

**Laws of the Republic of Kyrgystan
On Water
(14 January, 1994)**

CHAPTER I - GENERAL PRINCIPLES

Article 1: Purpose and functions of the water legislation of the Republic of Kyrgystan

The purpose and functions of the water legislation of the Republic of Kyrgystan are to regulate relations in the sphere of the use and protection of water resources (water), the prevention of the ecological harmful effects of economic and other activities on water objects and water economy installations and the improvement of their conditions, and to ensure legality in the sphere of water relations.

Article 2: Water legislation of the Kyrgyz Republic

Water relations in the Republic of Kyrgystan are regulated by the present law "on water" and other legal and normative acts of the Republic of Kyrgystan adopted in accordance with it.

Land, forests, mountains, economy and property relations, and relations relating to environment protection are regulated by special legislation of the Kyrgyz Republic.

Article 3: Fundamental principles of the use and protection of water resources

During the execution of economic and other activities in the sphere of the use and protection of water resources, organizations, enterprises, institutions and citizens of the Kyrgyz Republic, foreign juridical and physical persons and persons without citizenship are guided by the following main principles:

- priority of life and the health of people, and the provision of favourable conditions for their work and rest;
- rational use and protection of water;
- observation of the requirements of water legislation, and application of sanctions for its violation;
- publicity and close connection with the population and public organizations for solving problems relating to the use and protection of water;
- payment for the use of water resources and water objects;
- international cooperation in the field of water relations.

Article 4: State water fund

All water objects occupying land, including those intended for water protection zones and strips and concentrated in water resources form the state water fund of the Kyrgyz Republic.

Rivers, lakes, glaciers, swamps, other surface sources and the zones of concentration of groundwater, including medicinal, mineral and thermal water, located within the territory of the Kyrgyz Republic, are water objects of the Kyrgyz Republic.

The water resources of the Kyrgyz Republic are all kinds of surface and underground water concentrated in the territory of the Kyrgyz Republic.

Article 5: Ownership of the state water fund

The state water fund of the Kyrgyz Republic is owned by the state.

The right of ownership of the water fund within the state territory is vested in the Khogorku Kinish of the Republic.

Water resources withdrawn from water objects according to the established order may be owned by juridical and physical persons and persons without citizenship.

Activities whether direct or indirect, violating the state ownership right to water objects and water resources are forbidden.

Article 6: Determination of the state water fund

The state water fund is intended for the preservation and renewal of water resources, and for meeting drinking, domestic, industrial, agricultural, energy, transport, recreational and other needs, preserving activities in national parks and the environment of the flora and fauna.

Article 7: Protection of the state water fund

The protection of the state water fund consists of the realization of a complex of measures for the preservation of water and the prevention, limitation and abatement of the consequences of pollution and the exhaustion of water.

Article 8: Water economy installations of the Kyrgyz Republic

Water economy installations in the Kyrgyz Republic are: artificial canals, pipelines, dams, ponds and other reservoirs regulating, conducting, purifying water, and other technical structures intended for water regulation, use and protection.

Article 9: Ownership of water economy installations

Water economy installations may be owned by the state or by juridical and physical persons, foreign persons and persons without citizenship who obtained water use licences in accordance with the order.

CHAPTER II - MANAGEMENT AND REGULATION OF WATER RELATIONS

Article 10: Competence of the Khogorku Kinish of the Kyrgyz Republic in the sphere of water relations

The Khogorku Kinish shall:

- execute ownership rights on the water fund located in the territory of the Kyrgyz

- republic;
- elaborate and improve the water legislation, and control its implementation;
- define the state policy in the field of water use and protection;
- define the legal foundations of the regulation of water relations;
- establish the legal regime of water objects and installations included in zones declared of emergency and ecological disaster;
- establish the basic rates of water charges and the advantages for paying;
- establish the order of allocation of the water fund, and the relevant procedures;
- ratify and denounce international agreements relating to the regulation of water relations;
- declare the state of emergency, or confirm or annul the act of the President of the Republic declaring the state of emergency caused by the ecological situation or ecological disasters on water objects or part thereof.

