



DOI: 10.22363/2313-2310-2022-30-3-326-331

UDC 503.37:371.3


Scientific report / Научное сообщение

Public hearings for environmental impact assessment in Russia – changes in legislation and practice of performance 2021–2022

T.N. Ledashcheva¹, T.Yu. Kukhtina², V.E. Pinaev¹

¹RUDN University, Moscow, Russian Federation

²Environmental Consulting Company FRECOM Ltd, Moscow, Russian Federation

pinaev-ve@rudn.ru

Abstract. The article is dedicated to the issues of changing in the legislation of the Russian Federation on environmental impact assessment in terms of informing the public about new projects. Significant changes that have occurred in the practices and requirements of legislation, including one connected with the COVID-19 pandemic, have made changes, among other things, in the ways of informing the public – it has become possible to hold public discussions and inform the public remotely. With a low level of interest of the general public in the results of the impact assessment, the remote format of public discussions did not make fundamental changes. The main changes of 2021–2022 that occurred in the part of public discussions are presented in the Order of the Ministry of Natural Resources and Ecology of the Russian Federation No. 999 dated December 1, 2020 “On approval of requirements for environmental impact assessment materials”, and the permissibility of using a remote format for public discussions is given in the Decree of the Government of the Russian Federation No. 440 of April 3, 2020 “On the Extension of Permits and Other Features in Relation to Permitting Activities in 2020–2022”.

Keywords: environmental impact assessment, public involvement, public discussions, public awareness, public involvement in the discussion of projects, modern practice of public involvement, changes in legislation on environmental impact assessment in Russia

Authors’ contributions: All authors made an equivalent contribution to the preparation of the publication.

Article history: received 15.05.2022; accepted 10.08.2022.

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For citation: Ledashcheva TN, Kukhtina TYu, Pinaev VE. Public hearings for environmental impact assessment in Russia – changes in legislation and practice of performance 2021–2022. *RUDN Journal of Ecology and Life Safety*. 2022;30(3):326–331. <http://doi.org/10.22363/2313-2310-2022-30-3-326-331>


Общественные обсуждения при оценке воздействия на окружающую среду в России – изменения в законодательстве и практика проведения 2021–2022

Т.Н. Ледашчева¹ , Т.Ю. Кухтина², В.Е. Пинаев¹  

¹Российский университет дружбы народов, Москва, Российская Федерация

²Экологическая консалтинговая компания ООО «ФРЭКОМ»,

Москва, Российская Федерация

 pinaev-ve@rudn.ru

Аннотация. Статья посвящена вопросам изменения законодательства Российской Федерации по оценке воздействия на окружающую среду в части информирования общественности о новых проектах. Значительные перемены, произошедшие в практиках и требованиях законодательства, в том числе и в связи с пандемией COVID-19, обусловили изменения в способе информирования общественности – появилась возможность проводить общественные обсуждения и информирование общественности удаленно. При незначительном уровне заинтересованности широкой общественности в результатах оценки воздействия удаленный формат проведения общественных обсуждений не внес кардинальных изменений. Основные изменения 2021–2022 гг., произошедшие в части общественных обсуждений, представлены в Приказе Министерства природных ресурсов и экологии РФ от 1 декабря 2020 г. № 999 «Об утверждении требований к материалам оценки воздействия на окружающую среду», а допустимость применения дистанционного формата проведения общественных обсуждений приведена в Постановлении Правительства Российской Федерации от 3 апреля 2020 г. № 440 «О продлении действия разрешений и иных особенностях в отношении разрешительной деятельности в 2020–2022 годах».

Ключевые слова: оценка воздействия на окружающую среду, вовлечение общественности, общественные обсуждения, информирование общественности, вовлечение общественности в обсуждение проектов, современная практика вовлечения общественности, изменения законодательства по оценке воздействия на окружающую среду в России

Вклад авторов: Все авторы сделали эквивалентный вклад в подготовку публикации.

История статьи: поступила в редакцию 15.05.2022; принята к публикации 10.08.2022.

Для цитирования: Ледашчева Т.Н., Кухтина Т.Ю., Пинаев В.Е. Общественные обсуждения при оценке воздействия на окружающую среду в России – изменения в законодательстве и практика проведения 2021–2022 // Вестник Российского университета дружбы народов. Серия: Экология и безопасность жизнедеятельности. 2022. Т. 30. № 3. С. 326–331. <http://doi.org/10.22363/2313-2310-2022-30-3-326-331>

Informing the public about new projects being implemented is carried out in almost all countries of the world, including in the countries of the near abroad, for example in Belarus [1]. In Russia, the requirements for public information are also

being implemented [2; 3], and the features of conducting public discussions for various industries, for example, oil and gas [4], energy industry [5], hunting [6], have already been developed. Providing access to information about the impact of new enterprises on various components of the environment has been studied by many Russian scientists [7–9], including in terms of improving the procedure of public discussions [10; 11], the time and way of public awareness is not limited to public discussions [12]

Let's consider the current practice of conducting public discussions, as well as the changes that have occurred in connection with the large-scale revision and cancellation of many regulatory legal acts, in other words, the “regulatory guillotine”.

