

LAW OF THE REPUBLIC OF TAJIKISTAN
On Air Protection

(Akhbori Majlisi Oli, 1996, №3, Art. 53; 1997, № 23-24, Art. 333; 20 07g odes, №5, st.370, 2009, № 9-10, Art. 550)

CHAPTER 1. GENERAL PROVISIONS

Article 1. Objectives and Tasks of this Law s

Aims and Tasks of this Law s Xia is: regulation of public relations in this area in order to ensure an enabling environment for human habitation, plant and animal life, preserving the purity and improve the atmospheric air, the establishment of state control over the use of the air basin cities and industrial centers and other settlements points polluters atmo spheric air, and strength- ening the rule of law in the field of relations tions for present and future generations of people bu. (B RT from 16.10.09g, №557).

Article ¹ 1. Basic Concepts

Basic concepts used in this Law:

- **The atmosphere - the gaseous envelope surrounding the Earth, composed mostly of nitrogen, oxygen and a small amount of carbon dioxide and ozone;**
- **The maximum permissible concentration - law or state authorized body standard quantity of a hazardous substance and does not affect human health, the environment, flora and fauna;**
- **ozonosfera - atmospheric layer lying between 7 to 8 km over the poles, 17 to 18 km at the equator and with the highest density at altitudes of 20 to 22 km above the planet's surface, wherein the high concentration of ozone molecules, reflecting the hard ultraviolet radiation of space, disastrous for the living beings. (B RT from 16.10.09g, №557).**

Article 2. Legislation of the Republic of Tajikistan on Air Protection

Legislation of the Republic of Tajikistan "On Air Protection is based on the Constitution of the Republic of Tajikistan and consists of this Law and other normative legal acts of the Republic of Tajikistan, as well as international legal acts which, recognized by Tajikistan. (B RT from 16.10.09g, №557).

Article 3. Basic principles of air protection

The basic principles of air protection are:

- Ensuring the purity of the air from various pollutants and maintain it on the basis of scientifically based norms and standards;
- Protection of the rights of citizens, enterprises, institutions and organizations from wearing maintain air cleanliness;
- Compliance with environmental, economic and social interests society;
- Providing national and between the people's interests in the field of wound oh, and the use of atmospheric air;
 - Transparency and a close relationship with the public authority ization and popula- tion in solving problems of atmospheric air protection;
- Establishing mep responsibility for violations of the legislation on air protection and compensation for damage caused by these impairment;
- Comprehensive approach to addressing the issues of protection of atmospheric air and other environmental elements.

Article 4. Competence of Parliament in the field of atmospheric air

In order to ensure the unity of Zuko forceable regulation relative solutions in the field of air M Majlisi Oli of Republic Tadjhikis Tan:

- Defines the main directions of state policy in the field of air;
- Declares the area of environmental emergencies and provides their legal solution;
- Approve state environmental programs, including air protection from pollution, safety population, prevention and elimination of pollution and the effects of Atmos Thera;
- Solve other issues in the field of air quality in accordance with the Constitution and this Act.

Article 5. Competence of the Government of the Republic of Tajikistan in the field of air protection

Government of the Republic Tadjhikis tan in the field of atmospheric air of:

- Develops and sake of exercising the state and inter state environmental programs, azhneyshih complex mezhotrasle O and territorial programs;
- Planning national events, says Republican ompleksnye to target programs that have taken tvlyaet funding and mate rial

and technical support;

- Sets the maximum permissible concentrations of pollutants in ambient air and levels of harmful physical and other influences on it, the order of charging for emissions and fees harmful, substances and other harmful effects on the environment;
- **Makes decisions about when stopped or goes to court to terminate the ce enterprises formal institutions and organizations, regardless of ownership and subordination, if they violate the law on air protection;**
- Establishes a uniform procedure Veda of public accounting harm tions impacts on the air, monitoring of Atmos fer tion of air, creating a national database and a single information system;
- Directs, coordinates and promotes research in the field of air protection.

Article 6. Competence of the Gorno-Badakhshan Autonomous Region in the protection of air

The competence of the Gorno-Badakhshan Autonomous Region in matters of air protection shall be:

- Development, approval of plans and the execution of the wound oh atmospheric air;
- Inventory and assessment of volumes produced emissions by riyatiyah before n, institutions and organizations located on the territory of the region;
- Prohibition of the construction of facilities do not meet the standards of maximum permissible concentrations of pollutants in atmospheric air and levels of harmful physical and other effects on the his;
- Other issues in the field of air, if they do not fall within the competence of national authorities.

