

Интернет-журнал «Отходы и ресурсы» <https://resources.today>
Russian Journal of Resources, Conservation and Recycling

2022, №3 Том 9 / 2022, No 3, Vol 9 <https://resources.today/issue-3-2022.html>

URL статьи: <https://resources.today/PDF/02ECOR322.pdf>

DOI: 10.15862/02ECOR322 (<https://doi.org/10.15862/02ECOR322>)

Ссылка для цитирования этой статьи:

Пинаев, В. Е. Практика проведения общественных обсуждений. Изменения и особенности новых требований / В. Е. Пинаев, Т. Ю. Кухтина, Т. Н. Ледашева // Отходы и ресурсы. — 2022. — Т. 9. — № 3. — URL: <https://resources.today/PDF/02ECOR322.pdf> DOI: 10.15862/02ECOR322

For citation:

Pinaev V.E., Kukhtina T.Yu., Ledashcheva T.N. The practice of conducting public discussions. Changes and features of new requirements. *Russian Journal of Resources, Conservation and Recycling*, 9(3): 02ECOR322. Available at: <https://resources.today/PDF/02ECOR322.pdf>. (In Russ., abstract in Eng.). DOI: 10.15862/02ECOR322

Pinaev Vladimir Evgenievich

RUDN University, Moscow, Russia
Institute of Ecology
E-mail: pinaev-ve@mail.ru

Kukhtina Tatiana Yurievna

«FREKOM» LLC, Moscow, Russia
E-mail: pinaev-ve@mail.ru

Ledashcheva Tatiana Nikolaevna

RUDN University, Moscow, Russia
Institute of Ecology
E-mail: tledascheva@mail.ru

The practice of conducting public discussions. Changes and features of new requirements

Abstract. The article is devoted to the issues of changing the legislation of the Russian Federation in terms of informing the public about new projects — conducting public discussions of projects. Significant changes that have occurred in the practices and requirements of legislation, including in connection with the COVID-19 pandemic, have made changes, including 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 terms of public discussions are presented in the Order of the Ministry of natural Resources and Ecology of the Russian Federation dated December 1, 2020. no. 999 "On approval of requirements for environmental impact Assessment Materials", and the permissibility of using the remote format of public discussions is given in 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 permitting activities in 2020–2022". At the same time, it is still not clear whether the possibility of holding public discussions in a remote format will remain after December 31, 2022. The article concludes that the changes that have occurred are insignificant in terms of conducting an environmental impact assessment and informing the public about the results of such an assessment.

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

Introduction

Public discussions are carried out in one way or another in almost all countries of the world. Due to changes in the requirements of the legislation in Russia, there have been some changes in the practice of conducting public discussions, the old procedure for conducting can be found in the works of the authors [1; 2] one may note that the procedure did not change completely. In the Russian Federation, the requirements for informing the public are also fixed [3; 4], there are features of informing the public for various sectors of the national economy and in urban planning documentation [5; 6], the creation of specially protected natural territories [7]. There is a practice of remote public discussions [8]. Ensuring the constitutional rights to reliable information about the quality of the environment, including the impact of newly formed enterprises on various components of the environment, has been studied by many Russian scientists [9; 10], including in terms of public participation in the public discussion procedure [11], for example, as a form of direct expression of will [12].

Let's review 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 implementing the "regulatory guillotine" is a total revision of mandatory requirements, according to which regulations and the mandatory requirements contained therein should be revised with the broad participation of the business and expert communities.¹

In 2020, by the Decree of the Government of the Russian Federation dated December 31, 2020 N 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, Individual Provisions of Regulatory Legal Acts and Groups of Regulatory Legal Acts of Federal Executive Authorities, Legal Acts, Individual Provisions of Legal Acts, Groups of Legal Acts of Executive and Administrative Bodies of State Power of the RSFSR and the USSR, Decisions The State Commission on Radio Frequencies containing mandatory requirements for which the provisions of Parts 1 do not apply, Articles 2 and 3 of the Federal Law "On Mandatory Requirements in the Russian Federation" established a list of regulations that will expire in 2021.

Thus, the order of the State Committee of Ecology of Russia dated 05/16/2000 No. 372 "On Approval of the Regulations 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) was declared invalid.

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).

Let's look at the differences between the old and the new documents.

