

The law of the Republic of Tajikistan

« On nature protection»

**(In the edition of the Law of RT as of February 1, 1996 #223,
May 10, 2002 #30, December 2, 2002 #75, July 15, 2004 #58,
June 13, 2007, #284)**

In the Republic of Tajikistan issues of nature protection, rational use and reproduction of its resources, improvement of an environmental issue are a nation-wide task, business of all people, moral duty of each citizen.

The policy of the Republic of Tajikistan in the field of protection of an environment is directed on maintenance of a priority of ecological interests of the republic with the account of the scientifically proved combination of development of economic and other activity with the careful attitude to a nature, to its riches, rational use of natural resources and guaranteed protection of the right of the man on environment, healthy and favorable life. The Republic of Tajikistan proceeds from necessity of wide and effective international cooperation with the purpose of preservation of a nature of the Earth and establishment of general and complete ecological safety of the world community.

The present Law in a complex with organized, legal, economic and educational measures is called to promote formation and strengthening ecological law and order protection of environment in the interests of the present and future generations and maintenance of ecological safety on the territory of the Republic of Tajikistan.

Chapter I The General Provisions

Article 1. Tasks of the legislation of Republic of Tajikistan about nature protection

Tasks of environmental legislation are regulation of relations in the sphere of society and nature with the purpose of preservation of natural riches and natural habitat of the man, rational use and reproduction of natural resources, prevention of ecologically harmful influence of economic and other activity, environmental sanitation and improvement of quality of environment, strengthening of legality and law and order in the specified sphere of the relations in the interests of the present and future generations of the people.

Article 2.

In this Law were used the following definitions:

Environment - the human environment, the biosphere (habitat of a living organism), which serves the condition, means and place of human life and other living organisms: it includes nature as a system of natural environment, which is transformed by human activity;

Environmental protection - a system of government and public actions aimed at ensuring the harmonious interaction between society and nature through conservation and reproduction of natural wealth, natural resources, improve the quality of the human living environment;

Natural resources - natural sources for human consumption (land, water, forests, minerals, the reserves of minerals, radioactive materials, flora and fauna, their components and other environmental benefits);

Environmental damage - adverse changes in the environment caused by human activities, resulting in environmental pollution, depletion of natural resources, damage, destruction of ecological systems by nature pose a real threat to human health and life, flora and fauna, material values;

Zones of defense (in the environment), the diversity of protected areas, part of the space, protected in accordance with rules established by law for the protection of conservation areas, national parks, public zoological parks, state parks, arboretum by limiting the use of nature for the protection of protected sites;

Sanitary protection zones - areas that are intended to provide the required hygiene standards content in the surface layer of the atmosphere pollutants, reducing the negative effects of power lines on the surrounding population;

The Red Book - a set of information about rare or endangered species of plants and animals, approved in the manner prescribed by law, to introduce a regime of special protection and subsequent reproduction (the International Red Book, Red Book of Tajikistan);

Limit the use of natural resources (environmental protection) - limiting the number of exemptions, consumption of natural resources, emissions of harmful substances into the environment. Established for conservation, sustainable use of its resources, prevention of harmful impacts on it;

Rationing of Environmental Quality to establish a system of indicators of environmental quality;

Maximum permissible limits of harmful impacts on the environment - indicators of the maximum allowable impact of economic and other activities on the environment, protect the environment, natural resources, environmental, public safety and human health;

Standards of environmental quality indicators of the criterion of environmental quality: maximum permissible concentration (MPC) of hazardous substances, the maximum allowable levels (MAL) of radiation exposure, noise levels, vibration, magnetic fields, the maximum allowable rate of chemicals (PDHV) used in agriculture, forestry, the maximum permissible loading rate of human activities on the environment;

Environmental pollution - entry into the environment of potentially hazardous chemical and biological agents, radioactive materials, waste and environmental impact of noise, vibration, magnetic fields and other harmful physical effects;

Ozone layer - the atmospheric layer at a height of 7-8 km at the poles, 17-18 km at the equator over the planet's surface with a high concentration of ozone molecules, which absorbs harmful to living organisms ultraviolet radiation from space;

Waste - any substances, materials and objects that are formed in the process of human activity and are not suitable for further use in the field of education or to detect and from which the owner intends to get rid of them by use or disposal;

Emissions, discharges of harmful substances - the output to the external environment (in air, to water, land) pollution from any source of pollution; State arboretum plantings group, which is scientific, cultural and historical value, natural kinds of garden flora;

Ecological expertise - the official definition of conformity of planned and carried out economic and other environmental requirements and determine the admissibility implementation of ecological expertise in order to prevent possible adverse effects of activities on the environment and associated social, economic and other consequences of the implementation of ecological expertise (in edition of the Law of RT as

15.07.2004g.N58)

Article 3. The legislation of the Republic of Tajikistan on nature protection

The relations in the field of nature protection in the Republic of Tajikistan are regulated by the Constitution of Republic of Tajikistan, the present Law and other Laws and Acts of the Republic of Tajikistan, International Laws and Acts recognized by the Government of Tajikistan (in edition of the Law as of 02.12.2002, # 75) on the issues of nature developing according to them.

Article 4. The basic principles of protection of an environment

At conducting economic, administrative and other activity having negative impact on a status of environment. Majlises of the national deputies, other governmental bodies, enterprises, organizations, and citizens of the Republic of Tajikistan, foreign legal persons and citizens, the persons without citizenship are obliged to be guided by the following basic principles:

- priority of people's life and health protection, maintenance of favorable ecological conditions for life, work and rest of the population;
- the scientifically proved combination of ecological and economic interests of a society providing real guarantees of the rights of a man on environment, healthy and favorable for life, and the most complete satisfaction of material and cultural requirements of the citizens;
- complex, rational use of natural resources, necessity of their reproduction and banning of other harmful consequences for environment and health of the man;
- observance of the requirements environmental legislation, inevitability of the responsibility, established by the law, for their infringements;
- publicity in work and close communication(connection) with public organizations and population in the decision environmental tasks;
- the international cooperation in the field of environment preservation.

Article 5. Properties of environment preservation

To protection from pollution, damage, negative effect, deterioration, the destructions and other irrational use the following are subject:

- state preserves national natural territories and properties (in the edition of the Law RT as of 02.12.202, #75);
- land, earth's interior, surface and ground waters, atmospheric air, fauna;
- forests, pastoral lands and other vegetation in all their specific variety, typical and rare landscapes.

The state preserves national natural territories and properties are state natural reserves, state national parks, state zoological gardens, arboreturns and botanical gardens, state sanctuary, ecological and ethnographical zones, natural recreation zones, resorts, health-improving zones, as well as animals and plants being species recorded in the International Red book, the Red book of the Republic of Tajikistan and places of their habitat are related to especially protected natural territories and properties (in the edition of the Law RT as of 10.05.2002, #30).

The resort and recreational zones, zones of formation of ground waters (river valleys, alluvial cones, foothill shelves) rare geological detection and minerological formations, paleontological properties and other sites of Earth's interior, representing scientific, cultural and other value, coastal strips and water-protected zones (strips) of water properties, protected (buffer) zones of natural specially protected territories, fishery reservoirs, protective strips of forests and other zones in the order stipulated by the legislation of the Republic of Tajikistan, international agreements are subject to the special protection.

Article 6. Removed (in edition of the Law RT as of 10.05.2002, #30)

Article 7. The competence of Majlisi Oli of the Republic of Tajikistan In the field of protection of environment (in edition of the Law RT as of 01.02.1996, #223)

To the competence of Majlisi Oli of the Republic of Tajikistan in regulation of relations in the field of environment preservation the following are subject:

- maintenance of preservation rational use of natural resources in the interests of the present and future generations;
- planning of the republican activities in the field of protection of environment, approval the republican complex targeted programs, financing and maintenance of the environmental protection actions;
- co-ordination of environment protection activities of the ministries, state committees, departments, enterprises, organizations, irrespective of belonging and patterns of ownership;
- establishment of the standards and procedure of payment collection for usage of natural resources, emissions and resets of harmful substances, wastes accommodation (burial), other harmful influences on environment;
- establishment an order of development and approval of the ecological standards, limits of natural resources use, emissions, resets of polluting substances in environment, wastes accommodation;
- establishment of formation and expenditure of off-budget republican funds of nature protection;
- making decisions about the discontinuance of activity of the enterprises, institutions, organizations, irrespective of patterns of ownership and submission in case of their infringement environmental legislation; making the decisions on especially protected natural territories and property and including into nature - reserved fund of the Republic of Tajikistan

Majlisi Oli of the Republic of Tajikistan according to the Constitution of the Republic of Tajikistan can accept to its consideration the other issues in the field of environment protection and use of natural resources.

