

# THE KYRGYZ REPUBLIC

## THE LAW

### ABOUT FAUNA

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It is accepted by Legislative Assembly  
Jogorku Kenesh (Parliament) of the Kyrgyz Republic on May, 13, 1999

The fauna is property of the Kyrgyz Republic, the integral element of the nature, a natural resource, the important regulating and stabilizing component of biosphere in every possible way protected and rationally used for satisfaction material and spiritual needs of citizens of the Kyrgyz Republic.

The present Law establishes legal relations in the field of protection, use and reproduction of objects of fauna.

#### SECTION I. GENERAL PROVISIONS

Article 1. The basic concepts used in the present Law

A biological diversity of fauna - a diversity of objects of fauna in ecological systems, within the framework of one specie and between species.

Biotechnology - the type of technology related to use of biological systems, alive organisms or their derivatives.

Specie - set of animals similar each other, which attributes are transferred brooding by succession.

The state monitoring of fauna - system of regular supervisions over distribution, number, a physical condition of objects of fauna, structure and quality of their inhabitancy.

Genetic resources - the hereditary information made in a genetic code.

Fauna - the natural object protected by the law including insects, kowtowing, animals, birds, fishes and other water animals who are in state of natural freedom and carrying out ecological, economic and cultural – recreational functions.

The red book - set of data on the objects of the fauna confirmed in the order established by the law with the purpose of introduction of a regime of their special protection and the subsequent reproduction of rare species and those under threat of disappearance.

Limit – an allowable faxed quantity of withdrawal of objects of fauna in the certain territory and in the certain term, established by republican state body of environmental preservation of the Kyrgyz Republic as agreed with scientific institutes.

The license - given out to the physical or legal person by republican state body of environmental preservation of the Kyrgyz Republic the special sanction for industrial preparation, processing, receipt and realization of production of natural fauna, except for domestic kinds of animals.

Objects of fauna - wild mammals, the birds, kowtowing, amphibious, insects, fishes, water animals and water backboneless animals at all stages of development (an egg, a cocoon, young fishes, larva, etc.), parts and other production of these animals.

Protection of fauna - the activity directed on preservation of biological diversity and maintenance of steady existence and reproduction of objects of fauna.

Protection of inhabitancy of fauna - the activity directed on preservation or restoration of conditions for steady existence and reproduction of objects of fauna.

Hunting - process of tracing, search and catching the animals those are in state of natural freedom.

Using objects of fauna – catching objects of fauna or reception by different ways the benefits from the specified objects for satisfaction material or spiritual needs of the person with their withdrawal from an inhabitancy or without those.

Rare animals and those under threat of disappearance – species of animals to which the disappearance threatens, the quantity of individuals, which is not enough for restoration and self-preservation of a population in natural conditions.

Product of animal's life activity – products of animal's life, used by a society for the needs without withdrawal of animals from their inhabitancy.

Inhabitancy of fauna - the natural environment in which objects of fauna lives in a state of natural freedom.

Strain - pure culture of microorganisms or viruses of one precisely specified and well investigated kind, distinguished from other cultures of the same kind of organisms by a number of physiological and biochemical properties.

Epizooty - simultaneous diffusion of disease among the large number of animals of one or many species.

Article 2. The legislation of the Kyrgyz Republic in the area of protection, use and reproduction of objects of fauna.

The legislation in the field of protection, use and reproduction of objects of fauna is based on provisions of the Constitution of the Kyrgyz Republic, laws on environmental preservation and consists of the present Law, laws accepted according to it and other normative legal acts of the Kyrgyz Republic.

Article 3. The basic requirements and principles in the field of protection, use and reproduction of objects of fauna

While planning and realization of activities, which can affect objects of fauna, observance of the following basic requirements and principles should be provided:

- Inadmissibility of overlapping of functions on realization of the state control, supervision of use and protection of objects of fauna with activity on use of objects of fauna;
- Separation of the right of use objects of fauna from the right of land use and other natural resources;
- Fauna objects use payable;
- Compensation of the damage caused to objects of fauna, and use of these means for damage restoration;
- Protection and improvement of an inhabitancy, conditions of reproduction and ways of migration of objects of fauna;
- Preservation of integrity of natural communities of fauna;
- The state support of the activity directed on protection of objects of fauna;
- Observance of the scientifically-grounded specifications and limits at use of objects of fauna;
- Regulation of number of animals with a view of public health care, state and a private property and prevention of causing of damage to the nature;
- Observance of the conclusions of ecological expertise on objects which can influence a condition of objects of fauna;
- Priority of international law in the field of protection, uses and restoration of objects of fauna.

Article 4. Objects of fauna

According to the present Law the following objects of fauna in a natural condition are subject to protection and rational use:

- Wild animal, constantly or temporarily occupying territory of the Kyrgyz Republic, in all their specific diversity;
- Populations of the specified animals and communities of animals in the territory of the republic;
- Eggs, embryos, parts and products of wild animals;
- Nestles, holes, ant hills and other dwellings and constructions of animals;
- Bird's nested colonies, winter-living places, places of molting and stops for rest and feedings of migratory birds and other places of constant or their seasonal congestions;
- Rookeries, "maternity hospitals" and other places of concentration of animals.

Article 5. The right of a state ownership on objects fauna

Objects of fauna within the limits of territory of the Kyrgyz Republic are the property of the state.

The property right to objects of fauna in the Kyrgyz Republic is determined by the Constitution of the Kyrgyz Republic, the present Law and other normative legal acts.

Granting of objects of fauna for usage, and also undertaking of other actions on realization of the property right to objects of fauna are carried out at obligatory participation of republican state body of environmental reservation of the Kyrgyz Republic and others specially authorized bodies in the field of protection, use and reproduction of objects of fauna.

