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RELATIONSHIP OF ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL EXPERTISE

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Abstract: Pollution of the natural environment is progressively increasing in accordance with the increasing rate of technogenic load. This problem necessitates taking measures to prevent negative consequences. Due with this, at the state level, an assessment of the state and impact on the environment and the development of measures aimed at its protection in the legal aspect are carried out. Subjects appropriate to carry out these activities need to determine the legal distinction between the definitions of environmental monitoring and environmental impact assessment.

Key words: environmental impact assessment, planned economic and other activities, state ecological expertise, transboundary procedure, environmental impact assessment report, public discussions.

At present, every government is concerned about ensuring the environmental safety of its state. When as the environmental stability of the country is the main factor in the economic and political stability of the state. The state policy in the field of ensuring environmental safety is part of the national security of the Republic of Uzbekistan and is a set of political, social, economic and legal measures aimed at protecting the population from the negative impacts of hazardous industrial, technological and biological factors and at preventing environmental threats.

As you know, in our country, in connection with the growth and liberalization of the economy, the creation of broad opportunities for entrepreneurial activity, the volume of industry and production has expanded. Regular population growth leads to an increase in the construction of residential buildings and various construction projects for the purposes of transport, energy, communications and communications.

According to the data, over the past 4 years, industrial enterprises have doubled, the amount of dust and gas in cities has increased 4 times from the norm, and green spaces in the regions of our country have decreased by 3-4 times. Despite the announcement of a moratorium, there are cases of erection of structures in empty spaces between multi-storey buildings, cutting down trees, and reducing green spaces.

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One of the tools of state administration to ensure the natural rights of citizens to a favorable environment and reliable information about its state is the procedure for assessing the impact on the environment at the stage of planning economic activities.

In accordance with paragraph 2 of the Regulation "On the State Ecological Expertise", approved by the Council of Ministers of 07.09.2020 No. 541, EIA is a type of activity to identify, analyze and take into account direct, indirect and other consequences of the impact on the environment of the planned economic and other activities in order to making a decision about the possibility or impossibility of its implementation [1]. It can also be said that EIA is a qualitative scientific forecast of possible changes in the environment as a result of the implementation of a particular economic decision. The main purpose of the EIA is to prevent or reduce the degree of negative impact of the proposed activity on the environment. The legal nature of EIA according to Krassov is that this procedure is a formalized procedure, as a result of which the direct and indirect consequences of the impact of the planned economic and other activities on nature are identified, analyzed and taken into account [2]. The analysis of the impact on the surrounding spheres gives the practical significance of environmental science and socio-ecological practice. One of the main directions of this analysis is environmental impact assessment. This procedure makes it possible to identify and prevent environmental, social, economic and other consequences of its implementation that are unacceptable to society, as well as to assess investment costs for environmental protection measures. The objects of assessment are the projects of large enterprises in the mining and processing industries, communications, energy, ports and airfields, canals and reservoirs, large agricultural enterprises and others.

In addition to the environmental impact assessment procedure, another main tool of state administration to ensure the natural rights of citizens to a favorable environment and reliable information about its state is the procedure for environmental impact assessment of economic activities.

According to Article 1 of the Law of the Republic of Uzbekistan “On Environmental Expertise”, environmental expertise is understood as establishing the compliance of the planned or ongoing economic and other activities with environmental requirements and determining the admissibility of implementing the object of environmental expertise [3]. The above law says that the ecological expertise is aimed at preventing the negative impact on the environment from the side of the economic entity and other anthropogenic activities. Ecological expertise is a form of "precautionary environmental control" [4]. It ensures the implementation and protection of the right of everyone to a favorable environment, enshrined in Article 12 of the Law of the Republic of Uzbekistan "On Nature Protection", and is also a source of environmentally significant

