

LAW OF THE REPUBLIC OF TAJIKISTAN "ON ENVIRONMENTAL PROTECTION"

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This Law defines the legal basis of state policy in the field of environmental protection and is aimed at ensuring sustainable socio-economic development, guaranteeing human rights to a healthy and favorable environment, strengthening law and order, preventing the negative impact of economic and other activities on the environment, organizing the rational use of natural resources resources and ensuring environmental safety.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Basic concepts

This Law uses the following basic concepts:

- environment - human habitat, the totality of components of the natural environment, natural and natural-anthropogenic objects, as well as anthropogenic objects;

- anthropogenic object - an object created by man to meet his social needs and does not have the properties of natural objects;

- biological diversity - variability of living organisms from all sources, including terrestrial and aquatic ecosystems and ecological complexes, of which living organisms are part; this concept includes diversity within species, between species and ecosystem diversity;

- favorable environment - an environment whose quality ensures the sustainable functioning of natural ecological systems, natural and natural-anthropogenic objects;

- harm to the environment - negative changes in the environment as a result of its pollution, which causes degradation of ecological systems and depletion of natural resources; (Law No. 1449 of July 18, 2017)

- state dendrological park - a group of plantings that are of scientific, cultural and historical value, natural species of garden flora;

- pollutant - a substance or mixture of substances, the quantity and (or) concentration of which exceeds the standards established for chemical substances, including radioactive substances, other substances and microorganisms and has a negative impact on the environment;

- environmental pollution - the entry into the environment of potentially hazardous chemical and biological substances, radioactive materials, production and consumption waste, as well as the impact on the environment of noise, vibration, magnetic fields and other negative physical impacts;

- buffer zones - part of the earth and air space created in order to reduce external negative impacts around specially protected natural areas;

- sanitary protection zones - natural zones designed to ensure the required hygienic standards of maintenance, the concentration of pollutants in the above-ground layer of the atmosphere, the protection of water sources, and the reduction of the negative impact of power lines on the surrounding population;

- environmental quality - the state of the environment, which is characterized by physical, chemical, biological and other indicators and (or) their combination;

- components of the natural environment - land, subsoil, soils, surface and underground waters, atmospheric air, flora, fauna and others organisms, as well as the ozone layer of the atmosphere and near-Earth space, which together provide favorable conditions for the existence of life on Earth;

- control in the field of environmental protection (environmental control) - a system of measures aimed at preventing, identifying and suppressing cases of violation of legislation in the field of environmental protection, ensuring compliance by business entities and other activities with requirements, including standards and regulatory documents in the field of environmental protection environment;

- The Red Book is a collection of information about rare, endangered or endangered species of plants and animals, approved in accordance with the procedure established by the legislation of the Republic of Tajikistan, with the aim of introducing a regime of their special protection and subsequent reproduction;

- limit on the use of natural resources - the maximum amount of withdrawal and consumption of natural resources, emissions of pollutants into the environment, established in order to protect natural resources, their rational use, prevent and prevent negative impacts; (Law No. 1449 of July 18, 2017)

- limits on emissions of pollutants and microorganisms (hereinafter - emission limits) - restrictions on the release of pollutants and microorganisms into the environment, established for the period of environmental protection measures, including the introduction of the best existing technologies, in order to achieve standards in the field of environmental protection;

- environmental monitoring (ecological monitoring) - a comprehensive system of observation, assessment and forecast of changes in the state of the environment under the influence of natural and anthropogenic factors;

- standards in the field of environmental protection (hereinafter - environmental standards) - established standards for environmental quality and standards for permissible impact on it, the observance of which ensures an environment favorable for human life, the sustainable functioning of natural ecological systems and the preservation of biological diversity;

- standards for permissible anthropogenic load on the environment - standards established in accordance with the magnitude of the permissible cumulative impact of all sources on the environment and (or) individual components of the natural environment within specific territories, the observance of which ensures sustainable functioning

natural ecological systems and conserve biological diversity;

- specially protected natural zones - areas of land, water and water space above them, where natural complexes and objects are located that have special environmental, scientific, cultural, aesthetic, recreational and health-improving significance, and which, in accordance with the procedure established by law, are completely or partially withdrawn from economic use and for which a special protection regime has been established;

- environmental protection - a system of state and public measures of a legal, economic, social, technological, educational and international nature, aimed at ensuring harmonious interaction between society and nature based on the conservation and restoration of the natural environment, rational use of natural resources, improving the quality of the human environment, warning and preventing the negative impact of economic and other activities on the environment and eliminating its consequences;

- environmental impact assessment - a type of activity to identify, analyze and take into account the direct, indirect and other consequences of the environmental impact of a planned economic and other activity in order to make a decision on the possibility or impossibility of its implementation;

- natural-anthropogenic object - a natural object changed as a result of economic and other activities, and (or) an object created by man, possessing the properties of a natural object and having recreational and protective significance;

- natural object - a natural ecological system, natural landscape and their constituent elements that have preserved their natural properties;

- natural complex - a complex of functionally and naturally interconnected natural objects, united by geographical and other relevant characteristics;

- natural landscape - a territory that has not been changed as a result of economic and other activities and is characterized by a combination of certain types of terrain, soils, vegetation, formed under the same climatic conditions;

- natural resources - natural components of the natural environment, natural and natural-anthropogenic objects consumed by humans (solar energy, intraterrestrial heat, atmospheric air, land, water, forest and mineral resources, radioactive materials, flora and fauna, their derivatives, other natural benefits);

- use of natural resources - economic and other (including military) activities carried out using certain types of natural resources, as well as the impact of these activities on the environment;

- nature user - an individual or legal entity acting as an initiator or customer of economic or other activities that interact with the environment and natural resources;

- environmental protection system - a set of state programs and activities, technical regulations of the authorized state body of the Republic of Tajikistan in the field of protection

environment, infrastructure units and other elements, a network of institutions and organizations operating in the field of the environment, regardless of organizational and legal forms of ownership aimed at implementing state policy in the field of the environment, united to solve common goals and objectives, increasing the contribution of this industry to social -economic development of the country, ensuring environmental safety and a human-friendly environment; (Law No. 1449 of July 18, 2017)

- technological standard - a standard for permissible emissions and discharges of substances and microorganisms, which is established for stationary, mobile and other sources, technological processes, equipment and reflects the permissible mass of emissions of substances and microorganisms into the environment per unit of output;

- ozone layer - a layer of the atmosphere at an altitude of 7-8 km at the poles and 17-18 km at the Equator at the planetary level with a high centralization of molecules that do not transmit ultraviolet rays, harmful to living organisms from space;

- ecological system (ecosystem) - a single, stable, self-developing, self-regulating within a certain (local) area of the biosphere, a set of living and non-living components of the environment, interconnected by metabolism, energy and information;

- environmental information - any information in written, visual, acoustic, electronic or any other material form about the state of the environment and its components, as well as the interaction between these components, factors, such as substances, energy, noise, radiation, actions, including administrative measures, environmental agreements, legislation, plans and programs for

environment, costs and revenues and other economic studies and forecasts used in environmental decision-making;

- environmental safety - the state of protection of the vital interests of the individual, society, and the environment from threats arising as a result of anthropogenic and natural impacts on the environment, including those caused by disasters and catastrophes, including natural ones;

- environmental risk - the likelihood of an event having adverse consequences for the environment caused by

negative impact of economic and other activities, natural and man-made emergencies;

- environmental assessment - establishing compliance or non-compliance of design or other documentation with the requirements of legislation on environmental protection and rational use of natural resources, including technical regulations; (Law No. 1449 of July 18, 2017)

- environmental audit - a type of activity consisting in analyzing the compliance of the activities and reporting of an economic entity with current legislation, normative, methodological, instructional and regulatory documents in the field of environmental protection and natural resources;

Article 2. Legislation of the Republic of Tajikistan on environmental protection

The legislation of the Republic of Tajikistan on environmental protection is based on the Constitution of the Republic of Tajikistan and consists of this Law, other regulatory legal acts of the Republic of Tajikistan and international legal acts recognized by Tajikistan.

Article 3. Scope of this Law

1. This Law regulates relations related to the interaction of society and the environment that arise during the implementation of economic and other activities related to the impact on the environment on the territory of the Republic of Tajikistan.

2. Issues of protection and use of land, subsoil, water, atmospheric air, flora and fauna, including biological diversity, forests, as well as environmental objects of special ecological, scientific and cultural value, specially protected natural zones in part, not regulated by this Law are regulated by relevant laws and other normative legal acts of the Republic of Tajikistan adopted on its basis and in accordance with it. (Law No. 1449 of July 18, 2017)

3. Relations arising in the field of environmental protection, to the extent necessary to ensure sanitary and epidemiological safety of the population, are regulated by the legislation of the Republic of Tajikistan on sanitary and epidemiological safety of the population and on the protection of public health, as well as other legislative acts of the Republic of Tajikistan aimed at ensuring human-friendly environment.

Article 4. State policy in the field of environmental protection

1. State policy in the field of environmental protection is a complex of legal, economic, organizational,

educational, informational, social, ~~cultural~~ cultural and other measures of government influence aimed at ensuring the protection, rational and efficient use of water and land resources, subsoil, atmospheric air, flora and fauna and other natural resources for the benefit of the people.

2. To implement state policy in the field of environmental protection, an environmental protection system of the Republic of Tajikistan is being formed, which is aimed at ensuring the rights of citizens to a healthy and favorable environment.

