



**LEGAL REGIME OF RESORTS OF THE CAUCASIAN MINERAL WATERS  
IN RUSSIA: PROBLEMS AND RISKS OF LEGISLATIVE REGULATION**

**REGIME JURÍDICO DOS RESORTS DAS ÁGUAS MINERAIS DO  
CÁUCASO NA RÚSSIA: PROBLEMAS E RISCOS DA  
REGULAMENTAÇÃO LEGISLATIVA**

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**ABSTRACT**

This study aims to analyze the legal regime of spa resorts in the Caucasian Mineral Waters in Russia, identifying legislative shortcomings and risks that affect their sustainable development. The authors use a risk-oriented approach to determine environmental, socioeconomic, corruption, and other risks of insufficient or improper legal regulation of resorts. The study considers the problems and risks of regulating resorts of the Caucasian Mineral Waters. The authors consider the current legislation and the legal norms already adopted but not entered into force yet. They conclude that the existing and proposed legislative frameworks are insufficient to ensure the sustainable development of the resorts. There is a need for comprehensive legal reforms that emphasize environmental protection and sustainable use of natural resources.

**Keywords:** Caucasian Mineral Waters; Resorts; Resort region; Legal regime; Risks; Risk-oriented approach.

**RESUMO**





Este estudo tem como objetivo analisar o regime jurídico dos resorts de spa nas Águas Minerais do Cáucaso, na Rússia, identificando as deficiências legislativas e os riscos que afetam seu desenvolvimento sustentável. Os autores usam uma abordagem orientada a riscos para determinar os riscos ambientais, socioeconômicos, de corrupção e outros riscos da regulamentação legal insuficiente ou inadequada dos resorts. O estudo considera os problemas e os riscos da regulamentação dos resorts das Águas Minerais do Cáucaso. Os autores consideram a legislação atual e as normas legais já adotadas, mas que ainda não entraram em vigor. Eles concluem que as estruturas legislativas existentes e propostas são insuficientes para garantir o desenvolvimento sustentável dos resorts. Há necessidade de reformas legais abrangentes que enfatizem a proteção ambiental e o uso sustentável dos recursos naturais.

**Palavras-chave:** Caucasian Mineral Waters; Resorts; Região de resorts; Regime jurídico; Riscos; Abordagem orientada a riscos.

## 1 INTRODUCTION

The Caucasian Mineral Waters is a specially protected ecological and resort region in the Russian Federation, including four resort towns (Pyatigorsk, Kislovodsk, Zheleznovodsk, and Essentuki) with a developed resort infrastructure and vast territories that have unique natural treatment resources: mineral waters, treatment mud, and favorable climate. The Russian government declared this territory a resort of national importance back in 1803, and since then it has been actively used in this capacity (Dulambayeva et al., 2023). Its resort potential is enormous but over decades of their exploitation (Kashina et al., 2022), many environmental (Mirzagitova et al., 2023), economic (Egorov et al., 2023), social, and other problems have accumulated, which poses great risks for the development of these resorts (Takmasheva & Zelinskaya, 2023). Since this study has a legal focus, it mainly considers the legal problems of the Caucasian Mineral Waters resorts and proposes ways to solve them.

The study of these legal norms is based on the understanding that the only way to protect balneological resorts from degradation is to limit certain economic activities that aggravate the deterioration of their ecological state and decrease their therapeutic potential. Resorts that vacationers like are also attractive to businesses, investors, and developers who consider the necessary legislative restrictions as undesirable barriers to their activities aimed at making a profit. When analyzing changes in resort legislation, it is necessary to consider the possible lobbying of such economic interests that conflict with the state's and society's environmental interests. When considering





the current and prospective resort legislation of the Caucasian Mineral Waters, there is a need to find a reasonable balance of economic and environmental interests that ensure the sustainable development of these resorts.

The study aims to identify the main conceptual problems of regulating resorts of the Caucasian Mineral Waters.

