

THE LAW OF THE REPUBLIC OF NORTH OSSETIA-ALANIA

On mountain territories of the Republic of North Ossetia-Alania

The present Law is aimed at foundation of social-economical and legal bases of sustainable development of the Republic of North Ossetia-Alania, preservation and rational usage of natural resources, historical, cultural and architectural heritage of the Republic and is destined for becoming a base for establishment of legal regulation of activity of persons on mountain territories, statutory acts, realising its principles.

Chapter I. Common statements.

Article 1. Definition of the concept “mountain territories”

Mountain territories in the Republic of North Ossetia-Alania are considered to be places, where environment: altitude, relief and climate – creates special conditions that influence everyday human activity. Mountain territories are water shedding (main), side, rocky, pastoral and wooded (black mountains) ranges and their depressions.

Article 2. Boundaries of mountain territories

The southern boundary of mountain territories in the Republic of North Ossetia-Alania coincides with the state border between the Russian Federation and the Republic of Georgia. The western boundary goes through adopted administrative borderline between the Republic of North Ossetia-Alania and the Republic of Ingushetia. On the North the boundary of the Republic of North Ossetia-Alania goes on the line of state forest fund (northern border of black mountains).

Article 3. Mountain settlements

Mountain settlements are villages, working settlements and other settled areas, situated in the bounds of water shedding, side and rocky ranges of the Big Caucasus.

The list of mountain settlements is defined by the Government of the Republic of North Ossetia-Alania in accordance with the present Law.

Article 4. Population of mountain territories

The population of mountain territories of the Republic of North Ossetia-Alania are citizens, who live constantly in mountain settlements or those who have worked in mountain territories for more than one year, who continue their stay in the mountains because of continuance of their labouring activity, disablement or retirement age and having been registered in mountain settlements.

Article 5. Status of mountain territories

Mountain territories of the Republic of North Ossetia-Alania are divided into:

Low mountains – till 1000 metres above sea level;

Middle mountains – from 1001 up to 2000 metres above sea level;

High mountains – more than 2001 metres above sea level.

Economical activity of persons in low mountains is regulated by existing law of the Russian Federation and the Republic of North Ossetia-Alania.

Being engaged in economical activity in middle mountains and high mountains, irrespective of the legal status of nature user, becomes possible in concordance with specially authorised body on mountain territories of the Republic of North Ossetia-Alania.

Regime of nature use in specially protected natural territories (nature reserves, national and natural parks, natural monuments, dendrology parks and botanical gardens, medical health improvement areas and health resorts) is defined by according federal and republic law.

Article 6. Law of the Republic of North Ossetia-Alania on mountain territories

The law of the Republic of North Ossetia-Alania on mountain territories consists of the present Law, other laws of the Russian Federation, the Republic of North Ossetia-Alania and other acts of legislation, adopted in accordance with them and works in all territory of the Republic of North Ossetia-Alania.

Article 7. Competence of the Republic of North Ossetia-Alania in the field of protection and rational usage of natural resources in mountain territories.

Competence of the Republic of North Ossetia-Alania in the field of protection and rational usage of natural resources in mountain territories includes:

- Adoption of laws and other statutory acts in the field of protection and usage of natural resources;
- Elaboration, financial support and realisation of state programs in the field of protection and usage of natural resources;
- Management of state cadastres and creation of data bases on objects of natural resources;
- Providing of preservation and rational usage of natural resources;

