

THE KYRGYZ REPUBLIC

THE LAW ON FLORA PROTECTION AND USE

It is accepted by Legislative Assembly of Jogorku Kenesh (Parliament) of the Kyrgyz Republic on May, 22, 2001

The flora is the property of the Kyrgyz Republic, the major factor in ecological equilibrium of the biosphere, the integral element of a landscape and specific diversity of the natural environment, the largest store of a solar energy and biological weight, one of sources of oxygen on the ground, a regulator of a water drain, a temperature mode of air and erosive soil processes.

The flora is subject to protection and rational use for spiritual, material and recreational needs of citizens of the Kyrgyz Republic.

The present Law establishes legal bases for maintenance of effective protection, rational use and reproduction of flora resources.

SECTION I. GENERAL PROVISIONS

Article 1. The legislation on flora protection and use of the Kyrgyz Republic.

Relations in sphere of flora protection and use in the Kyrgyz Republic are regulated by the Law of the Kyrgyz Republic " On environmental protection", the Forest code, the present Law and other normative legal acts.

Article 2. The basic concepts used in the present Law

Flora objects or natural plant resources, all kinds of wild-growing plants: ground and underground parts, including roots, seeds, flowers, a grassy vegetative integument, medicinal and technical plant raw material, wild-growing berries, fruits of a walnut, a pistachio, sea-buckthorn berries, rare and disappearing plants, trees, groups of trees, bushes, willow plantings, a reed, a cane, and bryophytes, seaweed, mushrooms, lichens, etc. Flora objects are divided:

- For use - on food, fodder, medicinal, technical;
- For widespread - on mass, limited widespread, rare, disappearing.

Flora (vegetation) - set of natural, various on content, structure, position and value of vegetation types or the vegetative communities united in various phytogenesis and occurrence time, covering the land or its separate territories, described by number and a combination of various vegetative communities, their spaces, structure and dynamics, as well as set of plant vital forms.

Vegetative community - set of plants populations growing in homogeneous territory, which specific compound and structure are defined by complex mutual relations among themselves, with animals and an environment.

Plants (as flora objects) - breeding by spores, seeds and vegetative organisms parts (including mushrooms, seaweed, mosses, lichens, pteridophytes), capable to synthesize with use of energy of the sun, from inorganic mixture of organic substances.

Community - set of organisms of a different functional basis within the limits of homogeneous territory.

Limit - maximum established quantity of withdrawal of flora objects, defined with the account of biological diversity non-breaking.

Article 3. Principles in the field of protection, use and reproduction of flora objects

At planning and realization of activities on protection and rational use of flora objects, and the activities influencing on their growing environment or these objects condition, it is necessary to observe the following principles:

- Payable basis of using flora objects in commercial purposes;
- Compensation of the damage caused to flora objects, and use of these funds for restoration of the damage;
- Preservation in natural conditions of biological diversity of wild-growing plants and natural vegetative communities formed by them;
- Protection of wild-growing plants growing environment and natural vegetative communities formed by them;
- Restoration and preservation of integrity of populations rare, disappearing, and endemic, relic and other species of wild-growing to be protected;
- Scientifically proved use and reproduction of natural vegetative resources;
- Maintenance of water-security, soil-protective, environment-formation, improving, recreational and other beneficial flora properties in interests of public health care, surrounding natural environment improvement and national economy development;
- Protection of flora objects from fires, mudstreams, erosive processes and other acts of nature, as well as from wreckers and deceases;
- Regulation of distribution and number of wild-growing species of plants in order to prevent damage to wildlife and national economy.

Article 4. Flora objects

All flora objects are subject to protection and rational use, including:

- Wild-growing plants (ground and underground parts - roots, seeds, flowers, a grassy vegetative integument, medicinal and technical vegetative raw material, wild-growing berries, fruits of walnut, pistachio, sea-buckthorn berries, rare and disappearing plants, trees, groups of trees, bushes, willow plantings, reed, cane), and bryophytes, seaweed, mushrooms and lichens;
- The vegetative communities of all types formed the listed plants.