## 2 METHODS

The legal research underlying this article is based on the analysis of the Russian federal legislation determining the legal regime of resorts. These norms are considered in the current and future versions. The study shows issues in the formulation of resort and related legislation. The study was conducted in accordance with the latest scientific trends in jurisprudence, using modern general and special scientific methods applied within the framework of an interdisciplinary, integrated approach to the problem.

We focus on the current Russian legislation on resorts. It has significant shortcomings and sometimes lacks a formulated state policy in protecting natural treatment resources (Agabekyan et al., 2022). The shortcomings of this policy entail inconsistency and insufficiency of newly adopted norms. First, the study identifies shortcomings and indicates their possible negative consequences in law enforcement. Second, by synthesizing norms and bringing them to a common standard, we identify the shortcomings of the relevant legislation to fix them. Third, we propose options for solving existing and potential problems, minimizing the identified risks.

The study dwells on examples of rule-making that generate negative, socially dangerous consequences for the environment. We analyze the reasons for this to identify those norms of resort legislation whose imperfection can have undesirable results. These norms are assessed from the viewpoint of their corruption potential and the state's failure to achieve the planned socially significant goals of regulating resort relations, which ultimately leads to the degradation of the medical potential of resorts and poses threats to their environmental well-being.

Given the increased interest of investors and developers in undeveloped resort lands, it is necessary to consider the high corruption potential of the proposed legislative changes. A reduction in the area of protection zones or a weakening of





resort protection can be lobbied by developers unsatisfied with the statutory restrictions on economic activity for special resort areas (Klyukovskaya et al., 2022). Such initiatives must be considered in the context of their possible threats, including environmental and corruption-related.

The current and developing resort legislation should be assessed within the framework of a risk-oriented approach (Lipatov et al., 2023). With the inevitable but reasonable lobbying of economic interests, it considers possible changes against the associated environmental and other risks.

### 3 RESULTS

Russia has created an extensive legislative base in the health resort sector. In recent years, a lot of legislative work has been done to improve the legal regime of resorts. There is an intense search for optimal legal means and regulatory algorithms that can help preserve the natural resource potential of Russian resorts, overcome their stagnation, and set the vector for development.

Along with inevitable theoretical, legal, and technical difficulties, improving legislation in this area faces serious lobbying obstacles. The legal regime of resorts includes various interests, primarily economic ones. Since legal norms aimed at resort protection and rational use of resources are all sorts of prohibitions and restrictions, representatives of construction and other businesses, municipal authorities, and other entities interested in the unimpeded implementation of economic activities in these specially protected areas try to influence their content. There is great interest in providing resort lands (Barashyan, 2023) and other preferences, which resort legislation is designed to limit to preserve resorts.

On the one hand, the sanatorium and resort designation of the territories in question has priority over other types of economic use. The legislator is committed to environmental legal norms. On the other hand, the removal of unnecessary legislative barriers that hinder the development of these territories should effectively improve resort legislation.

#### 3.1 THE MAIN PROBLEMS OF DEVELOPING RESORTS IN THE CAUCASIAN MINERAL WATERS





According to the Public Chamber of the Stavropol Territory, the ecological capacity of the Caucasian Mineral Waters has long been exhausted. The high anthropogenic load on these resort towns is associated with the number and density of the population in the region. The Caucasian Mineral Waters urban agglomeration, including the cities of Yessentuki, Zheleznovodsk, Kislovodsk, Lermontov, Mineralnye Vody, and Pyatigorsk, is inhabited by over 950,000 people. This figure has doubled over the past 25 years. The population density indicators in all resort towns of the Caucasian Mineral Waters, except for Zheleznovodsk, are the highest among the administrative-territorial units of the Stavropol Territory, reaching from 1,800 people/1 km<sup>2</sup> in Kislovodsk to 2,200 people/1 km<sup>2</sup> in Pyatigorsk.

Being a closed recreational ecosystem, the resort region of the Caucasian Mineral Waters has a finite demographic capacity. According to ecologists and hydrogeologists, its excess leads to the inevitable degradation of unique treatment natural resources of the Caucasian Mineral Waters. The violation of this balance began in the 1990s, and the permissible level of anthropogenic load has already been exceeded.