Article 8. Competence of the Government of the Republic of Tajikistan in the field of environment preservation (in edition of the Law RT as of 01.02.1996, #223)

The competence of the Government of the Republic of Tajikistan in the field of environment preservation includes the following:

- maintenance of preservation rational use of natural resources in the interests of the present and future generations;
- planning of the republican activities in the field of protection of environment, approval the republican complex targeted programs, financing and maintenance of the environmental protection actions;
- co-ordination of environment protection activities of the ministries, state committees, departments, enterprises, organizations, irrespective of belonging and patterns of ownership;
- establishment of the standards and procedure of payment collection for usage of natural resources, emissions and resets of harmful substances, wastes accommodation (burial), other harmful influences on environment;

- establishment an order of development and approval of the ecological standards, limits of natural resources use, emissions, resets of polluting substances in environment, wastes accommodation;
- making the decisions about the discontinuance of activity of the enterprises, institutions, organizations, irrespective of patterns of ownership and submission in case of their infringement environmental legislation;
- making the decisions about organizations of especially protected natural territories and properties and inclusion them in natural - reserved fund of the Republic of Tajikistan (in the edition of the Law RT as of 13.06.2007, #284)

.The Government of the Republic of Tajikistan can also carry out other powers according to the present Law (in the edition of the Law of RT as of .02.12.2002, N 75).

Article 9. The competence of the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection (in the edition of the Law RT as of 02.12.2002, #75)

The competence of the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection includes the following (in the edition of the Law RT as of 02.12.2002, #75):

- integrated management in the field of environment protection in the Republic of Tajikistan, conducting common scientific and technical policy on natural environmental protection and use of natural resources, coordination of activity of the ministries, departments, enterprises, institution and organizations in this area;
- the state control of use and protection of lands, Earth's depths, surface and ground waters, atmospheric air, forests and other vegetation, fauna of natural resources of the Republic of Tajikistan, and also observance of standards of ecological safety;
- organization of monitoring of environment, creation and maintenance of the work of a state service of environment control;
- the approval of the ecological standards, rules, participation in development of the standards on regulation of natural resources use and environment protection from pollution and other harmful influences;
- conducting of state ecological examination;
- receiving free-of-charge ecological information from the ministries, departments, enterprises, institutions and organizations;
- providing the population with ecological information;
- licensure on burial (warehousing) of industrial, municipal - household and others wastes, emissions, resets of polluting substances to environment, on use of natural resources according to the legislation of the Republic of Tajikistan;
- the restriction or laying-off of activity of the enterprises and other properties irrespective of ownership and subordination, if their operation is carried out with infringement of environmental legislation, licenses for use of natural resources, in case of excess of limits of emissions and resets of polluting substances (in edition of the Law RT as of 02.12.2002, #284);
- presentation of the claims about compensation of harm caused as a result of infringement of environmental legislation;
- development of the state, interstate and regional ecological programs;
- drawing up the protocols and considering of legal proceeding about administrative offences in the field of environment protection and use of natural resources;
- participation in organization of system of general, continuous ecological education and training;
- coordination of the work of other bodies, specially authorized to state management in the field of environment protection;
- management of natural-reserved activity;
- the accounting and rating of natural resources, conducting of republican natural resources cadastres;

- implementation of the international cooperation in the field of environment protection, study, generalization and distribution of the international experience, maintenance of performance of the obligations of the Republic of Tajikistan according to the international agreements in the field of environment protection.

The decisions of the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection on issues referred to their competence, are obligatory for all legal persons and citizens and can be appealed against in the court (in edition of the Law RT as of 02.12.2002, #75).

Article 10. The competence of local Majlises of the national deputies in the field of regulation of the relations in the sphere of environment protection

To authority of local Majlises of the national deputies in the field of regulation of the relations in the sphere of environment protection are the following:

- definition of the basic directions of environment protection of subordinated territories and approval of the ecological programs;
- the calculation and rating of a status of natural resources, calculation of ecologically harmful properties, conducting natural resource cadastre documentation;
- planning of environment protection, financing and material maintenance of the nature protection programs;
- coordination of nature protection activity of bodies of management, enterprises, institutions, organizations, assistance to voluntary cooperation of means on performance of measures on environment protection;
- coordination of activity of ecological services, enterprises, organizations, institutions, irrespective of patterns of ownership and subordination, implementation of ecological expertise of the projects (in the edition of the Law RT as of 02.12.2002, #75);
- removed ((in edition of the Law RT as of 13.06.2007, #284);
- organization of the collection and recuperation of industrial and household wastes;
- participation in organization of reserved business;
- propagation of nature protection, ecological education and training;
- consideration of other issues of environment protection referred to the Legislation of the Republic of Tajikistan (in the edition of the Law of RT as of 01.02.96 N 223).

Chapter II. The right of the citizens on a healthy and favorable environment

Article 11. The right of the citizens on the environment, favorable for life

Each citizen of the Republic of Tajikistan has the right to live in environment favorable for his health and life. This right is provided:

- by observance of the ecological requirements at accommodation of productive forces, enterprises, structures and other properties rendering influence on environment, planning of territorial - industrial complexes, development of industry, agriculture, energy, transport and other branches of a national economy.

The citizens are not allowed to use environment in the way that caused the damage to environment, to the rights and lawful interests of the enterprises, institutions, organizations, other citizens.

Article 12. The right of the citizens on protection of health from adverse influence of environment

Each citizen of the Republic of Tajikistan has the right to protect his health from adverse influences of environment caused by economic or other activity, failures, accidents, natural disasters.

This right is provided:

- by planning and standardization of quality of environment, measures on prevention of ecologically harmful activity and improvement of environment, prevention and compensation of consequences of failures, accidents, natural disasters;
- compensation in the court or in administrative order of damage caused to health of the citizens as a result of pollution of environment and other harmful impacts on it, including consequences of failures and accidents;
- by the state and social control of a status of environment and observance of environmental legislation, calling to account the persons guilty in infringement of the requirements of ecological safety of the population.

Article 13. The right of the citizens to receive ecological information

The citizens of the Republic of Tajikistan have the right to reception of the duly, complete and authentic information about a status of atmospheric air, waters, soils, Earth's depths, forests, fauna (including fish stocks), radiating conditions in the republic.

This right is provided with the periodic publication of specially authorized state bodies of the Republic of Tajikistan of the information about a status of environment (atmosphere, soil waters, radiating conditions), forests, fauna, including fish stocks on appropriate territories and tendencies of its change (in edition of the Law RT as of 02.12.2002, #75).

At sharp deterioration of quality of an environment menacing the health of people, local government authorities (Khukumats) and the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection inform the population on the reasons of deterioration of ecological conditions and ways of the prevention of harm (in the edition of the Law of RT as of 01.02.96 N 223).

Article 14. The right of the citizens on participation in acceptance ecologically significant decisions and control of their performance

The citizens of the Republic of Tajikistan have the right to participate and control development, making and execution of the decisions connected to influence on environment.

This right is provided by publication, social discussion of the ecologically important draft decisions, implementation of public ecological expertise of the projects, duty of proxy bodies to take into account the offers of the citizens, use of the various forms of participation in environment protection.

Chapter III. The economic mechanism of environment protection

Article 15. Tasks of the economic mechanism of environment protection

The economic mechanism of environment protection has as its task a development of material and moral stimulation of activity of the ministries and departments, enterprises, establishments, organizations, irrespective of patterns of ownership and subordination, their workers, citizens in elaboration, planning and performance of measures of ecological safety, rational use and reproduction of natural resources.

The economic mechanism of protection of environment provides:

- planning and financing of environment measures;
- establishment of limits of use of environmental resources, emissions and resets of polluting substances in environment and accommodation of wastes (in edition of the Law RT as of 02.12.2002, #75);
- collection of a payment for usage of natural resources, resets and emissions of polluting substances, wastes accommodation, other kinds of harmful impacts;
- material encouragement of collectives and workers of state, cooperative and other organizations, enterprises, and citizens;

- tax and credit privileges given to state, cooperative, public and other enterprises, institutions and organizations, including environmental ones, irrespective of patterns of ownership or subordination, and also citizens, at introduction of low-waste and wasteless technologies and manufactures, use of secondary resources, conducting of other activities having environment effect;
- the incentive prices and extra charges on ecologically pure production;
- compensation in the established order of harm caused to environment and health of the people;
- imposition on the enterprises, establishment, organization and citizens' duties on restoration of the broken favorable status of environment;
- complete or partial deprivation of the officials and other workers of the premiums which are given for them as a result of the basic activity, in case of infringement by them the requirements of the legislation about nature protection, default of measures on protection of a nature, collecting when due hereunder of money indemnifications for damage caused as a result of damage or destruction of natural properties;
- introduction of the special taxation of the enterprises, establishment, organizations for application of ecologically dangerous technologies and execution of other activity, dangerous to environment.