Article 5. Use of natural flora of the Kyrgyz Republic

The flora of the Kyrgyz Republic is used in the Kyrgyz Republic as a basis of a life and activity of people of Kyrgyzstan and is under special protection of the state.

Article 6. Rights and duties of physical and legal persons in areas of protection, use and reproduction of flora objects

Physical and legal persons according to the legislation of the Kyrgyz Republic have the right:

- Freely to stay in natural vegetative communities of the state and municipal property, except of specially protected natural territories, not supposing destruction and damage of wild-growing plants, pollution of their growing environment, breaking of fire prevention rules;

- To carry out in the established order flora objects using;

- To manage their property and lawfully prepared (collected) production of flora, and also incomes of its realization;

- To demand the indemnification (including the lost benefit), caused by infringement of users rights, or withdrawal of flora objects for state or social needs;

- To participate in addressing the issues related to land reclamation, adjoining with flora objects.

Physical and legal persons are obliged:

- To observe the requirements established by the legislation and other normative legal acts on protection and use of flora objects;

- Not to suppose deterioration of flora objects growing environment, to observe nature protection technologies when collecting and preparing wild-growing vegetative raw material;

- Not to break integrity of natural vegetative communities, to promote preservation of their specific diversity, increase of efficiency of herbage, seeds, fruits, and other production;

- To render the all-round assistance to the state bodies responsible for conducting the state cadastre and monitoring of flora objects, the control over protection and use of flora objects;

- To undertake activities against quarantine, weed kinds of plants, wreckers and deceases of wild-growing plants, on prevention of water and wind soil erosion, bogging, flooding, salinity, pollution, soil fertility decrease and other processes;

- Timely bring payments for using natural vegetative resources in commercial purposes;

- Not to suppose deterioration of conditions of other natural resources;

- Not to break the rights of tenants, other temporary users, and other users of flora objects;

- To observe other requirements on protection and rational use of flora objects, stipulated by the legislation of the Kyrgyz Republic.

Article 7. Payment for using flora objects

Using of flora objects (except for the using types specified in items "a", "b", "d", "f" of article 10 of the present Law) in the territory of the Kyrgyz Republic is based on payment unless otherwise provided by the legislation of the Kyrgyz Republic. The payment is established for physical and legal persons:

- For granting the right on using flora objects in commercial purposes;

- For use of flora objects in commercial purposes within the established limits, norms and rules.

The size of a payment is established depending on a type, purpose and volumes of flora objects using in view of a site, biotic efficiency of territory and other ecological factors.

The Government of the Kyrgyz Republic establishes the order of payment and its sizes for using flora objects.

Payments for using flora objects according to the established order are transferred into republican and local funds of wildlife management and are used for protection, conservation and restoration of the wild-growing plants and natural vegetative communities formed by them and their growing environment, for conducting the state cadastre and monitoring of flora, as well as zapovedniks.

Payment for using flora objects does not exempt a nature user from activities on protection of flora objects, their growing environment and compensation of the damage caused to it.

SECTION II. THE GOVERNMENTAL MANAGEMENT IN THE AREA OF PROTECTION, USE AND REPRODUCTION OF FLORA OBJECTS

Article 8. The competence of the Government of the Kyrgyz Republic in the area of regulation the relations on protection and use of flora objects

The competence of the Government of the Kyrgyz Republic in the field of regulation the relations on protection and use of flora objects concerns:

- The development and realization jointly with local state administrations of republican programs on protection, rational use, reproduction, efficiency increase, sustainability of flora objects in a complex with other nature protection activities;
- The endorsement of the state programs in the field of protection and rational use of flora objects, financing and logistical support to activities of republican value in this area;
- The coordination of activity of the ministries, agencies and local state administrations in issues of protection and rational use of flora objects;
- The endorsement of the licensing order of activity types in the field of using flora objects, subject to licensing;
- The approval of the payment size for using flora objects;
- The determination of the suspension, the termination of activity of objects, having harmful impact on flora;
- The determination of order for cadastre and monitoring over republic's flora condition;
- The determination of order for the state control over protection and use of flora objects ;
- Consideration of other issues of protection and rational use of flora objects according to the legislation of the Kyrgyz Republic.

