

Federal Law of 23.11.1995 No 174-FZ

On environmental expertise

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RUSSIAN FEDERATION

FEDERAL LAW

On environmental expertise

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(As amended by Federal Laws of 15.04.1998 No 65-FZ, of 22.08.2004 No 122-FZ, of 21.12.2004 No 172-FZ, of 31.12.2005 No 199-FZ, of 04.12.2006 No 201-FZ, of 18.12.2006 No 232-FZ, of 16.05.2008 No 75-FZ, of 26.06.2008 No 96-FZ, of 23.07.2008 No 160-FZ, of 24.07.2008 No 162-FZ, of 08.11.2008 No 202-FZ, 30.12.2008 No 309-FZ, 08.05.2009 No 93-FZ, 01.07.2011 No 169-FZ, 18.07.2011 No 243-FZ, 19.07.2011 No 246-FZ, 19.07.2011 No 248-FZ, 25.06.2012 No 93-FZ, 28.07.2012 No 133-FZ, 07.05.2013 No 104-FZ, 07.06.2013 No 108-FZ, 28.12.2013 No 406-FZ, 28.06.2014 No 181-FZ, of 21.07.2014 No 219-FZ, of 21.07.2014 No 261-FZ, of 29.12.2014 No 458-FZ, of 31.12.2014 No 519-FZ, of 12.02.2015 No 12-FZ, of 29.06.2015 No 203-FZ, of 13.07.2015 No 221-FZ, of 29.12.2015 No 408-FZ, of 05.12.2017 No 393-FZ, of 28.12.2017 No 422-FZ, of 03.08.2018 No 321-FZ, of 25.12.2018 No 496-FZ, 01.05.2019 No 100-FZ, 02.08.2019 No 294-FZ, 16.12.2019 No 440-FZ, 27.12.2019 No 450-FZ, 27.12.2019 No 453-FZ, 24.04.2020 No 147-FZ, 13.07.2020 No 194-FZ, 31.07.2020 No 254-FZ,

08.12.2020 No 416-FZ, 08.12.2020 No 429-FZ, 30.12.2020 No 505-FZ, 11.06.2021 No 170-FZ, 28.06.2021 No 221-FZ, 02.07.2021 No 341-FZ, 30.12.2021 No 446-FZ, 01.05.2022 No 124-FZ, 14.07.2022 No 271-FZ, 14.07.2022 No 343-FZ, 10.07.2023 No 305-FZ, 04.08.2023 No 449-FZ, 04.08.2023 No 469-FZ, 19.12.2023 No 613-FZ, 25.12.2023 No 622-FZ, 25.12.2023 No 673-FZ, of 25.12.2023 No 681-FZ, of 08.08.2024 No 232-FZ)

(Taking into account Federal Laws of 16.12.2019 No 440-FZ, of 02.07.2021 No 341-FZ)

This Federal Law regulates relations in the field of environmental expertise and is aimed at the implementation of the constitutional right of citizens of the Russian Federation to a favourable environment by preventing the negative impacts of economic and other activities on the environment. (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 30.12.2008 No 309-FZ)

CHAPTER I. GENERAL PROVISIONS

Article 1. Environmental expertise

Environmental expert review is the establishment of the compliance of documents and (or) documentation substantiating the economic and other activities planned in connection with the implementation of the object of environmental review with the requirements in the field of environmental protection in order to prevent the negative impact of such activities on the environment. (As amended by Federal Law of 25.12.2023 No 673-FZ)

(Article in the wording of the Federal Law of 18.12.2006 No 232-FZ)

Article 2. Legislation on environmental expertise

Legislation on environmental expertise is based on the relevant provisions of the Constitution of the Russian Federation, the Federal Law "On Environmental Protection" and consists of this Federal Law, laws and other regulatory legal acts of the Russian Federation adopted in accordance with it, as well as laws and other regulatory legal acts of the constituent entities of the Russian Federation.

(Article in the wording of the Federal Law of 31.12.2005 No 199-FZ)

Article 3. Principles of Environmental Impact Assessment

Environmental expertise is based on the following principles:

presumption of potential environmental hazard of any planned economic and other activity;

the obligation to conduct a state environmental review before making decisions on the implementation of the object of environmental review;

the complexity of the assessment of the environmental impact of economic and other activities and their consequences; (As amended by Federal Law of 30.12.2008 No 309-FZ)

the obligation to take into account the requirements of environmental safety when conducting an environmental examination;

the reliability and completeness of the information submitted for environmental expertise;

the independence of environmental experts in the exercise of their powers in the field of environmental expertise;

scientific validity, objectivity and legality of the conclusions of environmental expertise;

publicity, participation of public associations and other non-governmental non-profit organizations, taking into account public opinion; (As amended by Federal Law of 25.12.2023 No 681-FZ)

responsibility of participants in environmental expertise and interested persons for the organization, conduct, and quality of environmental expertise.

Article 4. Types of environmental expertise

In the Russian Federation, state environmental expertise and public environmental expertise are carried out.

CHAPTER II. POWERS OF THE PRESIDENT OF THE RUSSIAN FEDERATION, STATE AUTHORITIES AND LOCAL SELF-GOVERNMENT BODIES

Article 5. Powers of the President of the Russian Federation and Federal Bodies of State Power in the Field of Environmental Expertise

1. The President of the Russian Federation shall ensure the coordinated functioning and interaction of state authorities in the field of environmental expertise.
2. Федеральное Собрание Российской Федерации обеспечивает соответствие законодательных актов Российской Федерации законодательству Российской Федерации об экологической экспертизе.
3. Правительство Российской Федерации в области экологической экспертизы: утверждает порядок проведения государственной экологической экспертизы;

абзац; (Утратил силу - Федеральный закон от 25.06.2012 № 93-ФЗ)

осуществляет меры по обеспечению соблюдения законов, а также по обеспечению прав граждан и юридических лиц в области экологической экспертизы;

ежегодно отчитывается о своей деятельности в области экологической экспертизы перед Президентом Российской Федерации;

определяет федеральный орган исполнительной власти в области экологической экспертизы, его функции и полномочия. (Дополнение абзацем - Федеральный закон от 22.08.2004 № 122-ФЗ)

4. Органы судебной власти Российской Федерации осуществляют свои полномочия в области экологической экспертизы в соответствии с законодательством Российской Федерации.

Article 6. Transfer of the Exercise of Certain Powers of the Russian Federation in the Field of Environmental Expertise to the State Authorities of the Constituent Entities of the Russian Federation

1. The Russian Federation shall delegate to the state authorities of the constituent entities of the Russian Federation the exercise of the following powers in the field of environmental expertise:

adoption of regulatory legal acts in the field of environmental expertise of objects of the regional level, taking into account the specifics of the environmental, social and economic conditions of the relevant constituent entity of the Russian Federation; organization and conduct of state environmental expertise of facilities at the regional level;

paragraph; (No longer in force - Federal Law of 11.06.2021 No 170-FZ)

informing the population about planned and ongoing environmental assessments and their results.

2. The federal executive body responsible for the development of state policy and legal regulation in the field of natural resource management, environmental protection and state environmental expertise shall:

1) have the right to adopt regulatory legal acts on issues related to the scope of the delegated powers, as well as to issue guidelines and instructional materials on their implementation by the executive bodies of the constituent entities of the Russian Federation, which are mandatory for execution; (As amended by Federal Law of 08.08.2024 No 232-FZ)

2) establish the content and forms of reporting on the exercise of the delegated powers and, if necessary, establish target forecast indicators;

3) approve, in accordance with the rules established by the Government of the Russian Federation, the procedure for exercising control over the efficiency and quality of the exercise of the delegated powers by the bodies of state power of the constituent entities of the Russian Federation;

4) exercise control over the normative and legal regulation carried out by the bodies of state power of the constituent entities of the Russian Federation on the issues of delegated powers, with the right to send binding instructions on the repeal of the relevant regulatory legal acts or on the introduction of amendments thereto;

5) submit to the Government of the Russian Federation proposals prepared in accordance with Subitem 2 of Item 3 of this Article on the withdrawal of the delegated powers from the bodies of state power of the constituent entities of the Russian Federation.