The legislation of the Republic of Tajikistan, local Majlises of the national deputies by their decisions can establish other kinds of ecological stimulation of protection of natural environment.

The economic incentives of nature protection activity is carried out in the order determined by the legislation of the Republic of Tajikistan, decisions of local Majlises of the national deputies (in edition of the Law RT as of 01.02.1996, #223).

Article 16. The account and social - economic assessment of natural resources

State nature protection bodies of the Republic of Tajikistan, together with bodies of state statistics, nature users, conduct the quantitative and qualitative account of natural resources and secondary raw material, carry out their socio economic assessment.

The introduction of state land, water, forests, Earth's depth, fauna specially protected natural territories and properties cadastres is assigned to state nature protection bodies.

Article 17. Removed (in edition of the Law RT as of 02.12.2002, #75)

Article 18. Funds for nature protection (in the edition of the Law RT as of 02.12.2002, #75)

Funds for nature protection raises from:

- republican and local budgets ;
- republican and local funds for nature protection;
- voluntary payments of the population and other means (in the edition of the Law as of 02.12.2002, #75).

Article 19. Limits on nature use

The nature use limits are a system of ecological restrictions by the territories and represent limits of volumes of limiting use of natural resources, emissions and resets of polluting substances in environment and accommodation of wastes established for enterprises – nature users during the certain period.

The limits on nature use are established for the enterprises – nature users by the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection, proceeding from necessity phased achievement of normative volumes of natural resources use utmost allowable emissions and resets of polluting substances in environment

and normative volumes of waste accommodation of manufacture taking into account ecological conditions in the region.

Article 20. Paid use of natural resources

Paid use of natural resources includes payment for natural resources, for environment pollution and for other kinds of harmful influence on it.

The payment for natural resources (land, earth's depths, water, forests and other vegetation, fauna, recreational and other natural resources) is raised:

- for the right of use the natural resources within the framework of the established limits;
- for super-limit and irrational use of natural resources;
- on reproduction and protection of natural resources.

Payment for environment pollution and other kinds of harmful influence on it is raised for:

- emissions, resets of polluting substances, wastes accommodation and other kinds of pollution within the framework of the established limits;
- emissions, resets of polluting substances, wastes accommodation and other kinds of pollution over the established limits.

The order of calculation and application of the payment standards for use of natural resources is defined by the Government of the Republic of Tajikistan. The payment standards for pollution of environment and nature use are subject to indexation as far as change of the prices in the Republic of Tajikistan.

The payment for use of natural resources does not exempt nature user from performance of measures on environment protection and compensation of harm caused by ecological offence.

Article 21. Funds of protection of a nature

The decision of court, economic court about the termination of ecologically harmful activity is the basis for the termination of its financing by the appropriate bank institutions (in edition of the Law of RT as of 01.02.96 N 223).

The property disputes connected to infringement of nature protection legislation, are solved by court or economic court, according to their competence (in edition of the Law of RT as of 01.02.96 N 223).

The disputes connected to environment protection and use of natural resources, between state and civic organizations of the Republic of Tajikistan and other states are solved in the order established by the agreements between the states.

Article 22. Insurance funds of environment protection

The insurance funds of environment protection under the Government of the Republic of Tajikistan are formed for a covering of contingencies on restoration of losses in environment, compensation damage caused to health and property of the citizens as a result of natural disasters, failures and accidents (in the edition of the Law of RT as of 01.02.96 N 223).

These funds are created at the expense of assignments of the state, deductions of the enterprises, institutions, organizations, irrespective of patterns of ownership and subordination.

The order of formation and expenditure of these funds is established by the Government of the Republic of Tajikistan (in edition of the Law of RT as of 01.02.96 N 223).

Article 23. Insurance of the citizens upon adverse influences of environment

The citizens of the Republic of Tajikistan, and foreign citizens, constantly or temporarily living in the Republic of Tajikistan, have the right to insurance of the life, health, property from adverse influences of environment occurring as a result of economic or other activity (in the edition of the Law RT as of 02.12.2002, #75)

The conditions of insurance, order of entering of insurance payments and payments of insurance compensation are determined by the legislation of the Republic of Tajikistan.

Chapter IV. Standardization of environment quality

Article 24. The basic requirements to standardization of environment quality

Ecological standardization of environment quality to be made with the purpose of an establishment of the scientifically proved extreme allowable norms of influence on environment guaranteeing ecological safety of the population, ability to live, providing preservation of biosphere, protection of biosphere air, waters, lands, vegetation and fauna, rational use and reproduction of natural resources in conditions of development of economic activity.

In the ecological standards of natural environment quality the requirements on maintenance by the enterprises, institutions and organizations, irrespective of patterns of ownership and subordination, effective solution of ecological problems by means of introduction of advanced achievements of science and engineering and, first of all, updating of the working "know-how" y resource saving, low-waste and wasteless ecologically safe technologies in combination with perfection of systems of clearing, and also requirement of reduction of influence of nature, continuous reduction and approximation to the best global achievements of specific resource capacity, emissions, resets of harmful substances in environment, including those after achievement of the established norms on a unit of production are established.

At failure to meet requirements of the environment quality standards emission, discharge of harmful substances or other kinds of harmful impacts on environment can be limited, suspended or forbidden under the decisions of the specially authorized state bodies of the Republic of Tajikistan in the field of protection of environment, sanitary supervision, down to the discontinuance of activity of the enterprises, institutions, organizations, sites, shops, installations, equipment (in edition of the Law RT as of 02.12.2002, #75)

The quantitative and qualitative account of harmful influences on environment is carried out by the Ministry of nature protection of the Republic of Tajikistan, State statistical agency under the Government of the Republic of Tajikistan, enterprises, institutions and organizations, irrespective of patterns of ownership and subordination in the order established by the Government of the Republic of Tajikistan (in the edition of the Law of RT as of 01.02.96 N 223).

Article 25. The standards of maximum permissible concentration of harmful substances

The standards of maximum permissible concentration of harmful substances, and also pathogenic microorganisms and other harmful biological substances polluting atmospheric air, water, land, are established for a rating of a status of environment in the interests of health protection of the people, preservation of genetic fund of vegetation and fauna, national economy.

In view of natural-climatic and other features, as well as special value of separate territories (preserves, reserves, , national natural parks, resort and recreational zones) for them stricter standards of maximum permissible concentration of harmful substances in properties of environment are established.

Article 26. The standards of maximum permissible emissions and discharges of harmful substances

The standards of maximum permissible emissions and discharges of harmful substances, including pathogenic microorganisms and other biological substances polluting atmospheric air, water, land, are established in view of their general coming in from all industrial entities, inventory data of emissions and discharges of harmful substances on each source of pollution, working standards of maximum permissible concentration of harmful substances in environment and its background pollution.

Article 27. The standards of maximum permissible noise levels, vibration, magnetic fields and other harmful physical impacts

The standards of maximum permissible noise levels, vibration, magnetic fields and other harmful physical impacts are established at a level providing health preservation and work capacity of the people, protection vegetation and fauna, environment favorable for life.

These standards and methods of their definition are developed and affirm by the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection, sanitary supervision.

Article 28. The standards of maximum permissible level of radiating impact

The standards of maximum permissible level of the safe contents of radioactive substances in an environment and allowable level of a radiating irradiation in food products established in an amount and particles guaranteeing health for the people and for the future generations, preservation vegetation and fauna environment favorable for life.

The above mentioned standards and methods of their definition are developed and approved by the specialized authorized state bodies of the Republic of Tajikistan in the field of environment protection, sanitary supervision.

For the constant control of a level of radiation the population is provided with radiometric equipment.

The order of providing the population with radiometric devices to use them is determined by the Government of the Republic of Tajikistan (in the edition of the Law of RT as of 02.12.2002 N 75).

Part 4 removed (in the edition of the Law RT as of 02.12.2002, #75)

Article 29. Standards of use of fertilizers, pesticides and other chemical substances

Standards of use of mineral and organic fertilizers, means of protection of plants, auxesis and other chemical substances in agriculture, forestry and other branches of a national economy should be established in dozes providing observance of the standards of maximum permissible residual quantities of chemical substances in food products, health protection of a man, his genetic fund, preservation of vegetation and fauna.

Article 30. The standards of maximum permissible residual quantities of chemical substances and biologically harmful microorganisms in food products

The standards of maximum permissible residual quantities of harmful chemical substances and biologically harmful microorganisms in food products are established by definition of the minimal permissible doze harmless to people's health by each kind of chemical substances and biologically harmful microorganisms and each kind of food products. The specified standards are developed and approved by state bodies of sanitary

supervision of the Republic of Tajikistan on presentation of agrochemical state bodies of the Republic of Tajikistan taking into account the international standards.