Public discussions — objectives of conduction

Public discussions of planned (intended) economic and other activities are conducted in order to realize the constitutional rights of everyone for a favorable environment and reliable information

¹ Mechanism of the regulatory guillotine [Electronic source] https://www.economy.gov.ru/material/directions/go_sudarstvennoe_upravlenie/mehanizm_regulyatornoy_gilotiny/ (in Russian).

about its condition, as well as for the participation of citizens in decision-making concerning their rights to a favorable environment, in accordance with the legislation.

Public discussions are held to achieve the following objectives:

- informing the public about the planned (intended) economic activities;
- providing the public with access to the draft Terms of Reference (if the customer decides to prepare the draft Terms of Reference) or to preliminary EIA materials at facilities that have a negative impact on the environment, classified as Category IV facilities, as well as if such activities are not subject environmental expertise impact assessment materials (or the object of environmental expertise);
- collection/registration of comments, suggestions and information received from the public during public discussions;
- formation of the final version of the environmental impact assessment materials (or the object of environmental expertise, including the final environmental impact assessment materials) on the basis of preliminary environmental impact assessment materials, taking into account the results of the analysis and taking into account comments, suggestions and information in accordance with paragraph 4.8 of the EIA Requirements.

The accuracy of the wording is important, including understanding the difference between the concepts of "public discussions" and "public hearings". The latter are held solely for the purpose of discussing draft statutes of municipalities, draft municipal regulations, draft local budgets, draft strategies for socio-economic development of municipalities, issues of transformation of municipalities, draft master plans, draft rules of land use and development, etc.

In accordance with Federal Law No. 7-FZ of January 10, 2002 "On Environmental Protection", one of the basic principles of environmental protection is "mandatory environmental impact assessment (EIA) when making decisions on the implementation of economic and other activities".

When organizing and conducting public discussions, it is also necessary to be guided by the following regulatory legal acts:

- Town-planning Code of the Russian Federation of December 29, 2004 N 190-FZ.
- Federal Law No. 174-FZ of November 23, 1995 "On Environmental Expertise".
- Federal Law No. 212-FZ of July 21, 2014 "On the Basics of Public Control in the Russian Federation".

Currently, the main regulatory document of the Russian Federation, which prescribes the forms of information and stages of public participation in the EIA procedure, is the Order of the Ministry of Natural Resources and Ecology of the Russian Federation dated December 1, 2020 No. 999 "On Approval of Requirements for Environmental Impact Assessment Materials" (hereinafter referred to as the Requirements for EIA), which entered into force from September 1, 2021.

Besides mentioned above, the procedure for the participation of citizens and the interested public in the process of making environmentally significant decisions may also be established by regulatory legal acts of local self-government bodies in accordance with laws and other regulatory legal acts of the Russian Federation and subjects of the Russian Federation.

Preparation of environmental impact assessment materials is carried out by the customer (a legal entity or an individual responsible for the preparation of documentation on planned (planned) economic and other activities, including those defined by the Federal Law of November 23, 1995 No. 174-FZ "On Environmental Expertise" (submitting documentation on planned (intended) economic and other activities for environmental expertise) or by the contractor for environmental

impact assessment of planned (intended) economic and other activities (the customer or a natural or legal person to whom the customer has granted the right to conduct impact assessment work of environmental impact related to planned (intended) economic and other activities)².

As a consequence, it is the customer or contractor who ensures and organizes public participation in the discussion of preliminary EIA materials (or the object of environmental expertise, including preliminary EIA materials), with mandatory notification of the relevant local government body in accordance with Russian legislation.

At the same time, the opinion of the public is still advisory in nature, but it is taken into account when making a final decision.

It should be remembered that not all municipalities (hereinafter — MO) have the right to hold public discussions. Only local self-government bodies of urban districts and municipal districts are legally authorized to do this³.

Also, a municipality may have its own list of documents regulating the procedure for organizing and conducting public discussions on the territory of this municipality, which must be taken into account when organizing public discussions in a particular municipality.

Preparation and organization of public discussions

After the customer has formed preliminary environmental impact assessment materials based on the results of environmental impact assessment studies conducted taking into account implementation alternatives, activity goals, ways to achieve them, as well as in accordance with the Terms of Reference (if prepared)⁴, in accordance with paragraph 4.6 of the Requirements for the EIA, "A notification is prepared and sent to state authorities and (or) local self-government bodies on public discussions of preliminary environmental impact assessment materials (or the object of environmental expertise, including preliminary environmental impact assessment materials)".