A serious threat to the environmental safety is posed by a rapid increase in transport in the Caucasian Mineral Waters and neighboring areas. Over the past decade, this figure has grown by more than 50%, not counting transit transport and personal cars of vacationers. There is a 100-times excess of the maximum permissible concentrations of some pollutants in the atmosphere.

The current state of the hydromineral base of the Caucasian Mineral Waters directly depends on the environmental situation, anthropogenic load, and the condition of wells. More than 20 mineral water deposits have been explored and developed in the Caucasian Mineral Waters region. Hydromineral resources are mined by 26 subsoil users from about 120 wells. Their total number exceeds 370.

Many concerns arise due to the extremely poor condition of the wells and the infrastructure necessary for the extraction and delivery of mineral water. In the Caucasian Mineral Waters, there are 22 emergency wells with a depth of 70 to 3,000 m, nine of which are in critical condition. All of them are subject to liquidation or conservation as they can lead to soil collapse, burying the source of mineral water, or causing its uncontrolled outflow. Forty-one mineral pipelines require urgent reconstruction.





Due to the lack of proper monitoring and supervision of hydromineral resources, the chemical and gas composition of mineral waters continues to change, and they become bacterially and chemically contaminated. Subsequently, many wells are now completely closed. Wells No. 20 and 23 of the Yessentuki mineral water deposit and the Batalinsky spring have been excluded from use. The Narzan spring in the central section of the Kislovodsk deposit is polluted, and its mineral water can be used only after sanitation for external use in balneological procedures.

The solution to the problems should be based on an integrated approach to nature management and environmental protection and the conservation and rational use of unique natural treatment resources. All mineral water deposits of the Caucasian Mineral Waters are unified into a single hydrodynamic complex, i.e., the Mineralovodsky artesian basin (Burkin et al., 2022).

It is also necessary to ensure continuous state monitoring of the subsoil at the resorts of the Caucasian Mineral Waters, which has not been implemented for several years. The list of promising projects (activities) within the Strategy for the Socioeconomic Development of the North Caucasus Federal District until 2025 provides for the renewal of such monitoring. However, the starting date has not been specified.

Today the state of urban forests in the resort towns of the Caucasian Mineral Waters and health parks leaves much to be desired. There is a serious shortage of forest park zones that help stabilize the environmental situation in the region. According to the Ministry of Natural Resources and Environmental Protection of the Stavropol Territory, the area of urban forests in the Caucasian Mineral Waters is only slightly more than 10,000 ha, or 2% of the entire territory of the resort region. This figure is insufficient for the effective implementation of the protective functions of forest plantations.

A fundamental solution is to allocate funds from the federal budget to improve the material and technical base of health resorts, pump rooms, and drinking galleries in the Caucasian Mineral Waters, ensure the proper condition of the communal, social, and transport infrastructure, address pressing environmental problems, implement state monitoring of the subsoil, and promote the conservation of emergency mineral water wells and other activities.

More than 2,600 m<sup>2</sup> of sanatorium premises require reconstruction. Water supply and drainage systems, which have not been repaired for decades, are in poor





condition. The state program of the Russian Federation “Development of the North Caucasus Federal District” until 2025 does not provide budgetary allocations for the development of the Caucasian Mineral Waters.

The need to develop the Caucasian Mineral Waters resorts while maintaining sanatoriums and resorts and preserving the profile of their activities (in addition to the fact that this type is crucial in the health improvement system of the population) is stipulated by the role of health resorts in the rehabilitation and prevention of diseases of socially vulnerable categories of citizens and children. According to the Ministry of Health of the Russian Federation, a little more than 30% of Russians needing sanatorium treatment for medical reasons were provided with it. Due to insufficient funding, children’s departments and health centers with a total capacity of more than 1,000 beds have been closed over the past few years, reducing this figure by 20%.

These problems indicate a systemic crisis of resorts in the Caucasian Mineral Waters and create significant risks for their development.