For the constant control of observance of these standards the appropriate organizations and population are provided with necessary means of the control.

Article 31. The ecological standards

In the standards on new engineering, technology, materials, the substances and other production capable to render harmful influence on a nature, health and genetic fund of a man, the ecological requirements providing observance of the standards of maximum permissible impacts on environment during manufacture, storage, transportation, consumption and removal are established.

The specified standards, methods of their distribution and kinds of production, for which they are developed, approved by the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection, sanitary supervision.

Article 32. The standards of maximum permissible levels of loading on environment

At formation of territorial - industrial complexes, development of industry and agriculture, construction and the reconstruction of cities, other occupied places the standards of maximum permissible levels of loading on environment of region taking into account its potential opportunities, necessity of rational use of the territory of natural resources with the purpose of maintenance of the most favorable conditions of life of the population, non-admission of destruction of ecological systems and approach of irreversible changes in environment are established.

Chapter V. State ecological expertise

Article 33. Tasks of a state expertise

The state ecological expertise is carried out in the order established by the Law of the Republic of Tajikistan on "Ecological Expertise" (in the edition of the Law of RT as of 15.07.2004, N 58).

Article 34 removed (in the edition of the Law of RT as of 15.07.2004, #58)

Article 35 removed (in the edition of the Law of RT as of 15.07.2004, #58)

Article 36 removed (in the edition of the Law of RT as of 15.07.2004, #58)

Article 37 removed (in the edition of the Law of RT as of 15.07.2004, #58)

Article 38 removed (in the edition of the Law of RT as of 15.07.2004, #58)

The social ecological expertise will be carried out by scientific collectives, social associations under their initiative. The conclusion of social ecological expertise becomes legally obligatory after the approval of its results by state bodies of ecological expertise.

The chairman, the members of social collectives of the experts bear responsibility for correctness and validity of the experts' reports according to the current legislation.

Chapter VI. Ecological requirements at accommodation designing, construction, reconstruction, commissioning of the enterprises, structures and other properties

Article 39. The general ecological requirements at accommodation, designing, construction, reconstruction, commissioning of the enterprises, structures and other properties

At accommodation, technique and economic substantiation of the project, designing, construction, reconstruction, commissioning of the enterprises, structures and installations in industry, agriculture, water management, municipal-household economy, transport, energy, economy, at a lining of transmission lines, the communications, pipelines, channels and other properties rendering direct or indirect impact on a status of environment, the requirements of ecological safety and health protection of the population should be carried out, measures on protection of a nature, rational use and reproduction of natural resources, improvement of environment should be provided.

The infringement of the specified requirements entails cease or restriction before elimination of lacks or complete discontinuance of activity on accommodation, designing, construction, reconstruction, commissioning of ecologically harmful properties, irrespective of patterns of ownership and subordination, according to the instruction of the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection, sanitary supervision.

Article 40. Development and implementation of the projects essentially influencing on environment

Development and implementation of the large economic projects rendering essential influence on a status of environment, are made under the decision taken by Majlisi Oli of the Republic of Tajikistan, on the basis of the conclusion of state ecological expertise and results of national discussion or referendum (in the edition of the Law of RT as of 01.02.96 N 223).

The development and implementation of the economic projects connected to infringement or destruction highly productive natural ecological systems and natural balance, adverse changes of a climate and ozone layer of the Earth, destruction of genetic funds of plants and animals, approach of other irreversible consequences for health of a man and environment are forbidden.

Article 41. The ecological requirements at accommodation of the enterprises, structures and other properties

At accommodation of the enterprises, structures and other properties, irrespective of patterns of ownership and subordination, the performance of the requirements on environment protection, rational use and reproduction of natural resources, account of the nearest and remote ecological, genetic, economic, demographic, moral consequences of functioning of the specified properties should be supplied at a priority of protection of health of a man and well-being of the population.

The definition of sites of the enterprises, structures and other properties, irrespective of patterns of ownership and subordination, is made according to the current legislation and at presence of the positive conclusion of ecological expertise.

Article 42. The ecological requirements to construction, reconstruction of the enterprises, structures and other properties

The implementation of preparatory works on sites, construction, reconstruction of properties, irrespective of patterns of ownership and subordination, until the approval of the project and allotment of land is forbidden. The change of the authorized project is not supposed to the detriment of the requirements of ecological safety.

Performance of works stipulated in ecological section of the project should be made first of all.

At implementation of civil work measures on protection and rational use of natural resources, land recultivation and restoration of other natural resources, accomplishment of territory and improvement to an environment should be taken.

The infringement of the requirements stated in present article of the Law, entails cease of civil work before elimination of the mentioned lacks under the instruction of the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection, sanitary supervision, supervision of safe conducting works in an industry and mountain supervision.

Article 43. The ecological requirements at break-in of the enterprises, structures and other properties

Break-in of the enterprises, structures and other properties should be made under condition of performance in complete volume of the ecological requirements stipulated by the project, according to the acts of the acceptance commissions created with participation of the representatives of specially authorized bodies of the Republic of Tajikistan in the field of environment protection, sanitary supervision.

Break-in of properties without the positive conclusion of state ecological expertise, and not provided with effective structures and installations on clearing, neutralization and recycling of harmful wastes, emissions and discharges up to the standards of maximum permissible level, means of the control over pollution of environment, without end of the projected works on nature protection, land recultivation, restoration of other natural resources, improvement to environment is forbidden.

The chairman and the members of acceptance commission are personally liable for infringement during acceptance of properties according to the legislation of the Republic of Tajikistan.

Chapter VII. The ecological requirements at operation of the enterprises, structures, other properties and performance of other activity

Article 44. The general ecological requirements at operation of the enterprises, structures and other properties

The enterprises, institutions, organizations, citizens are obliged to take effectual measures on observance of a technological mode and performance of the requirements on nature protection, rational use and reproduction of natural resources, improvement to environment.

The enterprises, institutions, organizations provide observance of the established environment quality standards of on the basis of effective work cleansing structures, installations and means of the control, neutralization and recycling of wastes, transition to ecologically safe technologies and manufactures, take measures on protection and restoration of efficiency natural ecosystems, protection of lands, soils, Earth's depths, waters, atmospheric air, vegetation and fauna, reproduction of natural resources.

The infringement of the ecological requirements at operation of the enterprises, structures and other properties entails restriction, cease, discontinuance of activity of the enterprises, institutions, organizations or shops, departments, branches, installations under the decisions of the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection, sanitary supervision of safe conducting works in industry and mountain supervision with the simultaneous discontinuance of financing of the forbidden activity by banking bodies.

Change of activity of ecologically harmful properties is made as agreed with the specially authorized state bodies in the field of protection of environment, sanitary supervision and local Majlises of the national deputies (in the edition of the Law of RT as of 01.02.96 N 223).

Article 45. The ecological requirements in agriculture and forestry

The enterprises, establishment, organization and citizens conducting agricultural activity are obliged to carry out a complex of measures on protection of soils, reservoirs, forests and other vegetation and fauna from harmful influence of spontaneous forces of nature, negative consequences of use of engineering. Chemical and other substances and other factors worsening a status of environment protection and causing harm to health of a person.

Cattle-breeding farms and complexes, enterprises processing agricultural and forestry production should have necessary sanitary - protective, water-security zones and clearing structures excluding pollution and defacement of lands, surface and ground waters, destruction and exhaustion of forests and pasturable lands.

Default of the specified requirements, the causing of harm to environment and health of a man entails restriction, cease or discontinuance of ecologically harmful activity of agricultural and other properties under the decision of the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection, sanitary supervision.

Article 46. The ecological requirements at planning, designing, performance of land-reclamation works

The enterprises, institutions, organizations and citizens at planning, performance land-reclamation works, operation of land-reclamation systems should provide all necessary measures on observance of water balance, rational use and protection of lands, forests and other vegetation, economical use of waters, prevention them from flooding, disease, salinization, soil erosion, non-admission of spawning-ground destruction, places fattening, hibernation and migration of fishes, other harmful impacts on environment.

The non-observance of the specified requirements entails stop of performance of works on designing, construction or operation of these systems before elimination of lacks or termination of such works under the decision of the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection of the Republic of Tajikistan with the simultaneous discontinuance of financing of works by bank

Article 47. The ecological requirements to power properties

The ecological requirements, construction, the break-in of the enterprises, installations and other power properties, irrespective of patterns of ownership and subordination, is carried out according to the requirements of articles of 38-44 of the present Laws.

The development of the concepts of power supply is carried out taking into account the necessity of reduction of negative impact of ecological consequences and influence of power properties on environment and health of the population.