As part of this stage, the customer/contractor prepares and sends a notification to the local government body(s), which specifies the following information:

- name of the customer/contractor for the EIA, including OGRN, INN, address, contact information;
- name, address, contact information of the local government body responsible for organizing public discussions;
- name of the planned (intended) economic and other activities;
- the purpose of the planned (intended) economic and other activities;
- preliminary place of implementation of the planned (intended) economic and other activities;
- planned timing of the EIA;
- place and time of project materials availability;

² Item 2 of the Requirements for environmental impact assessment materials (approved by Order of the Ministry of Natural Resources and Ecology of the Russian Federation No. 999 dated December 1, 2020) // SPS "Garant".

³ Article 9 of the Federal Law of November 23, 1995 N 174-FZ "On environmental expertise" // SPS "Garant".

⁴ Item. 4.5 of the Requirements for environmental impact assessment materials (approved by Order of the Ministry of Natural Resources and Ecology of the Russian Federation No. 999 dated December 1, 2020) // SPS "Garant".

- the expected form and duration of the public consultation, including the form of comments and suggestions (in the case of public discussions in the form of public hearings, the date, time, place of public hearings are indicated; in the case of public discussions in the form of a survey, the timing of the survey, as well as the location and collection of questionnaires are indicated;
- contact details of responsible persons on the part of the customer/contractor and the local government body;
- other information at the request of the customer/contractor.⁴

In accordance with the new Requirements for EIA, there is no need for mandatory discussion with the public of the draft Terms of Reference for conducting an EIA. This stage of public discussions is held only if the customer decides to prepare a ToR for conducting an environmental impact assessment. The requirements for the content of the Terms of Reference are also formulated in paragraph 7.1.5 of the EIA Requirements. In order to organize public discussions on the draft Terms of Reference, the customer/contractor also sends a notification to local governments on the organization of public discussions with the information indicated above.

The requirements for the EIA also define the range of public authorities/local self-government bodies responsible for informing the public, organizing and conducting public discussions, depending on the territory where the planned economic activity is planned to be implemented:

a) In the case of planned activities on the territory of one municipal district, municipal, urban district — the local government body where it is planned to carry out the planned activities.

B) In the case of planned activities on the territory of two or more municipal districts, municipal, urban districts — local self-government bodies of each of such municipal districts, municipal, urban districts or one of such municipal districts, municipal, urban districts (subject to documented (on a form signed by the head of the local self-government body or a person replacing him) approval of such a decision by all local self-government bodies and informing the public in each such city or municipal the district or municipal district with the possibility of familiarization with the object of public discussion and sending comments, comments and suggestions to the address(s), including e-mail, according to the notification).

c) In the case of planning activities on the territory of two or more subjects of the Russian Federation — the local self-government bodies of each of the municipal districts, municipal, urban districts or one of such municipal districts, municipal, urban districts located within the same subject of the Russian Federation, on the territory of which the public consultations were conducted (subject to documented (on a form signed by the head of the local self-government body or a person replacing him) approval of such a decision all local self-government bodies located within the territory of the relevant subject of the Russian Federation, and informing the public in each such city or municipal district or municipal district with the provision of an opportunity to get acquainted with the object of public discussion and send comments, comments and suggestions to the address(s), including e-mail, according to the notification).

d) If the activity is planned on the territory of the entire Russian Federation — the local self-government body at the place of registration of the customer.

e) In the case of activities in internal sea waters, in the territorial sea, on the continental shelf and in the exclusive economic zone of the Russian Federation, in the Caspian Sea, the Black and Azov Seas, within which the Russian Federation exercises sovereignty, sovereign rights or jurisdiction in connection with the admission of the Republic of Crimea to the Russian Federation and the formation of new subjects within the Russian Federation — The Republic of Crimea and the federal city of Sevastopol — local self-government bodies of each of the municipal districts, municipal, urban

districts bordering the sites of the specified areas (water areas) in which the activities will be implemented, or about one of the local self-government bodies of such municipal districts, municipal, urban districts, on the territory of which public discussions were held (provided documented (on a form signed heads of a local government body or persons, his replacement) approval of such a decision by all local self-government bodies and informing the public in each such city or municipal district or municipal district with the possibility of familiarization with the object of public discussion and sending comments, comments and suggestions to the address(s), including e-mail, according to the notification).