3. The basis for organizing state policy in the field of environmental protection is the regulatory legal acts of the Republic of Tajikistan, including concepts, programs, strategies, forecasts and action plans for environmental protection. (Law No. 1449 of July 18, 2017)

Article 5. Basic principles of environmental protection

Economic and other activities of government bodies of the Republic of Tajikistan, self-government bodies of towns and villages of individuals and legal entities that have an impact on the environment are carried out on the basis of the following principles: (Law No. 1449 of July 18, 2017)

- ensuring the supremacy of the Constitution and normative legal acts of the Republic of Tajikistan in the field of environmental protection;
- the priority of protecting human life and health, respecting his right to favorable environment;
- restoration, conservation and rational use of the environment in order to improve living standards, provide a favorable environment for work and rest of the population;
- scientifically based combination of legal, environmental, economic and social interests of man, society and the state, taking effective measures in order to achieve sustainable development;
- payment for the use of natural resources and compensation for harm, caused to the environment;
- independence of control in the field of environmental protection;
- presumptions of environmental danger of planned economic and other activities;
- environmental impact assessments when making decisions about carrying out economic and other activities;
- priority of conservation of natural ecological systems, natural landscapes and natural complexes;
- the permissibility of the impact of economic and other activities on the natural environment, including biological diversity, based on the requirements in the field of environmental protection; (Law No. 1449 of July 18, 2017)
- mandatory participation of government bodies, public and other non-profit associations, individuals and legal entities in environmental protection activities;

- respect for everyone's right to receive reliable information about the state of the environment, as well as to the participation of citizens in making decisions regarding their rights to a favorable environment, in accordance with the legislation of the Republic of Tajikistan;

- encouraging and supporting cooperation between public organizations and citizens with government authorities on issues of environmental protection and rational use of natural resources;

- the inevitability of liability for violation of the law in environmental protection;

- organization and development of a system of environmental education, upbringing and formation of environmental culture;

- international cooperation.

Article 6. Environmental protection objects

1. The following are subject to protection from pollution, spoilage, damage, depletion, destruction and other negative impacts of economic and other activities of individuals and legal entities:

- land, its subsoil, soils;

- surface and underground waters;

- atmospheric air, ozone layer of the Earth;

- flora and fauna, including biological diversity, forests in all their species diversity, as well as their genetic fund; (Law No. 1449 of July 18, 2017)

2. State natural reserves, including biosphere reserves, their buffer zones, state natural reserves, natural monuments, natural, national and dendrological parks, botanical gardens, other natural complexes and objects with special environmental, scientific, historical and cultural significance are subject to special protection. , aesthetic, recreational, health and other valuable value, as well as rare or endangered objects of flora and fauna, other organisms and their habitats and growth.

3. Zones of groundwater formation (river valleys, alluvial fans, foothill shelves), rare geological discoveries and mineralogical formations, paleontological objects and other subsoil areas of special scientific, cultural and other value, coastal strips and water protection areas are also subject to special protection. zones (strips) of water bodies, fishing reservoirs, protective forest belts and other zones in the manner determined by the legislation of the Republic of Tajikistan.

Article 7. Programs, concepts, strategies, forecasts and action plans in the field of the environment (Law No. 1449 of July 18, 2017)

1. To organize targeted and effective activities to ensure favorable environmental quality, sustainable management, ensure environmental safety, implement the provisions

international environmental conventions and agreements recognized by Tajikistan are developing programs, concepts, strategies, forecasts and, based on them, action plans providing for measures for environmental protection, sustainable and rational use and restoration of natural resources, and long-term environmental improvement. (Law No. 1449 of July 18, 2017)

In order to avoid duplication of activities and maximize the opportunities for implementing the provisions of two or more international environmental conventions and agreements recognized by Tajikistan, common programs, concepts, strategies and action plans can be developed.

2. State programs, concepts, strategies, forecasts and action plans are developed by the authorized state body of the Republic of Tajikistan in the field of environmental protection, with the participation of interested ministries and departments, as well as the public, and approved by the Government of the Republic of Tajikistan. (Law No. 1449 of July 18, 2017)

3. Action plans for environmental protection are developed taking into account government forecasts of socio-economic development and on the basis of scientific research aimed at solving problems in the field of environmental protection.

4. Legal entities and individual entrepreneurs carrying out economic and other activities that have a negative impact on the environment are required to plan and implement environmental protection measures in the manner established by the regulatory legal acts of the Republic of Tajikistan.

CHAPTER 2. PUBLIC ADMINISTRATION IN THE FIELD OF ENVIRONMENTAL PROTECTION

(Law No. 1449 of 18.07.17)

Article 8. Competence of the Government of the Republic of Tajikistan in environmental protection

The competence of the Government of the Republic of Tajikistan in the field of environmental protection include:

- maintaining state policy in the field of environmental protection environment; (Law No. 1449 of July 18, 2017)
- determination of the procedure for the development and approval of regulatory documents and requirements in the field of environmental protection for economic and other activities;
- encouraging scientific, scientific and technical developments and research in the field of environmental protection, ensuring environmental safety and sustainable environmental management, preventing and preventing environmental degradation;

- establishing the amount and procedure for collecting fees for use of natural resources; (Law No. 1449 of July 18, 2017)
paragraph five has been deleted. (Law No. 1449 of July 18, 2017)
- establishing the procedure and conditions for carrying out mandatory environmental insurance of individuals and legal entities;
- determining the procedure for organizing and conducting state environmental expertise and the procedure for assessing the impact of the planned activity on the environment;
- making decisions on the use of natural resources, concluding agreements and contracts, including concessions;
- approval of programs, concepts, strategies, forecasts and action plans for environmental protection, national reports and reports on the state of the environment, as well as schemes for the integrated use, reproduction and protection of natural resources, the procedure for maintaining state cadastral maps of natural resources; (Law No. 1449 of July 18, 2017)
- financing and logistical support of environmental protection measures within the limits and volumes established by the state budget;
- establishing the structure, content and procedure for state monitoring of the environment and natural resources, forming a state system of monitoring the state of the environment and ensuring the functioning of this system;
- approval of the list of product groups, work and services in the field of environmental protection, subject to mandatory standardization and certification;
- approval of the list of environmental objects of special ecological, scientific, historical and cultural significance, organization of state dendrological and natural parks, other specially protected natural areas; (Law No. 1449 of July 18, 2017) national,
- determining the procedure and conditions for collecting, analyzing, summarizing, providing information and maintaining state statistics in the field of environmental protection;
- establishing a procedure for state control in the field of environmental protection;
- determination of the authorized state body of the Republic of Tajikistan in the field of environmental protection and approval of its regulations; (Law No. 1449 of July 18, 2017)
- exercise other powers in accordance with this Law and other regulatory legal acts of the Republic of Tajikistan.

Article 9. Powers of the authorized state body of the Republic of Tajikistan in the field of environmental protection (Law No. 1449 of July 18, 2017)

1. To the powers of the authorized state body of the Republic of Tajikistan in the field of environmental protection includes:

- implementation of state environmental policy and integrated management in the field of environmental protection and rational use of natural resources, coordination of the activities of ministries, departments, local government bodies, self-government bodies of towns and villages, individuals and legal entities; (Law No. 1449 of July 18, 2017)

- implementation of state control in the field of efficient use of natural resources and environmental protection, as well as the activities of economic and other facilities, regardless of the form of ownership and departmental subordination;

- development of draft laws and other regulatory legal acts of the Republic of Tajikistan in the field of environmental protection, as well as monitoring their implementation;

- development and approval of standards, technical regulations and other regulatory documents in the field of environmental protection and use of natural resources; (Law No. 1449 of July 18, 2017)

- development of draft programs, concepts, strategies, forecasts and action plans for environmental protection, national reports and reports on the state of the environment, as well as schemes for the integrated use, reproduction and protection of natural resources, participation in their implementation; (Law No. 1449 of July 18, 2017)

- participation in the development and implementation of interstate and regional environmental programs;

- participation in the implementation of environmental and other measures to improve the state of the environment, including in areas of environmental disaster;

- organization and conduct of state environmental assessment planned activities;

- implementation of actions provided for by the legislation of the Republic of Tajikistan to bring guilty persons to administrative and other types of liability;

- filing and trial of claims for compensation for damage caused as a result of violation of the legislation of the Republic of Tajikistan in the field of environmental protection, as well as mandatory payments for environmental pollution and other negative impacts on it;

- development of proposals for the formation of specially protected natural territories, management of such zones, control of their protection and use;

- participation and organization, implementation and development of environmental education and the formation of environmental culture on the territory of the Republic of Tajikistan;

- restriction, suspension and termination in accordance with the established procedure of economic and other activities carried out in violation of the legislation of the Republic of Tajikistan in the field of environmental protection;

- organization and implementation of state environmental monitoring, ensuring the functioning of the state environmental monitoring service;

- informing the population with information about the state of the environment environment on the territory of the Republic of Tajikistan in the prescribed manner;

- free receipt from ministries, departments, local government bodies, self-government bodies of towns and villages, enterprises, institutions and organizations, environmental information; (Law No. 1449 of July 18, 2017)

- development and maintenance of the Red Book of the Republic of Tajikistan, approval of the regulations and composition of its permanent commission;