At accommodation, designing, construction of hydroelectric power stations and other power properties the real needs for the electric power of the republic and region in question a relief of district or accommodation of object should be taken into account. Measures on the maximal preservation of lands, forests, deposits of minerals, inhabited localities, monuments of a nature, history and culture, effective protection of fish stocks, duly use of forests, a fertile soil layer, peat at clearing and flooding a box of reservoirs, on non-admission of negative changes in environment.

At accommodation, designing, construction, break-in of power stations are arranged on maintenance of complete radiating safety of environment and population according to the international rules.

Accommodation, designing, construction of atomic power stations and reactors in the territories with the large concentration of the population, resort, recreational, medical-improving zones and districts of sanitary protection, in seismic zones, near to large reservoirs of republican value traditional places of mass rest and treatment of the population are forbidden.

At designing and construction of thermal power stations it is necessary to provide equipment with their highly effective filters and other means for clearing harmful wastes, emissions and discharges. Use of ecologically safe kinds of fuel.

The non-observance of the specified requirements entails cease of designing, construction, work of power properties before elimination of the marked lacks or discontinuance of their work under the decision of the specially authorized state bodies of the Republic of Tajikistan in the field of protection of environment, sanitary supervision.

Article 48. The ecological requirements at designing, construction, reconstruction of cities and other inhabited localities

Designing, construction, reconstruction of cities and other inhabited localities should correspond to the requirements of articles of 38-44 of the present Law and provide the most favorable ecological conditions of life, work and rest of the population.

The construction of new and increase of capacity of working economic properties, irrespective of patterns of ownership and subordination in zones, where the pollution exceeds the established specifications is forbidden.

At planning and building of cities and other inhabited localities water supply, gardening, water drain, device of street coverings, neutralization, warehousing, ecologically safe sanitary clearing, removal and wastes burial, removal of storm drains and their clearing should be provided. With the purposes of protection of environment around large cities and industrial center, large ecologically harmful properties forest and park zones withdrawn from intensive economic use with a limited mode of nature use, mud flood protection and river bank-protecting structures are created.

Article 49. The ecological requirements at use of radioactive materials

The enterprises, institutions, organizations, citizens are obliged to observe rules of manufacture, storage, transportation, use, recycling, removal and burial of radioactive substances (sources of ionizing radiations, nuclear materials), to bar excess of standards of maximum permissible levels of radiation, and in case of their excess immediately inform bodies which are carrying out maintenance of radiating safety, on the increased levels of radiation dangerous to health of a man and environment to arrange on liquidation of the centers of contamination..

The enterprises, institutions, organizations, citizens who do not observe the rules of the manipulation with radioactive materials, according to the decision of the specially authorized bodies of the Republic of Tajikistan in the field of supervision of safe conducting works in industry and mountain supervision, environment protection, sanitary supervision lose the right to use them, or their activity on use of such materials before elimination of lacks.

The import with the purposes of a storage or burial of radioactive waste and materials and other dangerous, harmful substances from other states is forbidden.

Article 50. The ecological requirements at use of chemical substances in a national economy

The enterprises, institutions, organizations, their officials and citizens are obliged to observe rules of manufacture, storage, transportation and use of chemical substances used in agriculture as means of protection of plants, auxesis, mineral fertilizers and in other branches of a national economy, to carry out the established standards of their use and to arrange under the prevention of harmful consequences of their use for the health of a man and environment.

The Ministry of Health of the Republic of Tajikistan, together with the Ministry of Agriculture of the Republic of Tajikistan, Ministry of Nature Protection of the Republic of Tajikistan, periodically approves the list of chemical preparations allowed for use in

agriculture, establishes standards of maximum permissible contents of residual chemical substances in food products (in the edition of the Law of RT as of 01.02.96 N 223).

The use of new chemical substances able to render direct or indirect impact on health of the people, is allowed only by the sanction of the Ministry of Health of the Republic of Tajikistan. The use of toxic chemical preparations which are not exposed to disintegration, actively influencing on the man's organism and environment is forbidden.

The rules of natural environment protection in the interests of man's health protection from ecologically harmful impacts of chemical substances used in a national economy, approved and brought to the population's attention by state bodies of the Republic of Tajikistan in the field of environment protection, sanitary supervision.

The infringement of the mentioned rules creating threat for man's health by chemical pollution of environment, entails prohibition of manufacture, storage, transportation, use of the appropriate chemical preparations according to the decision of the specially authorized state bodies the Republic of Tajikistan in the field of sanitary supervision, environment protection, supervision of safe conducting works in industry and mountain supervision.

Article 51. Protection of environment from harmful biological impact

At accommodation, designing, construction, break-in and operation of the enterprises, structures and other properties, irrespective of patterns of ownership and subordination rendering biological influence on environment, the standards of maximum permissible concentration of microbes, fungi, viruses and others in environment should be observed, artificially made microorganisms and biological substances, which approved by the specially authorized state bodies of the Republic of Tajikistan in the field of sanitary supervision.

The enterprises, institutions, organizations and citizens rendering or capable to render biological impacts on environment, are obliged to provide ecologically harmless manufacture, creation, storage, contents, transportation, use and removal of microorganisms and biological substances, to develop and to carry out measures on accident precaution and accidents, prevention and liquidation of consequences of harmful biological impact on environment, man's health and his genetic fund. Supervision, account of sources and control of a level of biological impact on environment are carried out by the specially authorized state bodies of the Republic of Tajikistan in the field of sanitary supervision.

Excess of the established standards of maximum permissible levels of biological impact an environment, the infringement about a storage and use of microorganisms and biological substances entails stoppage, cessation of work of the enterprises and other properties being sources of the given pollution, under the decision of state bodies of sanitary supervision (in the edition of the Law RT as of 02.12.2002, #75).

Article 52. Protection of environment from noise, vibration, magnetic fields and other harmful physical impacts

Local Majlises of the national deputies, enterprise, institutions, organizations, citizens are obliged to take necessary measures for the prevention and elimination of harmful industrial noise, vibration, negative impact of magnetic fields and other harmful physical impacts on environment in industrial, public, inhabited buildings, in streets, in court yard, on the areas of cities and other inhabited localities, in country zones of rest of the population, in places of a mass congestion and duplication of wild animals and birds (in the edition of the Law of RT as of 01.02.96 N 223).

The excess of the standards of maximum permissible levels of impact on man's health and environment rendered by industrial and transport noise, vibration, magnetic fields and other harmful physical influences is forbidden. The measures guaranteeing observance of the mentioned standards, are developed at a lay-out and building of cities and other inhabited localities, designing of construction and reconstruction of the enterprises, shops, technological lines, creation and development of new engineering, at designing and operation of means of land, ground water and air transport.

The default of the specified standards entails stoppage and cessation of work of the enterprises, shops, units, other equipment, operation of vehicles, other sources of harmful influence of noise, vibration, magnetic fields and other harmful physical impacts before elimination of the found out lacks according to the decisions of the state bodies, specially authorized to that, of Republic of Tajikistan in the field of sanitary supervision, protection of an environment, other interested state bodies (in the edition of the Law RT as of 02.12.2002, #75).

Article 53. Protection of environment from industrial and household wastes

The National deputies of Local Majlises, enterprise, institutions, organizations, citizens are obliged to take effectual measures on reduction of formation, neutralization, processing, recycling, warehousing or burial of industrial and household wastes, to observe working ecological, sanitary - hygienic and anti-epidemic of norm and rules (in the edition of the Law of RT as of 01.02.96 N 223).

Local Majlises of the national deputies are obliged to define places of warehousing and burial of wastes, coordinated with the specially authorized state bodies of the Republic of Tajikistan in the field of protection of environment. Sanitary supervision, supervision of safe conducting works in industry, mountain supervision and geology. The discharge of industrial wastes and uncleaned sewer drains in reservoirs of common usage, mud flood channel and irrigation channels, ground water-bearing horizons, in the territory of inhabited localities, forests and agricultural lands (in the edition of the Law of RT as of 01.02.96 N 223) is forbidden.

The neutralization of toxic wastes in special installations, and also burial them on ranges is made according to the sanction of the specially authorized state bodies of the Republic of Tajikistan in the area as agreed with bodies of sanitary supervision and other interested state bodies. The burial of toxic wastes, including wastes of nuclear industry, on territory of the occupied localities, near to cities and other occupied localities, in regions with high concentration of the population, in the rivers, lake, in resort, medical-improving and recreational zones and other places, where the danger to health of the population and status of environment can be created is forbidden.

The sanctions to a burial of radioactive wastes are given out by the specially authorized state bodies of the Republic of Tajikistan in the field of protection of environment as agreed with bodies of sanitary supervision, supervision of safe conducting works in industry and mountain supervision, geology, other state bodies concerned. The non-observance of the specified rules entails restriction, stoppage or discontinuance of activity of the enterprises and other properties and attraction of the persons, guilty of it, to the responsibility stipulated by the Law (in the edition of the Law RT as of 02.12.2002, #75).