f) If the activity planned for implementation in the internal sea waters, in the territorial sea, on the continental shelf and in the exclusive economic zone of the Russian Federation, in the Caspian Sea, in the Black and Azov Seas, within which it exercises sovereignty, sovereign rights or jurisdiction in connection with the admission of the Republic of Crimea to the Russian Federation and the formation of the composition of the Russian Federation of new subjects — the Republic of Crimea and the federal city of Sevastopol affects the territory of two or more subjects of the Russian Federation — the local self-government body of each of the municipal districts, municipal, urban districts bordering the sites of the specified areas (water areas) in which the planned activity will be implemented, or about one of such municipal districts, municipal, urban districts located within the same subject of the Russian Federation, on the territory of which public discussions have been held (subject to documented (on a letterhead signed by the head of a local government body or a person replacing him) approval of such a decision by all local government bodies, located within the territory of the relevant subject of the Russian Federation, and informing the public in each such city or municipal district or municipal district with the possibility of familiarization with the object of public discussion and sending comments, comments and suggestions to the address(s), including e-mail, according to the notification).

g) In the case of the planned implementation of activities on the territory of cities of federal significance (Moscow, St. Petersburg, Sevastopol) or adjacent areas (areas) of internal sea waters, territorial sea, continental shelf and exclusive economic zone of the Russian Federation, the Black and Azov Seas, within which the Russian Federation exercises sovereignty, sovereign rights or jurisdiction in connection with the admission of the Republic of Crimea to the Russian Federation and the formation of new subjects within the Federal Republic of Crimea and cities of federal significance of Sevastopol, if the laws of the subjects of the Russian Federation — The powers to organize and conduct public discussions provided for by Federal Law No. 174-FZ of November 23, 1995 "On Environmental Expertise" are not included in the list of issues of local significance determined by the laws of these subjects of the Russian Federation in accordance with Article 79 of the Federal Law of October 6, 2003. G. N 131-FZ "On the general principles of the organization of local self-government in the Russian Federation" (Collection of Legislation of the Russian Federation, 2003, N 40, Article 3822; 2014, N 22, Article 2770) — state authorities of the subjects of the Russian Federation — the federal cities of Moscow, St. Petersburg and Sevastopol.

h) In the case of a planned activity within the boundaries of a specially protected natural area (SPNA), the documents and (or) documentation in respect of which are the object of state environmental expertise in accordance with subparagraph 7.1 of Article 11 of Federal Law No. 174-FZ of November 23, 1995 "On Environmental Expertise" — local self-government bodies of municipalities, the territory of which is located within the boundaries of the corresponding SPNA.⁵

⁵ Item. 7.9.1 of the Requirements for environmental impact assessment materials (approved by Order of the Ministry of Natural Resources and Ecology of the Russian Federation No. 999 dated December 1, 2020 // SPS "Garant".

Within the framework of public discussions, the customer/contractor, together with local self-government bodies, conducts public discussions of the documentation (State environmental expert review (SER) object), including preliminary EIA materials, namely: provides free access to the documentation, including preliminary EIA materials, to the interested public by posting them in public reception rooms and/or on the customer/contractor's website/local self-government bodies, as well as collecting comments and suggestions for documentation, including to the preliminary materials of the EIA, within 30 days from the date of publication of the information message about the planned economic activity and public discussions (public hearings) of the documentation materials (excluding the days of public hearings).

The decision on the timing, methods of informing and the form of public discussions is made by the customer/contractor and agreed with the relevant local government body. The decision on the form of public discussions is implemented by the local self-government body, as a rule, by issuing a subordinate regulatory legal act (Article 7 of the Federal Law "On General Principles of the Organization of Local Self-Government in the Russian Federation" dated 06.10.2003 No. 131-FZ). For example, the Resolution/Decree of the Administration of municipality on holding public discussions (hearings).

Notification of public discussions — procedure requirements

Radical changes have also taken place in the procedure for submitting a notification of public discussions and ways of informing about the planned economic activity.

Previously, the customer/contractor was responsible for timely and appropriate information, which was regulated by the Regulation on EIA — "public information and participation is carried out at all stages of environmental impact assessment"⁶ and is provided by the customer⁷.

A mandatory requirement was the publication "in official publications of federal executive authorities (for objects of expertise at the federal level), in official publications of executive authorities of the subjects of the Russian Federation and local self-government bodies, on the territory of which the implementation of the SER object is planned, as well as on the territory of which the planned economic and other activities may have an impact"⁸.