Article 11: Competence of the Government of the Kyrgyz Republic in the sphere of water relations

The Government of the Kyrgyz Republic shall:

- provide for the elaboration and realization of water resources programmes and the relevant financing;
- coordinate the activities of ministries and administrative departments, other organizations, institutions and enterprises in the field of water relations within the Republic of Kyrgystan;
- establish the order of licencing water use and grant concession and leases for the use of water objects;
- elaborate the base rates of water charges;
- confirm regulations on water use, the payment for water use, wastewater discharge, water pollution and the harmful effects of water;
- establish the regime of special water use in areas of emergency situations;
- decide on the establishment of special protected areas around water objects and water installations;
- carry out the centralized coordination of projects, design, scientific research and construction in the field of water regulation, use and protection;
- establish the order of water use and protection, the state control and accounting of water, and the state water cadaster and the monitoring of water objects;
- decides on the termination, limitation and suspension of the activities of enterprises, institutions and organizations, regardless of the form of ownership and subordination, in the case of violation of water legislation, in the order established by the legislation of the Kyrgyz Republic;
- provide the population with the necessary information on water conditions, water objects and water installations;
- supervise the foreign relations of the Kyrgyz Republic in the field of water relations;
- regulate the activities of foreign legal and physical persons field of water relations.

Article 12: Competence of specially authorized state organs in the sphere of water relations

The state organs specially authorized by the Government shall:

- organize and regulate water use and protection, elaborate concepts and programmes relating to water use and the protection of the water fund against pollution, contamination and exhaustion;
- exercise the state control over water use and protection;
- set standards and norms of water use;
- grant water use licences;
- organize the monitoring of water objects;
- introduce the water cadaster and the water economy balance;
- conduct the state accounting of water and water use;
- provide for the metrological control and accounting of water resources;
- initiate suits and claims on the compensation of damage caused by the violation of water legislation;
- register documents and consider matters relating to the violation of laws in the field of water relations;
- execute design, exploration, scientific, research and construction works relating to water use and protection;
- conduct the state ecological expertise of projects of construction and reconstruction of hydraulic structures and installations;
- provide for international cooperation in the field of water relations.

The Government of the Kyrgyz Republic shall provide for the delimitation of the competence of the specially authorized state organs. Decisions of the specially authorized state organs made within their competence in the field of water relations are obligatory for all juridical and physical persons, including foreign persons and persons without citizenship, and may be appealed to the courts.

Article 13: Competence of the local government administrations in the sphere of water relations

The local government administrations shall:

- coordinate the activities of enterprises, institutions and organizations, regardless of the form of ownership, subordination and departmental hierarchy in the field of water relations;
- provide the population with information on the conditions of water objects;
- protect the rights of water users;
- limit the right to use water objects;
- assist in the execution of activities relating to the preservation and restoration of water objects, the prevention and abatement of the harmful effects of water and of pollution occurring as a result of accidents and ecological disasters;
- agree on the establishment and putting into operation enterprises, buildings and technical installations influencing the conditions of water objects, and on the order of execution of works on water objects, river banks and water protection strips;
- allocate the water fund.

CHAPTER III - WATER USE

Article 14: Water users

All juridical persons, citizens of the Republic of Kyrgistan, foreign juridical persons and persons without citizenship have the right to use water in the Republic of Kyrgystan.

The use of water objects, water resources and water installations takes place on the basis of a licence, concession or lease granted according to the order established in Articles 16 and 17 of this law, solely for the purposes established therein.

Article 15: Types of water use

Water objects are given in use subject to the respect of the requirements and conditions established in water use licences, for meeting drinking, domestic, health, recreational, medical and other needs of the population, as well as agricultural, industrial, energy, construction, transport, fish economy, recreational and other state and public needs.

Water objects are given in use as a matter of priority for meeting the drinking and domestic needs of the population.

The use of water without structures or installations which does not influence water conditions does not require a licence to be obtained by juridical and physical persons, containing conditions established by the specially authorized state organs.

Article 16: Licence of the right to use water

Licences for the right to use water are granted by the specially authorized state organs.

The order and conditions for the use of water in certain water objects (water economy construction) in a volume established by legislation, in a certain quality and in the set terms, and the conditions for the discharge of wastewater, are established in the licence.

Article 17: Water concessions and leases

Water objects and water installations may be given to juridical or physical persons, including foreigners, for exploitation or other economic activity for a certain period of time, as established in a licence, concession, or lease. The order for giving water objects and water installations in concession or lease is established by the Government of the Kyrgyz Republic in accordance with the laws of the Kyrgyz Republic "on concessions and foreign concession enterprises in the Republic of Kyrgystan" and "On lease and lease relations."