Article 54. Protection of a climate and ozone layer of the Earth

The protection of environment from ecologically dangerous changes of a climate and ozone layer of the Earth is provided by:

- organization of supervision, account and control of changes of a status of a climate and ozone layer under influence of economic activity and other processes;
- establishment and observance of the standards of maximum permissible emissions of harmful substances influencing a status of a climate and ozone layer of the Earth;
- prohibition of manufacture and use in national economy, in everyday life chemical substances destroying ozone layer;
- elaboration of the long-term ecologically proved programs of development of power emissions, providing reduction of dioxide carbon and other radiation-active gases;
- use of measures of the responsibility for infringement of the specified requirements.

According to the international agreements of the ministries and agencies, enterprises, institutions, organizations, irrespective of patterns of ownership and subordination, and also citizens are obliged to reduce and in subsequent completely to stop manufacture and use of chemical substances harmfully working on a status ozone layer of the Earth.

The list of chemical substances and wastes of manufacture harmfully influencing a status of ozone a layer of the Earth, affirms by the state bodies of the Republic of Tajikistan, specially authorized to that, in the field of environment protection and providing information via mass media (in the edition of the Law RT as of 02.12.2002, #75).

Part 4. Removed (in the edition of the Law RT as of 02.12.2002, #75).

The infringement of the established order of manufacture or use of chemical substances harmfully influencing a status of ozone layer and a climate, entails stay or termination of activity of the enterprises, institutions, organizations or separate sites, shops, units, technological processes, equipment according to the decision of the state bodies of the Republic of Tajikisatn, specially authorized to that, in the field of environment protection, sanitary supervision (in the edition of the Law RT as of 02.12.2002, #75)..

Chapter VIII. Emergency ecological situation

Article 55. Zones of emergency ecological situation

The zones of emergency ecological situation announce places of the territory, water and air space, where as a result of economic and other activity, destructive impact of spontaneous forces of a nature either having a place of failure or the accidents occur steady negative changes in environment menacing to health of the people, status of natural ecological systems, genetic funds of plants and animals.

The zones of an emergency ecological situation are announced and are cancelled by resolutions of the Government of the Republic of Tajikistan on performance of the specially authorized state bodies of the Republic of Tajikistan in the field of protection of environment on the basis of the conclusion of state ecological expertise (in the edition of the Law of RT as of 01.02.96 N 223).

In a zone of emergency ecological situation any activity harmfully influencing environment is forbidden the work of the enterprises, institutions, organizations, shops, units, equipment rendering adverse impact on man's health, his genetic fund stops, the separate kinds of nature use are limited, the operative measures on restoration and reproduction of natural resources will be carried out.

The financing of measures on improvement of zones of emergency ecological situation is made, first of all, at the expense of the ministries and government agencies, enterprises, institutions, organizations, whose fault was a failure or accident, and also target means of the state budget, funds of nature protection.

Article 56. Zones of ecological disaster

The zones of ecological disaster announce places of the territory, where as a result of economic or other activity or destructive impact of spontaneous forces of a nature there were steady and irreversible changes of environment connected to infringement of natural balance, destruction of natural ecological systems, flora and fauna degradation. The zones of ecological disaster are announced and are cancelled in the same order, as zone of an emergency ecological situation.

In a zone of ecological disaster the activity of economic properties, except for connected with service living on the territory of a zone of the population stops, the construction is forbidden, reconstruction of economic properties, all kinds of nature use are essentially limited. The operative measures on restoration and reproduction of natural resources and improvement of environment are taken.

The financing of improving measures in zones of ecological disaster is made in the order established by article # 54 of the present Law.

Article 57. The prevention of failures and liquidation of their harmful ecological consequences

At designing and operation of economic properties, irrespective of patterns of ownership and subordination connected to harmful impact on environment, the measures on accident precaution and liquidation of their harmful ecological consequences are provided.

For effective response on emergency ecological situations the entailing harmful consequences for environment local, regional and republican plans approved by the appropriate Majlises of the national deputies and the Government of the Republic of Tajikistan are elaborated in which the measures on mobilization of forces and means of the ministries, agencies, enterprises, institutions, organizations, irrespective of patterns of ownership and subordination, the specialized services for the prevention and liquidation of consequences of emergency ecological situations (in the edition of the Law of RT as of 01.02.96 N 223).

For investigation of the reasons of emergency ecological situations and the liquidations of their consequences governmental, extreme special ecological commissions are created.

Article 58. Duties of the enterprises on maintenance of readiness to liquidation of ecological consequences of failures

The enterprises, institutions and organizations, irrespective of patterns of ownership and subordination which are able in case of emergency ecological situations to cause harm to environment and health of the people are obliged:

- to have the plan of action in emergency ecological situations;
- to have and to maintain in constant readiness a special service supplied with means and material resources for liquidation of consequences of emergency ecological situations.
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Chapter IX. Especially protected areas and properties

Article 59. Natural -reserved fund of the Republic of Tajikistan

The state natural reserves, including biosphere reserves, natural sanctuaries, national natural parks, monuments of a nature, plants, rare or taking place under threat of disappearance, and animals referred to kinds, brought in the Red book of the Republic of Tajikistan also are provided with the special protection of the state in the interests of the present and future generations of the people.

The natural-reserved fund is under jurisdiction and management of the specially authorized state bodies of the Republic of Tajikistan in the field of protection of environment. The routine of natural-reserved fund and its components is defined by the present Law and other normative acts of the Republic of Tajikistan.

Article 60. State natural sanctuaries

The state natural sanctuaries are announced natural complexes, especially protected by the law, withdrawn for ever from economic use and not subject to withdrawal for any other purposes, having nature protection, scientific, ecological-educational value as the standards of a natural environment, typical or rare landscapes, places of preservation of genetic fund of plants and animals.

The state natural sanctuaries are created by the Government of the Republic of Tajikistan on performance of the specially authorized state bodies of the Republic of

Tajikistan with the purpose of protection of natural complexes, preservation and reproduction of wild vegetation and fauna, study of the laws of nature, control of a status of environment and its changes (in the edition of the Law of RT as of 01.02.96 N 223).

On the territory of state natural sancuary economic, recreational and other activity contradicting to the purposes of reservation activity or making harm to environment is forbidden. Research, recreation fire-prevention works should not contradict the purposes of reservation activity.

For maintenance of a reserved mode around of the reserve territory the security zones with prohibition in their bounds of activity harmfully influencing a reserved mode are created.

The observance of a reserves protection mode is provided with services of reserves protection.

Article 61. Natural reserves

Natural reserves is announced a natural complex intended for preservation or reproduction of one kinds of natural resources according to limited and coordinated use of other kinds of natural resources.

Natural reserves are formed on presentation of the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection by the Government of the Republic of Tajikistan with the purpose of preservation or reproduction of natural resources, protection of natural landscapes, recreational territories, monuments of nature, maintenance of ecological balance (in the edition of the Law of RT as of 01.02.96 N 223).

On the territory of natural reserve economic, recreational and other activity is forbidden, if it contradicts the purposes of reserve formation or causes harm to environment.

The enterprises, institutions, organizations in which territory reserves are created, are obliged to arrange observance of the mode of protection, established for them. By the decisions of administration agricultural, forestry, hunting and fishing enterprises, institutions and organizations can be created on the lands, allotted to them, in-farm reserves with the purpose of nature use rationalization and preservation of valuable natural properties.

Article 62. Protection of plants, rare and taking place under threat of disappearance, and animals

For protection of rare and taking place under the threat of disappearance plants and animals the Red book of the Republic of Tajikistan is established.

Plants and animals relating to kinds, brought in the Red book, everywhere are subject to withdrawal from economic and other use. The activity leading to reduction of number of these plants and animals, worsening environment of habitat is forbidden.

The enterprises, institutions, organizations, others land users, in which territory there are plants and animals relating to kinds, brought in the Red book, are obliged to arrange protection and reproduction of these kinds of plants and animals.

The order of conducting of the Red book of the Republic of Tajikistan is determined by the Government of the Republic of Tajikistan (in the edition of the Law of RT as of 01.02.96 N 223).

Article 63. Protection of nature of resort and medical-improving zones

The especially protected territories and sites of water space having natural medical properties, mineral sources, climatic and other conditions favorable for treatment and preventive maintenance of diseases are considered as resort and medical-improving zones.

With the purpose of preservation of natural properties and medical means of resort and medical-improving zones, protection them from damage, pollution and premature exhaustion districts of sanitary protection are established, within the bounds of which the conducting of works polluting land, water sources, air, causing harm to forests and negatively

influencing on medical property and sanitary status of especially protected territory is forbidden.