- Control over observance of the laws of the Republic of North Ossetia-Alania in the field of protection and usage of natural resources;
- Observance of the regime of protection and usage of specially protected natural areas and objects;
- Application of objects and territories for giving them status of specially protected to the Government of the Russian Federation;
- Affirmation of decisions on specially protected territories of republican value;
- Formation of structure of specially authorised body on mountain territories in the Government of the Russian Federation;
- Establishment of easy republican taxation terms for persons, located in mountain territories;
- Solution of problems of changing of property forms on the objects and natural resources, situated in mountain territories;
- Co-ordination of activity of environmental organisations and nature users;
- Leaving out of the population about state, safety and usage of natural resources;
- Preparation of the staff and improvement of their skill;
- Licensing of nature usage in mountain territories;
- Co-ordination and financial support of republican programs, scientific researches in the field of protection and usage of natural resources;
- Hydrometeorological observations, forecast of possible emergency situations of natural and technogenic character;
- Protection of monuments of historical and cultural heritage of the Republic of North Ossetia-Alania;
- International co-operation in the field of protection and usage of natural resources in mountain territories;
- Other problems in the field of protection and usage of natural resources, which are in competence of the Republic of North Ossetia-Alania.

Article 8. Competence of bodies of local authority in the field of protection and usage of natural resources and sustainable development of mountain territories

Competence of bodies of local authority in the field of protection and usage of natural resources, sustainable development of mountain territories includes:

- Participation of bodies of local authority in formation and realisation of federal and republican programs of protection and usage of natural resources and sustainable development of mountain territories;
- Participation in formation of territorial organisations of specially authorised body on mountain territories;
- Participation in environmental protection and elimination of consequences of calamities;
- Formation and execution of local authority budget;
- Formation of purposeful funds of development of mountain territories;
- Regulation and usage of water objects of local value, deposits of widespread ore and non-ore minerals;
- Management of municipal property in mountain territories;
- Providing of social support and employment of the population of mountain territories;
- Providing of conditions for activity of institutions of culture, health care, education, physical culture and sports and other enterprises, farmers in mountain territories;
- Control over protection and usage of objects and natural resources in mountain territories, which are under their jurisdiction;
- Realisation of other powers, meant by Law on local authority.

Article 9. Specially authorised body on mountain territories

Specially authorised body on mountain territories is formed by the Government of the Republic of North Ossetia-Alania and is acceptable to it.

Specially authorised body on mountain territories acts on the base of the statement, adopted by the Government of the Republic of North Ossetia-Alania.

Article 10. Co-operation between specially authorised body on mountain territories and other state bodies of local authority

Specially authorised body on mountain territory co-ordinates its work with other environmental bodies, also with nature users, rights and duties of which are determined by the standing law.

Specially authorised body on mountain territory plans its work in co-operation with bodies of local authority in accordance with federal and local law on local authority.

Article 11. Rights of persons in nature usage in mountain territories

Persons, also foreign, have a right to use natural resources in mountain territories of the Republic of North Ossetia-Alania in accordance with standing law of the Russian Federation, the Republic of North Ossetia-Alania and the present Law.

The population of mountain territories is given prevailing right.

Chapter II. Order of usage, recreation and protection of natural resources in mountain territories

Article 12. Conduction of geological prospecting and prospecting activities in mountain territories

Conduction of geological prospecting, engineering, geological and other prospecting works in mountain territories is performed by specially authorised organisations of the Russian Federation and the Republic of North Ossetia-Alania.

Dates and places of such works pass preliminary concordance with specially authorised body on mountain territories and other specially authorised bodies in accordance with standing law.

Disparities between these organisations and specially authorised body on mountain territories are solved by the Government of the Republic of North Ossetia-Alania or in order, stated by law.

Article 13. Conduction of prospecting activities in specially protected mountain territories

Conduction of prospecting activities in specially protected mountain territories is performed in concordance with organisations, in whose competence they stay, and also with specially authorised body of the Republic of North Ossetia-Alania in environmental protection.

Article 14. Usage of natural resources in mountain territories

Economical usage of natural resources in mountain territories (extraction of minerals, construction of industrial and other objects, usage of fresh and mineral water in commercial purposes, felling of wood, hunting, pasturing, haymaking, gathering fruits, berries and other food and medical products and plants, tourism, mountaineering and excursions) is performed in concordance with standing law and statutory acts, which determine according types of usage of natural resources.