Article 9. The competence of the republican state environmental protection body of the Kyrgyz Republic in area of regulation the relations on protection and use of flora objects

The competence of republican state environmental protection body of the Kyrgyz Republic in the field of regulation the relations on protection and use of flora objects (further - republican state environmental protection body of the Kyrgyz Republic) concerns:

- The realization of a uniform state policy in the field of protection and use of flora objects;
- Determination of rules of protection and rational use of flora objects, setting the limits and specifications of using natural vegetative resources, except for the state forestry fund's lands;
- The state control over protection and use of flora objects;
- The development of normative legal acts, the approval of standards, rules and norms in the field of protection, use and reproduction of flora objects;
- The conduct of the state ecological expertise of the pre-draft and draft documentation at construction and reconstruction of economic entities and production in protection, use and reproduction of flora objects respects;
- The withdrawal of the right on use of flora objects in the cases provided by the legislation;
- The development and endorsement of Red Book Provision of the Kyrgyz Republic;
- The edorsement of the list of rare flora kinds and those under the threat of disappearance subject to inclusion in the Red book of the Kyrgyz Republic;

- The observance of other functions to maintain effective protection and rational use of flora objects .

SECTION III. USING OF FLORA OBJECTS

Article 10. Types of using of flora objects

In the territory of the Kyrgyz Republic according to the requirements provided by the legislation the following types of using of flora objects are supposed:

- a) Preparation of forages for animal production needs;
- b) Use of flora objects for cattle grazing, beekeeping, feeding caterpillars of a silkworm for the hunting and fish economies' needs;
- c) Preparation, gathering of wild-growing medicinal, technical, food vegetative raw material;
- d) Flora using for wood, hunting and fish economies' needs;
- e) Use soil-protective, soil-formation, water-security and other properties of flora;
- f) Flora using in the research, nature protection, cultural and educational, aesthetic purposes;
- g) Flora using in the recreational and tourist purposes.

Article 11. The using order of flora objects

Using of flora objects should be carried out in a complex with system of measures on protection and restoration of natural vegetative resources, preservation of their growing environment and observance of the established rules, terms, limits and specifications.

The right on use of flora objects is established by the state act on the right on use of the land or the contract on rent of land or flora objects .

Land proprietors and constant land users are considered as constant users of flora objects growing on their grounds.

Transfer of flora objects to using is carried out exclusively by way of lands removal.

Lists of kinds of wild-growing plants, their parts and products, which withdrawal from the natural environment in economic, commercial and other purposes is carried out only under special sanctions and licenses, and also lists of plants kinds, which withdrawal from the natural environment is forbidden or limited with a view of their protection and reproduction, approved republican state environmental protection body of the Kyrgyz Republic.

Article 12. Using of flora objects for animal production, beekeepings and other purposes needs.

Preparation of wild-growing fodder production for animal production (mowing), cattle grazing, feeding caterpillars of a silkworm needs can be carried out both in the territories specially allocated for these purposes, and on other sites of under special sanctions with observance of the established specifications.

Physical and legal persons can use vegetation for beekeeping needs under contracts with constant land users given for these purposes.

The physical and legal persons being users of natural haymakings and pastures, are obliged to observe requirements on their protection, rational use and increase of efficiency according to the present Law.

Maximum loading on various vegetative communities, ways and terms of cattle grazing on them are established by legal acts of the Government of the Kyrgyz Republic.

Article 13. Preparation, collection, processing, receipt and realization of wild-growing medicinal, technical and food vegetative raw material and production from it.

Physical persons can participate (individually or collectively) in preparation of wild-growing medicinal and technical vegetative raw material and production for the food purposes under contracts with the basic users of flora objects, having the right on preparation.

Collection is forbidden to physical persons with the purpose of personal consumption, selling or processing of the wild-growing plants brought in the list of plants with narcotic consistent, their parts, products and other remnants, and also waste products of natural narcotic consistent raw material, emdorsed by the Government of the Kyrgyz Republic. Preparation, collection of the given vegetative raw material by legal persons are supposed in the order established by the Government of the Kyrgyz Republic.