The actions (inactivity) somehow breaking the right of a state ownership on objects of fauna are not permitted.

Article 6. The right of a private property on separate objects of fauna

The objects of fauna legally withdrawn from an inhabitancy dissolved in captivity or semi captivity conditions or got by other way allowed by legislation of the Kyrgyz Republic, can be in a private property.

Legality of purchase in a private property of objects of fauna should be confirmed with corresponding documents.

The form of the document and the list of objects of fauna which can be in a private property, are defined by republican state body of environmental preservation of the Kyrgyz Republic as agreed with other interested state bodies issuing these documents.

Objects of the fauna representing special nature protection, scientific and aesthetic value, and also the species of animals of the Red book of the Kyrgyz Republic (except for cases when these animals are got by reproduction in captivity or by the order stipulated by the legislation of the Kyrgyz Republic in the property outside of the Kyrgyz Republic) cannot be transferred in a private property.

Zoos, circus establishments can have in the properties objects of fauna brought in the Red book or in lists of rare species and those under threat of disappearance, subject to inclusion, under the special sanction of republican state body of environmental preservation of the Kyrgyz Republic.

The rights of individual proprietors of objects of fauna can be limited in interests of protection of these objects in the order stipulated by the legislation of the Kyrgyz Republic.

Article 7. Rights and duties of physical and legal persons in the areas of protection, use and reproduction of objects of fauna

Physical and legal persons have the right:

- For the general and special using objects of fauna in the order established by the legislation of the Kyrgyz Republic;
- To have in a private property separate objects of fauna according to the legislation of the Kyrgyz Republic;
- To promote realization of programs in the field of protection and rational use of objects of fauna;
- To carry out public ecological expertise;
- To carry out public ecological control.

Physical and legal persons are obliged to care and protect objects of fauna, to observe the present Law and other normative legal acts of the Kyrgyz Republic on fauna protection, and also to promote ecological education of grown up generations.

## SECTION II. THE GOVERNMENT'S MANAGEMENT IN THE FIELD OF PROTECTION, USE AND REPRODUCTION OF OBJECTS OF FAUNA

Article 8. The competence of the Government of the Kyrgyz Republic in the areas of protection, use and reproduction of objects of fauna

The Government of the Kyrgyz Republic in the field of protection, uses and reproduction of objects of fauna carries out the following functions:

- Manages fauna in territory of the Kyrgyz Republic and establishes the order of its protection, use and reproduction;
- Defines a state policy;
- Approves the state programs and organizes their realization;
- Organizes development and issues normative legal acts;
- Approves specifications and the order of collection of a payment for special using objects of fauna;
- Approves regulations on licensing for preparation, processing, receipt and realization of production of natural fauna, except for domestic species of animals;
- Approves the order of conducting the state cadastre of objects of fauna;
- Carries out other functions according to the legislation of the Kyrgyz Republic.

Article 9. The competence of specially authorized state bodies of the Kyrgyz Republic in the field of protection, use and reproduction of objects of fauna

Republican state body of environmental preservation of the Kyrgyz Republic:

- Carries out a uniform state policy in the field of protection, uses of objects of fauna;
- Participates in development and realization of the state programs on protection, use and reproduction of objects of fauna;
- Coordinates activity of others specially authorized state bodies in the field of protection, use and reproduction of objects of fauna;
- Carries out the state control over protection, use and reproduction of objects of fauna, and also over a condition and quality of an inhabitancy of wild animals;
- Establishes the order of conducting the state count of objects of fauna;
- Adjusts terms and ways of hunting and establishes annual norms of catching objects of fauna, carries out and supervises organization of activities on protection and reproduction of fish stocks and water backbones animals, and also adjusts terms and norms of catch of fishing objects;
- Establishes the order of conducting the state monitoring;
- Approves regulations about the Red book of the Kyrgyz Republic;
- Approves as agreed with the scientific organizations the list of rare species of the animals and those under threat of disappearance;
- Forbids as agreed with the scientific organizations import, export, release, moving and acclimatization of the animals, able to cause damage to living objects of fauna on the territory of the republic and health of the people;
- Establishes limits and specifications, gives out and stops licenses for industrial preparation, processing, receipt and realization of production of natural fauna and the sanction to using objects of fauna;
- Raises a payment for special using objects of fauna;
- Carries out the control over conducting the hunting in the republic, the hunting sports, preparations of fur raw materials and other production of hunting, shooting and catching wild animals in the scientific, cultural

and economic purposes, trade in the hunting weapon and an ammunition, observance of hunting and fishery rules;

- Fixes and gives following established order to users hunting and fishing areas;
- Carries out the control over catching from the natural environment the objects of fauna;
- Establishes the order of the keeping of hunting birds, the organization of exhibitions, competitions and field tests of hunting birds, hunting dogs;
- Participates in the international cooperation in the field of protection, use and reproduction of objects of fauna;
- Carries out other functions on maintenance of protection, use and reproduction of objects of fauna.

The competence of other specially authorized state bodies in the field of protection, use and reproduction of objects of fauna is determined by the Government of the Kyrgyz Republic.

Article 10. The competence of local state administrations and local government units in the field of protection, use and reproduction of objects of fauna.

Local state administrations and institutions of local government in subordinated territories:

- Organize and carry out through territorial units of environmental preservation the state control over protection, use and reproduction of objects of fauna;
- Coordinate activity of the enterprises and the organizations which are carrying out protection, use and reproduction of objects of fauna;
- Develop and approve territorial programs in the field of protection and rational use of objects of fauna, and also provide their realization;
- Promote the state monitoring and the state cadastre of objects of fauna;
- Carry out actions on preservation and restoration of objects of fauna;
- Carry out other activity in the field of protection, use and reproduction of objects of fauna according to the legislation of the Kyrgyz Republic.