Article 18: Rights of water users

In accordance with the intended purpose of use as indicated in a water use licence, water users have the right to:

- on a voluntary basis, join unions, associations, concerns and other associations for the purpose of coordinating activities, protecting their rights and representing their common interests in the appropriate state and other organs;
- take water for use;
- exploit water for the purposes listed at Article 13 of this Law;
- construct waterworks and installations and execute their modernization, reconstruction

- and liquidation;
- use water objects for recreational, tourism, sport and health purposes, and the preservation and improvement of environmental conditions;
 - request to the specially authorized state organs to take measures for the prevention of the exhaustion and pollution of the water fund, and to provide them with water resources in a defined amount and quality;
 - claim compensation for damage in the order established by legislation.

Water users are entitled to carry out other activities relating to water objects and installations, in so far as these activities are not forbidden by the legislation of the Kyrgyz Republic.

Article 19: Restriction to the rights of water users

During periods of water shortage, accident situations on water objects and installations, threat of epidemic or epizootic diseases and other cases foreseen by the legislation of the Kyrgyz Republic, the rights of water users may be restricted in order to protect the health of the population and other state interests, and in the interest of other water users. However, the conditions of use of water objects for drinking and domestic purposes may not be restricted (aggravated).

The order of restriction of the rights of water users during the execution of urgent measures relating to the prevention and abatement of natural disasters caused by the harmful effects of water is set by the Government of the Kyrgyz Republic.

Article 20: Cancellation of the right to use water

The water use rights of juridical and physical persons in the Kyrgyz Republic are subject to cancellation in the following cases:

- absence of need to use water, or refusal to use water;
- expiration of the duration of a water use licence;
- liquidation of a juridical person, or death of a citizen;
- pollution or exhaustion of water objects;
- violation of the conditions of use of water objects and water resources;
- arising of circumstances entailing the necessity to withdraw water objects from use for state purposes, with compensation of losses and expenses being paid to the water user;
- declaration of bankruptcy of an enterprise, organization, institution or citizen, according to the established order.

The right to use water (except for the right to use water for drinking and domestic purposes) may also be cancelled in the case of violation of water legislation and the use of a water object not for the intended purpose.

Other causes of cancellation of the right to use water may be established by the legislation of the Kyrgyz Republic.

Article 21: Order of cancellation of the right to use water

The cancellation of a water use right takes place on the basis of a decision of the specially authorized state organ that granted the licence.

The water use right is cancelled by way of annulment of the water use licence.

The withdrawal of water objects from use within national parks takes place on the basis of the decision of the Government of the Kyrgyz Republic.

Article 22: Protection of the rights of water users

The rights of water users are protected by the legislation of the Kyrgyz Republic. No object may be deprived of a water use right, except in the manner provided for in this Law.

The violation of the rights of water users is subject to restoration, according to the order established by the legislation of the Kyrgyz Republic.

Article 23: Compensation of the damage caused by water economy activities

The damage caused to legal and physical persons by the execution of water economy activities, the stopping or changing the conditions of water use, are subject to compensation in the order and amount established by the Government of the Kyrgyz Republic.

Article 24: Duties of water users

Water users shall:

- use water for the purpose at the conditions for which it is intended;
- use water objects rationally, provide for the economic use and restoration of water sources and improve water quality;
- prohibit the discharge into water objects of wastewater not meeting given requirements;
- prevent the violation of rights accorded to other water users, and any damage to agricultural and other objects;
- ensure the respect of minimum allowed level of water in water objects and water installations, in accordance with ecological, fish protection and other norms in force;
- establish, independently or jointly with other organs, the initial accounting of water withdrawals, the control of water quality, and provide proper sanitary-technical conditions of water objects, installations and structures;
- take measures relating to the prevention and abatement of the effects of pollution of water objects and water installations in the case of leakages of pollutants;
- carry out fish protection activities;
- meet any other requirements established by the legislation of the Kyrgyz Republic and in the water use licence.

Article 25: Use of water objects and water economy installations for drinking, domestic and other purposes

Water objects and water economy installations are given in use for drinking, domestic and other needs of the population according to the established order and quality, which must

conform to the established sanitary norms.

The use of groundwater of drinking quality for purposes other than drinking and domestic water supply is, as a rule, prohibited. In regions where the necessary surface water sources are not available and underground water resources fit for drinking are sufficient, the specially authorized state organs may permit the use of these waters for purposes other than drinking and domestic water supply.

Article 26: Use of water objects for curative, recreational and health purposes

Water objects ascribed to the category of curative waters are used primarily for curative and health resort purposes.

The specially authorized state organs may permit the use of water objects ascribed to the category of curative waters for other purposes, according to an agreement with the health protection and resort management organs.

The discharge of wastewater into water objects ascribed to the category of curative waters is prohibited.