Usage of natural resources in mountain territories is performed during period of time in order and volume, specified in given to nature users licences in adopted order.

Usage of natural resources aimed at taking care about them (care and sanitary felling, improvement of pastoral and haymaking lands, antierosion and antiavalanche measures et al.) is performed according to the project in adopted order.

Article 15. Responsibility of nature user for violation of norms of usage of non-renewable natural resources in mountain territories

Nature user must rationally use non-renewable natural resources (ore and non-ore minerals and other resources), obey environmental demands, meant by laws of the Russian Federation and the Republic of North Ossetia-Alania.

Violation of environmental law causes criminal and administrative liability in concordance with standing law of the Russian Federation and the Republic of North Ossetia-Alania.

Article 16. Responsibility of nature user during usage of renewable natural resources in mountain territories

Nature user bears responsibility for rational usage, restoration and protection of restorable natural resources of fresh and mineral water sources, soil, wildlife and vegetation.

Usage of restorable natural resources is possible by means and methods that let their self-restoration in comparatively short period.

At land usage which leads to its physical or chemical degradation, water and wind erosion and as a consequence, diminishing or full loss of fertility, land user, irrespective of property form, fully damages.

In case of violation of standing laws and statutory acts, regulating usage of natural resources, nature user bears responsibility in order, determined by law.

Article 17. Payment for usage of natural resources in mountain territories

Usage of natural resources in mountain territories can be paid and free.

Paid usage includes:

- Usage of land resources;
- Extraction of ore, non-ore and other materials;
- Extraction of fresh and mineral water in commercial purposes;
- Usage of objects of wildlife and vegetation;
- Usage of water sources for industrial purposes;
- Construction of industrial and other objects, bearing commercial character;
- Construction of sanatoriums and health resorts;
- Usage of mountain territories in recreational purposes.

Free usage includes:

- Gathering of fruits, berries, mushrooms and medical herbs for non-commercial purposes;
- Haymaking and pasture for population of mountain territories;
- Usage of water sources, also mineral, for economical purposes (arranging of mills, micro electronically plants, irrigation and watering), for drinking purposes.

The order of usage of wood resources is specified by Forest law of the Russian Federation and the Republic of North Ossetia-Alania.

Privileges are made for population of mountain territories in usage of wood for economical purposes by the Government of the Republic of North Ossetia-Alania.

Article 18. Dimensions of payment for usage of natural resources in mountain territories

Dimensions of payment (tax) for usage of natural resources in mountain territories are established according to statutory norms.

In case of absence of norms of dimensions of payment are established by the Government of the Republic of North Ossetia-Alania.

Article 19. Privileges in nature usage in mountain territories

There are privileges for nature usage in mountain territories for agricultural producers of goods, irrespective of property form, enterprises of municipal economy, health care, education, culture, and also other persons, producing goods for mountain population and situated in mountain territories.

Dimensions of privileges are established after introduction of the Government of the Republic of North Ossetia-Alania by the Parliament of the Republic of North Ossetia-Alania.

Article 20. Taxes and payments

Persons who use natural resources in mountain territories but who are not registered in mountain territory pay taxes according to norms of standing law of the Russian Federation and the Republic of North Ossetia-Alania.

Taxes, adhered to republican and local budgets, and also payment for public utilities are decreased by 50 per cent from those established by law and statutory acts of the Republic of North Ossetia-Alania for juridical persons, registered in bodies of local authority of mountain territories.

Taxes, adhered to republican and local budgets, are fully eliminated for:

Workers of budget institutions and organisations, newly organised producers of goods, and also citizens, who have migrated to mountain territory for constant living – during the first five years.

Chapter III. Property on natural resources in mountain territories

Article 21. Property forms on natural resources in mountain territories

Natural resources in mountain territories of the Republic of North Ossetia-Alania may be in federal, republican, municipal property, and also other forms of property in order and on conditions, meant by laws of the Russian Federation and the Republic of North Ossetia-Alania.