(Paragraph as amended by Federal Law of 24.04.2020 No 147-FZ)

21. The head of the federal executive body referred to in Clause 2 of this Article shall enjoy the rights established by Clause 7 of Part 2 of Article 45 of Federal Law No. 414-FZ of December 21, 2021 "On the General Principles of the Organization of Public Power in the Constituent Entities of the Russian Federation". (Supplemented by paragraph - Federal Law of 24.04.2020 No 147-FZ) (As amended by Federal Law of 08.08.2024 No 232-FZ)

3. The federal executive body exercising the functions of control and supervision in the field of natural resource management, environmental protection and state environmental expertise shall:

1) exercise control over the efficiency and quality of the exercise by the state authorities of the constituent entities of the Russian Federation of the delegated powers with the right to send orders to eliminate the revealed violations, as well as recommendations on bringing to disciplinary responsibility officials responsible for non-performance or improper performance of the delegated powers;

2) in the event of non-performance or improper performance by the bodies of state power of the subject of the Russian Federation of the delegated powers, confirmed by the results of the inspection (inspections) carried out as part of the control over the efficiency and quality of the exercise of the delegated powers by the bodies of state power of the subject of the Russian Federation, as well as in other cases established by federal laws, prepare and submit to the federal executive body, proposals referred to in Clause 2 of this Article on the withdrawal of the delegated powers from the state authorities of the constituent entity of the Russian Federation.

(Paragraph as amended by Federal Law of 24.04.2020 No 147-FZ)

4. The highest official of a constituent entity of the Russian Federation or the head of the supreme executive body of a constituent entity of the Russian Federation: (As

amended by Federal Law of 08.08.2024 No 232-FZ)

1) independently appoint and dismiss the heads of the executive bodies of the subject of the Russian Federation exercising the delegated powers; (As amended by Federal Law of 08.08.2024 No 232-FZ)

2) approve the structure of the executive bodies of the subject of the Russian Federation in the field of environmental expertise; (As amended by Federal Laws of 24.04.2020 No 147-FZ, of 08.08.2024 No 232-FZ)

3) independently organize activities for the exercise of the delegated powers in accordance with federal legislation and regulatory legal acts provided for by Item 2 of this Article;

4) ensure the timely submission to the authorized body of reports in the prescribed form on the exercise of the delegated powers, on the achievement of target forecast indicators, if any, copies of regulatory legal acts adopted by the state authorities of the constituent entity of the Russian Federation on the issues of the delegated powers.

5. The exercise of the powers of the Russian Federation in the field of environmental review referred to in Item 1 of this Article shall be transferred to the state authorities of the constituent entities of the Russian Federation without the provision of subventions from the federal budget. In the exercise of the said powers, the customer of the documentation subject to state environmental review shall be charged a fee in the amount determined in accordance with Article 28 of this Federal Law. (As amended by Federal Law of 07.05.2013 No 104-FZ)

(Article in the wording of the Federal Law of 31.12.2005 No 199-FZ)

Article 61. Powers of the Constituent Entities of the Russian Federation in the Field of Environmental Expertise

The powers of the constituent entities of the Russian Federation in the field of environmental expertise include:

receipt of information from the relevant authorities on the objects of environmental review, the implementation of which may have a direct or indirect impact on the environment within the territory of the relevant constituent entity of the Russian Federation;

delegation of experts to participate as observers in meetings of expert commissions of state environmental review of objects of environmental review in the event that these facilities are sold in the territory of the relevant constituent entity of the Russian Federation and in the event of a possible impact on the environment within the territory of the relevant constituent entity of the Russian Federation of economic and other activities planned by another constituent entity of the Russian Federation.

(Supplemented by the article - Federal Law of 31.12.2005 No 199-FZ)

Article 7

(The article is no longer in force - Federal Law of 22.08.2004 No 122-FZ)

Article 8

(The article is no longer in force - Federal Law of 22.08.2004 No 122-FZ)

Article 9. Powers of Local Self-Government Bodies of Urban Districts and Municipal Districts in the Field of Environmental Expertise

(Name as amended by Federal Law of 22.08.2004 No 122-FZ)

1. The powers of local self-government bodies of urban districts and municipal districts in the field of environmental expertise in the relevant territory shall include: (As amended by Federal Law No. 122-FZ of 22.08.2004)

делегирование экспертов для участия в качестве наблюдателей в заседаниях экспертных комиссий государственной экологической экспертизы объектов экологической экспертизы в случае реализации этих объектов на соответствующей территории и в случае возможного воздействия на окружающую среду хозяйственной и иной деятельности, намечаемой другой административно-территориальной единицей; (В редакции Федерального закона от 30.12.2008 № 309-ФЗ)

принятие и реализация в пределах своих полномочий решений по вопросам экологической экспертизы на основании результатов общественных обсуждений, опросов, референдумов, заявлений общественных объединений и других негосударственных некоммерческих организаций, информации об объектах экологической экспертизы; (В редакции Федерального закона от 25.12.2023 № 681-ФЗ)

organization of public discussions, polls, referendums among the population on planned economic and other activities that are subject to environmental expertise; organization of public environmental expertise at the request of the population; informing the federal executive bodies in the field of environmental expertise about the planned economic and other activities in the territory of the relevant municipality; (As amended by Federal Law of 22.08.2004 No 122-FZ)

informing the prosecutor's office, federal executive bodies in the field of environmental protection and state authorities of the constituent entities of the Russian Federation about the beginning of the implementation of the object of environmental expertise

without a positive conclusion of the state environmental review; (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 30.12.2008 No 309-FZ)

exercise of other powers in this area in accordance with the legislation of the Russian Federation.

2. Local self-government bodies of urban districts and municipal districts shall have the right to: (As amended by Federal Law No. 122-FZ of 22.08.2004)

to receive from the relevant state bodies the necessary information on the objects of environmental expertise, the implementation of which may have an impact on the environment within the territory of the relevant municipality, and on the results of the state environmental review and public environmental expertise; (As amended by Federal Law of 30.12.2008 No 309-FZ)

to send in writing to the federal executive bodies in the field of environmental expertise reasoned proposals on the environmental aspects of the implementation of the planned economic and other activities. (As amended by Federal Law of 22.08.2004 No 122-FZ)

CHAPTER III. STATE ENVIRONMENTAL EXPERTISE

Article 10. State Environmental Expertise

Государственная экологическая экспертиза организуется и проводится федеральным органом исполнительной власти в области экологической экспертизы и органами государственной власти субъектов Российской Федерации в порядке, установленном настоящим Федеральным законом, иными нормативными правовыми актами Российской Федерации, законами и иными нормативными правовыми актами субъектов Российской Федерации.
(Article in the wording of the Federal Law of 31.12.2005 No 199-FZ)

Article 11. Objects of state environmental expertise at the federal level

1. The following documents and/or documentation shall be subject to state environmental review at the federal level:

1) design documentation of capital construction facilities, the construction and reconstruction of which is supposed to be carried out within the boundaries of specially protected natural areas of federal significance, with the exception of social infrastructure facilities, the list of which is established by the Government of the Russian Federation, which are not related in accordance with the legislation in the field of environmental protection to the facilities of categories I, II and construction, the

reconstruction of which is supposed to be carried out to carry out in settlements specified in Federal Law No. 33-FZ of March 14, 1995 "On Specially Protected Natural Territories";

2) design documentation of especially dangerous, technically complex and unique facilities, objects of national defense and state security, the construction and reconstruction of which is supposed to be carried out within the boundaries of specially protected natural territories of regional and local significance, in cases where the construction and reconstruction of such facilities within the boundaries of specially protected natural territories are allowed by federal laws and the laws of the constituent entities of the Russian Federation;

3) design documentation of capital construction facilities used for the disposal of municipal solid waste as a renewable source of energy (secondary energy resources), design documentation of capital construction facilities related in accordance with the legislation of the Russian Federation in the field of production and consumption waste management to neutralization facilities and (or) production and consumption waste disposal facilities, as well as projects reclamation of lands that were used for the disposal of production and consumption waste, including those that were not intended for the disposal of production and consumption waste;

4) design documentation of artificial land plots, the creation of which is supposed to be carried out on water bodies owned by the Russian Federation;

5) design documentation of capital construction facilities related to category I facilities in accordance with the legislation in the field of environmental protection, with the exception of design documentation for boreholes created on a land plot provided to the subsoil user and necessary for regional geological study, geological study, exploration and production and oil and natural gas;

6) design documentation of filling stations, warehouses of fuels and lubricants in cases where such filling stations and warehouses of fuels and lubricants are planned for construction, reconstruction within the boundaries of water protection zones in the territories of ports, infrastructure of inland waterways, including bases (structures) for parking of small vessels, facilities of the federal security service bodies or are intended to ensure uninterrupted and reliable operation power plants located in the Kaliningrad Region with an installed generating capacity of 100 MW and above;

7) design documentation of capital construction facilities proposed for construction, reconstruction within the boundaries of the Baikal natural territory, with the exception of design documentation of social infrastructure facilities, the list of which is established by the Government of the Russian Federation, which are not related in accordance with the legislation in the field of environmental protection to facilities of

categories I, II and construction, the reconstruction of which is supposed to be carried out within the boundaries of the settlements located within the boundaries of the buffer ecological zone and the ecological zone of atmospheric influence of the Baikal natural territory, outside specially protected natural areas;