Since these publications were initiated by a legal entity/individual (customer/contractor), the obligation to pay for the information message was imposed on the customer/contractor.

At the same time, the cost of publications in official publications of federal executive authorities ("Rossiyskaya Gazeta") accounted for a significant part of the costs of conducting a public consultations.

Also, the customer/contractor was responsible for correctly determining the list of official publications of executive authorities and local self-government bodies in each region /district of the Russian Federation, on the territory of which the implementation of the planned economic activity was planned.

The EIA Regulation also clearly defined the list of information to be published in an information message, including requirements for the name of the SEE object, publication dates, etc. As a rule, in case of non-compliance with such requirements, Rosprirodnadzor issued a discrepancy,

⁶ Item. 4.1. Regulation on EIA.

⁷ Item. 4.2 Regulation on EIA.

⁸ Item. 4.3. Regulation on EIA.

which led to the need for repeated public discussions, and as a result, additional material and time costs.

Also, the customer/contractor was responsible for correctly determining the list of official publications of executive authorities and local self-government bodies in each region/district of the Russian Federation, on the territory of which the implementation of the planned economic activity was planned.

The EIA Regulation also clearly defined the list of information to be published in an information message, including requirements for the name of the SEE object, publication dates, etc. As a rule, in case of non-compliance with such requirements, Rosprirodnadzor issued a discrepancy, which led to the need for repeated public discussions, and as a result, additional material and time costs.

With the entry into force of the Requirements for the EIA, the procedure for publishing a notification of public discussions has been significantly simplified, namely, the publication of notifications in official printed publications (mass media) is excluded, except in cases where there is no possibility of publication on the official website of the executive authority and local self-government body. In addition, the customer/contractor was relieved of the obligation to pay for this kind of notifications.

After agreeing with the relevant local government body(s) on the terms and form of public discussions, the customer/contractor places a notice of public discussions:

- at the federal level (on the official website of Rosprirodnadzor);
- at the regional level (on the official website of the territorial body of Rosprirodnadzor and the official website of the executive authority of the subject of the Russian Federation);
- at the municipal level (on the official website of the local government);
- on the official website of the customer/contractor (if available).⁹

At the same time, the announcement must be placed at least 3 calendar days before the start of the planned public discussions (paragraph 7.9.2 of the EIA requirements).

After the entry into force of the EIA Requirements on the Rosprirodnadzor website, functionality was implemented with the possibility of sending an application for posting a notice of public discussions in electronic form on the Internet to the website at: <https://rpn.gov.ru/gee-requests/>. In this case, the application is filled out exclusively in electronic form in strict accordance with the fields provided by the form. Otherwise, applications containing information that is not related to information about public discussions, etc., will not be accepted for publication.

The deadline for posting the publication is one working day following the day of sending a notification (filling out a form on the Rosprirodnadzor website) about the need to post information about public discussion.

Additional ways to inform the public during public discussions

In addition to the legally approved requirements for the publication of an information message about the planned economic activity, the customer/contractor may organize additional information to the public by posting information on the website of the customer/contractor/developers,

⁹ Item. 7.9.2 of the Requirements for environmental impact assessment materials (approved by Order of the Ministry of Natural Resources and Ecology of the Russian Federation No. 999 dated December 1, 2020 // SPS "Garant".

administration, in publicly accessible public places, on information stands of local governments (information boards, stands, etc.), on radio, on television, in periodicals, targeted informing of interested parties, through the information and communication network "Internet", and also in other ways that ensure the dissemination of information, etc. Additional forms of information can also be agreed with local self-government bodies, and in the absence of instructions in the regulatory documents of local self-government bodies for the procedure of additional information, are organized by the customer/initiator independently (if necessary and optional).

The order and timing of the organization of public discussions

According to the Requirements for the EIA, depending on the type of documentation discussed, the forms of public discussions are also differentiated.

Determination of the procedure, form, places and dates of public discussions is carried out by the customer/initiator with mandatory approval by the relevant local government body (in accordance with paragraph 7.9.2 of the EIA Requirements) by preparing and sending to the local government body a notification containing information in accordance with paragraph 4.5 of the EIA Requirements.