### SECTION III. MONITORING. THE STATE COUNT AND THE STATE CADASTRE OF OBJECTS OF FAUNA

Article 11. The state monitoring of objects of fauna

The state monitoring of objects of fauna is carried out with a view of revealing areas of diffusion, numerosity, a condition, an assessment of their changes, the prevention and elimination of consequences of negative processes and the phenomena for preservation of a biological diversity, maintenance of a steady condition of objects of fauna and their scientifically proved use.

The order of conducting the state monitoring of objects of fauna is established by republican state body of environmental preservation of the Kyrgyz Republic as agreed with scientific institutes.

Article 12. The state count and the state cadastre of objects of fauna

With a view of maintenance of protection, use and reproduction of objects of fauna the state count is carried out and the state cadastre of objects of fauna is conducted.

The state count and forecasting of a condition of objects of fauna are carried out by specially authorized state bodies on protection, use and reproduction of objects of fauna.

Users of fauna are obliged to make annually count of objects of fauna used by them and volumes of catching and to represent the received data to the corresponding state body specially authorized for protection, use and reproduction of objects of fauna.

The state cadastre of objects of fauna contains set of data on geographical diffusion of objects of fauna, their numerosity, and also the characteristic of an inhabitancy, the information on their economic and other use.

The order of conducting the state cadastre of objects of fauna is affirmed by the Government of the Kyrgyz Republic.

The order of conducting the state count of objects of fauna and volume of their catching is affirmed by republican state body of environmental preservation of the Kyrgyz Republic.

### SECTION IV. THE CONTROL OVER PROTECTION, USE AND REPRODUCTION OF OBJECTS OF FAUNA

Article 13. The state control over protection, use and reproduction of objects of fauna.

The task of the state control over protection, use and reproduction of objects of fauna is maintenance of observance by all legal and physical persons the requirements of the legislation of the Kyrgyz Republic on protection, use and reproduction of objects of fauna.

The order of the state control over protection, use and reproduction of objects of fauna is established by the Government of the Kyrgyz Republic.

Article 14. Specification in the field of protection, use and reproduction of objects of fauna

Specification in the field of protection, use and reproduction of objects of fauna is carried out according to the present Law and other normative legal acts of the Kyrgyz Republic and consists in the establishment of:

- Limits of use of objects of fauna;
- Standards, specifications and rules in the field of protection, use and reproduction of objects of fauna.

## SECTION V. PROTECTION OF OBJECTS OF FAUNA

### Article 15. Measures on maintenance of protection of objects of fauna

Protection of objects of fauna is provided by:

- Establishment of rules, norms and other requirements on protection, use and reproduction of objects of fauna;
- Establishment of interdictions and restrictions in use and reproduction of objects of fauna;
- Realization of measures on protection of objects of the fauna stipulated in civil-engineering designs of objects, in projects of an accomplishment of territories, at carrying out prospecting and mining works, the organization of other types of activity;
- Realization of protection and improvement of an inhabitancy, conditions of reproduction and ways of migration of fauna;
- Collection of penalties and compensation for the damage caused to objects of fauna;
- Creation of specially protected natural territories;
- Establishment of a special regime of protection for objects of the fauna brought in the Red book of the Kyrgyz Republic;
- Reproduction in captivity or semi captivity rare objects of fauna and those under threat of disappearance, and also creation of the centers for preservation of a genetic material;
- Prohibition of import of objects of the fauna, able to harm natural biocenosis;
- Re-cultivation the disturbed lands and creation of conditions for residing and reproduction of separate objects of fauna;
- Establishment of scientifically proved specifications and limits of use for objects of fauna and requirements to means of their catching;
- Rendering assistance to animals in case of disease, threat of their destruction at acts of nature or for other reasons;
- Carrying out of the scientific researches directed on a justification of measures on protection of objects of fauna;
- Ecological education of the population,
- Carrying out of other actions and establishment of other requirements on protection of objects of fauna according to the legislation of the Kyrgyz Republic.

### Article 16. An establishment of interdictions and restrictions on using of objects of fauna

With the purpose of preservation and reproduction of objects of fauna their special using can be limited, suspended or completely prohibited in the order stipulated by the present Law and other normative legal acts of the Kyrgyz Republic accepted according with it.

### Article 17. Actions on protection and improvement of an inhabitancy, conditions of reproduction and ways of migration of objects of fauna

At placing, designing and construction of settlements, the enterprises, constructions and other objects, improving existing and introduction of new technological processes, use in economic circulation the incult lands, the territories coastal and occupied with bushes, land reclamation, realization of wood using and forestry management actions, carrying out prospecting works, mining of minerals, determination of run and pasture places for agricultural animals, development of tourist routes and the organization of mass recreational places for the population and realization of other types of economic activity, actions on preservation of an inhabitancy and conditions of reproduction of objects of fauna should be provided and carried out.

At placing, designing and construction of air stations, railway, highway, pipeline and other transport highways, transmission lines and communications, as well as channels, dams and other hydraulic engineering constructions, the actions on preservation of ways of migration of objects of fauna and places of their constant concentration, including during reproduction and wintering should be developed and carried out.

With a view of preservation and improvement of an ecological condition of the separate territories representing special value as an inhabitancy of rare species and those under threat of disappearance, specific types of economic activities or carrying out terms and technologies if they break life cycles of objects of fauna are prohibited.

Operation of hydraulic engineering and other constructions and devices on water objects, an establishment of a hydrological regime and a regime of water consumption and other activity which influences or can influence a condition of an inhabitancy of wild animals and fishes, should be carried out in view of requirements on protection of objects of fauna, interests of a fish and hunting economy.