Preparation, collection of wild-growing medicinal and technical vegetative raw material can be, in the established order, forbidden or limited in natural vegetative communities where it can harm flora or fauna, and health of the population.

Preparation, collection of flora objects brought in the Red book of the Kyrgyz Republic are forbidden.

Article 14. Using flora objects in research, cultural, educational, aesthetic, recreational, improving purposes and use of environment-formation properties of flora objects

Using of flora objects in the research, cultural, educational, aesthetic, recreational and improving purposes (by means of different forms of review, measurements, photographing, etc.) with withdrawal and without withdrawal of wild-growing plants, their parts and products from the natural environment is supposed, if it has not adverse impact on flora and does not abuse the right of users of flora objects, except for cases when such using is forbidden.

For the organization of population mass rest and in other recreational, cultural, educational, aesthetic, and in the improving purposes local government units, local state administrations, permanent users of flora objects, and as agreed with them other enterprises, establishments and organizations undertake activities on arrangement and community service of the population in view of necessity to preserve of natural landscapes and the wild-growing plants environment with observance of an architectural lay-out of natural national parks, suburban, resort and other recreational and improving zones and sanitary requirements.

Use of soil-protective, soil-formation, water-security and other environment-formation properties of flora objects in activities against landslips, soil erosion, coast washouts, when recultivating the lands, undertaking meliorative and other works without withdrawal of wild-growing plants from the natural environment is supposed everywhere, except for the cases determined in the order established by the legislation of the Kyrgyz Republic.

Use of the specified properties of flora objects with withdrawal of wild-growing plants from the natural environment (by means of preparation of fruits, seeds, etc.) is carried out in the order stipulated by the present Law and other legislation of the Kyrgyz Republic.

Article 15. Botanical collections

Creation and updating of botanical collections (alive collections of botanical gardens, arboretum, arboretum parks, greenhouses, nurseries and other genetic seed banks, and herbariums and other plant parts and products collections) by withdrawal of wild-growing plants from the natural environment by physical and legal persons are supposed with observance of requirements of the present Law in the order established by republican state environmental protection body of the Kyrgyz Republic.

The botanical collections representing scientific, cultural - educational, teaching and educational or aesthetic value, are subject to the state count. The physical and legal persons being owners of such collections, are obliged to observe rules of storage, count and use of botanical collections.

Rules of creation, storage, count and use of botanical collections, and trade, transfer and export approved in the order established by the Government of the Kyrgyz Republic.

Article 16. Using of flora objects on the territories of nature protection, improving, recreational, historical and cultural purposes

Using of flora objects on the territories of nature protection, improving, recreational and historical and cultural purposes is made in the order determined by the present Law and other legislation of the Kyrgyz Republic.

Granting for using or rent the flora objects located on the territories of nature protection, improving, recreational and historical and cultural purposes is forbidden to physical and legal persons which activity conflicts their purposes and the established mode.

Article 17. Flora objects on the reserve lands

Flora objects on the reserve lands can be given for using, rent and other types of temporary using mainly for agricultural and forestry purposes according to the present Law and other normative legal acts of the Kyrgyz Republic.

Article 18. The termination of the right on use of flora objects and withdrawal of flora objects

The right on use of flora objects can be terminated in the following cases:

- Withdrawal of the land from using;
- Voluntary refusal of using flora objects or their part;
- Expiration of the deadline;
- No need for using flora objects;
- Termination of the activity of the subjects of using;
- Regular default of rules, norms and other requirements on protection, use and reproduction of flora objects;
- Regular non-payment in dealines for using natural vegetative resources, non-observance of treaty rent provisions.

The legislation of the Kyrgyz Republic provides other justifications for termination of the right on use of flora objects .

The right on use of flora objects or their part is terminated by the body given the land for using, or republican state environmental protection body of the Kyrgyz Republic and other specially authorized state bodies.

SECTION IV. PROTECTION AND RATIONAL USE OF FLORA OBJECTS

Article 19. The purposes and objectives of flora objects protection

The main basic purposes and objectives of flora objects protection are maintenance of observance of the legal, organizational, economic and other measures targeted on preservation of the wild-growing plants growing environment and their communities, their rational use, protection against negative anthropogenous impacts to increase reproductive capabilities, efficiency and sustainability.