The main law enforcement problems that contribute to the irrational use of the Caucasian Mineral Waters' potential and undermine their special legal regime are as follows:

- Systematic violations of environmental legislation at resorts of the Caucasian Mineral Waters expressed in the construction of buildings prohibited by law and production in mountain sanitary protection districts;
- Local governments providing land plots in resorts in violation of the regime of mountain sanitary protection districts for construction and other economic activities;
- Adoption by local governments of territorial planning and urban zoning documents, including master plans, land use, development rules, and individual urban planning regulations, in violation of the regime of mountain sanitary protection districts in the absence of control by government bodies and without an environmental impact assessment of such documents;
- No complete and reliable information on the boundaries of mountain sanitary protection districts in the Unified State Register of Real Estate, failure by local governments to fulfill the obligation to mark the boundaries of such zones on the ground, which, in the absence of relevant information from the owners, land users, and lessees of land plots, leads to a systematic violation of the regime of mountain sanitary protection districts;





- No proper legal protection of forests, urban forests, and other green spaces in resorts, which leads to a reduction in their area;
- Excessive anthropogenic load on resorts, uncontrolled development of secondary economic activities in their territory that are not related to spa treatment (for example, the operation of the largest markets in the North Caucasus “Lira”, “Lyudmila”, etc. in Pyatigorsk), which leads to the emergence of demographic tension and an increase in the number of vehicles and provokes undesirable scenarios for urbanization and deterioration of the environmental situation in balneological resorts;
- No systematic long-term strategic planning for the development of federal resorts at the federal level;
- No necessary funding for the maintenance, restoration, and development of resort infrastructure;
- No rational waste management in resorts, eco-friendly and high-tech methods of waste disposal;
- Wear and tear on utility networks in resort towns, including water supply and sewerage networks, resulting in environmental pollution;
- Unsatisfactory condition of mineral water wells and the lack of funds for the conservation of those not suitable for use;
- Reduction of the support network of laboratories monitoring the quality, sanitary, and epidemiological condition of natural treatment resources in resorts, which creates a risk of disease outbreaks.

These and other problems are inherent in the Caucasian Mineral Waters resort region. The situation is aggravated by the violation of existing legal norms and the lack of legal regulation of the Caucasian Mineral Waters regime. Let us consider the most significant problems of the legal regime of these federal resorts and the difficulties in developing its legislative regulation.

### 3.2 TERMINOLOGICAL FLAWS IN THE LEGAL REGULATION OF THE CAUCASIAN MINERAL WATERS RESORTS

Currently, the main source of legal regulation of the regime of health resorts and spas in Russia is Federal Law of February 23, 1995 No. 26-FZ “On Natural Treatment Resources, Health Resorts and Spas” (hereinafter referred to as Law No. 26-FZ) (State Duma of the Federal Assembly of the Russian Federation, 1995). It established the







main regulatory provisions on health resorts and spas and the legal principles of their protection as specially protected objects and territories that are the national heritage of the peoples of the Russian Federation.

The law operates with two main concepts, whose fundamental difference is between the presence (“resort”) or absence (“health resort area”) of a developed spa infrastructure containing natural treatment resources in a certain territory. Since this infrastructure is available in the Caucasian Mineral Waters, we consider resorts as the subject regulated by Law No. 26-FZ.

The law defines the basic concepts in the sphere of regulated relations (Article 1), the procedure for recognizing a territory as a resort (Article 3), and the powers of public administration bodies of resorts (Articles 4-8). It regulates property relations associated with natural treatment resources, including the procedure for their use (Articles 9-12), economic mechanisms for regulating spa treatment (Articles 13-15), the regime of sanitary (mountain sanitary) protection of resorts (Article 16), and other relations.

The conceptual apparatus contained in the legislation cannot be sufficient and relevant without significant revision and adjustment. The list of treatment resources is partially outdated, i.e., the concept of a treatment resource in relation to nature is conditional (Navasardova et al., 2022). The term “locality” has no standard quality, is not consistent with the administrative division or cadastral assessment, and is connected only with spatial and natural features. Any natural resources (or their combination) can be treatment in a certain area when their capabilities are shown, for instance, salt caves and geographical and climatic features. Therefore, the definition given in the law requires revision given changes in the concepts of treatment and recovery and the rapid development of medicine.

