

Legal Basis of the Environmental Impact Assessment System

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Annotation: The article deals with the issues of environmental protection, the concept and basis of the environmental impact assessment system, the theoretical and normative substantiation of the position of the environmental impact assessment system.

Keywords: environment, nature, natural resource, environmental impact assessment, natural disasters, climate, ecological environment, principles of sustainable development.

Nothing in the world lasts forever, the natural course of things - landscapes disappear, populations die out. The strongest survive, and the weak perish - an elementary law of nature, and the like reasoning that we often meet. But there are various factors that are the reasons for nature conservation and the promotion of sustainable development principles. These include:

- “Environmental protection is the protection of mankind. By protecting the environment and the natural environment, we protect ourselves. The lack of natural resources provokes economic crises, wars, epidemics. Even small changes, which may seem insignificant to us, in an ecosystem can lead to huge disasters. Thus, the death or reduction of the bee population will affect not only the production of honey, but also the whole food production system, since bees pollinate 80% of useful and wild plants. Food shortages will lead to famine, disease, migration, political unrest and war.
- Environmental issues have no geographic or political boundaries and affect the entire planet. Further climate change can lead to the most powerful not only economic, but also political and economic shocks. Accordingly, the struggle to save nature also has no boundaries: people from all over the world are working together to find solutions to environmental problems and promote sustainable development models, opening up new horizons for themselves. The concept of “climate refugees” has already entered the international lexicon. New Zealand was one of the first countries to officially host people from other regions affected by natural disasters caused by climate change. [1]
- Environmental protection prevents natural disasters. Nature strives for balance. This is how forests absorb CO₂, grow and turn it into oxygen, thus creating the basis of life. A stabilized atmosphere slows down climate change. In addition, forests provoke rains and the water cycle in nature, contribute to its purification and transformation into drinking water. In addition, forests and green areas protect the soil from erosion and prevent landslides and avalanches. The destruction of forests radically changes the climate of entire regions and causes their dehydration and desertification. Or, on the contrary, it can cause powerful floods, leading to the flooding of entire areas and the evacuation of hundreds of thousands of people[2]. Respect for ecosystems helps to avoid such troubles.
- Environmental protection teaches a responsible attitude towards oneself and others. In the course of daily life, we consume various natural resources. For the sake of the production of fruit juices, meat, chocolate, palm oil and other products, entire forests are cut down, where

millions of living creatures live. The irrational use of water resources in industry, agriculture and everyday life leads to the disappearance of water bodies and, again, accelerates climate change. As a result, there is a change in the life of many people in different countries. Therefore, it is necessary to monitor how much and what we use, and how the production of these goods affects the life of our planet, that is, to take responsibility for our actions. [3]

From the scientific and practical side, environmental protection is a set of measures (organizational, legal, economic, natural science, production and technical) to limit the negative impact of economic and other activities on the environment, which refers to both the natural environment and artificial objects, created by man to meet his social needs (buildings, roads, engineering structures, etc.), as well as objects of a natural and anthropogenic nature (gardens, forest belts, etc.). [4]

The primary stage of environmental protection is the environmental impact assessment, which is carried out by the subjects of the legal relationship. Each entity, when carrying out, as well as when planning its economic or other activities, first of all conducts an assessment of the impact on the environment. Environmental impact assessment (EIA) is a term of the International Association for Impact Assessment (IAIA). Designed to identify the nature, intensity and degree of danger of the impact of any type of planned economic activity on the state of the environment and public health.

The procedure for conducting an EIA in foreign countries is provided for by national legislative acts "On Environmental Expertise" for all types of planned economic or other activities. The Law of the Republic of Uzbekistan "On Environmental Expertise" considers EIA as the initial stage of the environmental review process. According to this law, for the state environmental review, the customer submits environmental impact assessment materials for the designed facilities, containing a draft statement on the impact on the environment, a statement on environmental consequences, and in cases provided for by law, a statement on the impact on the environment [5]. In addition, the requirements for the state environmental review include verification of the validity of the assessment of the impact of biological, chemical substances and technologies on the environment, as well as verification of the correctness of the assessment of the level of environmental hazard of the consequences of the implementation of planned or ongoing economic and other activities. [6]

EIA of planned economic and other activities on the environment contributes to the adoption of an environmentally competent management decision on the implementation of the planned economic and other activities by identifying possible adverse impacts, assessing environmental consequences, taking into account public opinion, and developing measures to reduce and prevent impacts.

Unlike foreign states, in the Republic of Uzbekistan the procedure for conducting an EIA is regulated by a separate legal act. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On further improvement of the environmental impact assessment mechanism" was adopted on September 7, 2020, No. 541.

According to this resolution, the assessment of the quality of materials and projects developed by organizations developing draft EIA materials and environmental standards, as well as the formation of a rating of developing organizations, is a function of a specially authorized body - the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection.

The Decree of the Cabinet of Ministers of the Republic of Uzbekistan "On further improvement of the environmental impact assessment mechanism" approved the Regulation "On State Environmental Expertise". This Regulation determines the procedure for conducting the state environmental review of materials submitted for the mandatory state environmental review. A legal

definition is given to the concepts and terms relating to the procedure and process of conducting an environmental review and EIA.

EIA is carried out for the following purposes:

determine the nature and level of danger of all possible types of impact on the environment;

assessment of environmental, economic and social consequences of planned, planned and implemented activities that have a negative impact on the environment;

identifying and taking into account social preferences when making decisions related to activities planned or planned by the customer;

consideration of alternative opportunities for economic and other activities in order to ensure rational nature management with minimal impact on the environment;

determine the adequacy and validity of the proposed measures for environmental protection and rational use of natural resources;

prevention and mitigation of the impact of planned, planned and ongoing activities on the components of the environment and the health of citizens. [7]

The EIA has several stages:

The Draft Environmental Impact Statement is the first stage of the EIA process and materials developed prior to making a decision on planned or planned economic and other activities.

The environmental impact statement is the second stage of the EIA process, additional studies are carried out here, a special analysis based on the results of the state environmental review of the first stage of the EIA process, materials developed, if necessary, when developing measures to prevent adverse impacts on the environment and the health of citizens, as well as in other cases. [8]

The Regulation "On State Ecological Expertise" defines the legal definition of EIA. In accordance with this provision, environmental impact assessment is a procedure aimed at determining the characteristics and level of potential environmental impact of planned, planned activities, expected environmental and related socio-economic consequences, as well as the development of measures for the rational use of natural resources and protection environment.

The main subject of EIA is the developer of materials. The developer of environmental impact assessment materials and draft environmental standards may be legal entities or individuals who develop materials submitted for state environmental expertise.

Environmental impact assessment materials, which are provided by the EIA subject, are a set of documents prepared for assessing the impact of planned and (or) planned economic and other activities on the environment and submitted for state environmental expertise.

The final step in the EIA process is the environmental impact statement. Based on the results of the application, environmental standards that affect the environment are set before the commissioning of the finished facility (reconstruction, modernization, expansion).

The EIA system and the procedure for its implementation are relatively new concepts in the mechanism of environmental protection. Consequently, there are many gaps and conflicts in this area. First of all, it is necessary to distinguish between the EIA system and the legal definition of the concept of environmental expertise. EIA, being the primary stage and at the same time the basis for conducting an environmental impact assessment, is carried out by the manufacturer himself. By

determining the significance of the EIA and its wide dissemination among the subjects, it is possible to increase the level of interest of producers in environmental protection.

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