Actions on protection of separate objects of fauna should not render damage to other objects of fauna and the natural environment.

#### Article 18. The state ecological expertise

Obligatory measure of protection of objects of fauna is the state ecological expertise carried out according to the legislation of the Kyrgyz Republic, that is a prerequisite for acceptance by enforcement authorities the economic decision, capable to affect objects of fauna.

To obligatory state ecological expertise the documentation on the organization of the activity related to use of fertilizers, pesticides and biostimulants for plants growth, and also to withdrawal of objects of fauna and works on acclimatization and hybridization of objects of fauna.

At carrying out of the state ecological expertise of civil-engineering designs and reconstruction (expansion, regimernization) of enterprises, constructions and other objects, introduction of new technical equipment, technology, materials and substances, their influence on a condition of objects of fauna, a way of migration and a condition of reproduction of animals is necessarily taken into count.

Placing sites of the enterprises, constructions and other objects, and also introduction of new technical equipment, technology, materials and the substances influencing on a condition of objects of fauna, are coordinated with republican state body of environmental preservation of the Kyrgyz Republic.

The order of carrying out of the state ecological expertise is determined by normative legal acts of the Kyrgyz Republic on ecological expertise.

Article 19. Prevention of diseases and death of objects of fauna, at realization of economic and other activity by legal and physical persons.

Legal and physical persons are obliged to take measures for prevention of diseases and death of objects of fauna at realization of economic and other activity.

Requirements on prevention of death of objects of fauna at realization of economic and other activity by legal and physical persons are developed specially authorized state bodies on protection, use and reproduction of objects of fauna.

#### Article 20. Protection of objects of fauna in specially protected natural territories

In territories of the state natural reserves, national parks and other specially protected natural territories, protection of objects of fauna is carried out according to special protection regime of the given territories, which is established by the Law of the Kyrgyz Republic "on specially protected natural territories", and other normative legal acts of the Kyrgyz Republic.

Article 21. Protection, use and reproduction of rare objects of fauna and those under threat of disappearance.

Rare objects of fauna and those under threat of disappearance are subject to special protection and brought into the Red book of the Kyrgyz Republic.

The objects of the fauna which have not been brought into the Red book of the Kyrgyz Republic, but considered as under threat of disappearance, by the decision of republican state body of environmental preservation of the Kyrgyz Republic are brought into lists of objects of fauna subject to inclusion into the Red book.

Actions, which can bring to death, reduction of number or infringement of an inhabitancy of objects of the fauna brought into the Red book, are prohibited. The legal and physical persons, who are carrying out economic activities in territories where the red-booked objects of fauna live, bear the responsibility for their preservation and reproduction according to the legislation of the Kyrgyz Republic.

Catching objects of the fauna brought in the Red book of the Kyrgyz Republic is supposed in exceptional cases (scientific, with a view of artificial reproduction, etc.) under the special sanction, given out by republican state body of environmental preservation of the Kyrgyz Republic.

#### Article 22. Zoological collections

Creation and updating of zoological collections (share of scientific collections of zoological scientific institutes, museums, and also assemblies of scarecrows, drugs, parts and remains of separate objects of fauna, alive collections of zoos, circuses, nurseries, etc.) by withdrawal of separate objects of fauna from the natural environment specially for these purposes is made by the legal and physical persons who are carrying out the activity only on the basis of the license, given out by the state environmental preservation body of the Kyrgyz Republic.

The zoological collections representing scientific, cultural and educational, teaching and educational and aesthetic values, separate outstanding collection exhibits irrespectively to the form of their property are subject to the state count.

Article 23. Regulation of numerosity of objects of fauna

In case of increase in number of separate objects of fauna and occurrence epizooties, able to have negative consequences, actions on regulation of their number are carried out, with a view of public health care, protection of state and private property, and also for protection of ecosystems (biocenosis).

Regulation of number of separate objects of fauna should be carried out by the ways excluding causing of harm to other objects of fauna.

Objects of fauna, which numerosity is subject to regulation, and also the order of carrying out of corresponding actions are determined by republican state body of environmental preservation of the Kyrgyz Republic on the conclusions of the scientific organizations and others specially authorized state bodies.

#### Article 24. Resettlement, acclimatization and mating of objects of fauna

Resettlement of objects of fauna in new places of dwelling, acclimatization of objects of fauna new to fauna of the Kyrgyz Republic, and also action on their mating are supposed under the decision of Republican state body of environmental preservation of the Kyrgyz Republic based on the conclusion of the corresponding scientific organizations.

Autocratic resettlement, acclimatization and mating of objects of fauna are forbidden.

The legal and physical persons keeping or breeding in captivity or in semi captivity conditions wild animals, and also pets who can be mated with wild animals or harm them, are obliged to take measures to prevent these animals from catching out into the natural environment.

#### Article 25. Rendering assistance to objects of fauna in case of diseases or threats of death in natural disasters and ecological emergencies.

Users of objects of fauna are obliged to help wild animals in case of natural disasters and ecological emergencies that have threat to existence of animals, immediately to inform about it the specially authorized state bodies in the field of protection, use and reproduction of objects of fauna.

Catching and use of objects of the fauna suffering a disaster are forbidden.

#### Article 26. Protection of objects of fauna at application, storage, transportation of plants protection means, growth stimulators, mineral fertilizers and other drugs.

Legal and physical persons at application, storage and transportation of plant protection means, growth stimulators, mineral fertilizers and other drugs used at conducting of economic or other activity, should take into count requirements on protection of objects of fauna, and also are obliged to take measures on prevention of diseases and death.