We need to highlight the polysemantic term “resort”. In modern legislation, it is understood as a territory (special, with unique resources) and obligatory (medical, health-improving) potential. However, it is also an economic, administrative, communal, ecological, educational, and social object. Such duality of the term complicates legal regulation.

First, it is necessary to consider the concepts of resort, health area, and health resources. These were introduced in the Soviet period and reflected an approach to social insurance and policy of the state in the presence of a coherent and logical system of departmental affiliation of sanatoriums, health resorts, health centers, tourist





centers, payment for treatment and health improvement, and total state ownership. The emergence of private medical and health institutions, the reorganization of trade unions, and changes in social policy changed the system of organizing resorts. Medical technologies and the concept of health are changing so quickly that it is difficult to predict the role of sanatoriums as medical institutions in their current form for decades.

Second, due to global warming, environmental problems, and man-made disasters, there can be rapid and abrupt changes in the priorities of treatment, which has been characterizing the treatment area as problem-plagued for many years. The legislation establishes a limited list of treatment factors and environmental properties recognized as treatment. Water, mud, climate, minerals, and treatment gases do not represent an exhaustive list of possible treatment factors.

Third, there is a huge and constantly updated list of treatment properties and their components. Modern technologies allow creating artificial environments, various combinations of components, and routes within and outside resorts. If we follow the order of the Ministry of Health of the Russian Federation on the list of sanatoriums for referral treatment, institutions located in the treatment area and not classified as sanatoriums can still provide health treatment services, including free of charge, within the social insurance system. From this viewpoint, the resort area can change its meaning.

Fourth, an inevitable contradiction between the interests of resorts as a territory (local administrative authority) and resorts as a health and therapeutic organization (industry) gives rise to many problems and uncertainties. The experience of creating and operating single-industry towns, research centers, technology parks, and resort towns has many analogies. The conceptual apparatus should reflect modern tendencies and trends in organizing health and recreational activities based on various principles. These activities should be expanded with the socioeconomic section, including one reflecting private entrepreneurial interests (small and medium businesses), stimulating their activity, the possibility of participating in global resort networks (franchises), localizing unique healthcare services, certifying innovative health improvement methods, creating small hotel networks and developing mandatory ratings of health institutions, and much more. Through the emergence of new legal terms and clarification of their provisions, participants in the relationship receive an additional incentive for development.





The conceptual complexity of resort development (primarily from the standpoint of legislation and economics) is aggravated by numerous contradictory legislative rules and by-laws at various levels, complicating the understanding of the essence and place of resorts and their recreational, medical, and health activities. Resort and recreational activities should be fully present in the Strategy of Socioeconomic Development, the Strategy of Spatial Development, the Strategy of National Security, the Environmental Strategy, and other strategic planning documents if resort and recreational activities are to be defined as a global market of services crucial for the country's economy.

The entire spectrum of land, urban planning, environmental, forestry, water, and wildlife legislation is influenced by restrictive nature management. Sanitary zones, land use restrictions, and protection of medical resources have been established but there is no regulatory framework for stimulating the development of medical, health, and recreational services. In terms of its conceptual apparatus, the law on resorts is insufficiently aligned with the law on environmental protection, the law on specially protected natural areas, and the law on tourism activities, which complicates the legal regulation of resort complexes.

Law No. 26-FZ also contains other terminological omissions. For example, Part 1 of Article 2.1 states that "the medicinal properties of natural resources are established based on scientific research and relevant long-term practice". This reference to long-term practice is unclear since new deposits of natural treatment resources can be discovered and new resorts can be created in Russia, which does not have to be preceded by long-term practice. It is sufficient to refer to scientific research establishing treatment properties in natural resources. Perhaps the legislator using this formulation tries to introduce an alternative, hinting that natural resources may have treatment properties unknown to science and revealed only through long-term practice. However, these assumptions are far from the realities of scientific balneology and there is no need for such formulations.