The purpose of the implementation of the “regulatory guillotine” is a total revision of mandatory requirements, according to which regulations and the mandatory requirements contained in them should be revised with the broad participation of the business and expert communities. The main task of the "guillotine" is to create a new system of clear and clear requirements for business entities in the areas of regulation, to remove excessive administrative burden on business entities, to reduce the risks of harm (damage) to protected values.

In 2020, by the Decree of the Government of the Russian Federation of December 31, 2020 No. 2467 “On Approval of the List of Regulatory Legal Acts and Groups of Regulatory Legal Acts of the Government of the Russian Federation, Regulatory Legal Acts, Separate Provisions of Regulatory Legal Acts and Groups of Regulatory Legal Acts of Federal Executive Authorities, Legal Acts, Separate Provisions of Legal Acts, Groups of Legal Acts of Executive and Executive Bodies the state authorities of the RSFSR and the USSR, decisions of the State Commission on Radio Frequencies containing mandatory requirements for which the provisions of Parts 1 do not apply, 2 and 3 of Article 15 of the Federal Law “On Mandatory Requirements in the Russian Federation” established a list of regulations that will expire in 2021.

Thus, the current order of the State Committee of Ecology of Russia dated 16.05.2000 No. 372 “On approval of the Regulation on the Assessment of the Impact of planned Economic and Other Activities on the Environment in the Russian Federation” (hereinafter referred to as the Regulation on EIA No. 372), regulating the procedure of EIA and public discussions, within the framework of the “regulatory guillotine” was- is known to have lost its power.

Instead of the above-mentioned regulatory act, the Ministry of Natural Resources of the Russian Federation has issued a new by-law replacing the old requirements: Order of the Ministry of Natural Resources of the Russian Federation No. 999 dated 01.12.2020 “On Approval of Requirements for Environmental Impact Assessment Materials” (hereinafter referred to as the Requirements for EIA). Registered with the Ministry of Justice on April 20, 2021. Registration Number 63186. The text of the order is published on the “Official Internet portal of legal Information” (www.pravo.gov.ru) April 21, 2021 N 0001202104210002. This

regulatory act came into force on September 1, 2021. The validity period is set until 2027.

And so, what are the main distinguishing features of the “old” and “new” requirements?

In particular, the Requirements for the EIA define in detail the procedure for notification of public discussions. Information about the notification of a public discussion of the terms of reference for conducting an environmental impact assessment and/or notification of public discussions of preliminary environmental impact assessment materials are posted on the official websites of state authorities, local governments, the customer (contractor).

In the new document (Requirements for EIA), there are no clear definitions of the concepts of “public discussions” and “public hearings”.

However, it can be said for sure that public discussions have remained an integral part of the complex of measures aimed at informing citizens and legal entities about the planned (planned) economic and other activities and its possible impact on the environment, in order to ensure the participation of all interested persons (including citizens, public organizations-organizations (associations), representatives of state authorities, local self-government bodies), identification of public preferences and their consideration in the process of environmental impact assessment. Based on the new Requirements for EIA, public discussions also include informing and collecting comments and suggestions from the interested public.

The following forms of information are established by the requirements for the EIA: simple information, a survey, public hearings and other forms conducted within the framework of public discussions.

As practice shows, the most common and open way of informing is public hearings, which are a meeting with the public of representatives of the customer / contractor and developers with the mandatory participation of representatives of the relevant local government body(s).

During public hearings, reports on planned activities are presented to the public. All questions, comments and suggestions of the public and participants expressed during the public hearings are recorded in the minutes of the hearings. The protocol is signed by representatives of the relevant local government body, the customer/developer/contractor, public.

At the same time, due to restrictive measures related, for example, to the COVID-19 coronavirus infection, it is not always possible to hold mass events in person. In this case, it is allowed to hold public hearings using means of remote interaction. The main document regulating the conduct of public discussions in a remote format is the Decree of the Government of the Russian Federation of April 3, 2020 No. 440 “On the extension of permits and other features in relation to licensing activities in 2020–2022”.

As before, the result of public discussions is the protocol of public discussions or the protocol of public hearings (surveys), logs of registration (accounting) of

comments and suggestions (opinions) of the public (questionnaires, etc.), documented procedure for public discussions (hearings), copies of notifications of public – public discussions. The specified documentation is included in the EIA materials.

The documents submitted for public discussion are: draft Terms of Reference (hereinafter referred to as the ToR) (if the customer decides to prepare the draft ToR) for environmental impact assessment (hereinafter referred to as the EIA), preliminary EIA materials or materials on the object of state environmental expertise (hereinafter referred to as the SEE), including preliminary EIA materials, and other materials that are the subject of the SEE. The requirements for the composition and content of the EIA materials, depending on the specifics of the planned activity, are also set out in clause 7.13 of the EIA Requirements.

