

# „ON ENVIRONMENTAL PROTECCION”

Federal Law of January 10, 2002 No. 7-FZ

The assessment of the environmental impact shall be carried out for intended economic and other activities that may produce a direct or indirect impact on the environment, regardless of the organizational and legal form of the property of the subjects of economic and other activities.



# Concept


- ▶ The assessment of the environmental impact on intended economic and other activities (further – assessment) is a process which promotes the acceptance of the ecologically-oriented managerial decision on implementation of the environmental impact on intended economic and other activities through defining possible unfavorable impacts, assessments of the ecological consequences, consideration of public opinion, development of measures on reduction and prevention of impacts.
- ▶ The assessment of the environmental impact shall be carried out for intended economic and other activities, which proven documentation is subject to ecological expertise in accordance with Federal Law of 23.11.1995 No. 174-FZ “On Ecological Expertise”.

# Assessment principles

- ▶ principle of presumption of potential environmental threat of any intended economic and other activities;
- ▶ principle of obligatory realization of state environmental expertise, materials on the assessment of the environmental impact on intended economic and other activities, being the object of environmental expertise, shall be included in the composition of documentation, presented to expertise;
- ▶ prevention of possible unfavorable environmental impacts as well as social, economic and other consequences, related to them, in case of implementation of intended economic and other activities;
- ▶ obligation of consideration of the alternative forms for attaining the goals of intended economic and other activities, up to “zero option” (refusal of activity).
- ▶ principle of publicity – providing of public participation in preparation and discussion of the materials on the assessment of the environmental impact,
- ▶ principle of scientific validity and legitimacy of environmental expertise conclusion,
- ▶ principle of accuracy and completeness of the information, presented to environmental expertise.

# International aspect

Should intended economic and other activities have transboundary impact, realization of researches and preparation of materials on the assessment of the environmental impact shall be carried out with regard to provisions of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 25 February, 1991)




# Procedure of assessment:

## First stage:

- ▶ Carrying out of the assessment and drawing up of terms of reference on carrying out of the assessment of the environmental impact, public informing.
- ▶ Contractor (performer) shall accept and document remarks and proposals from the public within 30 days from the date of the publication of the information, concerning planned activity. The given remarks and proposals are considered when drawing up of terms of reference on the assessment of the environmental impact and should be reflected in materials on the assessment of the environmental impact.
- ▶ Contractor shall provide with an access to terms of reference on the assessment of the environmental impact to public involved and to other participants of the assessment of the environmental impact from the moment of its approval and till the termination of the assessment of the environmental impact.

# Procedure of assessment:

## Second stage:

- ▶ Researches on the assessment of the environmental impact and preparation of the preliminary draft of materials on the assessment of the environmental impact
  - ▶ Information concerning terms and place of availability of a preliminary draft of materials on the assessment of the environmental impact, as well as date and venue of public hearings, other forms of public participation shall be published in mass media not later than 30 days before the termination of carrying out of public discussions.
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# Procedure of assessment:

## Third stage:

- ▶ Preparation of the finished version of materials on the assessment of the environmental impact
- ▶ The finished version of materials on the assessment of the environmental impact shall be prepared with account of remarks, proposals and information, being received at a stage of discussion. The finished version of materials on the assessment should include the information about the record of remarks and proposals, being received, as well as minutes of public hearings (if held).
- ▶ The finished version of materials on the assessment shall be approved by the Contractor, transferred for use during the preparation of the proving documentation and in its structure is represented to the state environmental expertise, as well as to public environmental expertise (if carried out).
- ▶ The Contractor shall provide with public access to the finished version on the assessment of the environmental impact during all term from the moment of the approval of the last one and before decision-making on realization of planned activity
- ▶ Process of carrying out of the assessment of the environmental impact for separate kinds (categories) of activity which shall not have significant ecological consequences and shall be the object of the state environmental expertise of level of subjects of the Russian Federation, should be simplified



# Research on the assessment of intended economic and other activities includes as follows:

- ▶ definition of characteristics of intended economic and other activities and possible alternatives (including refusal of activity);
- ▶ the analysis of a condition of territory which may be influenced by intended economic and other activities (an environment condition, presence and character of anthropogenous impact, etc.);
- ▶ revealing of possible influences of intended economic and other activities on environment taking with account of alternatives;
- ▶ definition of the actions, aiming to reduce, soften or prevent unfavorable impacts, the assessment of their efficiency and possibility of implementation;
- ▶ assessment of the importance of residual impacts on environment and their consequences;
- ▶ comparison due to consequences of considered alternatives, including a version of refusal of activity, and a substantiation of the version offered for implementation;
- ▶ working out of proposals on the environmental monitoring and control programme at all stages of intended economic and other activities;
- ▶ working out of recommendations on carrying out post-project analysis of the implementation of intended economic and other activities;
- ▶ preparation of preliminary draft of materials on the assessment of the environmental impact shall be carried out for intended economic and other activities (including a short summary for non-specialists).