8) design documentation of capital construction facilities planned for construction or reconstruction in the Arctic zone of the Russian Federation, except for design documentation:

social and transport infrastructure facilities, the list of which is established by the Government of the Russian Federation, which, in accordance with the legislation in the field of environmental protection, are not related to the objects of categories I, II and construction, the reconstruction of which is supposed to be carried out within the boundaries of settlements located within the boundaries of the Arctic zone of the Russian Federation, outside specially protected natural areas;

не подлежащей государственной экологической экспертизе в соответствии с подпунктом 5 настоящего пункта;

автомобильных дорог межмуниципального значения, строительство, реконструкцию которых предполагается осуществлять за пределами населенных пунктов, особо охраняемых природных территорий;

9) проектная документация специализированных хранилищ агрохимикатов, аммиака, метанола, аммиачной селитры и нитрата калия, если такие хранилища планируются к строительству, реконструкции в границах водоохранных зон на территориях морских портов за пределами границ прибрежных защитных полос;

10) проектная документация объектов капитального строительства, строительство, реконструкцию которых предполагается осуществлять в границах округов санитарной (горно-санитарной) охраны природных лечебных ресурсов, расположенных в границах лечебно-оздоровительных местностей федерального значения, курортов федерального значения, курортных регионов, за исключением объектов капитального строительства, перечень которых устанавливается Правительством Российской Федерации;

11) объекты государственной экологической экспертизы, указанные в Федеральном законе от 30 ноября 1995 года № 187-ФЗ "О континентальном шельфе Российской Федерации", Федеральном законе от 17 декабря 1998 года № 191-ФЗ "Об исключительной экономической зоне Российской Федерации", Федеральном законе от 31 июля 1998 года № 155-ФЗ "О внутренних морских водах, территориальном море и прилежащей зоне Российской Федерации", за исключением документов и (или) документации, обосновывающих хозяйственную и иную деятельность в области рыболовства (за исключением объектов государственной экологической экспертизы, указанных в подпункте 18

настоящего пункта), а также в области пастбищной аквакультуры вне границ особо охраняемых природных территорий и охранных зон особо охраняемых природных территорий;

12) проекты технической документации на технологии (технологические процессы, оборудование, технические способы, методы), использование которых может оказать воздействие на окружающую среду, в соответствии с утверждаемым Правительством Российской Федерации перечнем областей применения и критериев отнесения таких технологий к технологиям, проекты технической документации на которые являются объектом государственной экологической экспертизы;

13) проекты технической документации на вещества, которые могут впервые поступать в окружающую среду;

14) draft technical documentation for pesticides, agrochemicals in accordance with Federal Law No. 109-FZ of July 19, 1997 "On Safe Handling of Pesticides and Agrochemicals";

15) a project for the liquidation of mine workings and other structures related to the use of subsoil, and (or) a land reclamation project, providing for the use of overburden and host rocks, subsoil use waste of hazard class V generated during the use of subsoil, as well as waste from the production of ferrous metals of hazard classes IV and V, ash and slag waste of hazard class V from the combustion of coal, phosphogypsum of hazard class V;

16) project for the elimination of accumulated damage to the environment;

17) draft schemes for the integrated use and protection of water bodies;

18) projects of the total allowable catch of aquatic biological resources and amendments to the previously approved total allowable catch, with the exception of projects of the total allowable catch of aquatic biological resources in the exclusive economic zone of the Russian Federation in the areas of validity of international treaties of the Russian Federation in the field of fisheries and conservation of aquatic biological resources;

19) draft federal targeted programs providing for the construction and operation of facilities of economic activity that have an impact on the environment, in terms of the location of such facilities, taking into account the regime of protection of natural objects;

20) draft production sharing agreements;

21) plans of measures for the prevention and elimination of environmental pollution as a result of the operation of production facilities that are hazardous production facilities of hazard classes I and II and are subject to inclusion in the register of individual production facilities on the basis of the criteria for classifying hazardous production

facilities of hazard classes I and II as separate hazardous production facilities established by the Government of the Russian Federation, waste disposal facilities I and II hazard classes;

22) материалы обоснования лицензий на осуществление отдельных видов деятельности, оказывающих негативное воздействие на окружающую среду, в соответствии с законодательством Российской Федерации в области использования атомной энергии;

23) документы, подготовленные в связи с предполагаемым ввозом объектов, указанных в Федеральном законе от 10 июля 2001 года № 92-ФЗ "О специальных экологических программах реабилитации радиационно загрязненных участков территории";

24) объект государственной экологической экспертизы, указанный в настоящей статье и ранее получивший положительное заключение государственной экологической экспертизы, в следующих случаях:

реализация документов и (или) документации, предусмотренных настоящей статьей, с отступлениями от таких документов и (или) документации, получивших положительное заключение государственной экологической экспертизы, и (или) внесение изменений в такие документы и (или) документацию, за исключением случаев, предусмотренных настоящей статьей и пунктом 14 статьи 14 настоящего Федерального закона;

истечение срока действия положительного заключения государственной экологической экспертизы, за исключением случаев строительства, реконструкции объекта капитального строительства в срок не более пяти лет с даты истечения срока действия положительного заключения государственной экологической экспертизы, не влекущих последствий, предусмотренных абзацами вторым - шестым подпункта 1 пункта 14 статьи 14 настоящего Федерального закона, при условии начала строительства, реконструкции такого объекта в период срока действия положительного заключения государственной экологической экспертизы.

2. Не требуется проведение государственной экологической экспертизы проектной документации объекта капитального строительства, предполагаемого к строительству, реконструкции в пределах земельных участков, на которых расположены объекты капитального строительства, указанные в подпунктах 3, 5 - 9 пункта 1 настоящей статьи, если строительство, реконструкция объекта капитального строительства, в том числе в соответствии с техническими проектами и иной проектной документацией на осуществление пользования недрами, не повлекут за собой:

- 1) изменения областей применения наилучших доступных технологий (в отношении объектов капитального строительства, указанных в подпункте 5 пункта 1 настоящей статьи);
- 2) изменения видов (перечня) загрязняющих веществ, поступающих в окружающую среду при эксплуатации объектов капитального строительства, за исключением случаев прекращения поступления одного или нескольких загрязняющих веществ в окружающую среду;
- 3) увеличения объема и (или) массы выбросов и (или) сбросов хотя бы одного из загрязняющих веществ в окружающую среду при эксплуатации объектов капитального строительства;
- 4) changes in the composition, physical and chemical properties of production and consumption wastes generated, processed, disposed of, neutralized and (or) placed during the operation of capital construction facilities, except for cases of termination of activities related to the generation, processing, disposal, neutralization and (or) disposal of one or more types of production and consumption waste;
- 5) increase in the amount of production and consumption waste generated, processed, disposed of, neutralized and (or) disposed of during the operation of capital construction facilities;
- 6) increase in the volume of intake (withdrawal) of water resources from the water body.

3. Confirmation of compliance of the amendments made to the design documentation with the requirements of Clause 2 of this Article shall be approved by the chief engineer of the project who prepares the design documentation of the capital construction facility proposed for construction, reconstruction within the land plots on which the capital construction facilities specified in Subparagraphs 3, 5 - 9 of Clause 1 of this Article are located.

The form and content of the said confirmation shall be established by the federal executive body responsible for the development of state policy and legal regulation in the field of natural resource management, environmental protection and state environmental expertise.

4. In the event that the documents and/or documentation subject to state environmental review in accordance with subparagraphs 11-13 of paragraph 1 of this article are an integral part of the project documentation for which there is a positive conclusion of the state environmental review, the presence of a separate positive conclusion of the state environmental review of such documents and/or documentation shall not be required.