- issuance of licenses for certain types of activities or permits for carrying out activities or certain actions in the field of environmental protection and use of natural resources in the manner established by the laws of the Republic of Tajikistan "On licensing of certain types of activities" and "On licensing

system"; (Law No. 1449 of July 18, 2017)

- establishment of limits and quotas for the subjects of the Republic of Tajikistan on the use of natural resources, including objects of flora and fauna, forest products, emissions into the atmosphere, discharges into water sources, earth surfaces and underground layers, waste disposal;

- issuing permits for the right to collect, transport across the border and dispose of production and consumption waste, emissions and disposal of substances that pollute the environment, drilling water wells and targeted use of natural resources;

- organizing and conducting environmental certification of environmental objects, natural resources, products, materials and raw materials, production and consumption waste, technological processes and services aimed at ensuring environmental safety and preventing harm to the environment:

- establishing and approving the amount of payments for the use of natural resources, environmental pollution and waste disposal;

- coordination of the activities of other authorized state bodies for environmental protection and use of natural resources;

- creation and maintenance of the state cadastre of natural resources, accounting and assessment of natural resources;

- implementation of international cooperation in the field of environmental protection, environmental safety, study, generalization and dissemination of international experience, ensuring the fulfillment of the obligations of the Republic of Tajikistan in accordance with international legal acts in the field of environmental protection recognized by Tajikistan;

- collection and processing of environmental information, preparation and publication national and state of the environment reports;

- performing other functions to ensure effective environmental protection and use of natural resources within its competencies.

2. Execution of decisions of the authorized state body of the Republic of Tajikistan in the field of environmental protection on issues within its competence is mandatory for individuals and legal entities and they can be appealed in the manner prescribed by law. (Law No. 1449 of July 18, 2017)

Article 10. Powers of local government bodies in environmental protection

1. Local representative bodies of state power, within the limits of their powers:

- determine the main directions for environmental protection and use of natural resources and approve environmental programs in the relevant territories;

- approve expenses for environmental protection and improvement in composition of local budgets;

- hear reports from heads and other officials of local executive bodies of state power, structures of central executive bodies of state power, enterprises, organizations and institutions on the state of environmental protection and use of natural resources;

- adopt, within the limits of their powers, mandatory rules on issues of environmental health, protection, reproduction and rational use of natural resources, protection of environmental objects with special environmental, scientific and cultural

value.

2. Local executive bodies of state power, within the limits of their powers:

- exercise state control in the field of protection environment and regulate the use of natural resources;

- organize the development and implementation of programs and action plans for environmental protection and natural resource management in the relevant territories, carry out the construction and reconstruction of environmental protection facilities;

- make proposals to the authorized state body of the Republic of Tajikistan in the field of environmental protection on issues of protection of environmental objects that have special ecological, historical, scientific and cultural value, as well as on the organization of specially protected natural zones; (Law No. 1449 of July 18, 2017)

- promote environmental protection, form environmental education for the population:

- exercise other powers provided for by law Republic of Tajikistan.

Article 11. Powers of self-government bodies of towns and villages in the region environmental protection

Self-government bodies of towns and villages, within the powers established by the legislation of the Republic of Tajikistan, ensure the implementation of laws and other regulatory legal acts of the Republic of Tajikistan and decisions of the authorized state body of the Republic of Tajikistan in the field of environmental protection, as well as the participation of the population in resolving issues in the field of environmental protection.

(Law No. 1449 of 18.07.17)

CHAPTER 3. RIGHTS AND OBLIGATIONS OF CITIZENS, PUBLIC ASSOCIATIONS AND OTHER NON-PROFIT ORGANIZATIONS IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 12. Rights and obligations of citizens in the field of environmental protection

1. Citizens of the Republic of Tajikistan have the right to live in an environment favorable to health and life and to use its benefits to protect the environment from negative impacts caused by economic and other activities, natural and man-made emergencies.

2. Citizens in the field of environmental protection have the right:

- create associations and other non-profit organizations, carrying out activities in the field of environmental protection;
- contact government bodies of the Republic of Tajikistan, local government bodies, self-government bodies of towns and villages, other organizations and officials to receive timely, complete and reliable information about the state of the environment in the places of their residence, measures to protect it, have access to such information and receive it. A request for environmental information may be refused if its disclosure would have an adverse impact on the protection of state secrets or on the rights and legitimate interests protected by regulatory legal acts of the Republic of Tajikistan;

(Law No. 1449 of July 18, 2017)

- take part in meetings, rallies, demonstrations, marches on environmental issues and other actions that do not contradict the legislation of the Republic of Tajikistan;

(Law No. 1449 of July 18, 2017)

- participate in the process of reviewing draft plans, programs and regulations relating to the environment, environmental impact assessment and other important environmental issues, present research results, their proposals and opinions regarding these projects; (Law No. 1449 of July 18, 2017)

- demand a public environmental assessment and participate in its conduct in the prescribed manner;
- contact the central and local government bodies of the Republic of Tajikistan, as well as other organizations with complaints, statements and proposals on issues related to environmental protection, negative impacts on the environment and receive timely and reasonable responses;
- file lawsuits for compensation for damage to the environment, personal property and health;
- insure your life, health and property from adverse effects of the natural environment occurring as a result of economic or other activities;
- citizens of the Republic of Tajikistan also exercise other rights, provided for by the legislation of the Republic of Tajikistan.

3. Citizens are obliged:

- protect and preserve the environment and natural resources; (Law No. 1449 of July 18, 2017)

paragraph two has been deleted. (Law No. 1449 of July 18, 2017)

- provide assistance to the authorized state body of the Republic of Tajikistan in the field of environmental protection, local executive bodies of state power and local governments of towns and villages in resolving environmental protection issues; (Law No. 1449 of July 18, 2017)

- comply with other requirements provided for by law Republic of Tajikistan.

4. Citizens are not allowed to use natural resources to the detriment of the environment, the rights and legitimate interests of other citizens, enterprises, institutions, and organizations. (Law No. 1449 of July 18, 2017)

Article 13. Rights and obligations of public associations and others non-profit organizations in the field of environmental protection

1. Public associations and other non-profit organizations

has the right:

- participate in the established order in the development, promotion and implementation of a program in the field of environmental protection, protect the rights and legitimate interests of citizens in the field of environmental protection, involve citizens on a voluntary basis in carrying out activities in the field of environmental protection;

- at the expense of own and borrowed funds, carry out and promote activities in the field of environmental protection, reproduction of natural resources, and ensuring environmental safety;

- contact local and central government bodies, self-government bodies of towns and villages, enterprises, institutions, organizations and officials to receive timely, complete and

reliable information about the state of the environment, measures to protect it, circumstances and facts of economic and other activities that pose a threat to the environment, life, health and property of citizens. A request for environmental information may be refused if its disclosure will have an adverse impact on the protection of state secrets or on the rights and legitimate interests protected in the manner established by the legislation of the Republic of Tajikistan;

- participate in the prescribed manner in the discussion and adoption of economic and other decisions, the implementation of which may have a negative impact on the environment, life, health and property of citizens;

- contact central and local government bodies, self-government bodies of towns and villages, other organizations and departments of the Republic of Tajikistan with complaints, statements and proposals on improving environmental protection, negative impacts on the environment, and receive timely and reasonable responses;

(Law No. 1449 of 18.07.17)

- organize and conduct public environmental assessments in the prescribed manner, recommend their representatives to participate in the state environmental assessments;

- apply to the authorized bodies and the court on the issue of canceling decisions on the design, placement, construction, reconstruction, commissioning of facilities, as well as on restrictions, suspension and termination of economic and other activities that have a negative impact on the environment; (Law No. 1449 of July 18, 2017)

- file lawsuits for compensation for environmental damage to protect the interests of citizens.

2. Public associations and other non-profit organizations are obliged to:

- comply with the requirements of the legislation of the Republic of Tajikistan in environmental protection;

- provide assistance to government authorities of the Republic of Tajikistan, self-government bodies of towns and villages in resolving environmental protection issues.

3. Public associations and other non-profit organizations have other rights and bear other responsibilities provided for by the legislation of the Republic of Tajikistan.

4. The use of the environment by public associations and other non-profit organizations to the detriment of it, the rights and legitimate interests of other individuals and legal entities is not permitted.

Article 14. Guarantees of the rights of citizens and public associations in environmental protection

1. The state guarantees citizens and public associations the implementation of the rights granted to them in the field of environmental protection in accordance with the legislation of the Republic of Tajikistan.

2. Persons who prevent public associations and citizens from fulfilling their rights and obligations arising from this Law are held accountable in the manner established by the legislation of the Republic of Tajikistan.

Article 15. System of state measures to ensure the rights to favorable environment

1. The system of government measures to ensure the rights to a favorable environment includes a set of organizational, social, economic, technical and technological measures.

2. In order to ensure the rights to a favorable environment
The state is taking the following measures:

- ensuring environmental safety and improving the quality of the environment;
- harmonization of the state of the environment, protection and conservation of biological diversity, rational use and restoration of natural resources;
- prevention and elimination of damage to the environment and human life;
- ensuring safe management of activities for the collection, use, neutralization, transportation and disposal of harmful substances;
- improvement of methods and technologies for environmental protection and use of natural resources;
- development of information systems and methods for monitoring environmental protection;
- promotion of environmental knowledge, increasing environmental education of the population.