The order of the use of water objects for recreation, sports, tourism and amateur fishing is determined by the organs of the local state administration, except for certain water objects, where these activities are restricted or forbidden by the Government of the Kyrgyz Republic or the specially authorized state organs, in the order established by the legislation of the Kyrgyz Republic.

The use of water installations for recreation, sports, tourism and amateur fishing without the permit of the specially authorized state organs is forbidden.

Article 27: Use of water objects and water economy installations for agricultural purposes

Agricultural water use takes place on the basis of water economy balances and is subject to water use limits.

The irrigation of land with wastewater is carried out in agreement with the specially authorized state organs, including the state sanitary and veterinary organs.

Water objects and installations located on the territory of pastures and livestock transit are given in use mainly for livestock breeding purposes, after meeting the drinking and domestic needs of the population.

Article 28: Use of water objects and water economy installations for industrial and energy purposes

Anyone using water objects and installations for industrial purposes shall observe technological norms and rules of water use, take measures to decrease water consumption and prevent the dumping of industrial wastewater that does not meet the established requirements.

Underground waters ascribed to the drinking or curative water category may, in exceptional cases, be used for technical water supply and the extraction of chemical elements in order to obtain heat energy and for other industrial purposes, subject to the observation of the requirements of rational water use and protection.

In case of natural calamity, accidents, other exceptional circumstances and water consumption by enterprises exceeding the established limits of water use, the use of water for industrial purposes may be restricted or prohibited in the interest of the immediate satisfaction of the drinking and domestic needs of the population.

Article 29: Use of water objects and water economy installations for hydropower purposes

The use of water objects and installations for hydropower purposes shall take place by taking into account the rules of exploitation of electric power stations and dams, on the basis of complex water economy plans, taking into account the interests of all water users.

Article 30: Use of water objects and water economy installations for river transportation and timber floating

Water objects and installations on the territory of the Kyrgyz Republic suitable for the needs of water transport may be used as water routes. The Government of the Kyrgyz Republic is responsible for ascribing water routes to the category of navigable waters, and for establishing rules on the exploitation of water routes.

The floating of timber on water objects is forbidden.

Article 31: Use of water objects and water economy installations for fishing purposes

Within water objects or parts thereof which are of special significance to the preservation and reproduction of valuable kinds of fish and other water products for trade, water use rights may be limited in the interest of the fish economy. A list of such water objects, and the kinds of restrictions to water use therein, shall be defined by the Government of the Kyrgyz Republic.

During the exploitation of hydrotechnical and other works on fish economy reservoirs, arrangements shall be timely carried out for the provision of conditions for the preservation and reproduction of fish stocks.

Article 32: Use of water objects and water economy installations for hunting purposes

Restrictions to the duration of stay of people, construction activities on banks and other activities detrimental to the hunting economy may be restricted with regard to areas of water objects which are inhabited by wild water fowl and valuable fur animals and where hunting activities or the restoration and protection of fauna and flora take place.

Article 33: Use of water objects and water economy installations for reserve purposes

Water objects of special cultural and scientific significance are declared reserves in the order

established by the legislation of the Kyrgyz Republic, and are given in permanent use to reserves in order to protect the environment and execute scientific research on the basis of a special permit granted by the Government of the Kyrgyz Republic upon the recommendation of the specially authorized state organs.

Article 34: Use of water objects and water economy installations for fire prevention purposes

The use of water for fire prevention purposes is permitted from any water object and installation without the need for a licence, in the amount necessary for the extinction of fire.

Article 35: Use of water objects and water economy installations for the needs of collective gardening, market gardening and the irrigation of land plots

Citizens living in the country and populated areas, having plots of land and gardening or market-gardening, as well as collective associations, are supplied with water for irrigating plots, gardens or orchards in accordance with the limits set in water use licences.

Article 36: Use of water objects and water economy installations for the discharge of wastewater

The use of water objects and installations for the discharge of wastewater shall take place only on the basis of a permit granted by the specially authorized state organs in agreement with the organs responsible for sanitary control, the protection of sources of fish production and other interested organs.

The discharge of wastewater is permitted only in the cases in which it does not lead to an increase of pollutants in water objects and installations beyond the norms, and provided that the wastewater is treated by the water user in conformity with the levels set by norms.

If the established norms are not met, the discharge must be limited, stopped or prohibited until the cessation of the activities of enterprises, organizations and institutions, workshops, separate industrial concerns or productions.

CHAPTER IV - ECONOMIC MECHANISM OF WATER USE

Article 37: Functions of the economic mechanism of water use

The economic mechanism of water use shall establish:

- the order of financing activities for the regulation of the use and protection of water;
- rules for the payment for the use of water resources and water uses and the discharge of wastewater;
- the order of establishing tax and credit incentives for water users;
- the order of compensation of the damage caused to water objects and water installations.