(Article as amended by Federal Law of 25.12.2023 No 673-FZ)

Статья 12. Объекты государственной экологической экспертизы регионального уровня

Государственная экологическая экспертиза объектов регионального уровня проводится органами государственной власти субъектов Российской Федерации в порядке, установленном настоящим Федеральным законом и иными нормативными правовыми актами Российской Федерации. Объектами государственной экологической экспертизы регионального уровня являются следующие документы и (или) документация: (В редакции Федерального закона от 25.12.2023 № 673-ФЗ)

1) draft documents in the field of environmental protection and nature management approved by the state authorities of the constituent entities of the Russian Federation, the list of which shall be established by the highest official of the constituent entity of the Russian Federation or the head of the supreme executive body of state power of the constituent entity of the Russian Federation; (As amended by Federal Law of 25.12.2023 No 673-FZ)

2) draft targeted programs of the constituent entities of the Russian Federation providing for the construction and operation of economic facilities that have an impact on the environment, in terms of the location of such facilities, taking into account the regime for the protection of natural objects;

3) (The sub-clause is no longer in force - Federal Law of 29.12.2015 No 408-FZ)

4) (The sub-clause is no longer in force - Federal Law of 03.08.2018 No 321-FZ)

41) (Supplemented by sub-clause - Federal Law of 16.05.2008 No 75-FZ) (Ceased to be in force - Federal Law of 31.07.2020 No 254-FZ)

42) design documentation of capital construction facilities, the construction and reconstruction of which is supposed to be carried out within the boundaries of the districts of sanitary (mountain-sanitary) protection of natural medicinal resources not specified in Subitem 10 of Item 1 of Article 11 of this Federal Law, with the exception of design documentation of facilities that are objects of state environmental expertise of the federal level, and capital construction facilities, the list of which is established the Government of the Russian Federation; (Supplemented by subparagraph - Federal Law of 04.08.2023 No 469-FZ) (As amended by Federal Law of 25.12.2023 No 673-FZ)

5) the object of the state environmental review specified in this article and which has previously received a positive conclusion of the state environmental review in the event of:

the implementation of the documents and/or documentation provided for in this article, with deviations from such documents and/or documentation that have

received a positive conclusion of the state environmental expert review, and/or the introduction of amendments to such documents and/or documentation;
истечения срока действия положительного заключения государственной экологической экспертизы, за исключением случаев строительства, реконструкции объекта капитального строительства в срок не более пяти лет с даты истечения срока действия положительного заключения государственной экологической экспертизы, не влекущих последствий, предусмотренных абзацами вторым - шестым подпункта 1 пункта 14 статьи 14 настоящего Федерального закона, при условии начала строительства, реконструкции такого объекта в период срока действия положительного заключения государственной экологической экспертизы.

(Подпункт в редакции Федерального закона от 25.12.2023 № 673-ФЗ)

(Статья в редакции Федерального закона от 18.12.2006 № 232-ФЗ)

Статья 13

(Статья утратила силу - Федеральный закон от 22.08.2004 № 122-ФЗ)

Статья 14. Порядок проведения государственной экологической экспертизы

1. Государственная экологическая экспертиза объектов, указанных в статьях 11 и 12 настоящего Федерального закона, в том числе повторная, проводится при условии соответствия формы и содержания представляемых заказчиком документов и (или) документации требованиям настоящего Федерального закона и при наличии в составе документов и (или) документации, подлежащих экспертизе, с учетом особенностей, установленных пунктом 6 настоящей статьи: документов и (или) документации, подлежащих государственной экологической экспертизе в соответствии со статьями 11 и 12 настоящего Федерального закона, в объеме, который определен в установленном порядке, и содержащих материалы оценки воздействия на окружающую среду хозяйственной и иной деятельности, которая подлежит государственной экологической экспертизе; положительных заключений и (или) документов согласований исполнительных органов государственной власти, получаемых в установленном законодательством Российской Федерации порядке; заключений федеральных органов исполнительной власти по объекту государственной экологической экспертизы в случае его рассмотрения указанными органами и заключений общественной экологической экспертизы в случае ее проведения;

materials of discussions of the object of state environmental expertise with citizens, public associations and other non-governmental non-profit organizations, legal entities organized by local self-government bodies, state authorities of the constituent entities of the Russian Federation.

The list of documentation, documents, materials and opinions to be submitted as part of the documents and/or documentation for the state environmental review of the objects of the state environmental review shall be established by the federal executive body responsible for the development of state policy and legal regulation in the field of natural resource management, environmental protection and state environmental expertise.

2. The federal executive body in the field of environmental expertise and the state authorities of the constituent entities of the Russian Federation shall independently request the documents and/or documentation referred to in paragraphs three and four of Item 1 of this Article (the information contained therein), subject to the specifics established by Item 6 of this Article, from the federal executive bodies, the state authorities of the constituent entities of the Russian Federation, and local authorities self-government and organizations subordinate to state bodies or local self-government bodies, if the said documents and (or) documentation (information contained therein) are at the disposal of such bodies or organizations and the person who submitted the documents and (or) documentation for examination did not submit these documents and (or) documentation on his own initiative.

3. In the course of a state environmental review of the object of state environmental review referred to in Subitem 21 of Item 1 of Article 11 of this Federal Law, including a repeated one, it shall not be required to organize and hold discussions of the said object of state environmental review with citizens, public associations and other non-governmental non-profit organizations, legal entities, as well as to submit documents and/or documentation subject to state environmental expertise, materials of such discussions.

4. Государственная экологическая экспертиза объектов, указанных в подпунктах 1 - 11 пункта 1 статьи 11 и подпункте 42 статьи 12 настоящего Федерального закона, в том числе повторная, может проводиться в соответствии с предусмотренным Градостроительным кодексом Российской Федерации и утвержденным Правительством Российской Федерации порядком проведения государственной экспертизы проектной документации и государственной экологической экспертизы проектной документации по принципу "одного окна". The documents and/or documentation required for the state environmental review shall be submitted in electronic form in the case referred to in the first paragraph of this paragraph, including the repeated one, (except for cases where the documents

and/or documentation required for the state environmental review of project documentation, the state expert review of project documentation contain information constituting a state secret and/or relate to the official information of limited distribution) simultaneously with the documents and/or documentation required for the state expert examination of project documentation, provided that the form and content of the documents and/or documentation sent for state environmental review comply with the requirements of this Federal Law and if they are available in the composition provided for by Item 1 of this Article, taking into account the specifics established by Item 6 of this Article.

5. When sending for state environmental expertise the objects of state environmental expertise specified in Subitem 4 of Item 1 of Article 11 of this Federal Law

The rights and obligations in accordance with Articles 26 and 27 of this Federal Law shall be possessed by a person with whom a state or municipal contract has been concluded for the preparation of design documentation for an artificial land plot or an agreement for the creation of an artificial land plot has been concluded.

6. The customer shall have the right to submit documents and/or documentation for the state environmental review before the completion of public discussions of the object of the state environmental review, except for the state environmental review of documents and/or documentation substantiating economic and other activities in the field of aquaculture referred to the objects of state environmental review at the federal level in accordance with subparagraph 11 of paragraph 1 of Article 11 of this Federal Law, provided that the documents and/or documentation provided for by paragraphs two and five of Item 1 of this article (in the event of completion of such documents and/or documentation) are submitted not later than twenty working days before the date of expiry of the period for the state environmental review.

In the event of failure to submit such documents and/or documentation by the customer within the period provided for by the first paragraph of this paragraph, the federal executive body in the field of environmental review or the state authority of the constituent entity of the Russian Federation organizing the state environmental review shall refuse to conduct the state environmental review. In this case, the money paid in accordance with paragraph 7 of this article shall not be refunded.

7. A state environmental review, including a one-stop-shop exercise in accordance with paragraph 4 of this article, shall be carried out subject to advance payment by the customer for the documents and/or documentation subject to state environmental review in full and in accordance with the procedure established by the federal executive body in the field of environmental review.

8. The beginning of the term of the state environmental review (with the exception of the state environmental review conducted on the principle of "one window" in

accordance with paragraph 4 of this article) shall be established no later than five working days after its payment and acceptance of the set of necessary documents and/or documentation that meet the requirements of paragraphs 1, 6 and 7 of this article.

The beginning of the term of the state environmental review carried out on the principle of "one window" in accordance with paragraph 4 of this article, including the repeated one, shall be established in accordance with the procedure for conducting the state expert examination of project documentation and the state environmental expert review of project documentation on the principle of "one window" provided for by the Town Planning Code of the Russian Federation and approved by the Government of the Russian Federation.

The beginning of the period for the state environmental review shall not be changed if the federal executive body in the field of environmental review and the state authorities of the constituent entities of the Russian Federation request the documents and/or documentation (information contained therein) necessary for the state environmental review independently.

9. Unless otherwise provided for by federal law, the period for conducting a state environmental review shall not exceed forty-two working days, except for the period for conducting a state environmental review of documents and/or documentation substantiating economic and other activities in the field of aquaculture referred to the objects of state environmental expertise at the federal level in accordance with Subitem 11 of Item 1 of Article 11 of this Federal Law, which should not exceed twenty working days. The term of the state environmental review may be extended by twenty working days at the request of the customer.

10. A state environmental review shall be carried out by an expert commission established by the federal executive body in the field of environmental review or by the state authorities of the constituent entities of the Russian Federation to conduct an environmental review of a specific facility.

11. A state environmental review shall be carried out in accordance with Articles 15, 16 and 17 of this Federal Law, as well as in accordance with other regulatory legal acts of the Russian Federation.

12. The result of the state environmental review shall be the conclusion of the state environmental review that meets the requirements of Article 18 of this Federal Law.