Protection of natural vegetative communities should be carried out on the basis of the complex approach, as well as to complex ecosystem formations.

Article 20. The basic requirements of flora objects protection

Users of flora objects, and tenants should provide:

- Protection of wild-growing plants growing environment and their communities;
- Rational use of the territory occupied with natural vegetative communities;
- Protection of the objects allocated to them from autocratic using and other infringements;
- Conservation of vegetative integument objects allocated to them against anthropogenous impacts;
- Suppression of breaking of rules and norms on protection, rational use and reproduction of flora objects;
- Prevention of occurrence and liquidation of fires in vegetative communities;
- Prevention of destruction of vegetative integument objects at undertaking production and operation of vehicles;
- Restoration, increase of sustainability and efficiency of flora objects;
- Observance of protection modes of rare, endemic, relic plant kinds and those under threat of disappearance and vegetative communities brought in the Red book of the republic;
- Protection of wild-growing plants and natural communities formed by them in case of their destruction threat at acts of nature and from other reasons;
- Protection soil with growing vegetation from water erosion, mudstreams, floodings, boggings, solinization, draining, condensation, contamination, pollution by industrial and household wastes and flows, chemical and radioactive substances and other processes of destruction;
- Preservation degraded flora objects if no other way is possible to restore and increase their efficiency;
- Carrying out of the scientific researches targeted on justification of measures on protection and reproduction of flora objects and assistance in carrying out of these researches.

State nature protection and other specially authorized bodies within the framework of corresponding programs take necessary measures on protection of flora objects.

Protection of flora objects is provided with way:

- Establishment of rules and norms on protection and rational use of flora objects;
- Establishment of restriction and interdictions in using flora objects;
- Creation in the established order zapovedniks, national parks, zakazniks, allocation of other specially protected natural territories and objects;
- Establishment of a special mode of protection of plant kinds brought in the Red book of the Kyrgyz Republic, as well as rare, endemic, and relic plant kinds and those under threat of disappearance and vegetative communities;
- Organization of the scientific researches targeted on maintenance of measures on protection and reproduction of flora objects ;
- Education of citizens in spirit of the careful, zealous attitude to flora objects, propagation through mass media information on their protection and rational use;
- Realization of monitoring and the state control over protection and use of a vegetative integument, bring to court for ouraging the present Law and other statutory acts related to protection of a vegetative integument.

The republican state environmental protection body of the Kyrgyz Republic establishes measures of material and moral encouragement of the physical and legal persons, stimulating performance of activities on flora objects protection.

Measures on flora objects protection are undertaken by specially authorized state nature protection bodies, and economic entities supervising enterprises, establishments and organizations using flora objects, including tenants, on the basis of republican and territorial programs, as well as norms and rules in the field of protection and rational use of flora objects.

Article 21. Establishment of interdictions and restrictions in use of flora objects

With a view of preservation and reproduction of flora objects, using of separate kinds can be limited completely or forbidden for any term in the order established by the legislation of the Kyrgyz Republic.

Restrictions and interdictions in use of flora objects can be established as by regulation of activity in economic operated territories, so by complete or partial exclusion of the certain territory of economic use (to set zapovedniks, reserved sites in natural national parks, zakazniks, the announcement of nature sanctuaries, allocation of other specially protected natural territories).

The government of the Kyrgyz Republic, local state administrations, and specially authorized state bodies with a view of preservation and reproduction of flora objects have the right to forbid or limit for the certain term collection, preparation by physical and legal persons of separate kinds of wild-growing plants, their processed parts and products, except for the cases stipulated by the legislation of the Kyrgyz Republic.

Article 22. Protection of the wild-growing plants growing environment and natural vegetative communities, prevention from destruction while production processes.

Any activity influencing a condition of flora objects, should be carried out with observance of the requirements providing its protection.