Article 38: Government participation in financing

The state takes part in the financing of works for the regulation of the use and protection of water in the form of budget appropriations, credit, investment, irrevocable loans, long-term loans with low percentage by reducing taxes or releasing from taxes, attracting investments by other states and in other forms specified by the legislation of the Kyrgyz Republic.

Article 39: Payment for water use

Water use in the Kyrgyz Republic is subject to payment, except in the cases provided for in indentation 3 of Articles 15 and 41 of this Law.

Payment is obtained from all water users, regardless of their departmental category, citizenship, kind of ownership and form of economy, except in the cases provided for by the legislation of the Kyrgyz Republic.

Payment is collected for:

- the use of watercourses within established limits (except in agricultural production, forest economy used for irrigation);
- beyond-limits and irrational use of water resources;
- services relating to water supply, transportation, distribution, treatment and other water economy activities (except in agricultural production, forest economy used for irrigation);
- the dumping of polluting substances into water objects and installations (except in agricultural production, forest economy used for irrigation).

The order and conditions for establishing and obtaining the payment of water charges are established by special legislation of the Kyrgyz Republic.

Article 40: Use of means coming from the payment for the use of water objects and water resources

The means coming from the payment for the use of water objects and water resources are sources of financing of:

- activities relating to the rational use and protection of water resources, the reconstruction and improvement of the conditions of water objects and water installations, the prevention and abatement of the harmful effects of water;
- activities relating to water supply of the population and sectors of the national economy, the reconstruction and modernization, construction and exploitation of water installations and structures;
- specially authorized organs, in order to reimburse their expenditures for water withdrawal, transportation and water supply to water users, the decrease of water losses and the execution of other activities relating to the exploitation of water objects and installation, and water protection.

The order for obtaining and using water charges is established by the Government of the Kyrgyz Republic.

Article 41: Incentives for the payment for water use

Incentives relating to the payment of water charges are established in accordance with the legislation of the Kyrgyz Republic as partial or full exemption from payment, postponement of the deadline for payment, decrease of the rates or exemption from payment for a given period of time.

Water objects and installations are granted free of charges for the extinction of fire and the liquidation of natural disasters.

Incentives are used by reserves, national parks, environment monuments, zoological gardens, institutions dealing with culture, science, education, health care, sport, recreational complexes and other institutions and organizations that are financed out of the state budget.

The postponement of the deadline for payment is accorded for water objects and installations in which maintenance and restoration works are executed, and in other cases foreseen by the legislation of the Kyrgyz Republic.

Article 42: Recovery of expenses for paid water use

Juridical and physical persons of the Kyrgyz Republic, foreign juridical and physical persons and persons without citizenship using water objects and water resources and paying in the order established by legislation have the right to recover their expenses relating to the regime of paid water use by increasing tariffs and retail and wholesale prices on the goods and services produced by them.

Regulations on changes in tariffs and prices on products and services in connection with paid water use are made by the Government of the Kyrgyz Republic.

Article 43: Economic measures relating to the protection of water objects and water installations

The economic measures relating to the protection of water objects and water installations include:

- compensation of the damage caused by water users to water objects and installations and the environment;
- provision to water users of tax incentives for the implementation of water saving technologies and the execution of other effective environment protection measures;
- increase of rates of water charges in case of augmentation by the water users of the volume of water required;
- creation of funds for the protection of water objects, including international water objects.

Other economic measures may be established by the legislation of the Kyrgyz Republic for the protection of water objects and installations.

CHAPTER V - PROTECTION OF THE WATER FUND AND OF WATER ECONOMY INSTALLATIONS

Article 44: Protection of the water fund from pollution, contamination and exhaustion

The water fund in the territory of the Kyrgyz Republic is subject to protection from pollution, contamination and exhaustion which may damage the health of the population, decrease fish stocks, worsen water supply conditions and bring about other negative impacts as a result of changes in the physical, chemical and biological characteristics of water, thereby decreasing the natural ability of self-purification and modifying the hydrotechnical and hydrogeological regime of water.

The protection of the water fund consists of a system of organizational, economic, legal and other measures aimed at preventing the pollution, contamination and exhaustion of water.

Article 45: Protection of water economy installations

The design, construction, reconstruction and exploitation of water installations and relevant bank protection structures, as well as the installation of facilities for the discharge of domestic and industrial wastewater, are carried out subject to the obtention of a water use licence, and provided that no damage is caused to neighbouring land owners and water users, and to the regime of water objects.