Federal Law No. 26-FZ contains reference norms that lead nowhere. Clause 4 of Article 9 states that "the right of state ownership of natural treatment resources is determined by federal law based on the Civil Code of the Russian Federation". It is unclear what federal law is implied because it does not exist. It would be more appropriate to define the right of state ownership of natural treatment resources directly in Federal Law No. 26-FZ, rather than replace an entire legal institution with a reference norm to non-existent federal law.





Recently, the Russian resort legislation has undergone significant changes but these transformations do not solve the problems and create new ones.

### 3.3 AMENDMENTS TO THE RUSSIAN RESORT LEGISLATION

Russia adopted Federal Law No. 469-FZ of August 4, 2023 “On Amendments to the Federal Law ‘On Natural Treatment Resources, Health Resort Areas and Resorts’, Certain Legislative Acts of the Russian Federation and Recognizing Certain Provisions as Invalid” (State Duma of the Federal Assembly of the Russian Federation, 2023). It comes into force on September 1, 2024. What is new in Law No. 26-FZ and how can it affect the state of resorts?

First, let us note the positive aspects of the updated law. It is an addition or a return of the norm limiting the circulation of land plots located within the first zone of sanitary (mountain sanitary) protection districts of a natural treatment resource to Article 27 of the Land Code of the Russian Federation and the return of some capital construction projects to the list of environmental impact assessment objects. Most innovations will hardly have positive results, including minimizing the existing socioeconomic and environmental risks of resort development.

The most alarming innovation is the possibility of abolishing a health resort, spa, or spa region (new version of Article 3 of Law No. 26-FZ). Previously, the Russian federal legislation did not have such an institution. Not a single resort founded either in the Russian Empire or in the USSR has been abolished to this day, and there are no objective prerequisites for this. The law should aim at preserving resorts and their natural resources, rather than closing them. The very mention of such a possibility seems undesirable, let alone opportunities for severe violations it opens up. The Russian legislation and its application have never allowed the liquidation of resorts or spa regions, and we would like to hope that this will not change in the future.

The new version of the Russian resort legislation simply refers to a “resort region”, whereas previously the Caucasian Mineral Waters region was referred to as a “specially protected ecological and resort region of the Russian Federation”. Reducing this formulation to a simple “resort region” seems undesirable for many reasons. It would be correct to retain the term “resort region of federal significance”.

Depriving the Caucasian Mineral Waters region of its clearly defined federal significance can deprive these resorts of federal funding, which will aggravate their





stagnation and make the development of resort infrastructure impossible. The loss of this important feature of legal status can create legal uncertainty regarding the largest Russian resorts, which will cause violations.

It is questionable whether Article 13 of Law No. 26-FZ has been significantly amended. The previous version recognized support for resort development as the obligation of the Russian Federation, its constituent entities, and local self-government bodies, along with other non-prohibited funding sources. However, this refers to the possibility of budget funding, which means that public authorities refuse the relevant obligations and allow for such a possibility. Perhaps this is situational financing or cases of fixing the corresponding obligations in other laws (for example, the obligation to finance the maintenance of executive authorities in resorts or the construction of facilities in public ownership). This is an attempt to shift the burden of maintaining resorts to private investors, which will lead to the degradation of their mineral resource base and resort infrastructure.

Law No. 26-FZ still does not clearly define the provision of natural treatment resources whether they are paid or free and licensing of activities in the sphere of nature management at resorts. By analogy with other branches of natural resources law, Law No. 26-FZ needs to distinguish between the general and special right to use natural treatment resources. The general right to use such resources for treatment and disease prevention should be recorded in the law as granted to all citizens on an unlicensed and gratuitous basis. The importance of securing this right is emphasized by the fact that some sanatoriums in the Caucasian Mineral Waters have already tried to introduce fees for water from public sources, which caused social tension and required the intervention of public authorities. The special right to use natural treatment resources for disease treatment and prevention, recreation, and other purposes stipulated by law, should be granted to legal entities and individuals (individual entrepreneurs) for a fee and with appropriate permits (licenses or other title documents).