Chemical drugs for which maximum allowable/missible concentration in an environment is not developed are forbidden for use.

With a view of death prevention of objects of fauna the republican state body of environmental preservation of the Kyrgyz Republic and its bodies in regions as agreed with local state administrations determine separate territories where application of chemical means of plant protection, stimulators of their growth, mineral fertilizers and other preparations are limited or forbidden,

Legal and physical persons are obliged to indemnify the damage, caused to objects of fauna, and lost benefit owing to application of chemical preparations according to the legislation of the Kyrgyz Republic.

#### Article 27. Protection of objects of fauna from harmful influence of biotechnology products.

Creation, manufacture and use of new strains of microorganisms, biologically active substances, breeding of genetically changed organisms, production of other products of the biotechnology, able to harm biocenosis and human health, are prohibited without the conclusion the specially authorized state bodies on protection, use and reproduction of objects of fauna and scientific institutes.

### SECTION VI. FAUNA USE

#### Article 28. Users of objects of fauna

Users of objects of fauna are the legal and physical persons with the right of use on the basis of a contract and/or a license (the special sanction), concluded and/or given out by republican state body of environmental preservation of the Kyrgyz Republic.

The right of use of objects of fauna is given to foreign legal and physical persons in the order established by republican state body of environmental preservation of the Kyrgyz Republic.

#### Article 29. Rights and duties of users of objects of fauna

Users of objects of fauna have the right:

- To use the objects of the fauna within the limits of established norms and limits;
- Of property for the objects of fauna got in the lawful order;
- To conclude contracts with legal and physical persons on secondary using of objects of fauna;

- To make processing and realization of extracted production;
- To charge in established order of the legislation of the Kyrgyz Republic claims to legal and physical persons for the damage caused to objects of fauna by improper actions, entailed their death or condition deterioration, and also to appeal against decisions of the state bodies and the officials breaking their rights on use of objects of fauna, in the order established by the legislation of the Kyrgyz Republic;
- To carry out as agreed with land users, the scientific organizations and establishments, the state bodies on protection, use and reproduction of objects of fauna the action on improvement of an inhabitancy of fauna.

Users of objects of fauna are obliged:

- To carry out only permitted types of using objects of fauna;
- To observe the established rules, norms, limits, terms and other requirements on protection and using of objects of fauna;
- To use objects of fauna in the ways which don't allow infringements of integrity natural biocenosis;
- To provide free access for the state bodies officials which are carrying out the state control over protection, use and reproduction of objects of fauna, to check, in places where objects of fauna contain, processed and realized, and also to carry out the given instructions in due time;
- Timely to bring the established payment for using objects of fauna;
- To apply humane approach at using objects of fauna;
- To indemnify the damage, caused to objects of fauna;
- To use rational manner objects of fauna, not bring out deterioration of an ecological condition of of their dwelling environment, to apply nature protection technologies at realization of productions;
- To carry out the count of number and use of objects of fauna, to study their condition and area characteristics, and to submit this information to the bodies responsible for the state count of objects of fauna and their use in established order;
- To carry out the complex actions directed on reproduction, including artificial, of objects of fauna;
- To carry out measures on performance of the state, regional and local ecological programs on questions of protection of objects of fauna;
- Immediately to inform the state bodies of preservation of the environment, veterinary, sanitary and epidemiological services on revealing diseases, deterioration of conditions of objects of fauna, occurrence of threat of death and destruction of animals, to carry out complex actions on preventive maintenance and struggle against diseases;
- To observe a regime of protection of objects of the fauna brought in the Red book of the Kyrgyz Republic and in lists of kinds of animals, subject to entering into the Red book of the Kyrgyz Republic;
- Independently stop using objects of fauna in case of deterioration of their conditions, reduction in reproducing ability and occurrence of threat of destruction, and also immediately to take measures to elimination of negative influence on objects of fauna.

Users of objects of fauna are obliged to carry out other requirements on protection, use and reproduction of objects of the fauna, stipulated by the legislation of the Kyrgyz Republic.

#### Article 30. The general and special using objects of fauna

Using of objects of fauna by legal and physical persons is carried out in the general and special ways.

The general using of objects of fauna is carried out free-of-charge, without withdrawal of objects of fauna from the natural environment and does not demand any special sanction.

The general using of objects of fauna in scientific, cultural - educational, educational, aesthetic and other purposes (by means of different forms of observation, supervision, labeling, photographing, etc.) if it does not render harm to their dwelling environment and break the rights of other users of fauna, except for cases when such using is forbidden, is supposed.

The destruction of animals, their dwellings, constructions (holes, small houses, dens, jacks, ant hills and so forth), infringement of an inhabitancy of animals and deterioration of their reproduction conditions are not permitted for general using objects of fauna.

Special using of objects of fauna is carried out with withdrawal of objects of fauna (catching, gathering and so forth) from the natural environment on a paid basis and under the license of the state bodies on protection, use and reproduction of objects of fauna.

Special using of objects of fauna is carried out with observance of the established standards, rules, limits and specifications and in complex line with the system of protection and reproduction measures of objects of fauna.

Special using objects of fauna, at conducting the hunting and fish economical activities, is carried out with granting to legal and physical persons the right of use hunting areas and fish reservoirs.

In one territory realization of several types of special using of objects of fauna is supposed if realization of one of them does not interfere with realization of another.