The responsibility for the exploitation of water installations constructed on water objects owned by the state lays on the water use licence, concession or lease holder.

Article 46: Prevention of pollution and contamination of water objects and water economy structures

The discharge of industrial, domestic and other kind of waste and refuse into water objects and water installations is prohibited. The discharge of sewage into water objects is allowed, subject to the respect of the requirements provided for at Article 36 of this Law.

Enterprises, organizations, institutions and citizens are obliged to prevent the pollution of water objects and water installations by fertilizers and chemicals, and not to allow the pollution and contamination of water objects as a consequence of losses of wood, chemicals, oil and other substances influencing water quality.

Article 47: Protection of catchment surface, river beds and the ice cover of reservoirs and glaciers

Water users shall prevent the pollution and contamination of catchment surface, river beds and the ice cover of reservoirs and glaciers and snow by industrial, domestic and other waste, refuse and pollutants, as well as oil and technical products, fertilizers and poisonous substances, the elimination of which leads to the worsening of the quality of surface and underground water.

Article 48: Districts and zones of sanitary protection

Districts and zones of sanitary protection are established for the purpose of protecting water objects and installations used for drinking and domestic water supply, medical, recreational and health purposes on the territory of the Kyrgyz Republic.

The order for the establishment of districts and zones of sanitary protection is determined by the Government of the Kyrgyz Republic.

Article 49: Zones of sanitary protection

Zones of sanitary protection on the banks of rivers, lakes and reservoirs are established by decision of the organs of local state administration upon the recommendation of the specially authorized state organs, for the purpose of protecting open water objects from pollution, contamination and exhaustion.

Article 50: Water protection zones

Water protection zones are established around water intakes, dams, pumping stations, canals, treatment facilities and technical structures for the purpose of protecting water installations and preventing accidents in the territory of the Kyrgyz Republic.

The land within water protection zones belongs to the water fund land and is under the management of specially authorized organs in accordance with the land legislation of the Kyrgyz Republic.

The allocation of water fund land assigned to water protection zones for other purposes without the agreement of the specially authorized organs is prohibited.

Article 51: Activities relating to the protection of water against exhaustion

For the purpose of maintaining the optimal regime of rivers, lakes, reservoirs, groundwater, preventing the erosion of soil, the silting of reservoirs, the worsening of the conditions of flora and fauna, the decrease in the vibration of water runoff and other harmful effects of water, water protection zones of forests are established, and forest-land reclamation, anti-erosion measures, hydrotechnical and other works are carried out in the order established by the legislation of the Kyrgyz Republic.

Article 52: Measures for the protection of groundwater from exhaustion

During the execution of bores and other mining activities relating to the research, prospection and exploitation of minerals, legal persons and citizens executing mining works are obliged to take measures relating to the protection of underground water, to equip water and exploratory wells with regulation and control installations, to immediately inform the specially authorized state organs about the discovery of underground aquifers.

Enterprises, institutions, organizations and citizens undertaking the construction and exploitation of water and exploratory wells must, in the case of interruption of the exploitation of these wells or temporary absence of water in the wells, or if the wells are not ready for exploitation, provide for the conservation of the wells and, if necessary, for their liquidation.

Article 53: Duties of water users with regard to the prevention and abatement of the harmful effects of water

Enterprises, institutions, organizations and citizens using water objects and water installations are obliged to undertake activities for the prevention and abatement of:

- the harmful effects of water;
- floods and inundations;
- the destruction of banks, dykes and other structures on water objects;
- swamping and salination of land; and
- soil erosion, landslides, mudstreams and other harmful effects.

Article 54: State ecological expertise of water economy projects

During the construction and putting into operation of new and reconstructed enterprises and structures, the introduction of new technological processes influencing water conditions on water objects and installations the state ecological expertise must be carried out.

During the execution of the state ecological expertise, there must be provided control on activities relating to the accounting of water withdrawal and wastewater discharge, the protection of water against pollution, contamination and exhaustion, the prevention of the harmful effects of water, economic activities relating to the ecological conditions of water objects and the environment.

The financing of construction works on water objects without the conclusion of the state ecological expertise is prohibited.

CHAPTER VI - STATE CONTROL AND ACCOUNTING OF THE USE OF WATER

Article 55: Purposes of the state control and accounting of the use of water

The state control and accounting of water ensures the observation by all enterprises, institutions, organizations, state organs and citizens of the requirements of water legislation, and compliance of quantity and quality indicators of water with normative requirements.