13. In the event that changes are made to the documents and/or documentation that are the subject of such expert review in the course of the state environmental review, the said documents and/or documentation shall be submitted to the federal executive body in the field of environmental review or the state authority of the constituent entity

of the Russian Federation not later than five working days before the date of completion of the expert examination determined in accordance with this Federal Law.

14. A state environmental expert review shall not be required to:

1) in the event of amendments to the design documentation of a capital construction facility that has received a positive conclusion of the state environmental expertise, if such changes are made during the period of validity of the positive conclusion of the state environmental expertise or during the construction, reconstruction of the capital construction facility within a period of not more than five years from the date of expiry of the validity period of the positive conclusion of the state environmental expertise, provided that that the construction and reconstruction of such a facility began during the period of validity of the positive conclusion of the state environmental expertise and the changes made will not entail:

- increase in the level of environmental impact determined in the course of the environmental impact assessment in the preparation of the design documentation of the capital construction facility, which received a positive conclusion of the state environmental expertise, and (or) the occurrence of environmental impact not identified in the course of the environmental impact assessment during the preparation of the design documentation of the capital construction facility, which received a positive conclusion of the state environmental expertise, in case of a change in the location, structural, space-planning, technological solutions of the capital construction facility, as well as in the event of a change in the composition of environmental protection measures;
- changes in the types (list) of pollutants entering the environment during the operation of a capital construction facility, except for cases where the entry of one or more pollutants into the environment has ceased;
- increase in the volume and (or) mass of emissions and (or) discharges of at least one of the pollutants into the environment during the operation of the capital construction facility;
- changes in the composition, physical and chemical properties of production and consumption wastes generated, processed, disposed of, neutralized and (or) disposed of during the operation of a capital construction facility, except for cases of termination of activities related to the generation, processing, disposal, neutralization and (or) disposal of one or more types of production and consumption waste;
- increase in the amount of production and consumption waste generated, processed, disposed of, neutralized and (or) disposed of during the operation of the capital construction facility;

2) with respect to the draft technical documentation for the technology that has received a positive conclusion of the state environmental expert review, the

information on which is contained in the register of issued conclusions of the state environmental expert review, which shall be maintained in accordance with the procedure for conducting the state environmental review approved by the Government of the Russian Federation, except for the cases of implementation of such technology with deviations from the draft technical expertise documentation for the technology that has received a positive conclusion of the state environmental review and/or amendments to the draft technical documentation for the technology that has received a positive conclusion of the state environmental expertise, which entailed an increase in the level of environmental impact determined in the course of the environmental impact assessment in the preparation of such draft technical documentation, and (or) the occurrence of an impact on the not identified in the course of the environmental impact assessment during the preparation of such draft technical documentation. Confirmation of compliance of the amendments made to the design documentation with the requirements of sub-clause 1 of this clause shall be approved by the chief engineer of the project who prepares amendments to the design documentation of the capital construction facility. Confirmation of compliance of the amendments made to the draft technical documentation with the requirements of subparagraph 2 of this paragraph shall be approved by the person preparing amendments to the draft technical documentation for the technology.

The form and content of the said confirmation shall be established by the federal executive body responsible for the development of state policy and legal regulation in the field of natural resource management, environmental protection and state environmental expertise.

(Article as amended by Federal Law of 25.12.2023 No 673-FZ)

Article 15. Expert Commission of the State Environmental Expertise

1. The expert commission of the state environmental review shall include freelance experts, in agreement with them, and in cases determined by the regulatory legal acts of the federal executive body in the field of environmental review, its staff members and staff members of the state authorities of the constituent entities of the Russian Federation may be included as experts of the state environmental review. (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)

2. The appointment of the head and the executive secretary of the expert commission of the state environmental review, the formation of the expert commission of the state environmental review with the participation of its head, and the approval of its personal composition shall be carried out by the federal executive body in the field of environmental review or by the state authorities of the constituent entities of the

Russian Federation. (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)

Article 16. Expert of the State Environmental Expertise

1. An expert of the state environmental review shall be a specialist who has scientific and/or practical knowledge of the issue under consideration and has been engaged in accordance with Article 15 of this Federal Law by the federal executive body in the field of environmental review or by the state authorities of the constituent entities of the Russian Federation to conduct a state environmental review in the relevant areas of science, engineering and technology. (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)

2. A representative of the customer of the documentation subject to state environmental review or the developer of the object of state environmental review, a citizen who is in labor or other contractual relations with the said customer or with the developer of the object of state environmental review, as well as a representative of a legal entity that is a member of the said customer or with the developer of the object of state environmental review may not be an expert of the state environmental review environmental expertise in such contractual relations.

3. An expert of the state environmental review shall participate in its conduct in accordance with this Federal Law and the assignment issued by the federal executive body in the field of environmental review or by the state authorities of the constituent entities of the Russian Federation. (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)

4. In the course of a state environmental review, an expert of the state environmental review shall have the right to:
declare to the federal body of state power in the field of environmental expertise or to the state authorities of the constituent entities of the Russian Federation the need for the customer to submit additional materials for a comprehensive and objective assessment of the objects of state environmental expertise for the state environmental review; (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)

formulate a dissenting opinion on the object of the state environmental review, which shall be attached to the conclusion of the state environmental review.

5. An expert of the state environmental expertise shall:
to carry out a comprehensive, complete, objective and comprehensive analysis of the materials submitted for state environmental expertise, taking into account the advanced achievements of domestic and foreign science and technology, to determine

their compliance with the regulatory legal acts of the Russian Federation in the field of environmental protection, the regulatory legal acts of the constituent entities of the Russian Federation in the field of environmental protection, regulatory and technical documents, and to submit conclusions on such materials; (As amended by Federal Law of 30.12.2008 No 309-FZ)

comply with the requirements of the legislation of the Russian Federation on environmental expertise and the legislation of the constituent entities of the Russian Federation on environmental expertise;

comply with the procedure and deadlines established by the federal executive body in the field of environmental review; (As amended by Federal Law of 22.08.2004 No 122-FZ)

ensure the objectivity and validity of the conclusions of its conclusion on the object of environmental review;

to participate in the preparation of materials substantiating the consideration of the conclusions of the public environmental examination during the conduct of the state environmental review, as well as reasoned proposals received from local self-government bodies, public organizations (associations) and citizens on the environmental aspects of economic and other activities that are subject to state environmental expertise;

ensure the safety of materials and confidentiality of information submitted for state environmental expertise.

6. Freelance experts of state environmental expertise shall be remunerated by the federal executive body in the field of environmental review or by the state authorities of the constituent entities of the Russian Federation on a contractual basis in accordance with the procedure established by the federal executive body authorized by the Government of the Russian Federation. (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ; of 23.07.2008 No 160-FZ)

Remuneration for the work of full-time employees participating in the state environmental review shall be made in accordance with the procedure established by the legislation of the Russian Federation.

Article 17. Head of the Expert Commission of the State Environmental Expertise

1. The head of the expert commission of the state environmental review shall carry out its activities in accordance with this Federal Law and the assignment for the conduct of the state environmental review issued by the federal executive body in the field of environmental review or by the state authorities of the constituent entities of the

Russian Federation. (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)

2. The head of the expert commission of the state environmental expertise shall: participate in the formation of the said expert commission by the federal executive body in the field of environmental expertise or by the state authorities of the constituent entities of the Russian Federation and coordinate its composition; (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ) participate in the preparation by the federal executive body in the field of environmental review or the state authorities of the constituent entities of the Russian Federation of the task for the members of the said expert commission for the conduct of the state environmental review and approve it; (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ) ensures high-quality state environmental expertise for its specific facility; organize the preparation of a summary opinion of the said expert commission in accordance with the requirements of the legislation of the Russian Federation, norms and rules in the field of environmental expertise.

Article 18. Conclusion of the State Environmental Expertise

1. The conclusion of the state environmental review shall be a document prepared by the expert commission of the state environmental review and approved by at least two-thirds of its payroll, containing substantiated conclusions on the compliance of the documents and/or documentation substantiating the economic and other activities planned in connection with the implementation of the object of environmental review with the requirements in the field of environmental protection.

The composition and content of the conclusion of the state environmental review shall be established by the federal executive body responsible for the development of state policy and legal regulation in the field of natural resource management, environmental protection and state environmental expertise.

(Paragraph as amended by Federal Law of 25.12.2023 No 673-FZ)

2. The conclusion prepared by the expert commission of the state environmental review shall be accompanied by the special substantiated opinions of its experts who do not agree with the conclusion adopted by this expert commission.

3. The conclusion prepared by the expert commission of the state environmental review shall be signed by the head of the expert commission, its executive secretary and all its members and may not be amended without their consent.