3. State authorities, self-government bodies of towns and villages and officials are responsible for ensuring the rights of citizens to a favorable environment.

4. The placement of objects whose activities may cause damage to the environment is carried out taking into account the opinions of the population of the relevant territory. (Law No. 1449 of July 18, 2017)

CHAPTER 4. ECONOMIC REGULATION IN THE FIELD OF PROTECTION ENVIRONMENTAL

Article 16. Methods of economic regulation in the field of environmental protection

1. The objectives of the economic mechanism for environmental protection are the development of material and moral incentives

activities of ministries and departments, local government bodies, self-government bodies of towns and villages, enterprises, institutions, organizations, regardless of forms of ownership and subordination, their employees, citizens participating in the development, planning and implementation of environmental safety measures, rational use, conservation and reproduction of natural resources. (Law No. 1449 of July 18, 2017)

2. Methods of economic regulation in the field of environmental protection include:

- development of state forecasts of socio-economic development based on environmental forecasts;
- development of state programs, concepts, strategies, forecasts and action plans in the field of environmental protection; (Law No. 1449 of July 18, 2017)
- development and implementation of environmental protection measures in order to prevent and prevent harm to the environment;
- establishing fees for negative impacts on the environment;
- establishing limits, quotas and procedures for collecting fees for the use of natural resources, including flora and fauna, forest products, emissions into the atmosphere, discharges into water sources, earth surfaces and underground layers, waste disposal and other types of negative impact on the environment environment; (Law No. 1449 of July 18, 2017)
- conducting an economic assessment of natural and natural-anthropogenic objects, as well as the impact of economic and other activities on the environment;
- state support for entrepreneurial, innovative and other activities (including environmental insurance) aimed at introducing the best, advanced technologies and production, non-traditional types of energy, the use of secondary resources and waste recycling, as well as other effective measures to protect the environment;
- compensation for damage caused to the environment in the prescribed manner ok; (Law No. 1449 of July 18, 2017)
- other methods of economic regulation to improve and effectively protect the environment.

3. Economic regulation of environmental protection activities is carried out in accordance with the legislation of the Republic of Tajikistan.

Article 17. Accounting and socio-economic assessment of natural resources

1. The authorized state body of the Republic of Tajikistan in the field of environmental protection, together with state statistical bodies and natural resource users, maintain quantitative and qualitative records of natural resources, secondary raw materials, and by-products

economic and other activities, carry out their socio-economic assessment.

2. Maintaining state cadastres of natural resources, specially protected natural zones and objects is entrusted to the authorized state body of the Republic of Tajikistan in the field of environmental protection.

Article 18. Financing of environmental protection measures

Funding for environmental protection measures comes from the following sources:

- state budget;
- **voluntary contributions from individuals and legal entities;**
- other financial sources not prohibited by law

Republic of Tajikistan.

Article 19. Limits and quotas on the use of natural resources 1. Limits and quotas on the use of natural resources are established for users of natural resources in order to determine the final volumes of use of natural resources, discharge of harmful substances and disposal of waste within a specific territory at a certain time.

2. Limits and quotas for the use of natural resources for natural resource users are established by the authorized state body of the Republic of Tajikistan in the field of environmental protection with the aim of gradually achieving standard volumes of use of natural resources, maximum permissible discharges of pollutants into the environment and waste disposal, taking into account the ecological state of the territories. (Law No. 1449 of July 18, 2017)

Article 20. Payment for the use of natural resources and negative environmental impact

1. Payment for the use of natural resources (land, subsoil, water, forests and other vegetation, wildlife, recreational and other natural resources) is charged for:

- the right to use natural resources;
- the right of natural resources within the established limits and quotas;
- over-limit use of natural resources.

2. Payment for negative impact on the environment is charged for:

- emissions, discharges of pollutants, waste disposal and other types of impact on the environment within established limits and quotas;

- emissions, discharges of pollutants, waste disposal and other types of impact on the environment in excess of established limits and quota.

3. The procedure for calculating and applying payment standards for the use of natural resources and negative impacts on the environment is determined by the Government of the Republic of Tajikistan.

4. Payment for the use of natural resources and negative impact on the environment does not exempt natural resource users from taking environmental protection measures and compensating for damage caused to the environment.

Article 21. Environmental protection funds

1. For unforeseen expenses related to the protection and improvement of the environment, restoration of losses in the environment and compensation for damage caused to it, republican and local environmental protection funds are created. (Law No. 1449 of July 18, 2017)

2. These funds are formed from deductions from payments for the use of natural resources, payments for emissions (discharges, placement) of pollutants into the environment, voluntary donations from individuals and legal entities and other sources. (Law No. 1449 of July 18, 2017)

3. Procedure for the formation and use of environmental protection funds environment is determined by the Government of the Republic of Tajikistan.

Article 22. Environmental insurance funds

1. Environmental protection insurance funds are formed to cover the costs of restoring losses in the environment, compensation for damage caused to the health and property of citizens as a result of natural disasters, accidents, catastrophes and other environmental risks.

2. These funds are created through government appropriations, contributions from enterprises, institutions, organizations, regardless of the form of ownership and departmental subordination, as well as voluntary donations from citizens.

3. The terms of insurance, the procedure for making insurance payments and paying out insurance compensation are determined in accordance with the legislation of the Republic of Tajikistan.

CHAPTER 5. ENVIRONMENTAL REGULATION

Article 23. Standardization of environmental quality

1. Standardization of environmental quality is carried out with the aim of establishing scientifically based maximum permissible standards for environmental impact, guaranteeing environmental safety and protection of public health, protection of atmospheric air, water, land, flora and fauna, rational use and reproduction of natural resources.

2. Standardization of environmental quality is a system of environmental quality standards developed in the manner prescribed by the legislation of the Republic of Tajikistan.

(Law No. 1449 of 18.07.17)

Article 24. Development of standards in the field of environmental protection

Development of standards in the field of environmental protection includes:

- carrying out research work to substantiate standards in the field of environmental protection;
- carrying out examination, approval and publication of standards in the field of environmental protection in accordance with the established procedure;
- establishing the grounds for the development or revision of standards in environmental protection;
- formation and maintenance of a unified information database standards in the field of environmental protection;
- assessment and forecasting of environmental, social and economic consequences of application of regulations in the field of environmental protection.

Article 25. Environmental quality standards

1. Environmental quality standards are established to assess the state of the environment in the interests of protecting human health, preserving natural ecological systems, and the genetic fund of flora and fauna.

2. Environmental quality standards include:

- standards established in accordance with chemical indicators of the state of the environment, including standards for maximum permissible concentrations of chemicals, including radioactive substances;
- standards established in accordance with physical indicators of the state of the environment, including indicators of the level of radioactivity and heat;
- standards established in accordance with biological indicators of the state of the environment, including species and groups of plants, animals and other organisms used as indicators of environmental quality, as well as standards for maximum permissible concentrations of microorganisms;
- other environmental quality standards.

3. Taking into account the natural, climatic and other features, as well as the special value of individual territories (reserves, sanctuaries, national natural parks, resort and recreational areas), more stringent environmental quality standards are established for them.

Article 26. Standards for maximum permissible emissions and discharges pollutants (Law No. 1449 of July 18, 2017)

1. Standards for maximum permissible emissions and discharges of pollutants substances, including pathogenic microorganisms and other biological

substances that pollute atmospheric air, soil water, are established taking into account their total intake from all production facilities, inventory data of emissions and discharges of pollutants for each source of pollution, current standards for maximum permissible concentrations of pollutants in the environment and its background pollution. (Law No. 1449 of July 18, 2017)

2. Emissions and discharges of pollutants, other substances and microorganisms into the environment within the established standards for permissible emissions and discharges of substances and microorganisms, limits on emissions and discharges are allowed on the basis of permits from the authorized state body of the Republic of Tajikistan in the field of environmental protection. (Law No. 1449 of July 18, 2017)

Article 27. Standards for maximum permissible levels of noise, vibration, magnetic fields and other negative physical influences

1. Standards for maximum permissible levels of noise, vibration, magnetic fields and other negative physical impacts are established at a level that ensures the preservation of people's health and ability to work, the protection of flora and fauna and a favorable environment for life.

2. The specified standards and methods for their determination are developed and approved by the state sanitary and epidemiological supervision body together with the authorized state body of the Republic of Tajikistan in the field of environmental protection.

Article 28. Standards for maximum permissible radiation levels impact

1. Standards for the maximum permissible level of safe content of radioactive substances in the environment and food products, the maximum permissible level of radiation exposure are established in values that guarantee human health and future generations of people, the preservation of flora and fauna, and an environment favorable for life.

2. The specified standards and methods for their determination are developed by the state sanitary and epidemiological supervision body together with the authorized state body of the Republic of Tajikistan in the field of environmental protection and approved by the Government of the Republic of Tajikistan.

Article 29. Standards for the use of fertilizers, pesticides and others chemicals (Law No. 1449 of July 18, 2017)

Standards for the use of mineral and organic fertilizers, pesticides, pesticides, other chemicals and plant growth stimulants in the agricultural, forestry and other sectors of the economy must be established in doses that ensure compliance with the standards to the utmost

permissible residual amounts of chemical substances in food and the human body, as well as the protection of human health, its genetic fund, and the preservation of flora and fauna.