The current and updated versions of Law No. 26-FZ do not fully regulate the health resort complex due to their fragmentation and incompleteness. An example can be the regime of sanitary (mountain sanitary) protection of natural treatment resources determined by law. For this purpose, a sanitary (mountain sanitary) protection district is established in resorts, within which up to three zones are allocated. For each,





restrictions on economic activity are provided. Each of these zones must have strictly fixed boundaries.

However, Law No. 26-FZ does not mention the boundaries of these zones but only the boundaries of sanitary (mountain sanitary) protection districts of resorts. This creates terminological uncertainty. When speaking about the boundaries of sanitary (mountain sanitary) protection districts of resorts, the legislator can also mean the boundaries of the three zones within such districts but this is not clear from the text of the law.

For clarity, Law No. 26-FZ should define the boundaries of sanitary (mountain sanitary) protection districts (i.e., the boundaries of the resort territory) and the boundaries of all three zones within such districts. These boundaries should be established and, if necessary, changed by the same executive authority (the Government of the Russian Federation for resorts of federal significance).

Terminological uncertainty has already led to the fact that developers of some legislative initiatives propose that the boundaries of sanitary (mountain sanitary) protection districts of federal resorts should be established by the Government of the Russian Federation, and the boundaries of zones within such districts should be defined by the federal executive body authorized by the Government, which is deemed unacceptable.

The boundaries of these zones impose territorial restrictions on certain economic activities at resorts. This is much more important for their protection than determining their borders. Resolving such an important issue at a lower level can lead to violations and become a corruption factor. To avoid this, it is necessary to state in Law No. 26-FZ that the Government of the Russian Federation establishes the boundaries of sanitary (mountain sanitary) protection districts of resorts and the boundaries of the zones within such districts. Changing this procedure can lead to an arbitrary transformation of the boundaries of these zones, which entails the degradation of the natural resource potential of federal resorts.

The legal regime of the three zones of sanitary (mountain sanitary) protection districts is described in the law in a very superficial manner. It is governed by clauses 12-14 of Resolution of the Government of the Russian Federation of December 7, 1996 No. 1425 "On Approval of the Regulation on Sanitary (Mountain Sanitary) Protection Districts of Health Resorts and Resorts of Federal Significance" (Government of the Russian Federation, 1996). However, a new draft is already being prepared to replace





this by-law. Considering its content, it is designed to change the existing system for the worse.

Restricting economic activity in sanitary (mountain sanitary) protection districts is a significant issue for this area. Its regulation via by-laws is not entirely appropriate. The norms specifying the legal regime of these three zones should be included in Law No. 26-FZ. A by-law may contain only norms regulating the details and features of establishing sanitary (mountain sanitary) protection zones for a federal resort, i.e., purely administrative procedures.

## DISCUSSION

Since this refers to regulations that have not entered into legal force, it is difficult to say what the Ministry of Health of the Russian Federation (recognized as an authorized body for resort management) will propose as by-laws developing the innovations of Law No. 26-FZ. They need to be developed as new regulations in the updated law are written out schematically and require clarification. Otherwise, it is impossible to implement them.

Thus, there are still questions regarding the establishment of the boundaries of sanitary (mountain sanitary) protection districts and the boundaries of zones within such districts. It is not clear whether these boundaries will be registered in the Unified State Register of Real Estate (Smirnov et al., 2022). However, decisions related to the establishment and change of sanitary (mountain sanitary) protection districts or the termination of their existence in relation to resorts of federal significance will be made by the Ministry of Health of the Russian Federation. The ministry has already prepared a draft Resolution of the Government of the Russian Federation "On Approval of the Regulation on Sanitary (Mountain Sanitary) Protection Districts of Natural Medicinal Resources", which does not stand up to any criticism.

This project changes the existing procedure for resort management in favor of transferring some important powers to a lower level. The boundaries of sanitary (mountain sanitary) protection districts of federal resorts are currently established or changed by the Government of the Russian Federation. It is proposed to vest the authority to make relevant decisions in the federal executive body authorized to fulfill these actions (the Ministry of Health of the Russian Federation).