The types of activity influencing a condition of vegetative integument objects, are: placing of economic objects and constructions, construction of transport highways, settlements, including conduct of prospecting works, removal of grazing and run places for agricultural animals, development of tourist routes and the organization of mass rest places for the population, land reclamation, forestry and water usings, new lands use for economic purposes. At placing, designing, construction and reconstruction of settlements, the activities on flora objects protection should be provided and carried out, and the sites representing special value as an inhabitancy of rare and valuable wild-growing plants in the scientific respect and unique vegetative communities should be inviolable.

Putting into operation objects and use of the technology, not providing protection measures of flora due to the change of the wild-growing plants growing environment and natural communities, is forbidden.

Sites of placing, designing, construction and reconstruction of the enterprises, constructions and other objects, technological processes change, release of new types of production and goods at the working enterprises, wastes and emissions clearing systems impacting a condition of flora objects owing to breaking of the wild-growing plants growing environment and natural communities, are coordinated with specially authorized state bodies in the order determined by the legislation of the Kyrgyz Republic.

At putting into operation of new and reconstruction of the working enterprises, constructions and other objects, at introduction of new, conduct or change of working technological or other productions, release of new types of production at working manufactures, operation of vehicles, physical and legal persons are obliged to take measures on prevention of destruction and causing of other harm to flora objects.

Physical and legal persons are obliged not to suppose a contamination of the territories of a vegetative integument with household and other wastes, and also oil and chemical products. The dump of dust, household wastes and industrial waste products outside of specially and orderly removed for these purposes places is forbidden.

The burning out in natural vegetative communities of dry vegetation is forbidden.

Prior to the construction in the territories removed under building, flooding or a transport highway, preparation, in the established order, of economic valuable wild-growing plants should be made, rare plants and those under threat of disappearance if it isn't possible to preserve their growing places should be moved on other territory determined by the state nature protection bodies.

At application of plant protection means, their growth regulators, mineral fertilizers and other drugs used in a national economy, protection requirements of the wild-growing plants and their natural vegetative communities and growing environment should be taken into account. Application of chemical plant protection means and other drugs with a view of reduction of their harmful impact on flora and environment should be combined with agrotechnical, selective and genetic, biological and other activities.

At creation, purchase new preparations abroad, specifications of their maximum permissible concentration in an environment, ensuring protection of the wild-growing plants and their communities and growing environment should be developed.

With view of protection of flora objects the users right on land can be limited and corresponding duties can be assigned to them in the order established by the legislation of the Kyrgyz Republic.

Article 23. Protection of rare plant kinds, those under threat of disappearance and natural vegetative communities

Rare plant kinds and those under threat of disappearance and natural communities formed by them are brought in the Red book of the Kyrgyz Republic or in special lists and are subject to special protection.

Preparation of rare plants kinds and those under threat of disappearance (their seeds, fruits, parts) is forbidden. Delivery of sanctions for collecting of rare plant kinds and those under threat of disappearance brought in the Red book of the Kyrgyz Republic for the research purposes is made republican state environmental protection body of the Kyrgyz Republic.

The order of sanctions delivery for collection of the plants brought in the Red book of the Kyrgyz Republic or special lists, is determined by republican state environmental protection body of the Kyrgyz Republic.

The activities resulting in destruction, reduction of stocks or breaking of growing environment of rare plant kinds and those under threat of disappearance and their communities are not supposed.

For preservation of plant kinds which reproduction in a natural environment is complicated, reproductional measures in other conditions should be undertaken under the decision of specially authorized state bodies.

Article 24. Rational use as a basis of high efficiency and flora preservation

For maintenance of sustainable and continuous using with flora objects relevant to renewed natural resources, adequate conditions are created:

- Alienation of vegetative weight in any case is made according to the ecological and biological capabilities of plants not breaking the further normal ability to live and reproduce;

- Broken, lowered efficiency under impact of unsystematic operation or the act of nature vegetative objects are subject to restoration by optimization of use and care modes.

The system of measures on rational use and care of a natural vegetative integument for physical and geographical zones is established by the Government of the Kyrgyz Republic.