4. A report prepared by an expert commission of state environmental expertise shall, after its approval by the federal executive body in the field of environmental review or

by the state authorities of the constituent entities of the Russian Federation, acquire the status of a state environmental expert review report. Approval of the conclusion prepared by the expert commission of the state environmental review shall be an act confirming the compliance of the procedure for conducting the state environmental review with the requirements of this Federal Law and other regulatory legal acts of the Russian Federation. (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)

5. The conclusion of the state environmental expert review on the facilities specified in Articles 11 and 12 of this Federal Law may be positive or negative. (As amended by Federal Laws of 22.08.2004 No 122-FZ, of 25.12.2023 No 673-FZ)

A positive conclusion of the state environmental review is one of the mandatory conditions for financing and implementing the object of state environmental expertise. Positive conclusion of the state eco

A logical expert review shall have legal force for a period determined by the federal executive body in the field of environmental expertise or by the state authorities of the constituent entities of the Russian Federation conducting a specific state environmental review. (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)

A positive conclusion of the state environmental expertise loses its legal force in the following cases:

paragraph; (No longer in force - Federal Law of 25.12.2023 No 673-FZ)

paragraph; (No longer in force - Federal Law of 25.12.2023 No 673-FZ)

sale of documents and/or documentation that have received a positive conclusion of the state environmental expert review, with deviations from such documents and/or documentation, and/or in the event of amendments to such documents and/or documentation, except for the cases provided for by Items 2 and 3 of Article 11 and Item 14 of Article 14 of this Federal Law; (As amended by Federal Law of 25.12.2023 No 673-FZ)

expiry of the validity period of a positive conclusion of the state environmental expert review, except for cases of construction, reconstruction of a capital construction facility within a period of not more than five years from the date of expiry of the validity period of the positive conclusion of the state environmental expert review, which do not entail the consequences provided for by paragraphs two to six of Subitem 1 of Item 14 of Article 14 of this Federal Law, provided that the construction or reconstruction of such facility is commenced in the period of validity of the positive conclusion of the state environmental expertise; (As amended by Federal Law of 25.12.2023 No 673-FZ)

paragraph. (No longer in force - Federal Law of 25.12.2023 No 673-FZ)

The legal consequence of a negative conclusion of the state environmental review is the prohibition of the implementation of the object of the state environmental review.

Paragraph. (No longer in force - Federal Law of 25.12.2023 No 673-FZ)

Paragraph. (No longer in force - Federal Law of 25.12.2023 No 673-FZ)

6. The conclusion of the state environmental expert review shall be sent to the customer. In order to carry out the relevant control functions, information on the conclusion of the state environmental review shall be forwarded to the territorial bodies of the federal executive body exercising federal state environmental control (supervision) (in the event that the state environmental review is carried out by the federal executive body in the field of environmental expertise), to the executive bodies of the constituent entities of the Russian Federation and to the local authorities of the self-government and, in cases determined by a specially authorized state body in the field of environmental expertise, to credit institutions that finance the implementation of the object of state environmental expertise. (As amended by Federal Laws of 22.08.2004 No 122-FZ, of 08.11.2008 No 202-FZ, of 30.12.2008 No 309-FZ, of 29.06.2015 No 203-FZ, of 25.12.2023 No 622-FZ, of 08.08.2024 No 232-FZ)

61. Information on the conclusion of the state environmental review shall be posted on the official website of the Federal Service for Supervision of Natural Resources (its territorial body) or the authorized executive body of the constituent entity of the Russian Federation on the Internet in compliance with the requirements of the legislation of the Russian Federation on state, commercial and (or) other secrets protected by law. (Supplemented by paragraph - Federal Law of 10.07.2023 No 305-FZ) (As amended by Federal Law of 08.08.2024 No 232-FZ)

62. The time limits for posting information on the conclusion of the state environmental review conducted on the principle of "one window" in accordance with Clause 4 of Article 14 of this Federal Law on the official website of the Federal Service for Supervision of Natural Resources (its territorial body) on the Internet shall not exceed the time limits for including the information on the conclusion of the expert examination of project documentation in the Unified State Register of Expert Opinions design documentation of capital construction facilities. (Supplemented by paragraph - Federal Law of 10.07.2023 No 305-FZ) (As amended by Federal Law of 25.12.2023 No 673-FZ)

7. В случае отрицательного заключения государственной экологической экспертизы заказчик вправе представить материалы на повторную государственную экологическую экспертизу при условии их переработки с учетом замечаний, изложенных в данном отрицательном заключении.

8. Заключения государственной экологической экспертизы могут быть оспорены в судебном порядке.

ГЛАВА IV. ПРАВА ГРАЖДАН, ОБЩЕСТВЕННЫХ ОБЪЕДИНЕНИЙ И ДРУГИХ
НЕГОСУДАРСТВЕННЫХ НЕКОММЕРЧЕСКИХ ОРГАНИЗАЦИЙ В ОБЛАСТИ
ЭКОЛОГИЧЕСКОЙ ЭКСПЕРТИЗЫ. ОБЩЕСТВЕННАЯ ЭКОЛОГИЧЕСКАЯ ЭКСПЕРТИЗА
(Наименование в редакции Федерального закона от 25.12.2023 № 681-ФЗ)

Статья 19. Права граждан, общественных объединений и других
негосударственных некоммерческих организаций в области экологической
экспертизы
(Наименование в редакции Федерального закона от 25.12.2023 № 681-ФЗ)

1. Граждане, общественные объединения и другие негосударственные
некоммерческие организации в области экологической экспертизы имеют
право: (В редакции Федерального закона от 25.12.2023 № 681-ФЗ)
to put forward proposals for the conduct, in accordance with this Federal Law, of a
public environmental review of economic and other activities, the implementation of
which affects the environmental interests of the population living in the given territory;
to send in writing to the federal executive body and the state authorities of the
constituent entities of the Russian Federation reasoned proposals on the
environmental aspects of the planned economic and other activities; (As amended by
Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)
to receive information on the results of the state environmental review from the federal
executive body and the state authorities of the constituent entities of the Russian
Federation that organize the state environmental review of specific objects of
environmental review; (As amended by Federal Laws of 22.08.2004 No 122-FZ; of
31.12.2005 No 199-FZ)
carry out other actions in the field of environmental expertise that do not contradict the
legislation of the Russian Federation.
2. When preparing the conclusion of the state environmental review, the expert
commission of the state environmental review and when making a decision on the
implementation of the object of the state environmental review shall consider the
materials sent to the expert commission of the state environmental review and
reflecting public opinion.

Статья 20. Общественная экологическая экспертиза

1. Общественная экологическая экспертиза - установление соответствия
документов и (или) документации, обосновывающих намечаемую в связи с

реализацией объекта экологической экспертизы хозяйственную и иную деятельность, требованиям в области охраны окружающей среды в целях предотвращения негативного воздействия такой деятельности на окружающую среду.

Общественная экологическая экспертиза организуется и проводится по инициативе граждан, общественных объединений и других негосударственных некоммерческих организаций, а также по инициативе органов местного самоуправления общественными объединениями и другими негосударственными некоммерческими организациями.

2. Не вправе инициировать и проводить общественную экологическую экспертизу общественные объединения и другие негосударственные некоммерческие организации, а также граждане:

1) признанные иностранными агентами в соответствии с Федеральным законом от 14 июля 2022 года № 255-ФЗ "О контроле за деятельностью лиц, находящихся под иностранным влиянием";

2) лишенные в судебном порядке специального права, права занимать должности в области охраны окружающей среды и природопользования;

3) признанные недееспособными;

4) имеющие гражданство иностранного государства.

(Статья в редакции Федерального закона от 25.12.2023 № 681-ФЗ)

Статья 21. Объекты общественной экологической экспертизы

Общественная экологическая экспертиза может проводиться в отношении объектов, указанных в статьях 11 и 12 настоящего Федерального закона, за исключением объектов экологической экспертизы, сведения о которых составляют государственную, коммерческую и (или) иную охраняемую законом тайну.

Статья 22. Проведение общественной экологической экспертизы

1. A public environmental review shall be carried out prior to or simultaneously with the state environmental review.

2. A public environmental review may be carried out independently of the state environmental review of the same objects of environmental review.

3. Public organizations (associations) carrying out public environmental expertise in accordance with the procedure established by this Federal Law shall have the right to:

receive from the customer the documentation subject to environmental expert review to the extent established in Item 1 of Article 14 of this Federal Law;
familiarize themselves with the regulatory and technical documentation establishing the requirements for the conduct of state environmental expertise;
to participate as observers through their representatives in the meetings of the expert commissions of the state environmental review and to participate in the discussion of the conclusions of the public environmental review conducted by them.