#### Article 31. Types of using objects of fauna

At observance of requirements stipulated by the legislation of the Kyrgyz Republic, legal and physical persons have the right to carry out the following types of using objects of fauna:

- Hunting;
- Fishery, including catching water backboneless animals;

- Catching objects of fauna which are not relate to objects of hunting and fishery;
  - Using objects of fauna in scientific, cultural and educational, recreational, aesthetic and other purposes without their withdrawal from an inhabitancy;
  - Reception of products of objects of fauna;
  - Use of beneficial properties of life activity products of the animals – pedogenic animals, natural sanitarians of environment, pollenizers of plants, biofiltration organisms, etc.;
  - Catching objects of fauna with the purpose of the keeping and breeding in captivity or semi captivity conditions for economic, commercial and other purposes.
- The legislation of the Kyrgyz Republic can stipulate the other types of using of objects of fauna.

#### Article 32. Hunting

Hunting is carried out through commercial catching, as well as through amateur and sports hunting for wild animals.

Commercial catching objects of fauna, as well as amateur and sport hunting are regulated by the present Law and other normative legal acts of the Kyrgyz Republic accepted according to it.

For hunting, it is forbidden use of dangerous facilities and ways, for the amateur and sport hunting – use of aircraft, auto transportation and the other mass ways of catching animals.

Hunting within the limits of hunting areas is permitted to the citizens at age of 18 or older who have got a license in the established order.

The list of objects of the fauna, related to objects of hunting proceeding from their status, number, traditions in use of kinds and quality of received production, is established by republican state body of environmental preservation of the Kyrgyz Republic as agreed with scientific institutes and others specially authorized bodies.

#### Article 33. Granting hunting areas for use.

For conducting the hunting economy management, hunting areas are allocated for using to legal persons of local state administration as agreed with specially authorized state bodies on protection, use and reproduction of objects of fauna and in coordination with the main users of land plots where these areas are located.

Hunting areas are given for use, including for rent, on a competitive basis for the term of 10 years.

The order of granting hunting areas for use to conduct hunting economy management is established by republican state body of environmental preservation of the Kyrgyz Republic.

#### Article 34. Fishery

Fishery is carried out through commercial catch of fish and water backboneless animals, as well as amateur and sport fishery in fishery reservoirs.

Relations in the field of fishery, protection of fish stocks and water backboneless animals are regulated by the relevant legislation of the Kyrgyz Republic.

#### Article 35. Catching objects of the fauna, which are not related to objects of hunting and fishery.

Catching objects of the fauna, which are not related to objects of hunting and fishery (snakes, frogs, singing birds, etc.) is carried out on the basis of the licenses issued by republican state body of environmental preservation of the Kyrgyz Republic.

The order of catching objects of the fauna, which are not related to objects of hunting and fishery, is determined by the present Law and other normative legal acts of the Kyrgyz Republic.

#### Article 36. Using objects of fauna in scientific, cultural and educational, educational, recreational and aesthetic purposes.

Using objects of the fauna which are in a state of natural freedom, in the scientific, cultural and educational, educational, recreational and aesthetic purposes (by means of different forms of observance, labeling, photographing and other methods) is authorized on free-of-charge basis, without their withdrawal from the natural environment on conditions that these methods do not harm objects of fauna and break the rights of users of fauna and land, as well as the rights of other natural resources users.

Using objects of the fauna, which are in state of captivity or semi captivity, for the scientific, cultural and educational, educational, recreational and aesthetic purposes, is carried out on payment basis, without withdrawal of animals from an inhabitancy.

Withdrawal of objects of fauna in the scientific, cultural and educational, educational, recreational and aesthetic purposes from the natural environment is supposed for the established payment or free-of-charge only under the licenses issued by republican state body of environmental preservation of the Kyrgyz Republic.

#### Article 37. Use of beneficial properties of life activity products of objects of fauna

Use of beneficial properties of life activity products of objects of fauna (pedogenic animals, natural sanitarians of environment, pollenizers of plants, etc.) without their withdrawal and destruction, deterioration of

their dwelling environment and causing harm to the other objects of fauna, is supposed only by the rules established by republican state body of environmental preservation of the Kyrgyz Republic as agreed with scientific institutes,

#### Article 38. Reception of life activity products of objects of fauna.

Reception of life activity products of objects of fauna (honey and wax of wild bees, etc.) is supposed without withdrawal of animals from an inhabitancy and their destruction.

Instructions for use of objects of fauna with a view of catching products of their life activity are developed by republican state body of environmental preservation of the Kyrgyz Republic, and other specially authorized bodies as well.

#### Article 39. The order of purchase and keeping of objects of fauna.

Objects of fauna (except those brought in the Red book of the Kyrgyz Republic), withdrawn from the natural environment under the license and for the established order of payment, are the property of legal and physical persons whom this license has been issued.

The objects of fauna keeping by legal and physical persons in captivity or semi captivity conditions, as well as zoological collections (the hunting trophies, scarecrows and others), caught without the license for their withdrawal from the natural environment or without the documents certifying legality of their purchase, are considered illegally got.

Realization and purchase of objects of fauna from the legal and physical persons without relevant licenses for catching or documents on purchase are forbidden.

#### Article 40. Keeping and reproduction of objects of fauna in captivity, semi captivity conditions and artificial inhabitancy environment.

The keeping and reproduction of objects of fauna in captivity, semi captivity conditions and artificial inhabitancy environment are supposed only under the licenses issued by republican state body of environmental preservation of the Kyrgyz Republic.

Reproduction in captivity of rare animals and those under threat of disappearance is supposed only with a view of their preservation, protection and reproduction and research purposes unless it is managed in natural conditions.

To ensure safety of genetic fund of rare objects of fauna and those under threat of disappearance, scientific institutes and the organizations should carry out researches on artificial reproduction of objects of fauna and create genetic material storage centers.

The list of objects of fauna, authorized for keeping and reproduction in captivity or semi captivity conditions, as well as requirements related to keeping, protection, use conditions are established by republican state body of environmental preservation of the Kyrgyz Republic.