Article 25. Provision of economic incentives of activities on protection and rational use of flora objects

Provision of economic incentives of activities on protection and rational use of flora objects is targeted on increase of users interest, including tenants, in preservation and reproduction of flora production and includes the following:

- Allocation from republican or local funds of wildlife management on restoration of flora objects broken not on their fault;
- Providing grants, credits;
- Indemnification from the state budget of income reduction as a result of temporary preservation of vegetative integument sites broken not on their fault .

The procedure of the measures linked to provision of economic incentives of activities on protection and rational use of vegetative communities, is established by the Government of the Kyrgyz Republic.

Article 26. Quarantine of plants in the Kyrgyz Republic

With a view of protection of a natural vegetative integument in the republic the system of the state activities on external and internal quarantine of the plants is carried out, ensuring:

- Protection of country's territory from import from foreign countries of quarantine and other dangerous wreckers, plants deceases and weeds, which can cause significant damage to the nature and state's economy;
- Duly revealing, localization and liquidation on county's territories of quarantine and other dangerous wreckers, plant deceases and weeds, and the prevention of their distribution;
- Conduct of the state control over observance of the established rules and activities on quarantine of plants while manufacture, preparation, transportation, storage, processing, realization and use of agricultural and other vegetable production.

The order of import/export in/out the Kyrgyz Republic, transportations through its territory of transit plant cargoes, carrying out of activities on internal plant quarantine and the basic requirements to physical and legal persons on plant quarantine are determined by the Government of the Kyrgyz Republic.

Physical and legal persons are obliged to observe the established requirements on quarantine of plants.

The list of wreckers, plant deceases and the weeds having quarantine value for the republic, and the biological objects list which are not subject to export and import, endorsed in the order established by the Government of the Kyrgyz Republic.

Article 27. Resettlement, acclimatization and hybridization of plants

Resettlement of country's plants in new places, acclimatization of new plant kinds new to the country's flora, activities on hybridization of wild-growing plants in natural conditions are supposed in the research and economic purposes on the basis of the conclusions of the corresponding scientific organizations and bodies of state service on plant quarantine in the republic and under the decision of specially authorized state bodies.

Rules of resettlement, acclimatization and hybridization of plants are approved by republican state environmental protection body of the Kyrgyz Republic.

SECTION V. THE STATE CADASTRE OF FLORA OBJECTS AND THE CONTROL OVER THEIR PROTECTION AND USE

Article 28. The state cadastre of flora objects

The state cadastre of flora objects of the Kyrgyz Republic contains necessary documentation system on a legal regime of flora objects, their distribution on user categories, geographical and administrative-territorial placing, the areas, stocks, the quantitative and qualitative characteristic, economic and scientific value, an economic evaluation of technical, fodder, medicinal, food and other natural vegetative resources, their use within rayons and oblasts, and necessary for maintenance of effective protection, rational use and reproduction.

Conducting of the state cadastre of flora objects is provided by means of topographical, geodetic, geobotanical, land and forestry arrangement and other inspections, registration and flora objects use condition assessment.

The state cadastre of flora objects is conducted by the specially authorized state bodies on wildlife management on uniform system funded from the state budget.

Users of flora objects, land arrangement bodies and forestry bodies, scientific, state and public organizations dealing with commercial preparations of wild-growing raw material, are obliged to submit to the nature protection bodies responsible for the state cadastre of flora objects, data available at them on ditribution, the areas, stocks, productivity, quantitative, qualitative and economic estimations of natural vegetative resources, their protection and use.

The order of conducting the state cadastre of flora objects is established by the Government of the Kyrgyz Republic.

Article 29. The state control over protection and use of flora objects

The objective of the state control over protection and use of flora objects consists in maintenance of observance with all physical and legal persons of requirements of the legislation on protection and rational use of flora objects of the Kyrgyz Republic.

The state control over protection and use of flora objects is carried out by republican state environmental protection body of the Kyrgyz Republic.

The procedure of the state control over protection and use of flora objects is established by the Government of the Kyrgyz Republic.

Article 30. Monitoring of flora condition

Monitoring of flora represents the supervision system over a condition of flora objects for duly revealing the changes, their assessment, the prevention and elimination of consequences of negative processes for flora objects.

