

**THE RESOLUTION
OF THE CABINET OF MINISTERS OF THE REPUBLIC OF
UZBEKISTAN**

**October 28, 2004
No.508**

**On strengthening the control over rational use
of biological resources, their import and export
outside the Republic of Uzbekistan**

For the purpose of strengthening the measures to protect and regulate the use of objects of fauna and flora of Uzbekistan, toughening the control over their use, import and export outside the Republic the Cabinet of Ministers resolves:

1. To approve:

Provision on the order of use of flora objects, their import and export outside the Republic of Uzbekistan in accordance with the Appendix No. 1;

Provision on the order of use, import and export of fauna objects outside the Republic of Uzbekistan, and conducting hunting and fishing facilities in accordance with the Appendix No.2;

Provision on distribution of means received as payments for using the objects of fauna and flora, the penalty sums and the sums collected from infringers of nature protection legislation for caused damage, in accordance with the Appendix No. 3.

2. To declare invalid and make amendments to some decisions of the Government of the Republic of Uzbekistan in accordance with the Appendix No.4.

3. The control over performance of the present Resolution shall be assigned to the Prime Minister of the Republic of Uzbekistan Mirziyayev Sh.M.

The Chairman of the Cabinet of Ministers
I.Karimov

Appendix No. 1
to the Resolution of the Cabinet of Ministers
of the Republic of Uzbekistan
October 28, 2004. No. 508

PROVISION
on the order of use of flora objects, their import and export
outside the Republic of Uzbekistan

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I. General provisions

1. In accordance with the Law «On protection and use of flora», the given Provision determines the order of giving for use the flora objects, their import and export outside the Republic of Uzbekistan.

The features of using the flora objects within the state forestry fund are established by other legislative acts.

2. The flora objects are as follows:

- wild-growing organisms - arboreal, shrubby and grassy seed plants, filicoid, moss-like, algae, lichens and mushrooms in all their specific variety;
- the natural vegetative communities formed by wild-growing organisms, or any of their collection;
- rare and endangered species of plants;
- fruits, seeds and other parts or products of wild-growing plants.

3. The use of flora objects can be carried out in the following ways:

- a) preparation of wild-growing fodder production for cattle breeding needs;
- b) cattle pasturing;
- c) using the flora objects for hunting facilities needs;
- d) preparation of wild-growing vegetable technical raw material;

- e) preparation (collection) of wild-growing vegetable medicinal raw material;
- f) preparation (gathering) of wild-growing plants for food purposes;
- g) felling of trees and bushes plantations;
- h) using the flora objects for scientific and research purposes;
- i) using the flora objects for cultural, educational, health-improving, recreational and aesthetic purposes;
- j) using the flora objects for nature protection purposes;
- k) using the flora objects for collecting.

The use of flora objects can be also carried out in other ways stipulated by the legislation.

II. Using the flora objects

4. The use of flora objects can be general and special.

5. The general use of flora objects is carried out by the physical persons for satisfaction of their vital needs in the ways provided in subpoints “d”, “e”, “h”, “i”, “j” under point 3 of the given Provision.

6. The general use of flora objects is carried out with conformation (with agreement) of the land owners and land users for free of charge in the amounts limited to vital needs of the user. The standards and the order of general use are determined by local public authorities with conformation of the State Committee of the Republic of Uzbekistan on nature protection.

7. The special use of flora objects is carried out under permissions, for the payment in accordance with the Appendixes 1 and 2 to the present Provision.

The amounts of payments for the permissions for preparation of wild-growing fodder production for cattle breeding needs and for cattle pasturing are established by local public authorities.

8. The special use of flora objects is carried out within the limits of established standards.

The quotas on preparation of wild-growing types of medicinal and food plants as well as vegetative technical raw material shall be approved annually by the State Committee of the Republic of Uzbekistan on nature protection and with conformation of the Academy of Sciences of the Republic of Uzbekistan.

The norms and the terms of haying and pasturing of cattle on the natural moving and pasturable areas, approved by local public authorities by proposals given by the corresponding state bodies responsible for agriculture and water resources, as well as for forestry.

The felling of trees and bush plantations not included in the forestry fund is allowed only as the sanitary felling and felling related to construction of buildings,

establishments and communications, according to the decision of local public authorities, which was agreed with the State Committee of the Republic of Uzbekistan for Nature Protection.