Article 56: State water cadaster

The state water cadaster of the Kyrgyz Republic is a system of official data on the conditions, use and protection of water objects. The state water cadaster is kept by specially authorized state organs.

Every water object recorded in the state water cadaster must show the registration number, the name and complex characteristics, including physico-geographical, hydrological, local and economic indexes.

Article 57: State register of water economy structures

The state register of water economy structures is a complex of systemized data on water

economy structures.

Specially authorized state organs are responsible for keeping the state register. Every entry in the state register must indicate the complex characteristics of the water economy structure, including the purpose, legal, physical-geographical, hydrological, technical-economical and other indications. An entry in the state register takes place simultaneously with the grant of a water use licence.

Enterprises, institutions, organizations and citizens shall make payments according to established rates, for the registration of a water economy structure.

Article 58: Organs executing the state control and accounting of water

The state control and accounting of the use and protection of water is executed by specially authorized state organs in accordance with the Regulations on state accounting and control of water use approved by the Government of the Kyrgyz Republic.

The specially authorized state organs have the right to obtain the necessary information without limitations and free of charge, from ministries, administrative departments, organizations and citizens, information on quantitative and qualitative indexes, the characterizing conditions of water objects, water installations and the protection of the water environment.

Article 59: Monitoring of water objects

A component of the state system of control and accounting of water on the territory of the Kyrgyz Republic is the monitoring of water objects, consisting itself of a system of observation of water conditions for the timely exposure of changes, their estimation and the prevention and abatement of negative processes.

The structure, maintenance and order of performance of the state monitoring of water objects is established by the Government of the Kyrgyz Republic.

Article 60: Normative technical, sanitary-hygienic and metrologic provision of control and accounting of water

A single system of normative technical, sanitary-hygienic and metrologic provision is established for the protection and rational use of water, which regulates the requirements for allowed indexes of the amount and quality of water resources, norms of precision of measurements of water indexes and regulating the extent of the impact of industrial and other activities on water objects.

The system of normative technical, sanitary-hygienic and metrologic provision includes standards, rules, regulations, instructions, methods of execution of measurements and other normative documents.

Requirements in the field of the control and accounting of water must comply with the international agreements to which the Kyrgyz Republic is a party.

Requirements in the field of the control and accounting of water are elaborated, coordinated and approved in the order established by the Government of the Kyrgyz Republic.

PART VII - SETTLEMENT OF WATER DISPUTES

Article 61: Settlement of disputes between juridical and physical persons

Water disputes between juridical and physical persons are regulated by way of negotiations between the interested parties, and are settled by the specially authorized state organs established by the legislation of the Kyrgyz Republic.

PART VIII - LIABILITY FOR THE VIOLATION OF WATER LEGISLATION

Article 62: Types of violation of water legislation

The specially authorized state organs institute disciplinary, administrative, civil and criminal proceedings against legal and physical persons in accordance with the legislation of the Kyrgyz republic in case of:

- unlawful use of water objects and installations;
- unlawful water use;
- renunciation to the right to use water and other transactions in violation of the right of state ownership of water objects and installations;
- water withdrawal in violation of the conditions indicated in the water use licence;
- inefficient use of water resources;
- unlawful execution of hydraulic works;
- violation of the exploitation rules relating to hydraulic works and structures;
- non-compliance with the directions of the specially authorized state organs;
- violation of the normative-technical, sanitary-hygienic and metrological requirements set by the order of execution of control and accounting of water use;
- refusal to present timely and accurate information, or presentation of inaccurate information, on the conditions and use of water resources;
- unsatisfactory functioning of treatment facilities, and discharge of pollutants in violation of standards;
- putting into operation enterprises, structures and installation without appropriate treatment facilities;
- violation of the economy regime of water objects and water installations, thereby causing their pollution, land erosion and other harmful occurrences;
- violation of norms and sanitary requirements in the course of exploitation of water intakes, artesian wells and wells, leading to the pollution of groundwater;
- discharge of wastewater into underground aquifers;
- failure to take timely and adequate measures for the liquidation of the effects of ecological disasters and other harmful effects of water.

The legislation of the Kyrgyz Republic may provide for liability for other violations of water legislation.

Article 63: Restitution of unlawfully taken water objects and water economy

structures

Unlawfully taken water objects and water economy structures shall be restituted without compensation of the expenses made during the time of illegal use.

The restitution of unlawfully taken water objects and water economy structures shall take place on the basis of a court decision.