Article 30. Standards for maximum permissible residual amounts of chemicals and biologically harmful microorganisms in products
nutrition

1. Standards for maximum permissible residual amounts of harmful chemicals, pesticides and biologically harmful microorganisms in food products are established by determining the minimum permissible dose harmless to human health for each type of chemicals, pesticides and biologically harmful microorganisms and each type of food.

2. The specified standards are developed by the state sanitary and epidemiological supervision bodies of the Republic of Tajikistan, taking into account the requirements of the standards established by the regulatory legal acts of the Republic of Tajikistan and approved by the Government of the Republic of Tajikistan.

Article 31. Environmental standards

1. For new equipment, technology, materials, substances and other products that can have a harmful effect on nature, health and the human genetic fund, the standards establish environmental requirements that ensure compliance with the standards for maximum permissible impacts on the environment during production, reproduction, storage, transportation, use (consumption) and disposal of these materials and products.

2. The specified standards, methods for their determination and types of equipment, technology, materials, substances and other products for which they are developed are approved by the authorized state body of the Republic of Tajikistan in the field of environmental protection in agreement with the state sanitary and epidemiological supervision authorities.

Article 32. Standards for permissible anthropogenic load on the environment

1. Standards for permissible anthropogenic load on the environment are established for subjects of economic and other activities in order to assess and regulate the impact of all stationary, mobile and other sources of impact on the environment located within specific territories.

2. Standards for permissible anthropogenic load on the environment are established for each type of impact of economic and other activities on the environment and the total impact of all sources located in these territories.

3. When establishing standards for permissible anthropogenic load on the environment, the characteristics of the environment, including the biological diversity of specific territories, are taken into account. (Law No. 1449 of July 18, 2017)

Article 33. Standards for sanitary and protective zones

1. Standards for sanitary, protective and sanitary protection zones are established to protect reservoirs and other sources of water supply, resort, medical and recreational areas, settlements and other territories from pollution and other negative impacts.

2. The specified standards are developed and put into effect by the state sanitary and epidemiological surveillance and environmental protection bodies together with other authorized state bodies.

Article 34. Environmental certification

1. Environmental certification is carried out in order to ensure environmentally safe implementation of economic and other activities by individuals and legal entities.

2. Environmental certification can be mandatory or voluntary.

3. Mandatory environmental certification is carried out in the manner established by the Government of the Republic of Tajikistan.

CHAPTER 6. ENVIRONMENTAL IMPACT ASSESSMENT AND ECOLOGICAL EXAMINATION

Article 35. Environmental impact assessment

1. An environmental impact assessment is carried out in relation to the planned economic and other activities of individuals and legal entities, which may have a direct or indirect impact on the environment, including public health.

2. Environmental impact assessment is a mandatory procedure and is carried out during the development of all alternative pre-project options, including pre-investment and design documentation justifying the planned economic and other activities, with the participation of the public.

3. The list of activities and requirements for environmental impact assessment materials are established by regulations approved by the Government of the Republic of Tajikistan.

Article 36. Environmental assessment (Law No. 1449 of July 18, 2017)

1. An environmental assessment is carried out to verify the validity and compliance of the planned economic or other activity with the requirements of environmental quality standards,

legislation on environmental protection and environmental safety of society.

2. Construction and commissioning, as well as carrying out other economic activities, without a positive conclusion from an environmental assessment is prohibited.

3. The tasks and procedure for conducting environmental impact assessment are established by the Law of the Republic of Tajikistan "On Environmental Impact Assessment".

CHAPTER 7. ENVIRONMENTAL REQUIREMENTS FOR LOCATION, DESIGN, CONSTRUCTION, RECONSTRUCTION, COMMISSIONING OF ENTERPRISES, STRUCTURES AND OTHER OBJECTS

Article 37. General environmental requirements for the placement, design, construction, reconstruction, commissioning of enterprises, structures and other objects

1. When locating, designing, constructing, reconstructing, putting into operation, mothballing and liquidating enterprises, structures and installations, when laying power lines, communications, pipelines, canals, transport and other communications and objects that have a direct or indirect impact on the state of the environment environment, requirements for environmental protection, including human health, must be observed, measures for the protection and improvement of the environment, rational use and reproduction of natural resources must be provided.

2. Violation of environmental protection requirements entails the suspension or restriction until the deficiencies are eliminated or the complete cessation of activities for the placement, design, construction, reconstruction, commissioning, conservation and liquidation of environmentally hazardous facilities, regardless of the form of ownership and departmental subordination, in accordance with the instructions of the authorized state body of the Republic of Tajikistan in the field of environmental protection.

Article 38. Requirements in the field of environmental protection when locating enterprises, structures and other objects

1. When locating enterprises, structures and other objects, regardless of form, ownership and departmental subordination, it must be ensured that the requirements for environmental protection, rational use and reproduction of natural resources, environmental safety, taking into account immediate and remote environmental, genetic, economic, demographic, moral and other consequences of the functioning of these objects.

2. Determination of construction sites for enterprises, structures and other objects, regardless of the form of ownership and departmental subordination, is carried out in accordance with current legislation and in the presence of a positive conclusion of the state environmental assessment.

3. When placing buildings, structures, structures and other objects measures are taken to respect the legitimate interests of citizens.

Article 39. Environmental requirements for the construction and reconstruction of enterprises, structures and other facilities

1. It is prohibited to carry out preparatory work on the ground, construction, reconstruction of objects, regardless of the form of ownership and departmental subordination, without a positive conclusion of the state environmental assessment. It is not allowed to change the approved project or the cost of work to the detriment of the environment.

2. The work provided for in the environmental section of the project, are performed first.

3. When carrying out construction work, measures must be taken to protect and rationally use natural resources, reclaim land and restore other natural resources, improve the territory and improve the environment.

4. Violation of the requirements set out in this article entails the suspension of construction work until the noted deficiencies are eliminated by order of the authorized state body

of the Republic of Tajikistan in the field of environmental protection, state sanitary and epidemiological supervision, supervision of safe work in industry and mining supervision. (Law No. 1449 of July 18, 2017)

Article 40. Taking into account environmental requirements during privatization state property

1. Privatization of enterprises and other objects is carried out taking into account the results of checking their environmental condition. Inspection of the environmental condition of an enterprise or other privatized object is provided for by the privatization plan and is carried out by the authorized state body of the Republic of Tajikistan in the field of environmental protection. (Law No. 1449 of July 18, 2017)

2. Financing of measures for cleaning and neutralizing an enterprise or other privatization object is carried out at the expense of the state and (or) with the consent of the new owner at the expense of:

- reinvested by the new owner of the enterprise for the construction, reconstruction and technical re-equipment of environmental protection facilities;

- received by a privatized enterprise or other facility in the form of targeted loans, interest-free loans and targeted financing of environmental protection needs;

- received by the enterprise through the environmental insurance system;
- other sources not prohibited by the legislation of the Republic of Tajikistan.

Article 41. Compliance with environmental requirements and obligations in bankruptcy

1. When initiating bankruptcy proceedings against a legal entity
 - the user of the natural resources is inspected for his environmental condition.
2. The responsibility for conducting an inspection of the environmental condition of an enterprise and other facility rests with the body carrying out the reorganization or an external manager.
3. The object of the audit is the results of economic activities that led to bankruptcy, as well as the company's compliance with environmental requirements.
4. When conducting a bankruptcy case of a legal entity -
the user of natural resources takes into account the interests of creditors under environmental obligations.

Article 42. Taking into account environmental requirements and obligations when liquidation and reorganization of a legal entity

1. Liquidation and reorganization of a legal entity of a natural resource user is carried out taking into account environmental requirements on the basis of data from an inspection of the state of the enterprise, with the mandatory reflection of their results in the liquidation balance sheet compiled with the appropriate form of reorganization of the legal entity.
2. An inspection of the environmental condition of a liquidated or reorganized legal entity is carried out by the authorized state body of the Republic of Tajikistan in the field of environmental protection.
3. When reorganizing a legal entity, the succession of the new owner with respect to environmental obligations is ensured in accordance with the separation balance sheet.
4. Liquidation of a legal entity is carried out taking into account the interests of creditors for environmental obligations.

Article 43. Environmental requirements when commissioning enterprises, structures and other objects

1. Commissioning of enterprises, structures and other objects is carried out subject to the full implementation of the environmental requirements stipulated by the project, according to acts of acceptance commissions created with the participation of representatives of the authorized state body of the Republic of Tajikistan in the field of environmental protection.

2. It is prohibited to commission enterprises, structures and other objects that are not provided with means of environmental pollution control, effective structures and installations for the cleaning, neutralization and disposal of hazardous waste, emissions and discharges to the level of maximum permissible standards, without completing the planned land reclamation work, restoration of other natural resources, improvement of the environment.

CHAPTER 8. ENVIRONMENTAL REQUIREMENTS FOR THE OPERATION OF ENTERPRISES, STRUCTURES, OTHER FACILITIES AND PERFORMANCE OF OTHER ACTIVITIES

Article 44. Environmental requirements for the operation of enterprises, structures and other objects

1. Enterprises, organizations, institutions and citizens are obliged to take effective measures to comply with the technological regime and fulfill the requirements for environmental protection, rational use and reproduction of natural resources, and environmental improvement.

2. Enterprises, organizations and institutions ensure compliance with established environmental quality standards based on the effective operation of treatment facilities, installations and controls, waste neutralization and disposal, transition to environmentally friendly technologies and production, carry out measures to protect and restore the productivity of natural ecosystems, protection of lands, soils, subsoil, water, atmospheric air, flora and fauna, reproduction of natural resources.