The order of the announcement of natural territories as resort and medical-improving zones, mode of their protection is determined by a rule authorized by the Government of the Republic of Tajikistan (in the edition of the Law of RT as of 01.02.96 N 223).

Article 64. Protection of nature recreation zones

The especially protected natural territories or sites of the water space intended for organized or mass rest and tourism of the population are considered to be recreation zones.

The recreation zones are announced according to the decisions of the Government of the Republic of Tajikistan, chairmen of GBAO, regions, cities and districts accepted as agreed with interested land users, forest users, state bodies in the field of protection of environment (in the edition of the Law of RT as of 01.02.96 N 223).

On the territory of recreation zones economic and other activity interfering use of the given zones on their direct purpose (assignment) is forbidden. Use of recreational zones can be made for the organized rest and tourism of the population according to the contracts concluded users of natural resources of the given territories.

The mode of use and protection of territory of recreation zones is established by the Government of the Republic of Tajikistan, local Majlises of the national deputies (in the edition of the Law of RT as of 01.02.96 N 223).

Chapter X. Control in the field of environmental protection

Article 65. Tasks of the control in the field of environment protection

The control in the field of environment protection has as their task supervision over its status and changes under influence of economic and other activity, check of implementation of the plans and actions on nature protection, rational use of natural resources, improvement of environment, observance of the nature protection requirements of the legislation and standards of quality of environment.

The monitoring system in the field of environment protection consists of a nation-wide service of supervision over a status of environment, state, departmental, industrial, social control.

Article 66. A nation-wide service of supervision over a status of environment

The nation-wide service of supervision over a status of environment is organized with the purpose of supervision over physical, chemical, biological processes, a level of pollution of atmospheric air, soils, water properties, consequences of its influence on flora and fauna and maintenance of the interested organizations and population by the current and emergency information on changes in environment, prevention and forecasts about its status.

The state control of the economic entities' activity irrespective of their ownership and subordination in the field of environment protection is carried out in accordance with the Law of the Republic of Tajikistan "On audit of economic entities in Republic of Tajikistan" (in the edition of the Law RT as of 13.06.2007, # irrespective of their ownership and subordination 284)

Article 67. The state control in the field of environment protection

The state control in the field of environment protection is carried out by specially authorized state bodies in the field of protection of environment, sanitary supervision, supervision of safe conducting works in industry and mountain supervision (in the edition of the Law of RT as of 02.12.2002, N 75).

The state control of the economic entities' activity irrespective of their ownership and subordination in the field of environment protection is carried out in accordance with the Law of the Republic of Tajikistan "On audit of economic entities in Republic of Tajikistan" (in the edition of the Law RT as of 13.06.2007, # irrespective of their ownership and subordination 284)

The officials of bodies of the state control in the field of protection of environment according to their powers have the right in accordance with established procedure:

- to visit enterprises, institutions, organizations, irrespective of patterns of ownership and subordination, and properties, belonging to them to get acquainted with the documents, analyses, other materials necessary for execution of the direct official duties;
- to check work of clearing structures and other neutralizing devices, devices of their control, observance of the standards of environment quality, nature protection legislation, implementation of the plans and measures on nature protection;
- to demand elimination of the revealed lacks, to give within the limits of the given rights the obligatory instructions or conclusions on accommodation, designing, construction, break-in, reconstruction and operation of properties,
- to call to account administratively, to submit materials about calling them to account to disciplinary, administrative or criminal liability, to show the claims in court or arbitration court (in addition of the Law RT as of 02.12.2002, #75) about compensation of harm caused to environment or health of a man by infringements of the nature protection legislation;
- to make decisions on restriction, stoppage, cessation of work of the enterprises, structures, other properties and any activity, causing harm to environment and health of a man. The mentioned decisions are obligatory for execution by all ministries and agencies, enterprises, institutions, organizations, officials and citizens. On the basis of these decisions banking institutions stop financing the forbidden activity up to a cancellation of the decision about it lock by bodies of the state control in the field of protection of environment (in the addition of the Law RT as of 13.06.2007, #284).

Article 68. The departmental and industrial control in the field of environment protection

The departmental control in the field of environment protection is carried out by the ministries and agencies, the industrial control - enterprises and organizations and puts by the task check of implementation of the plans and measures on nature protection and rational use and reproduction of natural resources, improvement of environment, observance of the quality standards of environment, performance of the requirements environment legislation and instructions of the specially authorized state bodies of the Republic of Tajikistan in the field of environment protection, sanitary supervision.

The order of organization and activity of the departmental and industrial control is adjusted by the acts of the ministries, agencies, enterprises and organizations on the basis of the current legislation (in the addition of the Law RT as of 13.06.2007, #284).

Article 69. The social ecological control

The social ecological control is carried out by civil organizations, labor collectives and has as their task check implementation of the requirements of environment legislation by the ministries and agencies, enterprises, institutions, organizations, irrespective of patterns of ownership and subordination, officials and citizens.

The procedure of the social ecological control is regulated by the current legislation of the Republic of Tajikistan.

Chapter XI Participation of the population in the environment protection

Article 70. The forms of participation of the population in environment protection

Population takes part in environment protection and reproduction of natural resources by means of:

- the prevention and elimination of infringements of environmental legislation;
- voluntary deduction of the labor savings in funds of nature protection, and also through the civic associations and civic formations, mass media (in the edition of the Law of RT as of 02.12.2002, N 75);
- the appeals with letters and applications, participation in referendums, assemblies, meetings, demonstrations (in the edition of the Law of RT as of 02.12.2002, N 75);
- planning and implementation of ecological expertise;
- other kinds of activity which is not contradicting environment legislation;
- to demand from the appropriate bodies to give the duly, complete and authentic information about a status of environment and measures on its protection (in the edition of the Law of RT as of 02.12.2002, N 75).

Article 71. Powers of civic ecological organizations

Civic ecological organizations and the associations carry out the activity according to their charters, rules, current legislation, cooperate with other nature protection organizations on the basis of the present Law.

Article 72. The rights and duties of the citizens in protection of environment

The citizens of the Republic of Tajikistan have the right to take part in nature protection, personal work to save up and to increase natural riches:

- to create civic organizations on nature protection, funds and other public associations in the field of protection of an environment, to be the members of such organizations and funds;
- to take part in discussion of the projects of legislative and other acts which are taken out for national discussion (referendum), to appeal with the letters, complaints, applications on environment protection;
- to demand from the appropriate bodies to give the duly, complete and authentic information about a status of environment and measures on its protection;
- to bring in the offers on a cancellation of the decisions about allocation, designing, construction, reconstruction, operation of ecologically harmful properties, restriction, stay, termination of activity of the enterprises and other properties, irrespective of patterns of ownership and subordination rendering negative influence on environment and health of a man;
- to advance in the court the claims to the enterprises, establishments, organizations and citizens about compensation of harm caused to their health and property as a result of adverse influence on environment.

The citizens of the Republic of Tajikistan are obliged to protect nature, to protect its riches and to observe the requirements of nature protection legislation.

The citizens of Republic of Tajikistan carry out the rights and duties in the field of protection of environment according to the current legislation.

Article 73. Guarantees of the rights of civic organizations and citizens in the field of environment protection

The state guarantees to the citizens, civic ecological organizations, other civic associations which are carrying out ecological functions, realization of the rights, given by it in the field of protection of environment according to the current legislation of the Republic of Tajikistan.

The persons hindering performance by civic ecological organizations, other civic public associations and citizens of their rights and duties following from the present Law, are done responsible according to the current legislation.

Chapter XII. Ecological education, training, scientific researches

Article 74. Catholicity, integrated approach and continuity of ecological education and training

With the purposes of increase of ecological culture of a society and professional training of the experts the system of general, complex, continuous and accessible ecological education and training covering all process of preschool, school education and training, professional training of the experts in average and higher educational institutions, increase of their qualification with use of mass media.

Article 75. Compulsion of teaching of ecological knowledge in educational institutions

For mastering the minimum of ecological knowledge and culture of the citizens, in all average and higher educational institutions, colleges of the Republic of Tajikistan, irrespective of their structure, provides obligatory teaching of bases of ecological knowledge and culture of nature use.

According to a structure in average special and higher educational institutions teaching special courses on environment protection and rational nature usage is provided.

Article 76. Professional ecological grounding of the executives and experts

The chiefs of the ministries and agencies, enterprises, institutions, officials and experts connected to activity, rendering harmful influence on environment and health of a man, are obliged to have necessary ecological grounding, which is taken into account at assignment for a post, attestation of the workers.

The persons who are not having specified grounding, are not supposed to performance of the work demanding the appropriate ecological knowledge.

