future lawyers in energetics using the acquired skills and competences.

Such legal science branch as energy law is relatively young for the Russian Federation, extensive work needs to be done and comp-

prehensive support of this area is needed to further develop the required infrastructure to train specialized top qualification legal specialists in energy law.

In this respect, I would like to dwell on the draft of the Order of the Ministry of Education and Science of Russia On the Approval of the Nomenclature of Scientific Specialties for which Academic Degrees are Awarded, that has not been posted on the official portal for a long time, the secrecy of draft discussions has given rise to fair questions and requests to various authorities, and as a result, the draft was posted on November 30, 2020, under draft ID 01/02/11-20/00111050. [4]

Having reviewed the above draft of the Order of the Ministry of Education and Science of Russia, representatives of science, education, state authorities, public organizations have submitted the corresponding proposals and clarifications of the order draft.

The explanatory note to the draft under discussion states that in the course of the order draft preparation the need to execute the instruction of the President of the Russian Federation following the results of a joint extended meeting of the Presidium of the National Council of the Russian Federation and the Council for Science and Education under the President of the Russian Federation No. Пп-589 of March 28, 2020, requiring to take measures to consolidate the nomenclature, create the conditions for human resource training and carrying out of research on an inter-disciplinary basis, was considered. [5]

The explanatory note to the order draft also highlights that the “nomenclature approved by the order draft is in line with the modern scientific tendencies, international principles of classification of scientific areas, in particular, the ones adopted by the Organization for Economic Co-operation and Development. The proposals of federal executive authorities, state academies of sciences, leading economic and university centers have been reviewed in the development of the new nomenclature version”.

A legal analysis of the published draft arouses concerns, whether this order draft is in line with the modern scientific tendencies. Maybe the understanding of do the modern scientific tendencies mean, can differ. However, the order amendment proposals discussed in the scientific and expert community prove that this clause of the explanatory note has given rise to multiple discussions.

The compliance with the classifications adopted by the Organization for Economic Co-operation and Development (OECD) has also given rise to questions. Let me give an example concerning legal sciences. An extended classifier is posted on the OECD website. [6] This classifier stipulates the following, as far as jurisprudence is concerned: OECD code: 5.05; Name of level two in the English language: Law; in the Russian language: Право (Law); WoS code: OM; level 3; English name: LAW; Russian name: Юриспруденция (Jurisprudence). Thus, the section indicating separate scientific specialties is absent in the classification of the Organization for Economic Co-operation and Development recommended by the order draft developers.

Let us have a look at the text of the published order draft. The draft states the following in respect of jurisprudence. The scientific sphere is indicated in Clause 5 and called “Social Sciences and the Humanities”; the group of specialties for this section is indicated in Clause 5.1 and called “Law”. It is proposed to award an academic degree in the scientific specialty sphere. The order draft states the following in respect of legal sciences: legal sciences. Such approach seems to be quite reasonable and, in this part, complies with the international classification referred to by the developers.

The additional table section called “Scientific specialty” has given rise to questions. This section of the order draft includes five “scientific specialties” (in the part referred to law): theoretical and historical legal sciences; public legal (state legal) sciences; private legal (civil legal) sciences; criminal legal sciences; international legal sciences. This section fails

to correspond to the international classification or any modern tendencies mentioned in the explanatory note.

Such section just does not exist in the international classification. The composition of the list of legal sciences presented in the draft looks very strange. In this respect, a question of the expediency of leaving this additional section in the proposed table of the order draft emerges. It is easier to delete the whole section.

If this section is needed for any purposes, maybe to officially report the fulfillment of the “inter-disciplinary” research instructions, the list of legal sciences should be supplemented with at least one more line, namely, comprehensive legal sciences, that have been successfully developing for a long time.