4. The requirements provided for in Clause 2 and paragraphs two, three, five and seven of Clause 5 of Article 16 of this Federal Law shall apply to experts engaged in the conduct of a public environmental expert review.

Article 23. Conditions for conducting a public environmental review

1. A public environmental expert review shall be carried out subject to the registration of an application of public associations and other non-governmental non-profit organizations for its conduct by the local self-government bodies of a municipal district, municipal district, city district, on the territories of which economic and other activities are planned, as well as to the territories of which inland sea waters are adjacent, in the event that a public environmental expert review of state facilities is carried out. environmental expertise referred to in Subitems 11, 18 of Item 1 of Article 11 of this Federal Law, the territories or population of which may be affected by the consequences of the planned economic and other activities.

При наличии заявлений о проведении общественной экологической экспертизы одного объекта экологической экспертизы от двух и более общественных объединений и других негосударственных некоммерческих организаций допускается создание единой экспертной комиссии.

2. Орган местного самоуправления в семидневный срок со дня подачи заявления о проведении общественной экологической экспертизы обязан его зарегистрировать или отказать в его регистрации. Заявление о проведении общественной экологической экспертизы, в регистрации которого в указанный срок не было отказано, считается зарегистрированным.

3. В заявлении общественных объединений и других негосударственных некоммерческих организаций о проведении общественной экологической экспертизы должны быть приведены наименование, юридический адрес и адрес (место нахождения), сведения о составе экспертной комиссии общественной экологической экспертизы, сведения об объекте общественной экологической экспертизы, сроки проведения общественной экологической экспертизы, сведения о лицах, инициировавших проведение общественной экологической

экспертизы (наименование, юридический адрес и адрес (место нахождения) для общественных объединений и других негосударственных некоммерческих организаций, фамилия, имя, отчество (при наличии) для граждан Российской Федерации), в том числе сведения о соответствии таких лиц требованиям, установленным настоящим Федеральным законом.

4. Общественные объединения и другие негосударственные некоммерческие организации, организующие общественную экологическую экспертизу, обязаны известить население о начале, сроке и результатах ее проведения в порядке, определенном органом местного самоуправления, осуществившим регистрацию заявления общественных объединений и других негосударственных некоммерческих организаций о проведении общественной экологической экспертизы.

(Статья в редакции Федерального закона от 25.12.2023 № 681-ФЗ)

Статья 24. Отказ в регистрации заявления о проведении общественной экологической экспертизы

1. В регистрации заявления о проведении общественной экологической экспертизы может быть отказано в случае, если:

a public environmental review has previously been carried out twice in relation to the object of a public environmental review;

An application for a public environmental review has been filed in respect of an object, the information about which constitutes a State, commercial or other secret protected by law;

a public association and other non-governmental non-profit organization do not meet the requirements of Item 2 of Article 20 of this Federal Law as of the date of application for registration of an application for public environmental review;

the requirements for the content of the application for public environmental review provided for in Article 23 of this Federal Law have not been met;

the person who initiated the public environmental review does not comply with the requirements of Article 20 of this Federal Law;

the candidates of the persons involved in the public environmental review specified in the application do not meet the requirements established by this Federal Law.

2. The list of grounds for refusal to register an application for public environmental review given in paragraph 1 of this article shall be exhaustive.

3. Officials of local self-government bodies shall be liable for unlawful refusal to register an application for public environmental expertise.

(Article as amended by Federal Law of 25.12.2023 No 681-FZ)

Article 25. Conclusion of a public environmental review

1. The conclusion of the public environmental review shall be sent to the federal executive body in the field of environmental review or to the state authority of the constituent entity of the Russian Federation carrying out the state environmental review, to the customer of the documents and/or documentation subject to public environmental review, to the bodies making decisions on the implementation of the objects of environmental review, to local self-government bodies, and may be transferred to other bodies interested parties.

2. При проведении государственной экологической экспертизы заключение общественной экологической экспертизы учитывается в случае, если общественная экологическая экспертиза была проведена в отношении того же объекта до дня окончания срока проведения государственной экологической экспертизы.

3. Заключение общественной экологической экспертизы могут публиковаться в средствах массовой информации, передаваться органам местного самоуправления, органам государственной экологической экспертизы, заказчикам документов и (или) документации, подлежащих общественной экологической экспертизе, и другим заинтересованным лицам.

Заключения общественной экологической экспертизы по составу и содержанию должны соответствовать требованиям, установленным для заключений государственной экологической экспертизы.

(Статья в редакции Федерального закона от 25.12.2023 № 681-ФЗ)

ГЛАВА V. ПРАВА И ОБЯЗАННОСТИ ЗАКАЗЧИКОВ ДОКУМЕНТАЦИИ, ПОДЛЕЖАЩЕЙ ЭКОЛОГИЧЕСКОЙ ЭКСПЕРТИЗЕ

Статья 26. Права заказчиков документации, подлежащей экологической экспертизе

Customers of documentation subject to environmental expertise have the right to: receive information from the federal executive body in the field of environmental expertise or the state authority of the constituent entity of the Russian Federation organizing the state environmental review on the timing of the environmental review affecting the interests of these customers; (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)

to receive for review from the federal executive body in the field of environmental expertise or the state authority of the constituent entity of the Russian Federation organizing the state environmental review regulatory and technical and instructive and methodological documents on the conduct of the state environmental review; (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ) apply to the federal executive body in the field of environmental review or the state authority of the constituent entity of the Russian Federation organizing the state environmental review with demands to eliminate violations of the established procedure for conducting state environmental expertise; (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)

to submit explanations, comments, proposals in writing or orally regarding the objects of state environmental expertise;

challenge the conclusions of the state environmental expertise in court;

to file claims with the court for compensation for damage caused by a deliberate violation of the legislation of the Russian Federation on environmental expertise.

Article 27. Obligations of Customers of Documentation Subject to Environmental Impact Assessment

Customers of documentation subject to environmental expertise are obliged to:

submit documentation for environmental review in accordance with the requirements of Articles 11, 12, 14 and 21 of this Federal Law, including for the re-conduct of the state environmental review; (As amended by Federal Law of 25.12.2023 No 673-FZ) pay for the state environmental expertise;

to transfer to the federal executive bodies in the field of environmental expertise, the state authorities of the constituent entities of the Russian Federation, public associations and other non-governmental non-profit organizations organizing the environmental review the necessary materials, information, calculations, additional developments regarding the objects of environmental expertise; (As amended by Federal Laws of 22.08.2004 No 122-FZ, of 31.12.2005 No 199-FZ, of 25.12.2023 No 681-FZ)

carry out the planned economic and other activities in accordance with the documentation that has received a positive conclusion of the state environmental expertise;

transfer data on the conclusions of the conclusion of the state environmental review to credit institutions for opening financing for the implementation of the object of state environmental expertise. (As amended by Federal Law of 08.11.2008 No 202-FZ)

CHAPTER VI. FINANCIAL SUPPORT FOR ENVIRONMENTAL EXPERTISE

(Name as amended by Federal Law of 07.05.2013 No 104-FZ)

Article 28. Financial Support of State Environmental Expertise

(Name as amended by Federal Law of 07.05.2013 No 104-FZ)

1. Financial support for the state environmental review of the objects of the state environmental review, including its re-conduct, shall be carried out at the expense of the relevant budget, provided that the customer submits the documentation subject to state environmental review, the fee calculated in accordance with the cost estimate for the state environmental review determined by the federal executive body carrying out the environmental review and the state authorities of the constituent entities of the Russian Federation in accordance with the procedure established by the federal executive body in the field of environmental expertise. (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ; of 07.05.2013 No 104-FZ)
2. (Clause ceased to be in force - Federal Law of 07.05.2013 No 104-FZ)
3. (Clause ceased to be in force - Federal Law of 07.05.2013 No 104-FZ)
4. (Clause ceased to be in force - Federal Law of 07.05.2013 No 104-FZ)

Article 29. Financial support for public environmental expertise

(Name as amended by Federal Law of 07.05.2013 No 104-FZ)

Financial support for public environmental expertise is carried out at the expense of public associations and other non-governmental non-profit organizations, public environmental and other funds, targeted voluntary monetary contributions from citizens and organizations, as well as at the expense of funds allocated in accordance with the decision of the relevant local self-government bodies. (As amended by Federal Laws of 07.05.2013 No 104-FZ, of 25.12.2023 No 681-FZ)

CHAPTER VII. LIABILITY FOR VIOLATION OF THE LEGISLATION OF THE RUSSIAN FEDERATION ON ENVIRONMENTAL EXPERTISE

Article 30. Types of violations of the legislation of the Russian Federation on environmental expertise

Violations of the legislation of the Russian Federation on environmental expertise by the customer of the documentation subject to environmental expertise and interested parties are:

- 1) failure to submit documentation for environmental expertise;
- 2) falsification of materials, information and data submitted for environmental review, as well as information on the results of its conduct;
- 3) coercion of an environmental expert to prepare a knowingly false conclusion of the environmental review;
- 4) creation of obstacles to the organization and conduct of environmental expertise;
- 5) evasion of submission of the necessary materials, information and data to the federal executive body in the field of environmental expertise, state authorities of the constituent entities of the Russian Federation, public associations and other non-governmental non-profit organizations organizing and conducting environmental expertise; (As amended by Federal Laws of 22.08.2004 No 122-FZ, of 31.12.2005 No 199-FZ, of 12.02.2015 No 12-FZ, of 25.12.2023 No 681-FZ)
- 6) implementation of the object of environmental review without a positive conclusion of the state environmental review;
- 7) carrying out economic and other activities that do not comply with the documentation that has received a positive conclusion of the state environmental expertise.

