

ENVIRONMENTAL NORMS UNDER THE UZBEK LAW

The legislation of Uzbekistan in the field of environmental protection is quite general and concise. Nevertheless, new legal acts are reviewed, amended and created annually to describe rights and obligations in more details.

At the moment, the environmental legislation of Uzbekistan covers many issues of environmental protection: among them are system of state bodies, distribution of functions and powers between the, conservation of biological diversity, access to information, use of economic mechanisms and many other issues.

Currently, Uzbekistan has more than 30 legislative acts and about 100 by-laws in the field of nature protection and use of natural resources.

The most important of them are the Laws of the Republic of Uzbekistan "On Nature protection", "On protected natural territories", "On State sanitary supervision", "On Subsoil", "On environmental expertise", "Land Code" and others.

Regulatory framework in the field of environmental protection and regulation

1. The Law "On Nature protection"

The Law establishes the legal, economic and organisational grounds for preservation of environment and the rational use of natural resources. Also, according to the Law, state management in the field of ecology, environmental protection, rational use and reproduction of natural resources in is carried out by the Cabinet of Ministers of the Republic of Uzbekistan, the State Committee of the Republic of Uzbekistan for Ecology and Environmental Protection and local government authorities.

The document provides for the water use provisions, atmospheric air, wildlife objects, waste management, development of environmental criteria and standards regulating the maximum permissible loads on the environment.

The Law introduces the concept of state environmental expertise (hereinafter "SEE"), as well as a description of such forms of control as inspections, environmental monitoring and environmental audit.

2. The Law "On environmental expertise"

Environmental expertise is determined as the establishment of compliance for planned or ongoing economic and other activities with environmental requirements and implementation of environmental expertise object.

The targets of the state environmental expertise are:

- draft state programs, concepts, schemes for the placement and development of productive forces, economic and social sectors;
- materials for the selection of land plots for all types of construction;

- pre-project and project documentation;
- draft normative-technical and instructional-methodological documents regulating economic and other activities related to the use of natural resources;
- documentation on the creation of new types of equipment, technologies, materials, substances, products;
- operating enterprises and other facilities that have a negative impact on the state of the environment and the health of citizens;
- materials of a comprehensive survey of territories in order to give them the status of protected natural territories, zones of ecological emergency and ecological disaster;
- all types of urban planning documentation;
- objects with a special legal regime.

Monitoring compliance in the field of state environmental expertise is carried out by the State Committee of the Republic of Uzbekistan for Ecology and Environmental Protection.

Environmental audit in Uzbekistan is an instrument of “production control” of enterprises, since it can only be ordered by an enterprise that wants to get an assessment of its environmental performance.

For carrying out the SEE, the customer presents:

- for projected facilities - environmental impact assessment materials containing a draft environmental impact statement, a statement on environmental consequences, and in cases provided for by law - an environmental impact statement;
- for existing facilities - draft environmental regulations, an environmental impact statement developed when establishing the fact of an object's impact on the environment and the health of citizens. The Customer has the right to additionally submit environmental audit materials;
- The draft environmental impact statement is submitted before the start of financing of the object of state environmental expertise.
- The environmental impact statement is submitted before the approval of the feasibility study of the object of the state environmental expertise.
- An environmental impact statement is submitted before the facility is put into operation in accordance with the procedure established by law.

3. The Law “On the Protection of Atmospheric Air”

The Law regulates the impact of the activities of enterprises, design, construction, reconstruction and operation of enterprises, structures, highways and other objects affecting the state of atmospheric air. The determination of construction sites, construction and reconstruction projects of enterprises, structures, highways and other objects affecting the state of atmospheric air are coordinated with local government authorities, the State Committee of the Republic of Uzbekistan for Ecology and Environmental Protection and the Ministry of Health of the Republic of Uzbekistan.