The approved quotas, as well as the norms and the terms of mowing and cattle pasturing shall be brought to the notice (informed) of the territorial committees on nature protection, as well as of the flora objects' users.

III. The order of granting permissions for using the flora objects

9. The permissions for special use are granted by:

- the Cabinet of Ministers of the Republic of Uzbekistan – for withdrawal (collecting) from the environment of rare and endangered species of plants included in the Red Book of Uzbekistan;
- the Main Department of Forestry under the Ministry of agriculture and water resources of the Republic of Uzbekistan – for using the flora objects within the territory of state forestry fund;
- local public authorities – for mowing and cattle pasturing on the lands of reserve, for felling of arboreal and shrubby planting plantations, not included in the forestry fund;
- agricultural enterprises, establishments and organizations – for mowing and cattle pasturing on the natural fodder lands within the territory of their property;
- the State Committee of the Republic of Uzbekistan for Nature Protection - on all other flora objects within the territory of the Republic of Uzbekistan.

10. For getting the special permission the users shall refer to:

- for withdrawal (collection) from the natural environment of rare and endangered species of plants included in the Red Book of the Republic of Uzbekistan – to the State Committee of the Republic of Uzbekistan for Nature Protection;
- for other types of use - accordingly to the State Committee for Nature Protection, the Main Department of Forestry under the Ministry of agriculture and water resources of the Republic of Uzbekistan, local public authorities, agricultural enterprises, establishment and organizations.

11. For getting the special permission the following documents should be submitted:

- application (request) for special use with indication of the object (type), place, terms and methods of using;
- conclusion of the Academy of Sciences on the condition of plant community and territories of using (for those types that are in the Red Book of the Republic of Uzbekistan);
- consent of land owners, land users or public authorities, in whose territory the use is expected;

- the document confirming the payment for using the flora objects.

12. The permissions for special using of flora objects or grounded refusals shall be given to the applicants within 15 days from the date of submission of the application.

13. Applications for withdrawal (collection) from the natural environment of rare and endangered species of plants included in the Red Book of the Republic of Uzbekistan shall be examined by the State Committee of the Republic of Uzbekistan for Nature Protection within 15 days. Based on the results of examination the State Committee of the Republic of Uzbekistan for Nature Protection submits to the Cabinet of Ministers of the Republic of Uzbekistan the statement on granting permission for withdrawal from the natural environment of rare and endangered species of plants included in the Red Book of Uzbekistan, having attached the conclusion of the Academy of Sciences of the Republic of Uzbekistan. In case of presence of the grounds for refusal in granting permission the State Committee of the Republic of Uzbekistan for Nature Protection informs on this of the applicant.

On the basis of the conclusion of the Cabinet of Ministers the State Committee of the Republic of Uzbekistan for Nature Protection within 10 days arranges the corresponding permission.

14. In granting permission for special using of the flora objects may be refused in the following cases:

- absence of quotas on use of the flora objects;
- submission of application for using the flora objects within forbidden territory or by prohibited method;
- submission of documents incompletely or in inadequate manner;
- non-payment of the fee for using the objects of flora.

In granting permission may be also refused in other cases, stipulated by the legislation.

The refusal in granting permission shall be sent to the applicant in written form with indication of the reasons for refusal.

The refusal in granting permission may be appealed by the applicant in the order established by the legislation.

15. At refusal in granting permission the paid fee is not subject for reimbursement.

16. The permission for the special use of flora objects specifies the following: the legal or physical person, which will carry out the use; the object (type), volumes (quantity) of using, the place and the terms of using.

The forms of permissions for special use are the documents of strict accountability, have registration numbers and supplied with degrees of protection.

Their samples shall be approved by the State Committee of the Republic of Uzbekistan for Nature Protection, including for the use within the territory of the state forestry fund.

17. The permissions for special use of the flora objects are not subject for transfer to other persons, no corrections and other notes in them are allowed. The state inspectors on nature protection and forestry departmental protection services (within the territories of the state forestry fund) are the only authorized bodies that may withdraw the permissions for using the flora objects in case of infringement by the user of nature protection legislation.

The copies of all granted permissions for special use shall be directed to the State Committee of the Republic of Uzbekistan for Nature Protection.