The structure, the contents and the procedure of monitoring of flora are established by monitoring rules over flora condition in the republic, authorized by the Government of the Kyrgyz Republic.

SECTION VI. THE RESOLUTION OF DISPUTES ON FLORA OBJECTS PROTECTION AND USE ISSUES

Article 31. The order of disputes resolution on flora objects protection and use issues

Disputes on flora objects protection and use issues and the related receivership proceeding are resolved in the judicial order.

Disputes of the enterprises, establishments and organizations of one country on flora objects granting, use and protection issues in the territory of another country are considered by the commissions formed on an paritet basis from representatives of the interested parties.

Article 32. The responsibility for violation of the legislation on protection and use of flora objects

The persons guilty:

- In autocratic capture of flora objects;
- In illegal destruction or damage of wild-growing plants, their fruits, seeds, parts and other products;
- In infringement of rules, norms, terms and other requirements on conduct of any using types of flora objects;
- In breaking the rules of protection of the wild-growing plants growing environment and natural vegetative communities formed by them, requirements of fire safety;
- In destruction, damage or harm of wild-growing plants and natural vegetative communities formed by them, pollution of grassy vegetative integument by the sewage, hazardous emissions, oil products, chemical and radioactive substances, industrial wastes;
- In contamination of the territories occupaid with natural vegetation, by household and other wastes, dump and warehousing dust in the specified territories, livestock and other wastes and wastes outside the specially removed in the established order places for these purposes;
- In burning out dry plants in natural vegetative communities;
- In infringement of application rules of plant protection means, their growth stimulators, mineral fertilizers and other drugs causing damage to flora objects;
- In placing, construction, designing, putting into operation objects and constructions having adverse impact on wild-growing plants condition, natural vegetative communities;
- In preparation, collection, purchase, transportation, receipt and sale without the special sanction of wild-growing plants, and also the plants brought in the Red book of the Kyrgyz Republic and special lists of rare, endemic, relic plant kinds and those under threat of disappearance, their fruits, seeds, parts and other products of these plants, and in illegal destruction or damage of the natural vegetative communities brought in the Red book of the Kyrgyz Republic;
- In inactivity of measures to destruct the quarantine, weed and other undesirable wild-growing plants liable to destruction according to the legislation of the Kyrgyz Republic;
- In infringement of the rules established for pest control and plant deceases, and requirements on plant quarantine;
- In failure to meet requirements of nature protection mode of flora objects use;
- In distortion or nonsubmitting the data of the state registration, count and an assessment of flora objects, the documentation data of the state flora objects cadastre and flora monitoring;
- In non-payment for using natural vegetative resources in deadlines;
- In other infringements of norms and instructions for flora objects use,

bear administrative, criminal or other responsibility according to the legislation of the Kyrgyz Republic.

Autocratically seized or illegally registered for possession or using of flora objects reseted to their owners without compensation of expenses made during illegal possession (using) to the illegal owner (user) of these flora objects

Article 33. Compensation of the damage caused by violation of the legislation on protection and rational use of flora objects

Physical and legal persons are obliged to indemnify the damage, caused by them as a result of violation of the legislation on protection and use of flora objects, in sizes and order, established by the legislation of the Kyrgyz Republic.

Officials and other workers guilty in activities resulted in indemnification by the enterprise, establishments and organizations, bear a liability in the established order .

Illegally prepared wild-growing plants (ground and underground parts, fruits, seeds), and also production processed from them are subject to confiscation in the order established by the legislation of the Kyrgyz Republic. If it is not possible to confiscate illegally collected wild-growing plants or their parts and production processed from them total cost under the prices established by the legislation of the Kyrgyz Republic is charged.

SECTION VII. FINAL PROVISIONS

Article 34. The enforcing order of the present Law

The present Law inures from the date of publication.

The Government of the Kyrgyz Republic is to bring the normative legal acts into accord with the present Law in three-monthly term.

Prior bringing the legislation of the Kyrgyz Republic into accord with the present Law, those normative legal acts that do not conflict the present Law are applied only.

The president

The Kyrgyz Republic A.Akaev

Bishkek, the House of the Government

On June, 20, 2001 №53