3. Violation of environmental requirements during the operation of enterprises, structures and other objects entails restriction, suspension, termination of the activities of enterprises, organizations, institutions or workshops, departments, branches, installations by decisions of the authorized state body of the Republic of Tajikistan in the field of environmental protection.

4. Repurposing the activities of environmentally hazardous facilities, individual sections or workshops, and the use of new equipment and technology is carried out in agreement with the authorized state body of the Republic of Tajikistan in the field of environmental protection.

Article 45. Environmental requirements in agriculture and forestry

1. Individuals and legal entities engaged in agriculture and forestry are obliged to take measures to protect soils, water bodies, forests, flora and fauna from the harmful effects of natural forces, the negative consequences of the use of technology, chemicals and other substances and other factors that worsen the condition environment and harmful to human health. (Law No. 1449 of July 18, 2017)

2. Livestock farms and complexes, enterprises processing agricultural and forestry products must comply with the requirements of regulations regarding sanitary

protective, water protection zones and treatment facilities that prevent pollution and damage to land, surface and groundwater, death and depletion of forests and pastures, as well as harm to other components of the environment.

3. Failure to comply with these requirements and causing harm to the environment, including human health, entails the suspension, limitation, or termination of environmentally harmful activities of agricultural and other facilities by decision of the authorized state body of the Republic of Tajikistan in the field of environmental protection and state sanitary and epidemiological supervision. (Law No. 1449 of July 18, 2017)

Article 46. Environmental requirements for planning and design and performing reclamation works

1. When planning, designing, performing reclamation work and operating reclamation systems, individuals and legal entities must take all necessary measures to maintain water balance, rational use and protection of land, vegetation, including forests, economical use of water, prevention of flooding and waterlogging, salinization, soil erosion, preventing the destruction of spawning grounds, feeding grounds, wintering and migration of fish, and other harmful effects on the environment.

2. Failure to comply with these requirements entails the suspension of work on the design, construction or operation of these systems until the deficiencies are eliminated or the termination of such work by decision of the authorized state body of the Republic of Tajikistan in the field of environmental protection with the simultaneous termination of financing of work by banking institutions.

Article 47. Environmental requirements for energy facilities

1. The placement, design, construction, commissioning of enterprises, installations and other energy facilities, as well as dams, dams and reservoirs, is carried out in accordance with the requirements of Articles 38-45 of this Law.

2. The development of concepts and programs for energy development is carried out taking into account the need to reduce the negative impact of environmental consequences and the impact of energy facilities on the environment, including public health.

3. When placing, designing and the construction of hydroelectric power plants and other energy facilities must take into account the feasibility, topography of the location of the facility, measures to maximize the conservation of lands, forests, mineral deposits, populated areas

points, natural, historical and cultural monuments, effective protection of fish stocks, fertile soil layer, during clearing and flooding of reservoir beds, to prevent negative changes in the environment.

4. Failure to comply with these requirements entails the suspension of design, construction, or cessation of operation of energy facilities until the noted deficiencies are eliminated, by decision of the authorized state body of the Republic of Tajikistan in the field of environmental protection.

Article 48. Environmental requirements for design, construction, reconstruction of cities and other settlements

1. The design, construction, and reconstruction of cities and other populated areas must comply with the requirements of Articles 38-45 of this Law and provide favorable environmental conditions for living, working and resting of the population.

2. The construction of new and increase in the capacity of existing economic facilities is prohibited, regardless of the form of ownership and departmental subordination in areas where environmental pollution exceeds established standards.

3. When planning and developing cities and other populated areas, provisions must be made for water supply, landscaping, sewerage, installation of street coverings, neutralization, storage, environmentally friendly sanitary transportation, recycling and burial of waste, drainage of storm drains and their purification.

4. In order to protect the environment, forest parks, protective zones, mudflow protection and bank protection structures are created around large cities, industrial centers and large environmentally hazardous facilities.

Article 49. Environmental requirements when using radioactive materials materials

1. Enterprises, organizations, institutions and citizens are obliged to comply with the rules of production, storage, transportation, use, disposal, disposal and burial of radioactive substances (sources of ionizing radiation, nuclear materials), not to exceed the maximum permissible radiation standards, and in cases of exceeding them, immediately inform bodies responsible for ensuring radiation safety take measures to eliminate sources of contamination when elevated levels of radiation are dangerous to the environment and human health.

2. Enterprises, institutions, organizations and citizens that do not ensure compliance with the rules for handling radioactive materials, by decision of the authorized state body of the Republic of Tajikistan in the field of environmental protection, the state sanitary and epidemiological supervision body, are deprived of their rights

use of them, or their activities in the use of such materials are suspended until the identified deficiencies are eliminated.

3. Import of radioactive waste and materials, as well as their transit through territory of the Republic of Tajikistan is prohibited.

Article 50. Environmental requirements when using chemicals and other substances in economic and other activities

1. Enterprises, institutions, organizations, their officials and citizens are obliged to comply with the rules of production, storage, transportation and use of chemicals, plant protection products and growth stimulants, mineral fertilizers used in economic and other activities, comply with established standards for their use and take measures to prevent the harmful consequences of their use for the environment, including human health.

2. The authorized state body of the Republic of Tajikistan in the field of environmental protection, in agreement with the state sanitary and epidemiological supervision body of the Republic of Tajikistan, annually approves a list of chemical substances and preparations permitted for import and use on the territory of the Republic of Tajikistan. The import, production and use of potentially hazardous chemicals, as well as substances imported and used for the first time in the Republic of Tajikistan, is permitted after the necessary environmental and toxic-hygienic studies, hygienic regulation of their handling, establishment of toxic-hygienic and environmental standards and state registration of these substances in the manner established by the Government of the Republic of Tajikistan.

3. The use of toxic chemicals that do not decompose and actively affect the environment, including human health, is prohibited.

4. Rules for environmental protection in the interests of protecting human health from the harmful effects of chemicals used in economic and other activities are approved by the authorized state body of the Republic of Tajikistan in the field of environmental protection in agreement with the state sanitary authority

epidemiological surveillance of the Republic of Tajikistan.

Article 51. Protection of the environment from harmful biological agents impact

1. When locating, designing, constructing, commissioning and operating enterprises, structures and other objects, regardless of the form of ownership and departmental subordination, which have a biological impact on the environment, they must

comply with the standards for the maximum permissible concentration in the natural environment of microbes, fungi, viruses and other artificially produced

microorganisms and biological substances, which are approved by the state sanitary and epidemiological surveillance body.

2. The production, breeding and placement in the environment of biological objects that are not characteristic of the local nature, as well as those obtained by artificial methods, as well as their use, are permitted subject to a positive conclusion of the state environmental assessment.

3. Individuals and legal entities that have or are capable of having a biological impact on the environment are obliged to ensure environmentally friendly production, creation, storage, maintenance, transportation, use and disposal of microorganisms and biological substances, to develop and implement measures to prevent accidents and disasters, prevent and eliminating the consequences of harmful biological impacts on the environment, human health and its genetic fund.

4. Observation, accounting of sources and control of the level of biological impact on the environment is carried out by the state sanitary and epidemiological surveillance body.

Article 52. Protection of the environment from the influence of noise, vibration, magnetic fields and other harmful physical influences (Law No. 1449 of July 18, 2017)

1. Legal entities and individuals are obliged to take the necessary measures to prevent and eliminate harmful industrial noise, vibration, negative effects of magnetic fields and other harmful physical impacts in industrial, public, residential buildings, on the streets, in courtyards, in squares of cities and other populated areas, in suburban recreational areas, in places of mass gathering and breeding of wild animals and birds.

2. It is prohibited to exceed the standards for maximum permissible levels of impact on human health and the natural environment from industrial and transport noise, vibration, magnetic fields and other harmful physical influences. Measures to guarantee compliance with these standards are developed during the planning and development of cities and other populated areas, designing the construction and reconstruction of enterprises, workshops, technological lines, creating and mastering new equipment, during the design and operation of land, underground, water and air transport.

Article 53. Environmental protection when handling waste production and consumption

1. Legal entities and individuals are obliged to take effective measures to collect, transport, neutralize, process, dispose of, store, dispose of, and reduce waste generation

production and consumption, comply with current environmental, sanitary and hygienic and anti-epidemiological norms and rules.

2. It is prohibited to discharge industrial waste and untreated sewage into public water bodies, mudflow channels and irrigation canals, underground aquifers, in residential areas, forests and agricultural lands. Places for storage and disposal of waste are determined by local executive bodies of state power in agreement with the authorized state body of the Republic of Tajikistan in the field of environmental protection, state sanitary and epidemiological supervision and geology.

3. It is prohibited to bury hazardous waste, including radioactive waste, in populated areas, near cities and other populated areas, in regions with high population density, rivers, lakes, resort, health and recreational areas and other places where it may pose a danger to public health and the environment. All types of hazardous waste management are carried out in the manner established by the legislation of the Republic of Tajikistan.

4. Failure to comply with these rules entails restriction or suspension of the activities of enterprises and other facilities until the violations are eliminated.

Article 54. Protection of the ozone layer of the atmosphere

Protection of the ozone layer of the atmosphere from environmentally hazardous changes is ensured by regulating the production and use of substances that destroy the ozone layer of the atmosphere in accordance with the legislation of the Republic of Tajikistan.