Violations of the legislation of the Russian Federation in the field of environmental expertise by the heads of the federal executive body and state authorities of the constituent entities of the Russian Federation and the heads of expert commissions of state environmental expertise are: (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)

- 1) violation of the rules and procedure for conducting a state environmental review established by this Federal Law;
- 2) violation of the procedure for the formation and organization of the activities of expert commissions of state environmental expertise;
- 3) failure to perform the obligations established by this Federal Law for the federal executive body in the field of environmental expertise or the state authorities of the constituent entities of the Russian Federation; (As amended by Federal Laws of 22.08.2004 No 122-FZ; of 31.12.2005 No 199-FZ)
- 4) нарушение установленного порядка расходования перечисленных заказчиком документации, подлежащей государственной экологической экспертизе, средств на проведение государственной экологической экспертизы;
- 5) несоответствие оплаты выполненных работ их объему и качеству;
- 6) необоснованность материалов по учету выводов общественной экологической экспертизы и поступивших от органов местного самоуправления, общественных объединений и других негосударственных некоммерческих организаций, граждан аргументированных предложений по экологическим аспектам хозяйственной и

иной деятельности, которая подлежит государственной экологической экспертизе. (В редакции Федерального закона от 25.12.2023 № 681-ФЗ)

Нарушениями законодательства Российской Федерации в области экологической экспертизы руководителями экспертной комиссии экологической экспертизы и экспертами экологической экспертизы являются:

- 1) нарушение требований законодательства Российской Федерации об экологической экспертизе, а также законодательства Российской Федерации об охране окружающей среды, законодательства Российской Федерации о техническом регулировании; (В редакции федеральных законов от 22.08.2004 № 122-ФЗ; от 30.12.2008 № 309-ФЗ; от 19.07.2011 № 248-ФЗ)
- 2) необоснованность выводов заключения экологической экспертизы;
- 3) falsification of the conclusions of the environmental expert review;
- 4) concealment from the federal executive body in the field of environmental expertise, the state authorities of the constituent entities of the Russian Federation or from public associations and other non-governmental non-profit organizations organizing the conduct of environmental expertise of the information referred to in Item 2 of Article 16 of this Federal Law. (As amended by Federal Laws of 22.08.2004 No 122-FZ, of 31.12.2005 No 199-FZ, of 25.12.2023 No 681-FZ)

Violations of the legislation of the Russian Federation on environmental expertise by officials of state bodies and local self-government bodies are: (As amended by Federal Law of 25.06.2012 No 93-FZ)

- 1) falsification of information and data on the results of environmental expertise;
- 2) issuance of permits for special use of natural resources or for the implementation of other activities that may have a direct or indirect impact on the environment, without a positive conclusion of the state environmental expertise; (As amended by Federal Law of 30.12.2008 No 309-FZ)
- 3) organization and/or conduct of environmental expertise by unauthorized bodies, public associations and other non-governmental non-profit organizations; (As amended by Federal Law of 25.12.2023 No 681-FZ)
- 4) direct or indirect interference in the work of specially authorized state bodies in the field of environmental review, expert commissions and experts of environmental expertise in order to influence the course and results of state environmental expertise and public environmental expertise;
- (5) Unlawful refusal to register applications for public environmental expertise. (As amended by Federal Law of 25.12.2023 No 681-FZ)

Violations of the legislation of the Russian Federation on environmental expertise by credit institutions, their officials, other legal entities, as well as citizens, are financing and crediting the implementation of the object of environmental expertise without a

positive conclusion of the state environmental expertise. (As amended by Federal Law of 08.11.2008 No 202-FZ)

Законодательством Российской Федерации могут быть установлены иные виды нарушений законодательства Российской Федерации об экологической экспертизе. (В редакции Федерального закона от 22.08.2004 № 122-ФЗ)

Статья 31. Уголовная ответственность

Лица, виновные в совершении нарушения законодательства Российской Федерации об экологической экспертизе или в нарушении, повлекшем за собой тяжкие прямые или косвенные экологические и иные последствия, несут уголовную ответственность в соответствии с Уголовным кодексом Российской Федерации. (В редакции Федерального закона от 26.06.2008 № 96-ФЗ)

Статья 32. Административная ответственность

Лица, виновные в совершении нарушений, которые указаны в статье 30 настоящего Федерального закона, если эти нарушения не влекут за собой уголовную ответственность, привлекаются к административной ответственности в соответствии с Кодексом Российской Федерации об административных правонарушениях. (В редакции Федерального закона от 26.06.2008 № 96-ФЗ)

Article 33. Material liability

Officials, experts of environmental expertise, consultants of environmental expertise and other employees through whose fault the environmental review bodies and the customer of the documentation subject to environmental review have incurred costs in connection with compensation for damage caused by unlawful actions in the field of environmental expertise, shall bear material liability in accordance with the procedure established by labor legislation. (As amended by Federal Law of 08.11.2008 No 202-FZ)

Article 34. Civil liability

1. Citizens and legal entities whose rights have been violated by environmental review bodies, customers of documentation subject to environmental review and other interested persons as a result of their failure to comply with the legislation of the Russian Federation on environmental review may demand compensation for losses in

accordance with the procedure established by the civil legislation of the Russian Federation.

2. Moral damage caused to a citizen by unlawful actions in the field of environmental expertise shall be compensated by the perpetrator in accordance with the procedure provided for by the civil legislation of the Russian Federation.

CHAPTER VIII. SETTLEMENT OF DISPUTES IN THE FIELD OF ENVIRONMENTAL EXPERTISE

Article 35

(The article is no longer in force - Federal Law of 22.08.2004 No 122-FZ)

CHAPTER IX. INTERNATIONAL TREATIES OF THE RUSSIAN FEDERATION

Article 36. International Treaties of the Russian Federation

1. If an international treaty of the Russian Federation establishes rules in the field of environmental expertise other than those provided for by this Federal Law, the rules of the international treaty shall apply. (As amended by Federal Law of 08.12.2020 No 429-FZ)

2. Decisions of interstate bodies adopted on the basis of the provisions of international treaties of the Russian Federation in their interpretation contrary to the Constitution of the Russian Federation shall not be subject to execution in the Russian Federation. Such a contradiction may be established in accordance with the procedure established by a federal constitutional law. (Supplemented by paragraph - Federal Law of 08.12.2020 No 429-FZ)

CHAPTER X. FINAL PROVISIONS

Article 361. Final provisions

Until December 31, 2024, assessment of the compliance of the design documentation of capital construction facilities intended for the modernization and expansion of the main infrastructure in accordance with the Federal Law "On the Specifics of Regulation of Certain Relations in Order to Implement Priority Projects for the Modernization and Expansion of Infrastructure and on Amendments to Certain Legislative Acts of the Russian Federation" and proposed for construction, reconstruction within the boundaries of especially protected natural areas of federal, regional and local

significance (in cases where the construction and reconstruction of such facilities within the boundaries of specially protected natural areas are allowed by federal laws and laws of the constituent entities of the Russian Federation) shall be carried out during the state examination of the design documentation of these capital construction facilities in accordance with the Town-Planning Code of the Russian Federation. In this case, a state environmental expert review of the design documentation of the said facilities in accordance with Subitems 1, 2 and 7 of Item 1 of Article 11 of this Federal Law shall not be required. (As amended by Federal Laws of 01.05.2022 No 124-FZ, of 25.12.2023 No 673-FZ)

(Supplemented by an article - Federal Law of 31.07.2020 No 254-FZ)

Article 37. Entry into Force of this Federal Law

This Federal Law shall enter into force on the date of its official publication.

Article 38

(The article is no longer in force - Federal Law of 22.08.2004 No 122-FZ)

President of the Russian Federation Boris Yeltsin

The Kremlin, Moscow

November 23, 1995

No 174-FZ
