

Bishkek
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LAW OF THE KYRGYZ REPUBLIC On Fish Industry

This Law shall regulate legal, economic and organizational fundamentals of fish farm industry of the Kyrgyz Republic for purposes of comprehensive development, preservation and increase of fish reserves, improvement of fish productivity of reservoirs and ponds, most full satisfaction of needs of population in fish products.

I. Basic Provisions

Article 1. Legislation on Fish Industry

The legislation on the fish industry shall be based on the Constitution of the Kyrgyz Republic and shall be comprised of this Law, other normative acts passed in accordance with this Law.

Article 2. Subject-Matter of Regulation of This Law

Fish Industry shall mean a system of fish farming, fishing, reproduction and protection of fish reserves aimed at improvement of species of fish reserves of water reservoirs and ponds, and fostering the activity of fish farming entities regardless of their form of ownership which breed fish for sale, produce planting and pedigree material, extract, protect and process it.

This Law shall regulate the relations arising in possession, use and disposal of the natural and man-made fish reserves in fish farming water reservoirs and reservoirs of common use of the Kyrgyz Republic.

Natural fish reserves in reservoirs of any category located on the territory of the Kyrgyz Republic shall be owned by the Kyrgyz Republic.

Fish farming reservoirs shall mean reservoirs which are used or may be used for fishery and are significant for preservation and reproduction of reserves of marketable fish, and man-made reservoirs constructed specifically for fish farming.

Reservoirs of common use shall mean rivers, lakes, ponds, basins and their influx waters, except for reserves which are not meant for marketable fishing, and for organization of amateur and sport fishing.

Article 3. Fundamentals of Running Fish Farms

Fish farming entities regardless of the form of ownership while running fish farms must secure:

- fish reproduction ability;
- preservation of productivity of water reservoirs;
- protection of living environment, conditions of reproduction and ways of fish migration;
- prevention of unwanted changes in water ecosystem, in the event of man-made fish farming (hereinafter - fish farming);

- effective and rational use of pond areas to breed fish for sale, planting and pedigree materials.

II. Management of Fish Reserves of Water Reservoirs

Article 4. Management of Fish Farms

The Government of the Kyrgyz Republic shall supervise fish reserves in fish farming reservoirs of government significance:

Issyk-Kul, Son-Kul, Kara-Kul lakes;

Toktogul, Bazar-Korgon, Kirovsk, Orto-Tokojsk water basins.

Other reservoirs may also be referred to reservoirs of government significance upon the decision of the Government of the Kyrgyz Republic.

The Government of the Kyrgyz Republic shall assign the main user of fish farming reservoirs of government significance. In accordance with the program approved by the Government of the Kyrgyz Republic, Kyrgyzbalygy Corporation shall carry out coordination of the activity on performing uniform fish farming policy in the Kyrgyz Republic.

The Ministry of Environment Protection of the Kyrgyz Republic shall supervise only fish reserves of reservoirs of common use.

The owner of the reservoir held in private ownership shall dispose of fish reserves in this reservoir.

Article 5. Record of Fish Reserves

Fish reserves and fish bred in man-made reservoirs shall be subject to record which is carried out separately on reservoirs and fish species according to the procedure established by the legislation.

Article 6. Settlement of Disputes

Disputes related to use of fish reserves in reservoirs and their protection shall be settled in the court procedure according to the existing legislation of the Kyrgyz Republic.

III. Organization of Fishing and Fish Farming

Article 7. Transfer of Reservoirs and Their Areas for Use

The main user of reservoirs of the Kyrgyz Republic may transfer fully or in part reservoirs (fishing areas) for use for purposes of fishing or fish farming to other legal entities and individuals according to the procedure established by the existing legislation of the Kyrgyz Republic.

The procedure for fish farming shall be set forth in fish water biological norms approved by Kyrgyzbalygy Corporation of the Kyrgyz Republic upon coordination with the Ministry of Environment Protection of the Kyrgyz Republic and National Academy of Sciences of the Kyrgyz Republic.

The main user of reservoirs shall assign reservoirs and their areas to legal entities and individuals for fish farming based on the scientific justification for their subsequent economic fish development, structure and organization of fish farms subject to measures on reproduction, fish farming, protection and extraction of fish.