IV. The order of granting permissions for import and export of flora objects outside the Republic of Uzbekistan

18. The permissions for export of wild-growing plants, their parts included in the Red Book of the Republic of Uzbekistan, are granted by the Cabinet of Ministers based on the proposal of the State Committee of the Republic of Uzbekistan for Nature Protection and conclusion of the Academy of Sciences of the Republic of Uzbekistan.

The permissions for import of wild-growing plants and their parts, included in the Red Book of the Republic of Uzbekistan, are granted by the State Committee of the Republic of Uzbekistan for Nature Protection based on the conclusion made by the Academy of Sciences of the Republic of Uzbekistan.

Import and export of wild-growing plants, not included in the Red Book of the Republic of Uzbekistan, their parts, fruits, seeds and botanical collections outside the Republic of Uzbekistan by legal and physical persons are carried out on the basis of permissions granted by the State Committee of the Republic of Uzbekistan for Nature Protection.

The permissions for export and import to the territory of the Republic of Uzbekistan of the samples of plants types which are included in the Appendixes I, II and III of the Convention on international trade of endangered species of wild fauna and flora (CITES), are granted to legal and physical persons by the Administrative body of SITES in Uzbekistan (Gosbiocontrol of Goskomprirody), except for the flora objects indicated in the paragraph one of the present point.

19. Getting the permission for import and export of wild-growing plants, not included in the Red Book of the Republic of Uzbekistan and included in the Appendixes I, II and III of the Convention on international trade of endangered species of wild fauna and flora (CITES), their parts, fruits, seeds and botanical collections is required in case of exceeding the norms established for the general use.

20. The applications for getting permission for import and export of flora objects shall be submitted to the State Committee of the Republic of Uzbekistan for Nature Protection, and as for the objects indicated in the paragraph four of the point 18 of the given Provision, to the Gosbiocontrol of Goskomprirody.

21. For getting permission for import and export of flora objects the following documents should be submitted:

- application indicating the quantity of each imported and exported type of plants;
- documents confirming the legality of withdrawal of flora objects from the natural environment;
- conclusion of the Academy of Sciences on condition of vegetable community and the territory of using (for types included in the Red Book of the Republic of Uzbekistan);
- information on the country of importer or exporter of the production;
- information on the type of transport, which is planned to be used for exporting (importing);
- imported quarantine permission of the Main state inspection of the Republic of Uzbekistan on quarantine of plants (if imported);
- phytosanitary certificate (is granted by the Main state inspection of the Republic of Uzbekistan on quarantine of plants);
- document confirming the payment of a fee for granting permission.

22. For granting permission the payment is charged in the following amounts:

- for one sample of the plant included in the Red Book of the Republic of Uzbekistan, as well as botanical collections from these types of plants - at the rate of 5% from the cost of permission for collection of the given type of plants;
- for one kilogram of wild-growing plants raw material not included in the Red Book of the Republic of Uzbekistan, - at the rate of 10 % from the cost of permission for collection of the given type of plants.

The payment for granting permission to import the flora objects is not charged.

23. The permission for import and export of wild-growing plants and their raw material, seeds, botanical collections or grounded refusal for granting such permission shall be given to the applicant within 15 days from the date of submission of the application.

The applications for export of rare and endangered species of plants included in the Red Book of the Republic of Uzbekistan shall be examined by the State Committee of the Republic of Uzbekistan for Nature Protection within 15 days. Based on the results of examination the State Committee of the Republic of Uzbekistan for Nature Protection submits to the Cabinet of Ministers of the Republic of Uzbekistan the statement on granting permission for withdrawal from the natural environment of rare and endangered species of plants included in the Red Book of Uzbekistan, having attached the conclusion of the Academy of

Sciences of the Republic of Uzbekistan. In case of presence of the grounds for refusal in granting permission the State Committee of the Republic of Uzbekistan for Nature Protection informs on this of the applicant. On the basis of the conclusion of the Cabinet of Ministers the State Committee of the Republic of Uzbekistan for Nature Protection within 10 days arranges the corresponding permission.

24. The permission for import and export of flora objects specifies the following: the legal or physical person, which will carry out the import or export; the object (type), volumes (quantity) of imported or exported flora objects, the terms of import (export).

The forms of permissions for import (export) are the documents of strict accountability, have registration numbers and supplied with degrees of protection. Their samples shall be approved by the State Committee of the Republic of Uzbekistan for Nature Protection.