Article 64: Compensation of the losses caused by the violation of water legislation

Enterprises, organizations, institutions and citizens are obliged to compensate the losses caused by the violation of water legislation in the size and order established by the legislation of the Kyrgyz Republic.

Officials and other employees who are responsible for the losses of enterprises, organizations and citizens relating to the compensation of damage bear material and other responsibility in the established order.

The compensation of losses caused to water objects and water installations or parties as a result of a violation of water legislation takes place voluntarily or by virtue of a decision of a court or court of arbitration, in accordance with the actual costs of restoration of the damaged conditions of water objects and water installations, taking into account the damage caused, including the lost profit.

In the case of several authors of a damage, the compensation of the damage is executed on the basis of the estimated share of each author.

By agreement of the parties, the decision of a court or court of arbitration, the damage may be compensated by way of imposing on the defendant the obligation to restore the water object or the water installation by his work and means.

Article 65: Statement of claims relating to the termination of the activities of enterprises, institutions and organizations violating water legislation

Enterprises, institutions and organizations have the right to bring a claim before the court or court of arbitration, and physical persons to the court, for the purpose of terminating the activities of legal persons in violation of the water legislation.

A decision of the court or court of arbitration relating to the termination of activities of legal persons having harmful effects on water objects and water installations is the basis for the termination of financial support by the appropriate banking institutions, unless otherwise provided by the decision.

PART IX - INTERNATIONAL COOPERATION IN THE FIELD OF WATER RELATIONS

Article 66: Principles of international cooperation in the field of water relations

The Kyrgyz Republic proceeds, according to its policy in the field of water relations, proceeds for the provision of rational use and protection of water resources on the basis of friendly relations and mutual assistance with foreign states, general ecological security and development of international cooperation in the field of environment protection.

Article 67: Water relations with other states

On the basis of international law and interstate relations, the Kyrgyz Republic carries out:

- prevention, limitation and decrease of dumping pollutants into frontier waters by using less-waste and non-waste technologies;
- the setting up of criteria of water quality;
- the definition of maximum standards for the dumping of waste into waters;
- the elaboration of and agreement on programmes of monitoring of the conditions of frontier and transboundary water objects;
- the elaboration of and agreement on activities relating to the joint exploitation of frontier water objects and water economy structures;
- the establishment, if necessary, of joint organs for the control of the fulfillment of interstate agreements in the field of water relations;
- information exchange, operative information and mutual assistance during the joint exploitation of water objects and water economy structures;
- establishment of common and compensative responsibility for damage caused as a result of impacts on frontier water objects;
- arbitration procedures for the settlement of water disputes.

Article 68: International agreements in the field of water relations

Relations relating to the use and protection of water are regulated by the present Law, other legislation of the Kyrgyz Republic and the provisions of international agreements to which the Kyrgyz Republic is a party.

If different rules have been established by international agreements other than those contained in the legislation of the Kyrgyz Republic, the rules of the international agreements shall prevail.

Article 69: Settlement of disputes on the use of frontier waters between the Kyrgyz Republic and other states

Disputes between water users in the Kyrgyz Republic and water users in other states are considered by an independent arbitration commission established on a parity basis by the Governments of the states, or by the arbitration court of the state where the violation took place, unless otherwise provided by the appropriate convention or by bilateral and multilateral agreements.

Article 70: Economic-legal mechanisms of water relations with other states

The economic mechanism of water relations between the Republic of Kyrgystan and other states, as established on the basis of international law and interstate agreements, foresees:

- compensation of the damage caused by a guilty party to the interests of juridical and

- physical persons, including foreigners without citizenship;
- compensation of the damage caused by a guilty party to water objects and water installations;
- payment of the expenses relating to water withdrawals from water objects, regulation, transportation, purification and other water economy activities in case of regulation of water resources by means of water economy structures of other states;
- payment of the expenditures borne by one state, relating to the protection of water, the regulation of drainage and other water economy activities on frontier and transboundary water objects used by two or more states;
- allocation by one of the states of its share of water resources to other states as payment, as established on the basis of international agreements;
- allocation of credits and investment to other states for the financing of water economy activities;
- provision of secure guarantees and benefits, protection of the rights and interests of foreign investors in the field of water relations;
- fixing payments for the allocation to foreign legal and physical persons, including persons without citizenship, of water use concessions.

Article 71: Duties of foreign legal and physical persons and persons without citizenship

Foreign legal and physical persons and persons without citizenship are obliged, in the territory of the Republic of Kyrgystan, to observe the requirements of the present Law and other legislative acts of the Republic of Kyrgystan, and bear responsibility for their violation in the established order.