Uniform standards of atmospheric air quality are established for the territory of Uzbekistan in order to assess the state of atmospheric air (Sanitary maximum permissible concentrations (MPC) and approximate permissible concentrations (APC) of exogenous harmful substances in the soil):

- maximum permissible concentrations of pollutants and biological organisms in the atmospheric air for humans and environmental objects;
- maximum permissible levels of acoustic, electromagnetic, ionizing and other harmful effects of physical factors on atmospheric air for humans and environmental objects.
- for certain regions, the legislation may establish increased requirements for atmospheric air quality standards.

Emissions of pollutants into the atmospheric air by stationary sources of pollution are allowed in accordance with the standards of maximum permissible emissions of pollutants determined by the results of the state environmental expertise.

The harmful effects of physical factors on atmospheric air should not exceed the appropriate maximum permissible levels.

4. The Law “On the Subsoil”

The main objectives of the Law are to ensure the rational, integrated use of the subsoil to meet the needs for mineral raw materials and other needs, protection of the subsoil, the environment, the safety of work in the use of the subsoil, as well as the protection of the rights of users of the subsoil, protection of the interests of the individual, society and the state.

Specially authorised state bodies in the field of mining relations are the State Committee of the Republic of Uzbekistan for Ecology and Environmental Protection, the State Committee of the Republic of Uzbekistan for Geology and Mineral Resources, the State Committee for Industrial Safety of the Republic of Uzbekistan.

The types of subsurface use are:

- geological exploration of the subsurface;
- mining;
- prospecting;
- use of technogenic mineral formations;
- construction and operation of underground structures not related to mining, including for underground storage of oil, gas, gas condensate, other substances and materials, storage and disposal of waste;
- formation of protected geological objects;
- collection of samples of gemstone raw materials, paleontological remains and other geological collection materials.

Subsurface users can be both legal entities and individuals who must obtain an appropriate license for the right to use the allocated areas. The subsoil can be provided for temporary and indefinite use for a fee, called a bonus.

More detailed environmental requirements for the extraction of minerals are set out in the Uniform Rules for the Protection of Mineral Resources during the Development of Mineral Deposits in 2018. (*Resolution of the Cabinet of Ministers No. 983 of 2018*). The Rules contain provisions on the design of mining facilities, their operation, processing of mineral raw materials, land reclamation and restoration of water bodies after the termination of field development.

5. The Law “On Industrial Safety of Hazardous Production Facilities”

According to the Law, industrial safety is the state of protection of vital interests of the individual and society from accidents and incidents at hazardous production facilities and their consequences.

An accident at hazardous production facilities is the destruction of structures and (or) technical devices used at hazardous production facilities, an uncontrolled explosion and (or) the release of hazardous substances.

An incident at hazardous production facilities is a failure or damage to technical devices used at hazardous production facilities, deviation from the technological process mode, violation of the requirements contained in legislative acts, as well as regulatory technical documents in the field of industrial safety.

Hazardous production facilities include enterprises or their workshops, sites, sites, as well as other production facilities where:

- a. the following hazardous substances are used, produced, processed, formed, stored, transported, destroyed:
 - substances capable of forming an explosive and fire-hazardous environment;
 - harmful substances related to the degree of exposure to a living organism to hazard classes I, II and III (extremely dangerous, highly dangerous and moderately dangerous), in accordance with approved standards;
 - explosives that, under certain types of external influence, are capable of very rapid self-propagating chemical transformation with the release of heat and the formation of gases;
 - industrial waste containing substances in concentrations hazardous to human health and the environment;
- b. equipment operating at a pressure of more than 0.07 MP or at a temperature exceeding the boiling point of the working fluid at normal atmospheric pressure is used;
- c. permanently installed lifting mechanisms, escalators, cable cars, funiculars are used;
- d. melts of ferrous and non-ferrous metals and alloys based on these melts are obtained;
- e. mining, mining and processing of minerals, as well as underground operations are underway.

The law also establishes licensing of activities for the design, construction and operation of high-risk facilities and potentially hazardous industries.

The legislation in the field of industrial safety was also strengthened by the *Regulation on the Procedure for Conducting an Industrial Safety Examination and Issuing an expert opinion* (Cabinet of Ministers Resolution No. 784 of 2018), which replaced the document of 2009.

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