# Informing and public participation in the process of the assessment of the environmental impact

Informing of the public and other participants of the assessment of the environmental impact shall be carried out by the Contractor. The information in a short version shall be published in official publications of the federal authorities (for federal level objects of expertise), in official publications of regional authorities of the Russian Federation and local governments, in which territory the implementation of the object of the state environmental expertise shall be planned and intended economic and other activities may provide an assistance.

Publications shall include the following information:

- ▶ name, purposes and location of planned activity;
- ▶ name and address of the Contractor or their representative;
- ▶ approximate terms of carrying out of the assessment of the environmental impact;
- ▶ body responsible for the organization of public discussion;
- ▶ assumed form of public discussion (poll, hearings, a referendum etc.) as well as the form of remarks and proposals presentation;
- ▶ terms and place of availability of terms of reference on the assessment of the environmental impact;
- ▶ other information.

# Results of the assessment of the environmental impact are the following:

- ▶ the information concerning the character and scales of environmental impact of planned activity, alternatives of its implementation, assessment of environmental and related to them socio– economic and other consequences of this impact and their importance, possibilities of minimization of impacts;
- ▶ revealing and the account of public preferences when the Contractor makes decisions, concerning planned activity;
- ▶ decisions of the Contractor on the definition of alternative variants of planned activity implementation (including location of object, choice of technologies and others) or refusal of it with account of the assessment of the environmental impact held.

Results of the assessment of the environmental impact shall be documented in materials on the assessment of impact, which are a part of the documentation on this activity, represented for environmental expertise.

The structure of materials on the assessment of the environmental impact shall be defined by order of carrying out of on the assessment of the environmental impact, depends on a kind of intended economic and other activities, requirements to the documentation proving the given activity, being an object of environmental expertise.

Degree of completeness (detail) of carrying out of the assessment of the environmental impact shall depend on the scale and the kind of intended economic and other activities, as well as peculiarities of the region, where its implementation is planned.

# Ecological expertise

## Concept.

- ▶ **Ecological expertise** is the process establishing compliance of documents and (or) documentation reasoning economic and other activities caused by the implementation of the environmental review object with ecological requirements contained in technical regulations and legislation in the field of environmental protection, in order to prevent the negative impact of such activities on the environment.

## Types

- ▶ There are **two types** of ecological expertise carried out in the Russian Federation – **state and public environmental impact assessments.**

# State Environmental Impact Assessment

shall be organized and conducted by the federal executive authority in the field of environmental assessment and regional public authorities of the Russian Federation.

The result of the state environmental impact assessment shall be a **review of the state ecological expertise.**

State environmental review shall be held by the **expert commission** formed by the federal executive authority in the field of environmental review or regional public authorities of the Russian Federation to carry out environmental impact assessment of the particular object.

Conclusion acquires the status of the state environmental review after approval by the federal executive authority in the field of environmental review or regional public authorities of the Russian Federation.

# Public Environmental Impact Assessment

shall be organized on the initiative of citizens and non-government organizations/associations, as well as on the initiative of local authorities.

Public environmental impact assessment shall be conducted by non-government organizations/associations in Charter of which environmental protection (including organization and conduct of environmental expertise) is named the main activity of organization and registered in accordance with the laws of the Russian Federation.

The **review of public environmental impact assessment** is sent to:

- ▶ the federal executive authority in the field of environmental review or regional public authority of the Russian Federation which is in charge of the state ecological expertise;
- ▶ the customer of documentation which was the subject of public environmental impact assessment;
- ▶ state bodies making decision on the implementation of environmental expertise objects;
- ▶ local authorities;
- ▶ and can be transmitted to other stakeholders.

The review of the public environmental impact assessment shall enter into legal binding after its approval by the federal executive authority in the field of environmental expertise or regional public authority of the Russian Federation.