The decision to hold public hearings is made by the local self-government body within the time limits determined by regulatory acts and is formalized by a resolution of the local self-government body, which defines: the subject and form of public discussions; the purpose of public discussions; the name and address of the customer/contractor; date and place of public discussions (hearings); form and method of collecting comments and suggestions for the materials under discussion.

The decision to hold public discussions may also be issued by a local self-government body in the form of a written response (letter) or a resolution specifying information on the timing and form of public discussions.

When discussing the draft Terms of Reference or preliminary EIA materials on objects that have a negative impact on the environment, classified as Category IV objects, as well as, if such activities are not subject to state environmental expertise, as well as the object of environmental expertise, including preliminary environmental impact assessment materials, processed in accordance with the negative conclusion of the state environmental assessment examination, or modified according to the comments of the examination of the project documentation and (or) the results of engineering surveys, The requirements for the EIA (item. 7.9.3. a.) provide for public discussions in the form of simple information and is informing the public with an indication of the location of the object of public discussion and collecting comments, comments and suggestions at the address(s), including e-mail, according to the notification), for at least 10 calendar days from the moment of providing access to the materials under discussion (item. 7.9.4. a. Requirements for the EIA).

Collection of comments and suggestions, work of public reception rooms

The customer/contractor submits all the necessary documents, including preliminary EIA materials, for electronic posting on the official website of the customer/contractor/local government body and/or in public reception rooms, in order to ensure access to the interested public and submit comments.

For the placement of documentation in paper form, both existing public reception offices of the municipal administration, the customer/contractor and other specially agreed premises can be used. Halls of public libraries, houses of culture, etc. often act as such.

In public reception rooms should be presented:

In the case of a decision by the customer on the ToR development:

- Draft Terms of Reference for the EIA.
- Log of registration of comments and suggestions.

At the second stage of public discussions:

- Documentation, including preliminary EIA materials.
- Non-technical summary.
- Log of registration of comments and suggestions.
- Approved Terms of Reference for the EIA conduction (in case of its development).

Comments and suggestions are registered in a special "Journal of registration of comments and suggestions". The approximate form and composition of the Journal is legally established in the Requirements for the EIA. In some municipalities, the forms of documents approved by the local self-government body, including journals, are used. It is mandatory that when filling out the journal, the full name, position (if one is a representative of the organization), contact information, questions/suggestions/comments should be indicated. If there are no visitors in public reception rooms and there are no entries, a corresponding mark is made in the journal.

Organizing and conducting public discussions in the form of hearings

Mandatory participants in public hearings are the customer/contractor/developers, executive authorities and/or local self-government, interested public whose interests may be directly or indirectly affected by the planned economic activity (local residents, public organizations, etc.).

Within the framework of organizing and conducting public hearings, the responsibilities of the customer/contractor include:

- providing the necessary information to the interested public;
- preparation of answers to the questions of the interested public;
- payment of expenses related to the organization and conduct of public discussions and hearings;
- realization of the rights and consideration of the interests of the public (citizens) concerning the decision on the implementation of the planned economic activity;
- organization of registration of participants of hearings, by means of an entry in the "Journal of registration of participants of public hearings";
- provision of necessary materials and documents on the project under discussion in the hearing hall;
- keeping the protocol of public hearings, drawing up the final documents of public hearings;
- conducting audio and video recordings of public hearings (if necessary).

Powers of the local self-government body:

- assistance and joint participation with the customer/executors in the organization and conduct of public hearings;

- with the participation of the customer/contractor, determine/agree on the procedure for conducting public discussions and hearings;
- information assistance to the interested public;
- within its competence, making decisions concerning the implementation of the planned economic activity.

The public has the right to:

- receive reliable information about the environmental and social aspects of the planned activities;
- participate in the discussion of the project of the planned activity;
- to make reasoned proposals on the planned activities.

As a rule, a representative of a local government body acts as the Chairman at public hearings. His/her duties include: conducting public hearings, monitoring compliance with the rules, the order of speeches, discussing issues, announcing the agenda of public hearings and conclusions based on the results of the meeting. If necessary, members of the presidium may be appointed to monitor the correctness of public hearings, as well as a secretary whose duties include keeping the protocol of public hearings, receiving and processing written questions and suggestions received from participants during public hearings.

The speakers at the public hearings are representatives of the customer/contractor, designers, as well as participants who wish to participate in the public hearings.