25. Granting permission may be refused in the following cases:

- detection of illegal withdrawal of flora objects from the natural environment;
- submission of documents incompletely or in inadequate manner;
- non-payment of the fee for permission;

In granting permission may be also refused in other cases, stipulated by the legislation.

The refusal in granting permission shall be sent to the applicant in written form with indication of the reasons for refusal.

The refusal in granting permission may be appealed by the applicant in the order established by the legislation.

At refusal in granting permission the paid fee shall not be reimbursed.

V. The control over using the flora objects

26. The state control over protection, use and reproduction of flora objects is carried out by local public authorities and the State Committee of the Republic of Uzbekistan for Nature Protection in the order established by the legislation.

27. The departmental control over protection, use and reproduction of flora objects is carried out by bodies, which have the territories with wild-growing plants under their competence: by the Main Department of Forestry under the Ministry of agriculture and water resources of the Republic of Uzbekistan – within the state forestry fund, and by land owners and land users – on the other territory.

28. The public control over protection, use and reproduction of flora objects is carried out by public associations, other non-governmental noncommercial organizations and citizens.

29. The bodies of state control examine the observance by the users of established terms, standards and other rules of using the flora objects, their protection and reproduction.

30. Protection of flora objects, natural plant communities formed by wild-growing organisms, is carried out by state inspectors on nature protection within the whole territory of the Republic of Uzbekistan, whereas the forestry security service, the state inspectors and security service for protected natural territories, the security service for protection of state hunting facilities, and the services of hunting and fishing facilities – within the territories assigned to them.

31. The state inspectors for nature protection have the right to

- visit the territories of growth of wild-growing plants for the purpose of revealing the infringements of norms and requirements on protection and use of flora objects;
- check the documents on flora use right, examine prepared production of flora objects, cordons of foresters and hunters, cordons and premises of protected natural territories, warehouse and other constructions, as well as examine and arresting all types of vehicles;
- request from all persons who have prepared flora objects to show the documents for using the flora objects, to give written or oral explanation concerning their infringement of the legislation on protection and use of flora;
- give the obligatory for execution by all flora object users the instruction on elimination of the infringement of the present Provision, rules, norms, terms and other requirements of protection and uses of flora;
- withdraw in established order the documents on the right for using the flora objects, which was carried out with infringement of the present Provision and other requirements established by the legislation on protection and use of flora, as well as to withdraw and transfer in the established order of the illegally prepared production to collecting and trading organizations,
- prepare a report on conducted investigation and protocols on administrative offences;
- carry out the control over implementing measures on protection and reproduction of the flora, produced by their users;
- suspend the works carrying out of which violates the requirements of the Law of the Republic of Uzbekistan “On protection and use of flora”, the present Provision and other legislative acts on protection and use of flora;
- bring to account the infringers of the legislation on protection and use of flora in the established order and direct materials on the offences to corresponding bodies;
- carry in established order the weapon and ammunition for it.

32. The state inspectors on nature protection are obliged to observe the rights of legal and physical persons and carry out their activity within the limits of the given powers.

33. At infringement by users of the requirements of legislation the right for using the flora objects can be suspended or terminated. In case of occurrence of the threat of irreversible changes in natural plant communities the right for using the flora objects shall be terminated.

34. The flora objects prepared without the permission or in the infringement of established by the legislation of the order and the standards (quotas) shall be withdrawn from the infringers, and the persons guilty in specified infringements shall bear the responsibility and recover the damage caused to flora:

- by types of plants included in the Red Book of the Republic of Uzbekistan, depending on the status of the plants. For endangered species of plants, in total 5, rare - 4 and reduced – 2 of minimal wage rates for one plant;
- by other types of using the flora objects in conformity with the legislation.

35. Wild-growing plants, including those that are in the Red Book of the Republic of Uzbekistan, as well as the parts of plants collected, prepared on the territory of the Republic of Uzbekistan and imported on its territory in infringement of the legislation and subject to withdrawal from the infringers, shall be transferred by the bodies of the State Committee of the Republic of Uzbekistan for Nature Protection for further realization to trading organizations that have the right for their sale on contractual prices.

36. The persons guilty of infringement of the legislation on protection and use of flora shall bear disciplinary, administrative and criminal liability in established order.

Legal and physical persons are obliged to compensate the damage caused by infringement of the legislation on protection and use of flora, in the order and the terms established by the legislation. The compensation of damage shall not exempt the party at fault from the liability in accordance with the legislation.