The legal and physical persons engaged in keeping and reproduction of objects of fauna, are obliged to manage them humanely, to observe appropriate sanitary - veterinary and zoological - hygienic requirements. Non-observance of the specified requirements entails administrative and the criminal penalties according to the legislation of the Kyrgyz Republic, and objects of fauna are subject to confiscation in the judicial order.

#### Article 41. The bases and the order of termination of special right on using of objects of fauna.

The termination of the right on special using of objects of fauna is applied in the cases:

- Expiry of the license term (the special sanction);
- Fulfillment of actions for what the license (the special sanction) is issued;
- Liquidations of the legal person (death of the citizen or restriction of his active capacity);
- Necessity of withdrawal of objects of fauna from using with a view of their protection;
- Use of territory for the state needs excluding using of fauna;
- Calling back the license (the special sanction);
- Suspension of the license (the special sanction).
- Calling back or suspension of the license (the special sanction) is applied in case of users infringement of objects of fauna subject to the present Law.
- The termination of the right on special using of objects of fauna does not release from obligations under the indemnification, caused owing to violation of the legislation on protection, use and reproduction of objects of fauna of the Kyrgyz Republic.
- The decision on suspension or calling back of the license can be appealed against in court in the order established by the legislation of the Kyrgyz Republic.

#### Article 42. Licensing of activity on industrial preparation, processing, receipt and realization of production of objects of fauna

It is excluded by Law KP of January, 24, 2002 #13

## SECTION VII. THE LEGAL STATUS OF OFFICIALS OF SPECIALLY AUTHORIZED STATE BODIES ON PROTECTION, USE AND REPRODUCTION OF OBJECTS OF FAUNA OF THE KYRGYZ REPUBLIC

Article 43. Officials of specially authorized state bodies on protection, use and reproduction of objects of fauna of the Kyrgyz Republic.

The officials of specially authorized state bodies on protection, use and reproduction of objects of fauna of the Kyrgyz Republic on duty are representatives of the government and are under protection of the state.

Illegal intervention in any form in activity of the officials of specially authorized state bodies on protection, use and reproduction of objects of fauna of the Kyrgyz Republic is not supposed and entails the penalty established by the legislation of the Kyrgyz Republic.

For the officials of specially authorized state bodies on protection, use and reproduction of objects of fauna of the Kyrgyz Republic a uniform is fixed. The form of clothes is defined by the Government of the Kyrgyz Republic, and a rule and terms of its wearing - the specially authorized state body on protection, use and reproduction of objects of fauna. The uniform is given out free-of-charge.

Article 44. Rights and duties of the officials of specially authorized state bodies on protection, use and reproduction of objects of fauna of the Kyrgyz Republic

The officials of specially authorized state bodies on protection, use and reproduction of objects of fauna of the Kyrgyz Republic are charged with the following rights and duties:

- To check the documents of legal and physical persons, permitting special using of objects of fauna, and the sanction of law-enforcement bodies for storage and carrying the hunting fire-arms;
- To give out obligatory instructions on elimination of infringements in the field of protection, use and reproduction of objects of fauna;
- To detain, identify the person of infringer of the legislation on protection, use and reproduction of objects of fauna of the Kyrgyz Republic, to make acts and reports and to examine cases on administrative offences in the field of protection, use and reproduction of objects of fauna within the limits of the established competence;
- To make external inspection of things and personal inspection of the detained persons suspected in infringement of the order, established by the legislation of the Kyrgyz Republic, on using of objects of fauna, to stop and inspect floating and transport vehicles, check of the weapon and other instruments for catching objects of the fauna, the caught objects of fauna and production received from them, including during transportation, places of warehousing and processing;
- To withdraw from infringers illegally caught production, the weapon and other instruments of catching objects of fauna, including floating and auto transportations and the items served as the instrument of an offence, as well as corresponding documents with registration of withdrawal in established order;
- To charge claims for compensation for damage caused by legal and physical persons owing to violation of the legislation on protection, use and reproduction of objects of fauna of the Kyrgyz Republic;
- To keep, carry and apply service firearms and special means (handcuffs, rubber sticks, teargas substances), to apply physical strength on duty in the order established by the legislation of the Kyrgyz Republic.

The order of purchase, storage and use of service firearms and special means is regulated by the legislation of the Kyrgyz Republic.

The list of officials charged for protection of objects of fauna and authorized to use service fire-arms and special means is determined by the specially authorized state bodies of the Kyrgyz Republic.

(In edition of Law KP of January, 24, 2002 # 13)

## SECTION VIII. ECONOMIC REGULATION OF PROTECTION, USE AND REPRODUCTION OF OBJECTS OF FAUNA

Article 45. The purposes and objectives of economic regulation in the area of protection, use and reproduction of objects of fauna

Economic regulation in the field of protection, use and reproduction of objects of fauna provides:

- Establishment and regulation of economic relations between the state and users of objects of fauna, and the users of the other kinds of natural resources;
- Formation of payment system for using objects of fauna and creation of a stable economic basis of protection, use and reproduction of objects of fauna;
- Economic protection of the state interests and users of objects of fauna.

Article 46. Economic regulation in the field of protection, use and reproduction of objects of fauna

Economic regulation in the field of protection, use and reproduction of objects of fauna includes:

- The count and economic value of objects of fauna;
- The economically justified system of payments for using objects of fauna;

- Budgetary and other financing (voluntary payments of legal and physical persons, etc.) of actions on protection and reproduction of objects of fauna;
- The economically justified system of penalties and claims for infringement of the legislation on protection, use and reproduction of objects of fauna of the Kyrgyz Republic;
- Targeted use of the funds received from realization of production at auctions, the confiscated illegally caught objects of fauna, including floating and auto transportations, in the order stipulated by the legislation of the Kyrgyz Republic.