A contractual user of reservoirs (areas) may transfer the use right to another person, unless prohibited by the contract.

The main user of the reservoir shall carry out record, registration of fishing areas and issuance of permission for fish extraction in fish farming reservoirs.

In the event of systematic violation of fishing rules or the contract for the fishing right, the contract may be annulled according to the procedure established by the law, and until the annulment of the contract its effect may be suspended.

Article 8. Amateur and Sport Fishing

The procedure and conditions for amateur and sport fishing shall be established in the Regulations on Fishing Rules developed and approved by the Government of the Kyrgyz Republic.

The contractual user shall issue a permission for amateur and sport fishing, and in the event there is not such user the permission shall be issued by the main user of the reservoir or its area.

Article 9. Priority Right of Use of Reservoirs

Special fish farming entities engaged in extraction and fish husbandry shall have the priority right to receive a reservoir, its area for use to carry out fish farming activity.

Article 10. Fishing for Scientific Purposes

The main user of a reservoir shall provide the reservoir for fishing for scientific purposes.

Article 11. Fishing in Reserve Zones of Reservoirs

Fish farming entities which carry out marketable fishing shall have the right to extract fish in reserve zones of reservoirs upon coordination with the Ministry of Environment Protection of the Kyrgyz Republic.

Article 12. Erection of Industrial and Other Facilities Affecting the Condition and Reproduction of Fish Reserve

Erection of industrial and other facilities affecting the condition and reproduction of fish reserves shall be carried out upon coordination with the Ministry of Environment Protection of the Kyrgyz Republic.

Article 13. Use of Water in Man-Made Reservoirs

In the event of a fish farm is run in a man-made reservoir which is constructed specifically for fish farming and which uses water potential for filling up, the relations with agencies fostering the protection of the government water fund shall be regulated by Articles 15, 31 and 41 of the Law of the Kyrgyz Republic on Water.

IV. Protection of Fish Reserves and Its Living Environment

Article 14. Fish Protection Agencies

Fish Inspection of the main user shall carry out fish protection and control over performance of rules of fishing and fish farming in fish farming reservoirs of government significance.

The Ministry of Environment Protection of the Kyrgyz Republic shall organize protection of fish reserves of reservoirs of common use.

Fish Inspections shall carry out their activity in accordance with Regulations on Fish Inspection developed and approved by the Government of the Kyrgyz Republic.

Article 15. Liability for Violation of Fishing Rules

Individuals and legal entities violating the fishing rules or fishing illegally shall be held liable in accordance with the legislation of the Kyrgyz Republic.

Illegally extracted fishing objects and products made thereof, and the instrument of illegal fishing, including floating means shall be subject to confiscation according to the procedure established by the legislation of the Kyrgyz Republic.

V. Restriction of Use of Fish Reserves

Article 16. Establishment of Restrictions

In the event there is a threat to the condition of fish reserves (mass fish death, disease, poisoning and pollution of water environment, etc.), the Ministry of Environment Protection of the Kyrgyz Republic or the main user of a reservoir shall have the right, as an exception, to establish restriction for fishing during the specified period.

Article 17. Acclimatization of Specific Species of Fish

Acclimatization of specific species of fish in fish farming reservoirs of the Kyrgyz Republic, putting in new species of fish into these reservoirs shall be allowed only where there is the scientific justification and approval of government institution of veterinary service.

VI. Fund of Fish Farming Development

Article 18. Designation of the Fund of Fish Farming Development

In order to organize reproduction and protection of fish reserves, fish production in the Kyrgyz Republic, and to solicit additional financing for fish farming research, targeted government and non-government funds of fish farming development may be established.

Article 19. Formation of the Fund of Fish Farming Development

The fund of fish farming development shall be formed at the expense of:

- contributions from the republican and local budgets to implement targeted fish farming programs;
- voluntary donations of individuals and legal entities for fish farming development;
- other contributions not prohibited by the existing legislation of the Kyrgyz Republic.

Article 20. On Effectuation of This Law

This Law shall come into effect from the time of its official publication.

A. Akaev, President of the Kyrgyz Republic

Adopted by the Legislative Assembly of Jogorku Kenesh of the Kyrgyz Republic as of June 13, 1997