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information. Thus, EIA and ecological expertise are two effective environmental and legal instruments that have a common goal and perform the function of preventive environmental control, are aimed at preventing harm to the environment, and also establish compliance with the measures to prevent such impact, provided for in the relevant documentation, with the requirements in the field environmental protection. However, it is worth remembering that these are completely different procedures. So, for example, the difference is in the subject matter of these procedures. The subject of an EIA is a planned economic or other activity that may have a direct or indirect impact on the natural environment. The subject of environmental expertise is documents or documentation that substantiate economic and other activities, environmental requirements. EIA, as a procedure, begins at the stage of documentation development, and environmental expertise is carried out in relation to pre-project documentation or already completed documentation. The results of the EIA (EIA materials) are documented and are part of the documentation submitted for the environmental review, that is, the EIA procedure is a mandatory stage (the EIA is carried out only for those objects in respect of which the environmental review should be carried out) and without it, the environmental review cannot be carried out. As for the conclusion of the environmental review, the legal consequence of a positive conclusion of the state environmental review is approval for the implementation of the object of expertise and vice versa, the legal consequence of a negative conclusion is a ban on the sale of the object of expertise. The EIA is carried out by the initiators of the proposed economic or other activity, namely the customers or contractors, if they have been granted the right to conduct this procedure. State environmental expertise is carried out by expert commissions formed by state executive authorities in the field of environmental expertise. The composition of the expert commission is approved by the chairman of the Committee of the Republic of Uzbekistan on ecology and environmental protection, it includes specialists from various fields, not only from jurisprudence. State environmental expertise (public environmental expertise cannot be considered as a management function, “because it is an integral element of the environmental legal capacity of a citizen and public environmental organizations”[5] and, moreover, its decisions are often advisory in nature), is a management function in the field environmental protection, unlike EIA, since this procedure is not carried out by public authorities, but by the initiator of the proposed economic or other activity that may affect the state of the environment.

The first step in environmental impact assessment studies is the description and evaluation of all components of the environment, as well as their functions. The studied components primarily include: 1. Man; 2. Animal and plant world; 3. Soils, taking into account the geological environment; 4. Ground and surface

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waters; 5. The appearance of the landscape; 6. Air and climate; 7. Cultural, historical and other material resources.

Carrying out the EIA procedure is a mandatory component in the planning of economic activities. Unfortunately, at the moment there are shortcomings in the form of the lack of a unified and sectoral methodological base for EIA. The main limitation in the design of capital repairs is the proximity of residential development and agricultural land.

In addition, one of the main types of organizational and legal mechanism for environmental protection is strategic environmental assessment. This assessment is a variety of environmental measures, among which, due to their preventive nature, they are of particular importance. Design decisions, the implementation of which poses the greatest environmental hazard, are subject to SEE. As such, design solutions for such facilities as thermal power plants and other fuel combustion installations with an equivalent capacity of 100 or more megawatts can act; nuclear power plants and other nuclear installations; artificial reservoirs with a surface area of more than 50 ha; underground gas storages; for objects where the basic size of the sanitary protection zone is 300 meters or more, etc. However, the range of objects for which the SEE is carried out is wider and also includes urban planning projects, documentation for mobile installations for the use, disposal of waste, projects of water protection zones and coastal strips, hunting management, forest management projects, etc. Unlike EIA, SEA objects are projects of state, regional and sectoral strategies, programs and urban planning projects. In this case, design solutions, on the one hand, are large-scale and complex (complex) in nature, and on the other hand, they can be of a general nature. During their implementation, specific design solutions are developed, which, in turn, may be objects of EIA. In some cases, the objects of SEA and SEE coincide. In particular, urban development projects. Perhaps, due to the fact that the SEE assumes a more specific nature of objects, the current legislation considers a rather narrow range of projects of a strategic nature as such. Previously, such expertise was distributed was applied to draft concepts, forecasts, programs, sectoral development schemes, the implementation of which is associated with the use of natural resources and (or) could have an impact on the environment [4, art. five]. As you can see, in relation to the design solutions of the planned activity, EIA and SEE, or SEA and SEE, or only SEE, or only SEA can be carried out. There are design solutions for which none of them apply at all. Thus, in comparison with the legislation that has lost its force, there is a tendency to reduce the list of objects subject to SEE and EIA. This does not correspond to the concept of environmental risk, which implies the maximum coverage of various types of planned activities by environmental protection measures. In addition, the planned economic and other activities will be evaluated to a greater

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extent from the position of taking into account the environmental factor, if environmental measures are present at its various stages.

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