CHAPTER 9. ECOLOGICAL EMERGENCIES AND ECOLOGICAL DISASTER ZONES

Article 55. Environmental emergency

1. An environmental emergency is declared in the territory where, as a result of economic and other human activities or the destructive influence of natural forces, deep and sustainable negative changes in the environment are observed, dangerous to the life and health of people, the preservation of flora and fauna.

2. In case of an environmental emergency, any activity that has a harmful effect on the environment is prohibited, the work of enterprises, institutions, organizations, workshops, units and equipment that have an adverse effect on human health and its genetic fund is suspended or limited, certain types of natural resource use are limited, operational measures are carried out measures for restoration and reproduction of natural resources.

Article 56. Ecological disaster zones

1. Ecological disaster zones are territories with an environmental emergency where, due to an unfavorable environmental situation, significant harm has been caused to the environment, including public health, and (or) destruction of natural ecological systems and environmental degradation have occurred.
2. In an environmental disaster zone, the activities of economic facilities are stopped, except for those related to servicing the population living in the zone, construction and reconstruction of economic facilities are prohibited, all types of natural resource use are significantly limited, prompt measures are taken to restore and reproduce natural resources and improve the environment.
3. Financing of measures to improve the health of environmental disaster zones is carried out, first of all, at the expense of enterprises, institutions, organizations through whose fault the accident or catastrophe occurred, as well as targeted funds from the state budget and nature conservation funds.

Article 57. Prevention of accidents and elimination of their harmful environmental consequences

1. When designing and operating economic facilities, regardless of the form of ownership and departmental subordination associated with harmful effects on the environment, measures are provided to prevent and prevent accidents and eliminate their harmful consequences for the environment.
2. To effectively respond to environmental emergencies that entail harmful consequences for the environment, local, territorial and republican plans are developed, which provide for measures to mobilize the forces and resources of ministries, departments, enterprises, institutions, organizations and the public, together with the authorities for emergency situations and civil defense.
3. To address environmental emergencies special commissions are created in accordance with the established procedure.

Article 58. Procedure for declaring an environmental emergency and environmental disaster zones

1. An environmental emergency throughout the entire territory of the Republic of Tajikistan and its individual parts is declared by the President of the Republic of Tajikistan.
2. Environmental disaster zones and their boundaries are established by the Government of the Republic of Tajikistan upon the submission of the authorized state body of the Republic of Tajikistan in the field of environmental protection and state sanitary and epidemiological supervision in agreement with local government bodies. (Law No. 1449 of July 18, 2017)

Article 59. Responsibilities of enterprises to ensure preparedness to eliminate environmental consequences of accidents

Legal entities, regardless of their form of ownership and departmental subordination, which may cause harm to the environment and human health in the event of environmental emergencies, are obliged to:

- have an action plan in environmental emergencies;
- create and maintain in constant readiness a special service provided with funds and material resources to eliminate the consequences of environmental emergencies.

CHAPTER 10. INFORMATION AND GOVERNMENT STATISTICS IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 60. Information in the field of environmental protection

1. Information about the state of the environment is open, public and subject to publication in the media.

2. Concealment, untimely submission or presentation by officials of false information in the field of environmental protection is prohibited.

3. Features and procedure for the formation of environmental information, accessibility and procedure for its provision are established by Law Republic of Tajikistan "On environmental information". (Law No. 1449 of July 18, 2017)

Article 61. State statistics in the field of environmental protection

1. State statistics in the field of environmental protection maintained by the authorized body of state statistics.

2. The provision of statistical information by individuals and legal entities to state statistical bodies in a certain volume and within a specified time frame is carried out in the form of state statistical reporting.

3. The minimum composition of indicators of state statistical reporting and the procedure for maintaining state statistics in the field of environmental protection are determined by the regulatory legal acts of the Republic of Tajikistan.

CHAPTER 11. SPECIALLY PROTECTED NATURAL AREAS AND OBJECTS

Article 62. Natural reserve fund of the Republic of Tajikistan

1. State nature reserves, including biosphere reserves, nature reserves, national and natural parks, natural monuments, rare or endangered plants and animals classified as species listed in the Red Book

of the Republic of Tajikistan, constitute the natural reserve fund of the Republic of Tajikistan and are provided with special protection by the state in the interests of present and future generations.

2. The natural reserve fund is under the jurisdiction and management of the authorized state body of the Republic of Tajikistan in the field of environmental protection. The order of formation, regimes of protection and use, conditions of activity of specially protected natural zones, as well as conditions of economic activity of the population living in these territories are established by the Law of the Republic of Tajikistan "On Specially Protected Natural Territories and Objects".

3. Confiscation of lands of the natural reserve fund is prohibited, except for cases provided for by the legislation of the Republic of Tajikistan.

4. Lands on the territory of which natural objects of special environmental, scientific, historical, cultural, aesthetic, recreational, health and other valuable significance are located are under special protection and are not subject to transfer on lease terms.

Article 63. Protection of rare and endangered plants and animals

1. To protect rare and endangered plants and animals, the Red Book of the Republic of Tajikistan is established.

2. Plants and animals belonging to species listed in the Red Book are, without exception, subject to withdrawal from economic and other use.

3. Activities leading to a reduction in the number of these plants and animals, deteriorating the habitat.

4. Enterprises, institutions, organizations, and other land users on whose territory there are plants and animals belonging to species listed in the Red Book are obliged to take measures to protect and reproduce these species of plants and animals.

5. The procedure for the protection of rare and endangered plants, animals and other organisms, the procedure for maintaining the Red Book of the Republic of Tajikistan, as well as the procedure for preserving their genetic fund are determined by the regulatory legal acts of the Republic of Tajikistan in the field of protection and use of flora and fauna.

6. Import into the Republic of Tajikistan, export from the Republic of Tajikistan and transit through the Republic of Tajikistan, the circulation of rare and endangered plants, animals and other organisms, their especially valuable species, as well as their parts, waste products and extractable beneficial properties are regulated legislation of the Republic of Tajikistan.

Article 64. Protection of the Green Fund of settlements

1. The green fund of settlements is a set of green areas, including areas covered with trees and shrubs and areas covered with herbaceous vegetation.
2. The protection of the Green Fund of settlements provides for a system of measures that ensure the preservation and development of the Green Fund and are necessary to normalize the environmental situation and create a favorable environment.
3. In the territories belonging to the Green Fund, economic and other activities that have a negative impact on these territories and interfere with their implementation of environmental, sanitary, hygienic and recreational functions are prohibited.
4. State regulation in the field of protection of the Green Fund of settlements is carried out by local executive bodies of state power in accordance with the legislation of the Republic of Tajikistan.

CHAPTER 12. ENVIRONMENTAL OBSERVATION SYSTEM

Article 65. State environmental monitoring

1. State environmental monitoring (state environmental monitoring) is carried out in accordance with the legislation of the Republic of Tajikistan in order to monitor the state of the environment, including the state of the environment in the areas where sources of anthropogenic impact are located and the impact of these sources on the environment, as well as in order to meet the needs of the state, individuals and legal entities for reliable information and advance planning of measures to prevent, prevent and (or) reduce the adverse consequences of changes in the state of the environment.
2. The organizational, legal and economic foundations for ensuring and conducting environmental monitoring are established by Law Republic of Tajikistan "On Environmental Monitoring." (Law No. 1449 of July 18, 2017)
3. Information about the state of the environment, its changes, obtained during state environmental monitoring (state environmental monitoring) is used by central and local executive bodies of state power of the Republic of Tajikistan to develop forecasts for socio-economic development and make appropriate decisions, develop state and target programs, concepts, strategies, forecasts and action plans in the field of environmental protection. (Law No. 1449 of July 18, 2017)

Article 66. State registration of objects that have a negative impact on the environment

1. State registration of objects that have a negative impact on the environment is carried out by the authorized state body of the Republic of Tajikistan in the field of environmental protection for the purpose of state regulation of environmental activities, as well as current and long-term planning of measures to reduce the negative impact of economic and other activities on the environment.

2. Objects that have a negative impact on the environment and data on their impact on the environment are subject to state statistical registration.

3. State registration of objects that have a negative impact on the environment, as well as assessment of this impact on the environment, is carried out in the manner established by the Government of the Republic of Tajikistan.

CHAPTER 13. CONTROL IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 67. Objectives of control in the field of environmental protection

1. The objectives of control in the field of environmental protection are to ensure that central and local government bodies of the Republic of Tajikistan, individuals and legal entities comply with legislation in the field of environmental protection, compliance with requirements, including standards and regulatory documents in the field of environmental protection, as well as ensuring environmental safety.

2. The control system in the field of environmental protection consists of state, departmental, production and public control.

Article 68. State control in the field of environmental protection

State control in the field of environmental protection is carried out by the authorized state body of the Republic of Tajikistan in the field of environmental protection and local executive bodies of state power in the manner established by the legislation of the Republic of Tajikistan.