Article 22. Property right on natural resources in mountain territories

Rights of possession, usage and management of an object of natural resource belong to owner of natural resources in mountain territories.

Article 23. Order of determination and changing of property forms on natural resources

Determination and changing of property forms on natural resources is made according to law of the Russian Federation and the Republic of North Ossetia-Alania.

Natural resources, which are in republican and municipal property, are property of people and cannot become private.

Changing of property forms and owners of property on natural resources, which are in competence of the Republic of North Ossetia-Alania, is made by decision of the Parliament of the Republic of North Ossetia-Alania after introduction of the Government of the Republic of North Ossetia-Alania.

In case of repeated violation of regime of rational usage and preservation of natural resources by the owner causing damage specially authorised body on mountain territories and other specially authorised state bodies have a right to turn to court with an action of withdrawal of natural resource from the owner and to pass it to republican and municipal property.

Chapter IV. Economic bases of usage and protection of natural resources in mountain territories

Article 24. Economic regulation in the field of usage and protection of natural resources in mountain territories

Economic regulation in the field of usage and protection of natural resources is conducted by means of taxation policy, crediting, insurance, pecuniary penalties and damages to the owners of natural resources according to law of the Russian Federation and the Republic of North Ossetia-Alania.

Article 25. Financial sources of activity in usage and protection of natural resources

Financial support of activity in the field of usage and protection of natural resources, which are in state and municipal property, is made at the expense of budgets of all the levels and extra-budgetary funds, and natural resources which are in use of persons, at the expense of nature users.

Article 26. Order of financial support of nature usage in mountain territories

Financial support of works, which deal with nature usage in mountain territories, is performed by persons – nature users.

Expenses on maintenance of objects of culture, education, health care, science, communication, television and their stuff is conducted from federal and republican budgets through bodies of local authority and corresponding structures.

Article 27. Order of budget formation for specially authorised body in mountain territories

Budget of specially authorised body in mountain territories of the Republic of North Ossetia-Alania is formed from:

- Budgetary means of the Russian Federation, which are allotted for realisation of federal programs;
- Means of republican budgets;
- Payments and taxes for nature usage;
- Income from republican and foreign investors;
- Voluntary payments of Russian and foreign persons;
- Other sources, in case they do not contradict to standing law.

Article 28. Order of budget formation for bodies of local authority in mountain territories

Budget of bodies of local authority is formed from:

- Local taxes and duties;
- Appropriations, which are given by specially authorised body on mountain territories of the Republic of North Ossetia-Alania;
- Taxes and payments for nature usage in the territory of mountain settlements;
- Income from business activity;
- Sponsor's means and voluntary payments of persons;
- Other means, in case they do not contradict to standing law.

Article 29. Order of distribution of payments for nature usage in mountain territories

Payments for nature usage in mountain territories are transferred to:

- Account of specially authorised body on mountain territories of the Republic of North Ossetia-Alania – 30 per cent;
- Account of body of local authority, on the territory of which there are objects of nature usage – 60 per cent;
- Budget of the republic – 10 per cent.

In case that usage of natural resources is performed outside the administrative territory of bodies of local authority of mountain territories, payments for nature usage are transferred to:

- Account of regional body of local authority – 50 per cent;
- Budget of the republic – 50 per cent.

Article 30. Order of distribution of taxes, coming from mountain territories

Taxes, coming from mountain territories are distributed to:

- Budget of the Republic of North Ossetia-Alania – 10 per cent;
- Account of bodies of local authority – 20 per cent;
- Account of body of local authority, from whose territory the taxes come – 70 per cent.

Article 31. Lease and sublease of objects and natural resources in mountain territories

Lease and sublease of objects and natural resources in mountain territories of the Republic of North Ossetia-Alania is performed in concordance with the standing law of the Russian Federation and the Republic of North Ossetia-Alania.

The owner of objects and natural resources comes as their leasee.