The proposals for supplementing this list with a specific legal branch (energy law) seem justified taking into account the importance of energy law for all citizens and legal entities, and the impossibility to do without using energy resources in life and activities. Such proposals, as well as proposals for supplementing the list with comprehensive legal sciences, have been submitted (and officially registered) to the developers by the Ministry of Energy of the Russian Federation, members of the Russian Academy of Sciences, the Association of Lawyers of Russia, the Russian Academy of Legal Sciences, the Center for Energy Law of the SPbSEU, etc.

The current order draft stage is the “Completion of the Development of the Statutory Act Draft. Compilation of the Final Version of the Statutory Act Draft”. [7] I hope that the submitted justifications, recommendations, proposals for specification of the order draft version will be reflected in the indicated document. In any case, I would like the draft to be of use for the development of science and facilitate the legal regulation development rather than create new administrative barriers after the amendment of the draft in this part.

It also seems expedient to take into account the following in the course training of top qualification personnel. The applicable federal

state standard on training of top qualification specialist within the framework of postgraduate studies majoring in 40.06.01 Jurisprudence has no link between thesis defense and obtaining a diploma awarding a qualification of “Researcher. Lecturer/Researcher” but the final state attestation stipulates the requirement for presentation of a scientific report on the main results of the prepared qualifying research paper (thesis) meaning that the thesis research must be completed by the date of the final state attestation.

Academic degrees are awarded by the PhD, Doctor of Sciences thesis defense board following the results of public thesis defense. Today, pursuant to Clause 3.1 Article 4 of Federal Law No. 127-Φ3 of August 23, 1996, 127-Φ3 of August 23, 1996, On Science and the State Scientific and Technological Policy, more than 27 scientific and educational institutions [8] have received the right to establish the academic degree awarding procedure that includes the criteria for academic degree theses, the procedure for submission and defense of academic degree theses, provision on the PhD, Doctor of Sciences thesis defense board, academic degree diploma forms, documentation and issue procedure, etc.

It seems practical to pay attention to the academic degree awarding procedure complying with the science development tasks in place at the Saint Petersburg State University.

This procedure can be reviewed in detail on the website of the Saint Petersburg State University, where a presentation of the academic degree awarding procedure is also posted giving a chronological order of the sequence of local acts of the Saint Petersburg State University adopted in this sphere. [9]

The mentioned presentation of the academic degree awarding procedure at the Saint Petersburg State University contains the following information: “Raising of the examination quality: the selection of board members is based not just on a scientific specialty but specifically on the thesis subject.

- Great flexibility of board member selection

and the opportunity to choose the best Russian and international specialists in the thesis subject. • Selection of board member for the specific thesis allows: (1) the reduction of the number of its members without prejudice to the quality; (2) the targeted selection of Russian or foreign specialists competent in the specific scientific sphere”. [10]

Such approach to the thesis board member selection seems to correspond to the science development tasks and be advanced.

I would also like to note that the subject of comprehensive legal sciences will not really change irrespective of any artificial segregations, divisions between private legal and public legal sciences, as the range of public relationships covered by the subject of a particular science is established in real life. In this respect, it is expedient to consider the standpoint of the state authority exercising the functions of the development and implementation of the state policy and the statutory regulation in the fuel and energy complex, members of the Russian Academy of Sciences, public and expert organizations.

M.I. Kleandrov emphasizes the acute demand for the further development of energy law and states that “science is of great

importance and research results are especially demanded for the practical tasks in those public relationship spheres where the legal field is almost unexplored, the number of scientists and their scientific publications is little (in relative and absolute indicators), the number of scientific organizational structures can be counted on the fingers of one hand and thus the regulatory framework is totally imperfect and the law enforcement practice is in a poor condition. A classic example of such situation is the energy law science where the legal field is plowed only here and there, rough and ready (and even so, it is better than nothing), only a few paths are laid... But the practical demand for large-scale, multi-profile, strictly theoretical legal research and legal research aimed at the solution of acute practical problems is huge”. [11]

I would like to thank everyone engaged in energy law, training of top qualification energy law specialists, everyone who is not indifferent to the status and further development of the legal regulation in energetics and, of course, wish newcomers and young scientists interesting and useful work to the benefit of the fuel and energy complex development. ■

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