The provision that the boundaries and regime of sanitary (mountain sanitary) protection districts of federal resorts are established by the Government of the Russian Federation has already been removed from Article 96 of the Land Code of the Russian Federation (since September 1, 2024). This is seen as an attempt to simplify the existing procedure for establishing and changing these boundaries in the interests of economic entities and developers but not to protect natural resources which should be guarded by the state represented by the highest executive body (the Government).

Federal legislation should retain the norms that the boundaries of sanitary (mountain sanitary) protection districts for resorts of federal significance are approved by the Government. These norms are important for ensuring that the relevant decisions are made at a sufficiently high state level. From this perspective, the transfer of these powers from the Government of the Russian Federation to federal ministries is extremely undesirable.

The idea of simplifying the procedure for changing the boundaries of mountain sanitary protection districts of the Caucasian Mineral Waters has a high potential for corruption. Its implementation can lead to a sharp increase in corruption-related crimes in resort management. The planned transfer of important powers to a lower level creates a situation in which federal executive bodies, without due control and the necessary approvals from the Government of the Russian Federation, can change the boundaries of mountain sanitary protection districts and initiate the abolition of such districts in the interests of developers and other economic entities. This opens the way to abuses since it grants the executive bodies the opportunity, contrary to environmental requirements, to permit activities previously prohibited by law.

The most undesirable consequences of the legislative innovations under consideration include harm to the environment of the Caucasian Mineral Waters and their natural resource and medical potential, increased hotspot construction of their territory, deterioration of the resort infrastructure, a sharp decline in the attractiveness of the Caucasian Mineral Waters for vacationers, and a decrease in their competitiveness in the global market of the health resort industry.

The simplified procedure for changing the boundaries of mountain sanitary protection districts of the Caucasian Mineral Waters leads to a reduction and destruction in the corresponding protection zones, which is acceptable under the new version of Law No. 26-FZ. Some resorts can cease to exist, which is also envisaged by the developers of these innovations.







The liberalization of the regime of protection zones in resorts leads to the rapid development of activities unrelated to spa treatment and not previously permitted by law. This contributes to an increase in anthropogenic load, harm to the environment of the Caucasian Mineral Waters, and deterioration of their natural treatment resources. This can lead to an unprecedented degradation of the Caucasian Mineral Waters spa complex.

#### 4 CONCLUSIONS

Federal Law No. 26-FZ needs serious improvement, especially in detailing the regime of sanitary (mountain sanitary) protection districts of resorts.

A clear procedure for cadastral registration of their boundaries should be recorded in Federal Law No. 218-FZ of July 13, 2015 "On State Registration of Real Estate" (State Duma of the Federal Assembly of the Russian Federation, 2015).

The powers to establish and change the boundaries of mountain sanitary protection districts of resorts should remain with the Government of the Russian Federation. Delegating such powers to a lower level is a big mistake and can cause numerous environmental, socioeconomic, corruption, and other risks.

After analyzing the current legislation, we identified the following problems in regulating the legal regime of the Caucasian Mineral Waters resorts:

- No clearly established concepts of resort, health and recreation locality, resort area, resort lands, etc.;
- No clearly defined conditions for recognizing territories as resorts and health and recreation localities;
- The emerging possibility of arbitrary changes to the boundaries or abolition of resorts;
- The problem of determining the category of land within the boundaries of resorts;
- The problem of delimitation of state property rights within the boundaries of resorts;
- The problem of limiting the circulation of land plots and other real estate objects within the boundaries of resorts;





- The problem of substantiating the legal regime of mountain sanitary protection districts and zones within them;
- No special requirements for the environmental and legal regime of resort areas and natural resources that are not medical;
- No direct relationship between recreational, land, urban planning, and environmental legislation in regulating the legal regime of resorts;
- No conceptual approach to the legal regulation of resort and health and recreation relations and its development;
- Gaps and conflicts of federal legislation on resorts and health and recreation areas.

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