Article 32. Order of distribution of rent in mountain territories

Means of lease of objects and natural resources in mountain territories come to:

- Account of leasee (budget of the Republic of North Ossetia-Alania) – 50 per cent;
- Account of body of local authority, on whose territory there are leased objects and natural resources – 30 per cent;
- Account of specially authorised body – 20 per cent.

Distribution of means of rent between the budget of the republic, specially authorised body on mountain territories and body of local authority can be different, if it is meant by standing law and statutory acts.

Article 33. Insurance of objects and natural resources in mountain territories

Insurance of state and municipal property and natural resources in mountain territories is conducted in concordance to standing law of the Russian Federation.

Chapter V. State regulation in the field of protection and usage of natural resources in mountain territories

Article 34. Republican programs on protection and usage of natural resources in mountain territories

Republican programs on protection and usage of natural resources in the Republic of North Ossetia-Alania are confirmed by the Government of the Republic of North Ossetia-Alania and are financed according the republican budget.

Realisation of republican programs on protection and usage of natural resources is performed by specially authorised body on mountain territories and bodies of local authority.

Article 35. State bodies of regulation and management of natural resources in mountain territories

Functions of state body of regulation and management of natural resources in mountain territories are performed by specially authorised bodies in the field of usage, protection and recreation of certain natural resources, environmental protection and specially authorised body on mountain territories in its competence.

Article 36. State control over protection and usage of natural resources in mountain territories

State control over protection and usage of natural resources in mountain territories is performed by the Government of the Republic of North Ossetia-Alania, specially authorised bodies of executive power, in their competence, in co-operation with bodies of local authority.

Co-ordination of activity of specially authorised body of executive power in the field of protection and usage of natural resources is performed in its competence by the Government of the Republic of North Ossetia-Alania.

Article 37. State ecological expertise in the field of usage and protection of natural resources in mountain territories

State ecological expertise in the field of usage and protection of natural resources in mountain territories is performed by corresponding state bodies and organisations, which are endowed with such powers.

All the works on pre-projects and projects of usage of natural resources in mountain territories are to pass obligatory state ecological expertise.

State ecological expertise is performed by specially authorised state body of environmental protection of the Republic of North Ossetia-Alania. Decision of state ecological expertise can be undone only in court.

Article 38. Scientific research and educational activity in mountain territories

Scientific research and educational activity in mountain territories are performed by state and public organisations at the expense of state budgetary and extra-budgetary funds, and also public funds.

Performance of scientific research and educational work in mountain territories becomes free from payments for usage of natural resources.

Chapter VI. Rights and duties of foreign citizens and juridical persons in the field of usage and preservation of natural resources in mountain territories

Article 39. Rights and duties of foreign persons

Foreign persons in mountain territories of the Republic of North Ossetia-Alania have rights of usage of natural resources, determined by law of the Russian Federation and the Republic of North Ossetia-Alania.

Foreign persons have equal with persons of the Russian Federation duties and bear equal responsibilities for protection and usage of natural resources in mountain territories.

Chapter VII. Responsibility for violation of law of the Republic of North Ossetia-Alania on mountain territories

Article 40. Responsibility for violation of law of the Republic of North Ossetia-Alania on mountain territories

Persons who violate law of the Republic of North Ossetia-Alania on mountain territories bear responsibility in concordance with the law of the Russian Federation and the Republic of North Ossetia-Alania.

Article 41. Responsibility and damages for violation of order of protection and usage of natural resources in mountain territories

Persons who have damaged natural resources in mountain territories must pay damages to their owner in concordance with law of the Russian Federation and the Republic of North Ossetia-Alania.

Chapter VII. Final statements

Article 42. On entering of the present Law into force

The present Law enters into force from the date of its official publication.

Article 43. On bringing to concordance with the present Law of legal acts

The President of the Republic of North Ossetia-Alania and the Government of the Republic of North Ossetia-Alania must bring earlier adopted statutory acts in concordance with the present Law.

The President of the Republic of North Ossetia-Alania
Vladikavkaz
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