Article 69. Rights, duties and responsibilities of state environmental protection inspectors

1. State environmental protection inspectors have the right in accordance with the established procedure:

- for the purpose of performing official duties, freely visit enterprises, institutions, organizations, regardless of the form of ownership and departmental subordination, and objects belonging to them, including objects subject to state protection, defense objects, civil defense objects, get acquainted with documents, laboratory analyses, other materials necessary to perform their direct official duties;

- check compliance with standards, technical regulations and requirements of other regulatory documents in the field of environmental protection, the operation of treatment facilities and other neutralizing devices, control means, as well as the implementation of plans and measures for environmental protection; (Law No. 1449 of July 18, 2017)

- check compliance with requirements, norms and rules in the field of environmental protection during the placement, construction, commissioning, operation and decommissioning of production and other facilities;

- verify compliance with the requirements specified in the conclusions of the state environmental assessment;

- make demands and issue binding instructions to individuals and legal entities to eliminate violations of legislation in the field of environmental protection identified during the implementation of state environmental control;

- bring the guilty persons to administrative responsibility, send materials to the competent authorities and officials to bring them to disciplinary, administrative or criminal liability, file claims with the judicial authorities for compensation for damage caused to the environment or human health by violations of legislation in the field of environmental protection;

- suspend economic and other activities of individuals and legal entities if they violate legislation in the field of environmental protection. Based on such decisions, banking institutions stop financing suspended activities until the decision on its suspension is canceled by the state control body of the Republic of Tajikistan in the field of environmental protection;

(Law No. 1449 of 18.07.17)

- wear special clothes with insignia;
- in accordance with the legislation of the Republic of Tajikistan, carry, store and use firearms and other special means when performing official duties; (Law No. 1160 of November 27, 2014)

- exercise other powers established by law

Republic of Tajikistan.

2. State environmental protection inspectors are obliged to:

- prevent, identify and suppress violations of the law in environmental protection;

- explain to violators of environmental legislation their rights and obligations;

- comply with the requirements of the legislation of the Republic of Tajikistan.

3. Decisions of state inspectors in the field of environmental protection

Wednesdays may be appealed in court.

4. State inspectors in the field of environmental protection are under the protection of the state and bear responsibility in accordance with the legislation of the Republic of Tajikistan.

Article 70. Departmental and production control in the region environmental protection

1. Departmental control in the field of environmental protection is carried out by ministries and departments, production control - by enterprises and organizations and their task is to verify the implementation of plans and measures for environmental protection, rational use and reproduction of natural resources, environmental improvement, compliance with environmental quality standards, requirements of legislation in the field of the environment and regulations of the authorized state body of the Republic of Tajikistan in the field of environmental protection.

2. The procedure for organizing and activities of departmental and production control is regulated by the relevant regulatory legal acts of ministries, departments, enterprises, institutions and organizations.

Article 71. Public environmental control

1. Public environmental control is carried out by public associations, on their initiative, or under agreements with users of natural resources and or the authorized state body of the Republic of Tajikistan in the field of environmental protection and its goal is to realize everyone's right to a favorable environment, prevent and prevent violations of the legislation of the Republic of Tajikistan in field of environmental protection.

2. Public environmental control is regulated in accordance with the procedure established by the legislation of the Republic of Tajikistan.

3. The results of public control in the field of environmental protection submitted to the authorized state body of the Republic of Tajikistan in the field of environmental protection, local executive bodies of state power are subject to mandatory review and response.

Article 72. Control in the field of environmental protection by local executive bodies of state power

Control in the field of environmental protection is carried out by local executive bodies of state power in accordance with the legislation of the Republic of Tajikistan.

CHAPTER 14. ENVIRONMENTAL AUDIT AND ITS FEATURES CONDUCT (Law No. 1449 of 18.07.17)

Article 73. Environmental audit

An environmental audit is carried out by independent auditors and audit organizations in the form of an initiative or mandatory environmental audit in the manner established by the legislation of the Republic of Tajikistan, on the basis of an agreement with the customer. (Law No. 1449 of July 18, 2017)

Article 74. Organization of environmental audit, conditions and procedure for it carrying out

The organization of an environmental audit, the conditions and procedure for its conduct, qualification requirements for auditors and the procedure for their certification, as well as the rights and obligations of environmental auditors and audit organizations are determined by the Law of the Republic of Tajikistan "On Environmental Audit" and other regulatory legal acts of the Republic of Tajikistan. (Law No. 1449 of July 18, 2017)

Article 73. Environmental auditing activities

1. In cases established by the legislation of the Republic of Tajikistan, conducting an environmental audit of the activities of economic entities is mandatory. Environmental audits are carried out by independent auditors and audit organizations on the basis of an agreement with the customer.

2. Environmental audit is carried out in the manner established by the legislation of the Republic of Tajikistan.

Article 74. Procedure for carrying out environmental audits

The procedure and conditions for environmental auditing activities, certification of auditors, conducting environmental audits, rights and obligations of environmental auditors and audit organizations are established by the legislation of the Republic of Tajikistan.

CHAPTER 15. ENVIRONMENTAL EDUCATION, EDUCATION AND SCIENTIFIC RESEARCH

Article 75. Universality, complexity and continuity of environmental upbringing and education

1. In order to improve the environmental culture of society and the professional training of specialists in the field of environmental protection, a system of general and comprehensive environmental education and training is established, including primary, secondary, vocational and higher professional education, postgraduate

professional education, professional retraining and advanced training of specialists, as well as the dissemination of environmental knowledge, including through the media, museums, libraries, cultural institutions, environmental protection institutions, sports and tourism organizations.

2. The procedure for organizing and implementing environmental education and training is regulated by the Law of the Republic of Tajikistan "On Environmental Education of the Population".

Article 76. Scientific research in the field of the environment

1. The main objectives of scientific research and development in the field of the environment are to ensure balanced social, economic and environmental development of the Republic of Tajikistan, sustainable functioning of natural ecological systems, rational use and reproduction of natural resources, ensuring environmental safety and improving the environment.

2. Scientific research in the field of the environment is carried out for the purposes of:

- development of concepts, scientific forecasts and conservation plans and environmental restoration;
- assessing the consequences of the negative impact of economic and other environmental activities;
- improving legislation in the field of environmental protection, creating standards, technical regulations and other regulatory documents in the field of environmental protection; (Law No. 1449 of July 18, 2017)
- development and improvement of comprehensive assessment indicators environmental impacts, methods and methods for their determination;
- development and creation of the best technologies in the field of security environment and rational use of natural resources;
- development of programs for the rehabilitation of territories classified as zones environmental disaster;
- development of measures for the conservation and development of natural potential and recreational potential of the Republic of Tajikistan;
- other purposes in the field of environmental protection.

CHAPTER 16. COMPENSATION FOR ENVIRONMENTAL DAMAGE AND RESOLUTION OF DISPUTES IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 77. Obligation to compensate for damage caused by violation of legislation in the field of environmental protection

Enterprises, institutions, organizations and other economic entities and citizens that have caused harm to the environment as a result of its pollution, damage and destruction, damage, irrational use of natural resources, degradation and destruction of natural ecological systems, natural complexes and natural landscapes and

other violation of legislation in the field of environmental protection, are obliged to compensate it in accordance with the regulatory legal acts of the Republic of Tajikistan.

Article 78. The procedure for compensation for damage caused by violation of the legislation of the Republic of Tajikistan in the field of environmental protection

1. Compensation for damage caused to the environment by violations of the law is made voluntarily or by court decision in accordance with the amounts of payments approved in the established manner and methods for calculating them, and in their absence - according to the actual costs of restoring the damaged state of the environment, taking into account the losses incurred. , including lost profits.

2. Based on a court decision, damage to the environment caused by violation of legislation in the field of environmental protection can be compensated by imposing on the defendant the obligation to restore the disturbed state of the environment at his own expense, in accordance with the restoration project.

Article 79. Compensation for damage caused to citizens
adverse environmental influences

1. Damage caused to the health and property of citizens as a result of the adverse effects of the environment caused by the activities of enterprises, institutions, organizations or individual citizens is subject to compensation in full.

2. Compensation for damage is made on the basis of a court decision on the claim of the victim, his family members, the prosecutor, the authorized government body, or a public association in the interests of the victim.

3. Compensation for damage to citizens caused as a result of major accidents and catastrophes, as well as natural disasters, is made in accordance with current legislation.

Article 80. Claims for termination of environmentally harmful activities

Individuals and legal entities have the right to bring claims to court to stop environmentally harmful activities that cause harm to health, their property and the environment.

Article 81. Procedure for resolving disputes in the field of environmental protection

Disputes in the field of environmental protection are resolved in court.

CHAPTER 17. FINAL PROVISIONS

Article 82. International cooperation in the field of environmental protection

International cooperation in the field of environmental protection is carried out on the basis of the legislation of the Republic of Tajikistan and international legal acts recognized by Tajikistan.

Article 83. Liability for violation of this Law

Individuals and legal entities for violation of this Law are held accountable in accordance with the legislation of the Republic of Tajikistan.

Article 84. On invalidation of the Law of the Republic
Tajikistan "On nature conservation"

Recognize the Law of the Republic of Tajikistan "On Nature Protection" dated December 27, 1993 as invalid (Gazette of the Supreme Council of the Republic of Tajikistan, 1994, No. 2, Art. 36; Akhbori Majlisi Oli of the Republic of Tajikistan, 1996, No. 3, Art. 48 ; 1997, No. 23-24, section XXI, art. 333; 2002, no. 1, art. 245; 465; 2007, No. 6, Art. 440).

Article 85. Procedure for the entry into force of this Law

This Law will come into effect after its official publication.

President

Republic of Tajikistan, Dushanbe,

August 2, 2011

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Emomali Rahmon