

THE LAW OF THE REPUBLIC of TAJIKISTAN

On Fisheries

This Law regulates legal, economic and organizational fundamentals of fisheries for purposes of comprehensive development, preservation and increase of fish reserves, improvement of fish productivity of reservoirs and ponds, most full satisfaction of needs of population in fish products.

Chapter 1 General Provisions

Article 1. The basic concepts

In present Law were used the following main conceptions:

- Fisheries is a system of fish farming, fishing, reproduction and protection of fish reserves and trade of fish and fish production;
Fish ponds – special constructions where the whole process of production from reproduction of fish before getting the commercial output is carried out;
- Fish products – fish, live, salt, dry–cure, smoked, canned, caviar;
- Brood stock – female and male fish of all kinds, their posterity, the embryos, impregnated eggs;
- Commercial fish – a two-year-old fish suitable for trade;
- Fishing gear – device permitted by the law for fish capture in natural and artificial water bodies..

Article 2. The fishery legislation of the Republic of Tajikistan

Fishery legislation of the Republic of Tajikistan is based on the Constitution of the Republic of Tajikistan and consists of the present law and other normative legal acts of the Republic of Tajikistan and the international legal acts recognized by the Republic of Tajikistan.

Article 3. The Government authorities of the Republic of Tajikistan in fishery sector

The Government authorities of the Republic of Tajikistan in fishery sector consist of:

- implementation of a unified state policy in fisheries;
- adoption of normative legal acts in fisheries and the use of fish stocks;
- definition of the authorized body;
- developing international cooperation in fishery sector, research, development, use and protection of fish stocks;
- other authorities defined by legal acts.

Article 4. The competence of the authorized body:

The competence of the authorized body covers:

- organization of special ichthyological system in industrial water bodies, development and the approval of normative and methodical framework, standards, acts, registration of licenses, definition of the ways of development, use and protection of fish stocks and fishery development on the scientific basis;

- carrying out of state expert appraisal of civil-engineering designs. reorganizations of the enterprises. providing technical equipment. and other objects affecting the condition of fish stocks;
- regulation of the relationship between the enterprises and the organizations of the fishery sector and the order of implicit observance of the obligations of the parties in cultivation. use of brood species. improvement of the quality and efficiency of the sector and consumers protection;
- obtaining of the necessary information from Fish Farms;
- prohibition of the fish product trade at the non-observance of the technology norms of cultivation and production;
- other responsibilities defined by normative legal acts.

Article 5. Responsibilities of fish producers

Individual and/or legal Fish farming entities regardless of the form of ownership while running fish farms will carry out the following tasks:

- cultivation and protection of fish stocks;
- preservation of productivity of water bodies;
- protection of habitats, reproduction conditions and fish migration routs;
- protection of fish species in the Red Book of the Republic of Tajikistan;
- prevention of undesirable changes in water ecosystem, in fish cultivation (hereinafter - fish farming);
- effective and rational use of pond areas to breed of commercial fish from fry and eggs;;
- improving the fish stocks of the water bodies;
- providing quarterly reports to authorized agency on fish stocks and quantity of fish capture.

Chapter II. Management of Fish Reserves of Water bodies

Article 6. Objects of Fisheries

Objects of Fisheries are

- ponds, water bodies, lakes, rivers, fish, fry, eggs;
- capture, protection, processing, cultivation of commercial fish and brood stock, fish gear;
- The natural fish stock of any water body in the territory of the Republic of Tajikistan is the property of the country.

Article 7. Management of the use and protection of fish stocks of the water bodies.

The subjects of the management of the regulation of relationship on the use and protection of fish stocks:

- allocation of fish stocks in fishery water bodies of the state value and in the water bodies of the general use, establishing the order of their use and protection;
- defining the main user of the fishery water bodies of the state value.

Chapter III. Capture and Fishery arrangement

Article 8. Allocation of water bodies and their sites

The water bodies or their sites can be allocated to legal and physical persons with the purpose of fishery and aquaculture.

The order, rules and conditions of management of the fish stock capture and aquaculture, allocation of fishery water bodies or their sites, protection of fish stocks and their habitats is established by the authorized body.

Physical and legal persons on the allocated water bodies or their sites are obliged to carry out fish protection and melioration activities to improvement the condition of water bodies and conditions of fish reproduction and other water organisms. to undertake activities in the reproduction of food fish and to maintain the appropriate sanitary condition of the coastal fishery sites.

Article 9. Amateur and Sport Fishing

The procedure and conditions for amateur and sport fishing shall be established by Authorized agency.

Article 10. The priority right of using water bodies

The priority right to use the water bodies and their sites for fishery activities belongs to the specially authorized organs involved in fish capture and aquaculture.

Article 11. Scientific purposes of fisheries

The main user of a water body is obliged not to interfere with the use of the water body for the organization and carrying out scientific researches.

Article 12. Fisheries in water bodies of protective zone and reserves

The commercial entities who are involved in commercial fisheries can perform fish capture in the water bodies of protective zone and reserves in coordination with the authorized body.

Clause 13. State environmental appraisal

The construction of industrial and other objects negatively influencing the condition and reproduction of fish stocks. can be performed only after receiving the positive conclusion of the state environmental appraisal from the authorized body.

Chapter 4. Limitation of water resources utilization

Article 14. Establishing the limitations

In case of threat to the condition of fish stocks (mass destruction of fish, disease, poisoning and pollution of the water habitats, etc.) the state body responsible for the environmental protection has the right to establish the terms of the closure of fishing in coordination with authorized body of the sector.

Article 15. Introduction and stocking of certain species in water bodies

Introduction and fish stocking in water bodies of the Republic of Tajikistan of certain fishes and other water organisms is allowed at the presence of the special sanction from the corresponding state body.

Chapter 5. Aquaculture development fund

Article 16. Formation of the aquaculture development fund

Aquaculture development fund is formed from the following sources:

- financing from the central government and local budgets for the implementation of the target aquaculture programs;
- donations of physical and legal persons for fishery development;
- service payment resources;
- resources of ecological fund;
- other funds allowed by the current legislation of the Republic of Tajikistan.

Article 17. The support of the aquaculture development fund.

Governmental or non-governmental funds of the aquaculture development can be created with the purpose of the reproduction, protection of fish stocks, fish production in the country and also for the additional financing.

Chapter 6. Protection of fish stocks and their habitats.

Article 18. Measures on the support of fish stock protection and their habitats

Protection of fish stocks and their habitats is provided by:

- establishment of rules, norms, terms and other requirements on protection, use and reproduction of fish stocks;
- implementation of the measures of fish stocks protection stipulated in the construction projects, influencing the condition and reproduction of fish stocks and their habitats;
- registration of fish stocks;
- restriction of fish capture in the water bodies where introduction of new kinds of fish is carried out;
- carrying out scientific researches on the rational use and reproduction of fish stocks;
- preventive maintenance of infectious diseases of fish;
- compensation of the damage caused to fish stocks and their habitats.

Chapter 7. Final Provision

Article 19. Responsibility for the violation of the present Law

Physical and legal persons bear the responsibility for the violation of the present Law according to the legislation of the Republic of Tajikistan.

Article 20. Enforcement of the present Law.

The present Law is to be enacted after its official publication.

E. Rahmonov, President of the Republic of Tajikistan
Dushanbe
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