Procedure and regulations for public hearings

Public hearings are held in strict accordance with the regulations agreed with the local self-government body. In the hearing room, the customer/contractor places information about the project in advance in the form of diagrams, photographs, maps, etc. Demonstration information should be clear and easy to submit.

Before the start of public hearings, all participants are registered. Registration is carried out by making an entry in the Registration Log, for further entry into the protocol of public hearings of information on the number of participants.

Public hearings begin with an introductory speech by the Chairman, who opens the hearings, announces the agenda and introduces the speakers. In addition, the Chairman's duties include informing the audience about the procedure for holding public hearings, the time of speeches, the composition of participants and guests of public hearings. For accurate record keeping, the Chairman should warn all speakers and questioners about the need to introduce themselves. In case of disagreements and contradictions, they must be further specified and correctly formulated for inclusion in the protocol. At the end of the speeches and discussion, the Chairman announces the results of the conducted hearings.

By the permission of the Chairman, after the speeches of the main speakers, other participants of public hearings may also speak on the topic of public hearings on their written or oral statement. At the same time, the number of speeches, as a rule, is not limited, but the time of speeches can be regulated.

At the end of all speeches and reports, each participant has the right to ask a question or express his opinion on the topic of public hearings in writing or orally. The number of questions is not limited, but they should all be on the topic of public hearings. The answers to the questions received from the

participants of the public hearings are given by the competent specialists of the customer/contractor and/or designers.

The duration of speeches and answers to questions are limited by the regulations adopted by the local self-government body. As a rule, the duration of the main report should not exceed 20–30 protocol. The duration of the co-speaker's speech is no more than 15 protocol. The duration of the speeches of other participants who wished to speak on the topic of public hearings is 3–5 protocol.

After all the speeches and answers to questions, the Chairman summarizes the main results of the public hearings, explains the procedure for preparing the final version of the protocol, signing it, and submitting comments. The Chairman announces the completion of the public hearings and announces the conclusions on the recognition of the public hearings as held and the approval of the implementation of the planned activities according to the materials discussed.

Procedure for registration of the protocol of public hearings

In the protocol of public hearings clearly recorded the number of participants and their status in public hearings, the main issues of discussion, comments made, suggestions, questions and answers in the order of their announcement, as well as the subject of disagreement between the public and the customer (if any). Also, the legal requirements for the protocol of public hearings are spelled out in the Requirements in the EIA (paragraph 7.9.5.2 of the requirements for the EIA).

The protocol of public hearings is conducted, as a rule, by the Secretary of public hearings and is drawn up in the required number of copies in agreement with the customer/initiator and the local government (3–5 copies (one copy each — to the customer/contractor, developers, the administration of the Ministry of Defense, signatories of the protocol (if necessary))). The deadline for preparing the protocol of public hearings is set by the Requirements for the EIA and is 5 working days after the completion of public discussions.

The protocol of public discussions is signed by representatives of executive authorities or local self-government, representatives of the public (citizens, public organizations (associations), the customer. The protocol of public discussions is included in the final version of the materials on the environmental impact assessment of the planned economic and other activities. If necessary, the Protocol of public hearings is approved by the Head of the municipality. From this moment, the Protocol of public hearings is considered to be executed.

Conclusion

Thus, public discussions of the planned economic and other activities are a necessary procedure carried out during the preparation of project documentation to ensure the constitutional right of citizens to reliable information about the state of the environment, in this case, about the environmental impact of the planned economic activity. Constructive comments and suggestions made during public discussions are taken into account when finalizing documentation materials, including. The results of public discussions and hearings, including the protocol of public discussions, are attached to the project documentation before being submitted for state examination. The basic principles of public discussions are established by Federal Laws: No. 174-FZ "On Environmental Expertise", No. 212-FZ "On the Basics of Public Control in the Russian Federation", Order of the Ministry of Natural Resources and Ecology of the Russian Federation dated December 1, 2020. N 999 "On Approval of Requirements for Environmental Impact Assessment Materials", as well as the Urban Planning Code of the Russian Federation.

The present article briefly describes the modern practice of holding public discussions and hearings for the purposes of environmental support of projects, in accordance with the current Order

of the Ministry of Natural Resources and Ecology of the Russian Federation dated December 1, 2020 No. 999 "On approval of requirements for environmental impact assessment materials" and changes related to the cancellation of Order 372 of the State Committee of Ecology.