The Ministry for Nature Protection of the Republic of Tajikistan provides ecological retraining and improvement of professional skill of the officials, named in at present article, (in edition of the Law of RT as of 01.02.96 N 223).

Article 77. Propagation of ecological knowledge

With the purposes of education of the careful attitude to a nature, rational use of its riches the wide propagation of ecological knowledge and cultures of nature usage legislation will be carried out.

The propagation of ecological and ecological-legal knowledge and cultures, is carried out by state bodies, trade unions of the Republic of Tajikistan and civic associations, mass media.

Article 78. Scientific researches in the field of ecology

Academy of science of the Republic of Tajikistan, state bodies on science and engineering, protection of environment, education, ministries and agencies, scientific institutions, the higher educational institutions develop and approve the complex programs and plans of scientific researches in the field of nature protection. Rational use and reproduction of natural resources, the improvements of environment also create necessary conditions for effective ecological researches and introduction of the received results.

Chapter XIII. The solution of disputes in the field of environment protection

Article 79. The order of the solution of disputes in the field of environment protection

The disputes in the field of environment protection are permitted in the order established by the legislation of the Republic of Tajikistan.

Part 2 and 3 removed (in the edition of the Law RT as of 02.12.2002, #75)

The disputes connected to environment protection and use of natural resources, between state and civic organizations of the Republic of Tajikistan and other states are solved in the order established by the agreements between the states.

Article 80. Removed (in the edition of the Law RT as of 02.12.2002, #75)

Article 81. Removed (in the edition of the Law RT as of 02.12.2002, #75)

Article 82. The responsibility for ecological offences

The persons guilty:

- in infringement of the standards, norms and other environment quality standards;
- in not realization of state ecological examination and infringement of the requirements of state ecological examination, in giving of the obviously false conclusion of state ecological examination and incorrect assessment of influence of object on environment;
- in infringement of the ecological requirements at planning, feasibility report, designing, accommodation, construction, reconstruction, commissioning, operation of the enterprises, structures and other properties;
- in pollution of an environment and causing thereof harm to health of a man, flora and fauna, national economy;
- in damage, deterioration, destruction of natural properties, including monuments of a nature, exhaustion and destruction of natural reserved complexes and natural ecological systems;
- in non-conducting of measures on restoration of environment and reproduction of natural resources;
- in default of the instructions of bodies which are carrying out the state control of protection of environment;
- in infringement of the requirements on neutralization, processing, recycling, warehousing or burial of industrial and household wastes;
- in infringement of the ecological requirements at use in a national economy and burial of radioactive materials, chemical substances;
- in excess of the established standards of extreme allowable levels of biological influence on environment, infringement about a storage and use of microorganisms and biological substances;
- in manufacture and use of chemical substances and wastes of manufacture harmfully influencing on ozone layer of the Earth;
- in an expenditure of means of republican, local funds of protection on the purpose, not connected with nature protection activity;
- in refusal of giving of the duly, complete and authentic information about a status of atmospheric air, waters, soils, entrails, flora (including forests), fauna (including fish stocks), radiating conditions;
- in development and the realizations of the economic projects connected to infringement or destruction of natural balance of natural ecological systems, adverse changes of a climate and ozone layer of the Earth, destruction of genetic funds of plants and animals, approach of other irreversible consequences for environment - bear responsibility according to the current legislation.

Responsibility for other infringements of nature protection legislation can be established by the legislation of the Republic of Tajikistan. The responsibility for the specified offences does not exclude the responsibility for infringements of the land, water, forest legislation, legislation about entrails, about protection of atmospheric air, flora and fauna. Bringing to account does not exempt the guilty persons from a duty of compensation of the damage, caused by them.

Article 83. A duty of compensation of damage caused by infringement of nature protection legislation

The enterprises, institutions, organizations and citizens, caused harm to health and property of the citizens, national economy and nature by pollution of environment, spoiling, destruction, damage, irrational use of natural resources, destruction of natural ecological systems and other infringements of nature protection legislation, are obliged to compensate it according to the current legislation.

Article 84. The order of compensation of damage caused by infringement of nature protection legislation

The compensation of damage caused to environment by infringements of nature protection legislation, is made voluntary or under the decision of court or arbitration court according to the authorized in accordance with established order rates and techniques of calculation of its size, and at their absence - on actual expenses for restoration of the broken status of environment in view of the suffered losses including missed benefit as well as profit (in edition of the Law RT as of 02.12.2002 #75) .

Article 85. Compensation of the harm caused by a source to increased danger to environment

The enterprises, institutions, the organizations, which activity is connected to the increased danger to environment, are obliged to compensate the harm, caused by them, to health and property of the citizens, national economy and nature according to article 449 of Civil code of the Republic of Tajikistan.

Article 86. Compensation of damage caused to the citizens by adverse influence of environment

The damage caused to the citizens as a result of adverse influence of an environment, caused by activity of the enterprises, institutions, organizations or separate citizens, is subject to compensation in complete volume in view of a degree of loss of work capacity of a victim, expenses for treatment, restoration of health, care of the patients, other charges, and also nominated pensions or grant.

The compensation of harm is made on the basis of the decision of court on the claim of a victim, members of his family, state prosecutor authorized to that of a body of state management, civic organization (association) in the interests of a victim.

The sum of money resources for the caused harm to health of the citizens is collected with tortfeasor, and at impossibility of its collecting - at the expense of means of state funds of nature protection.

The compensation of damage to the citizens caused as a result of large failures and accidents, and also natural disasters, is made according to the current legislation.

Article 87. The liability of the officials and other workers guilty of causing harm owing to infringement of the environment protection legislation

The officials and other workers, on which fault the enterprise, institutions, organizations, irrespective of patterns of ownership and subordination, have incurred the charges on compensation of harm caused to health and property of the citizens, to a national economy and nature, bear the liability according to the current legislation.

Article 88. The plaintiff's claim about the termination of ecologically harmful activity

The enterprises, institutions and organizations, irrespective of patterns of ownership and subordination have the right to advance the claim to court or economic court, and citizens - to court about the termination of ecologically harmful activity. Tortfeasor of harm to health and property of the citizens, national economy and environment (in edition of the Law of RT as of 02.12.2002 N 75).

Article 89. Principles of the international cooperation in the field of environment protection

The Republic of Tajikistan proceeds in the policy in the field of environment protection from necessity of maintenance of general ecological safety and development of the international nature protection cooperation in the interests of the present and future generations and is guided by the following principles:

- each man has the right to life in the most favorable ecological conditions;
- each state has the right to use of environment and natural resources for the purposes of development and maintenance of needs of the citizens;
- the ecological well-being of one state can not be provided at the expense of other states or without the account of their interests;
- economic activity which is carried out in the territory of the state should not render damage to environment both in limits and outside its jurisdiction;
- any kinds of economic and other activity are invalid, which ecological consequences are unpredictable;
- the effective control at global, regional and national levels of a status and changes of environment and natural resources should be established on the basis of the international-recognized criteria and parameters;
- the free and unobstructed international exchange of the scientific and technical information on problems of environment and advanced environmentally safe technology should be supplied;
- all disputes connected to problems of environment should be solved only by peace means;
- any influence on environment is invalid as a way of conducting operations or other application of force.

Republic of Tajikistan abstains from tests of various kinds of the weapon of a mass defeat, if they damage environment, both in the bounds and outside of the republic.

Article 90. Analysis of the impact on the environment and its targets (in edition of the Law of RT as g.N75 02/12/2002)

Analysis of the impact on the environment is with a comprehensive audit (analysis) of planned economic and other activities affecting the environment and living conditions, and is carried out before the decision to implement these activities.

The main tasks of analyzing the impact on the environment is to develop effective environmental policies and ways of sustainable use and protection of natural resources, environmental quality and human health with the consideration of all viable alternatives, public involvement in the discussion of benefits and risks of the proposed activity.

Analysis of the impact on the environment is mandatory for individuals and entities who are planning the implementation of potentially environmentally hazardous activities and precedes the state of the state ecological expertise.

The list of activities falling under the procedure of analyzing the impact on the environment and the procedure of its holding, determined by the Government of the Republic of Tajikistan. (in the addition of the Law of RT on 02.12.2002,.N75)

Article 91. The responsibilities of the state inspectors to protect nature

State inspectors for nature protection have the following responsibilities:

- the wearing of uniforms and the sign of their profession;
- carrying, keeping and using the weapon in accordance with the Laws of the Republic of Tajikistan;
- to carry out state control of environmental activities, visit enterprises, institutions, organizations, and other properties, regardless of their forms of ownership and subordination (in the addition of the Law RT as of 12.02.2002, N75) (in the addition of the Law RT as of 13.06.2007, № 284)

The Chairman of the Supreme Soviet of the Republic of Tajikistan. Dushanbe, December 27, 1993, № 905

E. Rakhmanov