



SOME ISSUES OF IMPROVING THE LICENSING AND PERMITTING SYSTEM IN THE FIELD OF ECOLOGY IN THE REPUBLIC OF UZBEKISTAN

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Annotation:

This article analyzes the licensing system in the field of ecology in the Republic of Uzbekistan and the authorities authorized to issue permits. The theoretical foundations of the licensing system were also analyzed based on the opinions of foreign scientists. In addition, the issue of bodies authorized to provide public services in the field of ecology was considered, and proposals and recommendations for their optimization were developed.

Keywords: ecology, license, licensing, permissive, authorized body, procedure, licensed type of activity.

The administrative and legal activities of government bodies are of great importance in the implementation of any activity and in the implementation of the activities of entities that carry out this activity in accordance with the law. According to the Russian legal scholar R. Bakhrach, the licensing system is a legally regulated social relationship between the subjects of administrative power and citizens (organizations) associated with the issuance of permission to engage in certain activities and subsequent control over compliance with the rules and conditions of permitted activities. Agreeing with this opinion, it can be emphasized that the licensing system is an important means of controlling the activities of individuals and legal entities of the state in order to protect the rights and legitimate interests of others.

According to R. Bachrach, there are 4 elements in the authorization system:

- 1) a relative prohibition. It can be directly or indirectly enforced by law. Often this is done indirectly: it is determined that certain work can be done only with permission;
- 2) permission to carry out activities is carried out by organizations that are not organizationally subordinate to citizens;

Currently, the licensing system is most often called a license, but other names are also widely used: the right to drive (car, boat), permission (for state secrets, specific work), permit, etc. The permit is issued by authorized executive bodies in the manner





prescribed by law. Authorization is the central element of the system, which is why it is called an activator.

3) ongoing relations between power and non-power entities, an obligatory element of which is the supervision of compliance by licensees and other entities that have received permits, rules and conditions in the implementation of relevant activities;

4) the use of coercive measures to stop (suppress) violations of the rules, conditions of permitted activities and bring the perpetrators to legal liability.

The doctrine actively uses the concept of “form of permissive activity”. N.V. Subanova defines it as a set of actions, homogeneous in nature and legal consequences, of subjects endowed with public authority to grant permits and supervise compliance with the rules of permitted activities (actions). The term “administrative-legal licensing regimes” is also used as a synonym for this concept.

Different authors count a different number of forms of licensing activities. According to A.F. Nozdrachev, “more than 90 types of permits are used, not counting the sighting, permit inscription”.

N.V. Subanova writes about the presence of at least 9 most common forms of this activity. This is licensing; granting permission; certification; granting permission; attestation; accreditation; quoting; registration; provision of other types of permits (inclusion in the register, granting rights, certificates, passports, etc.).

L.K. Tereshchenko and N.A. Ignatyuk single out 13 independent administrative-legal regimes in the Russian legislation. This is licensing; registration; permission; quoting; accreditation; expertise; exam; certification; standardization; competition; grade; agreement and approval; attestatio.

In our opinion, it is more expedient to use the concept of administrative-legal regulation than the concept of a permissive regime. Because the administrative-legal regime is considered a narrow concept and cannot fully reveal the meaning of permission.

The purpose of the licensing system is to ensure the security of the state, society and citizens. To date, a number of works are being carried out in our country to improve the system of licensing and issuing permits for certain types of activities. In particular, in accordance with the Decree of the President of the Republic of Uzbekistan dated March 2, 2020 No. PF-5953 “On the implementation of the action strategy in five priority areas of development of the Republic of Uzbekistan in 2017 -2021 in the Year of Science, Education and Digital Economy Development” 2020 In 2016 year, the task was set to reduce the number of licenses and other permits by at least half. Also, according to the Decree of the President of the Republic of Uzbekistan dated August





24, 2020 "On measures to radically improve licensing and licensing procedures" No. PF-6044 from January 1, 2021:

- 37 licenses and 10 permits cancelled;
- 16 licenses and 11 permits canceled through consolidation;
- 17 licenses and 14 permits were canceled by introducing the notification procedure;
- The terms of issuing 14 types of licenses and permits were reduced by almost 2 times;
- Procedures for obtaining 115 licenses and authorization documents have been further simplified.

At the same time, on July 14, 2021, the Law of the Republic of Uzbekistan "On Licensing, Permitting and Notification Procedures" regulating the permit system was adopted. It should be noted that in the field of ecology, as well as in other fields, it is difficult to ensure that the entities operating in this field operate in accordance with the law without a permit system. It should be said that today in Uzbekistan, the system of permitting in the field of ecology is implemented by several state administration bodies. In particular, cultivation, import (export), processing, storage, sale (issuance), production and production of cannabis plants with a THC content of up to 0.2% for production purposes not related to the production and preparation of narcotic drugs and psychotropic substances. license for transport activities of the Ministry of Agriculture of the Republic of Uzbekistan, License for veterinary activities, Veterinary certificate issued by the State Committee for Veterinary Medicine and Livestock Development of the Republic of Uzbekistan, License for wholesale and retail sales of mineral fertilizers and chemical plant protection products, Quarantine permit, Phytosanitary certificate of Plant Quarantine and the Protection Agency of the Republic of Uzbekistan, Permit for export, import and transit of goods under the control of the State Veterinary Service, Permit for import or export of ozone-depleting substances and products containing ozone-depleting substances to the Republic of Uzbekistan, Permit for special use of water or special consumption of water, Permit for hunting wild animals, Permit for the extraction from the natural environment of rare and endangered wild animals listed in the Red Book of the Republic of Uzbekistan, specimens of animal and plant species included in Annexes I, II and III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (SITES) permit for the import and export of specimens of species, permit for the import and export of wild animals, their parts, as well as vital products, a nursery for keeping and breeding wild animals, as well as a zoological collection certificate of registration, permission for haymaking and grazing on reserve lands not included in





the state forest fund, permission to cut trees and shrubs that are not included in the state forest fund, permission for the special use of flora and fauna, rare and endangered species included in the Red Book of the Republic of Uzbekistan, permission to obtain plant species from the natural environment, import permission and export of wild plants, their parts, including wild plants listed in the Red Book of the Republic of Uzbekistan, and their parts Permission to use as an experiment Plant Protection and Quarantine Agency of the Republic of Uzbekistan, Implemented by the State Committee for Ecology and Environmental Protection of the Republic of Uzbekistan, the Ministry of Health.

As can be seen from these norms, the licensing system in the field of ecology is carried out by several competent government bodies. This, in turn, leads to overwork of the population, as well as to the waste of a lot of time and money. For this reason, it is advisable to transfer the authority to provide public services of a permissive nature in this area to the unified State Committee for Ecology and Environmental Protection. Effective monitoring mechanisms should also be developed to ensure that the activities of the relevant entity comply with the requirements of the permit after the issuance of the permit document. In addition, it is necessary to fully electronicize the system for providing public services related to environmental permits.

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