It should be noted that despite the generally significant changes, the principles of informing the public have remained the same, but it is not clear whether it will be possible to hold public discussions in a remote format after December 31, 2022. The possibility of conducting public discussions remotely does not affect the active participation of the interested community, but reduces the expenses.

References

- [1] Moroz OV. Legal regulation of public discussions in the field of environmental protection. *Bulletin of the Polotsk State University. Series D. Economic and legal sciences.* 2019;(6):155–159 (In Russ.)
- [2] Kostyleva NV, Oputina IP, Sorokina TV. Similarity and difference of the procedure of public discussions of negative impact on the environment in environmental protection and urban planning documentation. In: *Environmental safety in the conditions of anthropogenic transformation of the natural environment. Collection of materials of the All-Russian school-seminar dedicated to the memory of NF. Reimers and FR. Shtilmark.* Perm, 2021. p. 245–248 (In Russ.)
- [3] Lizgaro VE. Some trends in the development of legislation that ensures public participation in solving issues related to the environment. In: Weger IV. (ed.) *Constitutional rights and Freedoms: problems of interpretation and implementation in national legal systems.* Collection of articles of the International scientific and practical conference. Novopolotsk; 2016 (In Russ.)
- [4] Kukhtina TYu, Ledashcheva TN, Pinaev VE. *Modern practice of conducting public discussions. Monograph.* Moscow: World of Science Publ, 2020. The latest edition. (In Russ.) Available from: <https://izd-mn.com/PDF/46MNNPM20.pdf> (accessed: 10.04.2022).
- [5] Gorepekin SA. Conducting public hearings. Practice of JSC “CONCERN ROSENERGOATOM”. *Actual biotechnology.* 2017;3(22):40–45 (In Russ.)
- [6] Kuznetsova SN. Problems of conducting public discussions of the draft limits and quotas for the withdrawal of hunting animals. *Humanitarian aspects of hunting and hunting economy. Collection of materials of the IV International Scientific and Practical Conference.* Editorial Board AV. Vinober. 2016. p. 53–58 (In Russ.)
- [7] Mishulina SI. Mechanisms for coordinating the interests of nature users during the implementation of investment projects in the regions of tourist specialization. *Tourism: law and economics.* 2017;(1):12–16 (In Russ.)

- [8] Oputina IP, Kostyleva NV, Lukin AYu. On the issue of public participation in the assessment of the forecast of technogenic transformation of the natural environment during the EIA procedure. In: *Ecological safety in the conditions of anthropogenic transformation of the natural environment. collection of materials of the All-Russian school-seminar dedicated to the memory of NF. Reimers and FR. Shtilmark*. Perm; 2021. (In Russ.)
- [9] Mnatsekanov RA, Sergeeva MI. Public participation in the creation of protected areas in new conditions. In the collection: *Sustainable development of specially protected natural areas. Collection of articles of the V All-Russian Scientific and Practical Conference*. Sochi; 2018. (In Russ.)
- [10] Petrov AA, Demenishin AV. The role of the public in the implementation of public hearings procedures in assessing the environmental impact of planned economic activity. *The Newman in Foreign Policy*. 2018;41(85):49–52 (In Russ.)
- [11] Pinaev VE, Kukhtina TYu. Modern practice of public hearings in Russia. *Russian Journal of Resources, Conservation and Recycling*. 2020;4(7). Available from: <https://resources.today/PDF/09ECOR420.pdf> (accessed: 10.04.2022). (In Russ.) <https://doi.org/10.15862/09ECOR420>
- [12] Gainutdinova GH, Mingazova NM. Differences in the procedures of public discussions and public hearings. *Environmental Consulting*. 2012;2(46):15–21 (In Russ.)

Bio notes:

Tatyana N. Ledashcheva, Cand. Sc. Math., Docent, Department of Environmental Security and Product Quality Management, Institute of Environmental Engineering, Peoples' Friendship University of Russia (RUDN University), 6 Miklukho-Maklaya St, Moscow, 117198, Russian Federation. ORCID: 0000-0002-6935-4347. E-mail: ledashcheva-tn@rudn.ru

Tatyana Yu. Kukhtina, Office 407 bldg 1, 18 Malaya Pirogovskaya St, Moscow, 119435, Russian Federation. E-mail: t.kukhtina@frecom.ru

Vladimir E. Pinaev, Cand. Sc. Econ., Docent, Department of Environmental Security and Product Quality Management, Institute of Environmental Engineering, Peoples' Friendship University of Russia (RUDN University), 6 Miklukho-Maklaya St, Moscow, 117198, Russian Federation; leading specialist, Environmental Consulting Company FRECOM Ltd., 18 Malaya Pirogovskaya St, bldg 1, Moscow, 119435, Russian Federation. ORCID: 0000-0001-8943-5462. E-mail: pinaev-ve@rudn.ru