



IMPROVING LEGISLATION ON ENVIRONMENTAL INSURANCE: ISSUES AND PROPOSALS

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Annotation

This article analyzes the presence of legal norms regulating insurance relations in regulatory documents of various fields (constitutional, administrative, environmental and other branches of law). It is analyzed that the set of regulatory documents containing insurance standards forms a complex, cross-sectoral legislation on insurance, and that civil legal sources of insurance law form a certain system, in which the Civil Code of the Republic of Uzbekistan and the Law "On Insurance Activities" occupy a central place.

Keywords: Insurance, organization, term, environmental risk, concept, property.

The norms of the Civil Code of the Republic of Uzbekistan contain the most general regulation of insurance relations. The norms of the Civil Code of the Republic of Uzbekistan regulate insurance obligations, establishing general rules for any of their types. The Law "On Insurance Activities" contains such norms as the procedure for organizing insurance activities, contract terms, and state regulation of insurance activities. According to Article 6 of this Law, insurance is divided into the following areas:

life insurance (insurance of the interests of individuals related to life, health, working capacity and financial security, in which the minimum insurance term under the contract is one year and covers one-time or periodic payments (annuities) of the insured amounts, including an increased percentage specified in the insurance contract);

general insurance (personal, property insurance, liability insurance and other types of insurance not related to life insurance).



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30th June, 2025

As we can see, this Law does not contain any norms on environmental insurance. Therefore, it is appropriate to introduce the concept of environmental insurance into this Law.

Based on the analysis of the above set of concepts of environmental insurance, it can be concluded that the development of mandatory and voluntary forms of environmental insurance will be carried out only in the direction of insuring the civil liability of owners of sources of environmental risk, that is, environmental risk. Thus, natural disasters, as indicated in the initial concept of environmental insurance, will be excluded from the scope of insurance, and only insured events such as accidents will remain.

From the legislation of the Russian Federation, we can see that many insurers have their own acts developed at the local level, which allows them to apply regulatory legal acts related to the rules for insurance of environmental risks, the rules for insurance of civil liability of organizations using hazardous production facilities for causing damage to the life, health or property of third parties and the environment as a result of an accident at hazardous production facilities, the rules for voluntary environmental insurance of industrial enterprises, insurance policies for voluntary environmental insurance of industrial enterprises, contracts for insurance of the liability of enterprises with high-risk sources, policyholder questionnaires, etc¹.

In accordance with the Law of the Republic of Uzbekistan “On Industrial Safety of Hazardous Production Facilities”, enterprises and organizations using hazardous production facilities are required to develop an industrial safety declaration in order to ensure the protection of the population and territories from accidents at hazardous production facilities. This law also establishes that in the event of an accident at a hazardous production facility, liability for causing damage to the life, health or property of other persons and the environment must be insured. The legal basis for voluntary and compulsory environmental insurance is established in the Law of the Republic of Uzbekistan “On Nature Protection”, adopted in 1992. In accordance with this law, the property and income of enterprises, institutions and organizations, the life, health and property of citizens must be insured voluntarily and compulsory,

¹ Бажайки А.Л. Экологическое страхование: теория, практика правового регулирования: Дисс. ... канд. юрид. наук. – М., 2002. – С.106.



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taking into account cases of damage caused by environmental pollution and deterioration of the quality of natural resources. Today, in our country, certain work is being carried out to develop regulatory legal acts in order to introduce an environmental insurance system. In particular, by the resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 10, 2008, the Regulation “On the procedure for compulsory insurance of civil liability for causing damage to the life, health and property of other persons and the environment in the event of an accident at a hazardous production facility” was approved in order to ensure industrial safety of hazardous production facilities and increase the responsibility of organizations using hazardous production facilities. In our country, certain production enterprises belonging to the economic sector and separately taken into account are considered objects of high environmental risk that can cause damage to the environment.

Over the past decade, countries such as Japan, Spain, France, the United States, Australia, New Zealand, and Turkey have adopted national natural and environmental disaster insurance programs to address weaknesses in their private insurance markets to combat a range of natural disasters, such as floods, fires, hurricanes, tsunamis, and earthquakes. Although plans to adopt the programs have existed for some time, the impetus for their creation has been the occurrence of a single major disaster or series of disasters². In particular, major natural disasters typically highlight existing shortcomings in the private sector and the cost of disaster insurance in terms of premiums paid by self-insured individuals or the government budget for relief and recovery³.

The analysis shows that today no developed country relies solely on market forces to encourage people to take rational actions to reduce the risk of certain disasters, including insurance against them. The lack of a comprehensive legislative document on environmental insurance in the Republic of Uzbekistan creates certain obstacles to improving this area, supporting the population by the state, compensating for environmental damage caused to the population as a result of man-made situations,

² Chang, C.P., A.N. Berdiev. Natural Disasters, Political Risk, and Insurance Market Development // Geneva Papers on Risk and Insurance: Issues and Practice. 2013. 38(3). – P. 406-448.

³ Consorcio de Compensación de Seguros (CCS). Accessed November 17, 2017. / <http://www.consorseguros.es>.



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that is, to the wider application and implementation of the insurance process in our country, and the need to adopt the Law "On Environmental Insurance" regulating these relations⁴.

The Resolution of the President of the Republic of Uzbekistan No. PQ-108 dated March 1, 2024 "On comprehensive measures for the further development of the insurance services market" adopted norms establishing the need for the implementation of environmental insurance. In accordance with paragraph 4 of this resolution, the Inspectorate for Supervision of Mining, Geology and Industrial Safety is tasked with the timely execution of contracts for compulsory insurance of civil liability for causing damage to the life, health and (or) property of other persons and the environment in the event of an accident at a hazardous production facility. In addition, this Resolution of the President of the Republic of Uzbekistan also establishes the task of introducing a mechanism for concluding contracts for compulsory insurance of civil liability for causing damage to the life, health and (or) property of other persons and the environment in the event of an accident at a hazardous production facility in the electronic system. From this we can see that environmental insurance is currently one of the most relevant issues in our country. Based on this, today, Article 36 of the Law "On Nature Protection" stipulates that in the Republic of Uzbekistan, property and income of enterprises, institutions and organizations, life, health and property of citizens are subject to voluntary and compulsory insurance, taking into account cases of damage caused by environmental pollution and deterioration of the quality of natural resources. It is also mentioned that the procedure and conditions of environmental insurance are determined by the legislation of the Republic of Uzbekistan. However, this procedure is currently not available in our current legislation. Based on the norms established by the Law of the Republic of Uzbekistan "On Nature Protection", it is necessary to develop and adopt a comprehensive draft law "On Environmental Insurance", which would legally regulate social relations in the field of voluntary and compulsory environmental insurance, clarify its goals and objectives, and financial support

⁴ Uzakova.G.Sh. Aholi punktlarida tabiiy resurslardan foydalanish va ularni muhofaza qilishning huquqiy tartibi. Yur. fan. doktori. ... diss. – Toshkent, 2021. 217-b.



mechanisms. The adoption of this law will serve to prevent environmental hazards that may arise as a result of economic activities, to attract extra-budgetary funds to compensate for material damage caused to the life, health and property of citizens and the environment in the event of their occurrence, and to protect the interests of the state and society.

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