REFERENCES

1. Kukhtina T.Yu., Ledashcheva T.N., Pinaev V.E. Modern practice of conducting public discussions. Monograph — Moscow: Mir nauki, 2020. — Online edition. Access mode: <https://izd-mn.com/PDF/46MNNPM20.pdf> ISBN 978-5-6045532-1-3 (in Russian).
2. Pinaev V.E., Kukhtina T.Yu. (2020). Modern practice of public hearings in Russia. Russian Journal of Resources, Conservation and Recycling, [online] 4(7). Available at: <https://resources.today/PDF/09ECOR420.pdf> (in Russian) DOI: 10.15862/09ECOR420.
3. Lizgaro V.E. Some trends in the development of legislation ensuring public participation in solving environmental issues // In the collection: Constitutional Rights and Freedoms: problems of interpretation and implementation in national legal systems. Collection of articles of the International scientific and practical conference: In three volumes by I.V. Weger (editor-in-chief). 2016. pp. 142–148 (in Russian).
4. Mishulina S.I. 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. No. 1. pp. 12–16 (in Russian).
5. Igumenov E.V., Bobrova K.V. Analysis of the practice of organizing and conducting public hearings, public discussions on urban planning issues // Local law. 2021. No. 6. pp. 25–46. (in Russian).
6. Kostyleva N.V., Oputina I.P., Sorokina T.V. Similarity and difference of the procedure of public discussion of negative impact on the environment in environmental protection and urban planning documentation // In the collection: 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 N.F. Reimers and F.R. Shtilmark. Perm, 2021. pp. 245–248. (in Russian).
7. Mnatsekanov R.A., Sergeeva M.I. 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. 2018. pp. 211–216 (in Russian).
8. Bazykin A.Yu. Legal regulation of public discussion of normative legal acts using telecommunication technologies // Journal of Russian Law. 2021. Vol. 25. No. 2. pp. 171–182. (in Russian).
9. Moroz O.V. Legal regulation of public discussions in the field of environmental protection // Bulletin of Polotsk State University. Series D. Economic and legal sciences. 2019. No. 6. pp. 155–159 (in Russian).
10. Oputina I.P., Kostyleva N.V., Lukin A.Yu. On the issue of the participation of the population in the assessment of the forecast of technogenic transformation of the natural environment during the EIA procedure // In the collection: 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 N.F. Reimers and F.R. Shtilmark. Perm, 2021. pp. 281–284 (in Russian).
11. Petrov A.A., Demenishin A.V. The role of the public in the implementation of the procedure of public hearings when assessing the environmental impact of planned economic activity // The Newman in Foreign Policy. 2018. No. 41(85). pp. 49–52 (in Russian).
12. Sharyapova E.A., Obukhovich V.E., Taube I.S. Public discussions and public hearings as a form of direct expression of will in the Russian Federation // Sociology and Law. 2022. Vol. 14. No. 1. pp. 84–88. (in Russian).

Пинаев Владимир Евгеньевич

ФГАОУ ВО «Российский университет дружбы народов», Москва, Россия
Институт экологии
Департамент экологической безопасности и менеджмента качества продукции
Доцент
Кандидат экономических наук, доцент
E-mail: pinaev-ve@mail.ru

Кухтина Татьяна Юрьевна

Экологическая консалтинговая компания ООО «ФРЭКОМ», Москва, Россия
Заместитель начальника отдела по связям с общественностью, маркетингу и юридическому сопровождению
E-mail: pinaev-ve@mail.ru

Ледашева Татьяна Николаевна

ФГАОУ ВО «Российский университет дружбы народов», Москва, Россия
Институт экологии
Департамент экологической безопасности и менеджмента качества продукции
Доцент
Кандидат физико-математических наук, доцент
E-mail: tledascheva@mail.ru

Практика проведения общественных обсуждений. Изменения и особенности новых требований

Аннотация. Статья посвящена вопросам изменения законодательства Российской Федерации в части информирования общественности о новых проектах — проведения общественных обсуждений проектов. Значительные изменения, произошедшие в практиках и требованиях законодательства в том числе и связи с пандемией COVID-19 внесли изменения в том числе в способы 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 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». В то же время все еще не ясно — сохранится ли возможность проведения общественных обсуждений в дистанционном формате после 31 декабря 2022 г. В статье сделан вывод о незначительности произошедших изменений в части проведения оценки воздействия на окружающую среду и информирования общественности о результатах проведения такой оценки.

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