#### Article 47. Payment system for special using objects of fauna

The payment system for special using objects of fauna includes:

- Payment for special using;
- Penalties for overlimited using.

Funds received from special using of objects of fauna are used for realization of the state and territorial programs, actions on complex use, protection and reproduction of objects of fauna, research works, as well as the other purposes related to protection, use and reproduction of objects of fauna.

Depositing of a payment for special using of objects of fauna does not release nature user from fulfillment actions on protection, use and reproduction of objects of fauna and compensation of the harm caused.

### SECTION IX. THE RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION IN THE FIELD OF PROTECTION, USE AND REPRODUCTION OF OBJECTS OF FAUNA OF THE KYRGYZ REPUBLIC

#### Article 48. The responsibility for violation of the legislation in the field of protection, use and reproduction of objects of fauna of the Kyrgyz Republic

Physical and legal persons bear disciplinary, civil law, administrative and criminal liability in the order and the sizes established by the legislation of the Kyrgyz Republic:

- For autocratic special using objects of fauna;
- For violation of rules of protection of an inhabitancy and ways of migration of objects of fauna;
- For violation of rules of zoological collections creation and trade, as well as separate objects of fauna;
- For autocratic resettlement, acclimatization and mating of animals;
- For import and export of objects of fauna, their products and parts without the license;
- For destruction of rare objects of fauna and those under threat of disappearance;
- For violation of rules of hunting, fishery and other kinds of using objects of fauna;
- For cruel treatment with objects of fauna;
- For violation of rules of conducting a cadastre of objects of fauna;
- For default of instructions and decisions of the bodies controlling over protection, use and reproduction of objects of fauna;
- For outrage of the established order of preparation, buying up, transportation, receipt and sale of objects of fauna and their products;
- For sale, buying up and processing of furs not having a special brand of the wild fur animals being objects of commercial hunting, as well as fur products from these animals furs;
- For breaking of the established order of preparation, buying up, purchase, exchange, processing, storage, realization, import and export of skins of valuable fur animals and their products;
- For illegal catching objects of fauna and autocratic preparation of parts and production of wild animals;
- For breaking of the established order of purchase, realization, keeping, reproduction, use and release in the natural environment of objects of fauna.

By the legislation of the Kyrgyz Republic the responsibility for other infringements can be established in the field of protection, use and reproduction of objects of fauna.

The legal and physical persons who have harmed objects of fauna, compensate the damage voluntary or under the decision of court according to rates and techniques of calculation of damage to objects of fauna, and at their absence - on actual expenses for indemnification of the damage put to objects of fauna, in view of losses and the lost benefit.

The damage can be recovered from users of fauna if they have not accepted necessary measures on prevention or reduction of damage to objects of fauna in the territories fixed behind them.

The objects of fauna imported into the Kyrgyz Republic or exported with outrage of existing rules and the international agreements, are subject to withdrawal in the order established by the legislation of the Kyrgyz Republic.

In case of withdrawal of illegally caught alive animals preservation and returning in the natural environment measures should be used, if feasible. If the physical condition of an animal does not allow returning it in the natural environment, it is subject to realization in the order established by the civil legislation of the Kyrgyz Republic, with compensation of the damage put to fauna by illegal withdrawal.

In case the state bodies unreasonably limit users of fauna in legal withdrawal of objects of the fauna, and have caused by improper actions damage to legal and physical persons, these bodies are obliged to indemnify the damage put in view of the suffered losses, including lost benefit.

(In edition of Law KP of January, 24, 2002 # 13)

Article 49. The resolution of disputes on protection, use and reproduction of objects of fauna

Disputes on protection, use and reproduction of objects of fauna are resolved by court in the order established by the legislation of the Kyrgyz Republic.

Article 50. Invalidity of the transactions breaking the legislation on protection, use and reproduction of objects of fauna of the Kyrgyz Republic

All transactions made on objects of fauna in infringement of laws and other normative legal acts of the Kyrgyz Republic in the field of protection, use and reproduction of objects of fauna, are void.

Article 51. Withdrawal of illegally caught objects of fauna and instruments of their catching

Illegally caught objects of the fauna, production made of them, and also instruments of illegal catching, including floating and auto transportations, are subject to confiscation in the order established by the legislation of the Kyrgyz Republic, if withdrawal is not possible, full cost is charged from guilty persons.

#### SECTION X. THE INTERNATIONAL RELATIONS OF THE KYRGYZ REPUBLICS IN THE FIELD OF PROTECTION, USE AND REPRODUCTION OF OBJECTS OF FAUNA

Article 52. The international agreements in the field of protection, use and reproduction of objects of fauna

If the international agreement of the Kyrgyz Republic establishes other rules, than stipulated by the present Law, rules of the international contract are applied.

#### SECTION XI. FINAL PROVISIONS

Article 53. On the present Law in force.

The present Law inures from the date of publication.

To recognize invalid:

- The law of Kyrgyz Soviet Republic " On protection and use of fauna " (Bulletin of Supreme Council of the Soviet Kyrgyz Republic, 1981, № 12, p. 98);
- The decision of Supreme Council of the Soviet Kyrgyz Republic "On the order of introduction into force the Law of the Soviet Kyrgyz Republic "On protection and use of fauna " (Bulletin of Supreme Council of the Soviet Kyrgyz Republic, 1981, № 12, p. 99).

To the government of the Kyrgyz Republic to bring the normative legal acts into accord with the present Law.

The president of the Kyrgyz Republic: A.AKAEV  
Bishkek city, the House of the Government

Date: June, 17, 1999 № 59