Article 7. Competence of local org Anov authorities in the field of atomic spheric air

The local authorities in the field of regulation of relations air protection shall be subject to:

- Identification of key areas of air protection and approval of programs to protect the atmosphere from harmful influences on jurisdictions;
- Accounting facilities affecting the condition of atmospheric air;
- Planning, funding and m aterialno provide technical implementation of programs for the protection of atmospheric air;
- Coordination of the activities of the control eniya enterprises, institu tions, institutions, regardless of ownership and subordination, and and environmental services in the field of air;
- Consideration of other matters of air protection within its competence.

Article 8 of the state administration in the field of atmospheric air of

1. State management in the field of air protection by the Government of the Republic of Tajiks camp as well as the **Authorized Person tained state of body. (B RT from 16.10.09g, №557).**

2. **polnomochennymi state authorities** for the protection of Air in the country are **the Committee for Conservation of e Environment**, Ministry of Health The Republic of Tajikistan. **(B RT from 16.10.09g, №557).**

3. Competence **government authorities** air protection is determined by the law of the Republic Tadjhikis tan "On Environmental Protection". **(B RT from 16.10.09g, №557).**

C HAPTER 2. RIGHTS AND DUTIES OF CITIZENS IN THE FIELD Atmospheric air protection

Article 9. Rights and Responsibilities c azhdan in the field of atmospheric air tion

1. Every citizen of the Republic of Tajikistan and other individuals, residing in its territory, have the prospect to ABO suitable for their life and health condition of atmospheric air.

2. This right is guaranteed by:

- Carrying out public policies for conservation, restoration and improvement of air quality;
- The responsibility of enterprises established eny, organizations and citizens sob Luda requirements of the legislation on the protection of air, conduct complex scientifically sound technical, economic, social, and with other measures aimed at preventing and eliminating air pollution and other harmful effects on the his;
- The implementation of state and public control over the observance of legislation on protection of atmospheric air;
- The participation of civil society organizations and citizens in the activities of air protection;
- Compensation for damage caused to health and property of citizens due to air pollution, and other measures.

3. Citizens have the right to:

- To take part in the discussion of draft laws and other acts in the field of air;
- To deal with letters, complaints, statements of Safety air;
- To obtain objective information on the state of air and measures for its protection;
- To participate in public environmental review, bring a court action against the enterprises, institutions, organizations

and citizens in compensation for harm caused to their health and property a result of air pollution;

require safeguards to protect their HEALTH and life, and adopted a mother participating in emergency operations in and Source of infection and areas zag ryazneniya air.

4. Citizens must:

- Strictly comply with the requirements of the legislation on the protection of atmospheres tion b air;
- Comply strictly with legitimate require- ments of employees at ronmental bodies;
- To reimburse in full the damage they cause air quality.

Article 10. The duty of the state bodies to integrate sentences of citizens and civil society organizations on improve air protection

1. The State shall guarantee to citizens and civil society organizations at implementation of measures to protect air opportunity realization of their rights in accordance with applicable Zuko islation.

2. Local executive authorities and authorized bodies for the protection of air, their officials shall cooperate fully with the citizens and civil society organizations in the organization of air protection and timely to consider their suggestions and requirements on the matter. (B RT from 16.10.09g, №557).

3. Officials and citizens, impeding the implementation of citizens and public organizations of rights and obligations in the field of air protection, etc. The action or its omission in process by creating them harm, prosecuted in accordance with the the current legislation of the Republic of Tajikistan.

CHAPTER 3. Rationing AIR QUALITY

Article 11. Basic requirements for quality standards atmospheres tion air

1. Normalization of air quality is performed to establish the maximum allowable in zdeystviya on atmospheric WHO spirit, ensure environmental safety of the population and the environment the environment as a result of economic and other activities.

2. These guidelines are developed on the basis of international standards, conventions and agreements of the latest achievements of world science, should in the interests of public health and environment environment; they establish:

- The maximum permissible concentration of pollutants in the air;
- Maximum permissible emissions of pollutants from stationary and mobile sources of pollution;
- Maximum permissible levels of electromagnetic fields, radiation and other harmful physical impacts (noise, vibration, etc.).

3. These levels are defined for each stationary source emissions or other harmful effects on the atmosphere, and for each model of vehicles and other mobile assets and mustache tings.

4. The standards of maximum permissible emissions of pollutants into atmosphere and maximum permissible harmful physical influences on it set at a level at which the emissions of m and physical EXPOSURE the specific and any other n SOURCE ikov in this area, in view of prospects of its development will not result in exceeding the maximum admissible levels of harmful physical effects.

5. Where necessary for the individual areas can be set more stringent emission limit d Permissible concentrations contaminate ing substances in the air and harmful physical impacts on it.

6. If you do not meet these standards of this article pollutant emissions should be limited, suspended or prohibited, and where necessary, discontinued activities of individuals and entities (including the military-industrial complex) in order mustache tanovlenii this Act. (B RT from 16.10.09g, №557).

7. Enterprises, institutions, organizations of which activity on the connection to the emissions of pollutants in at mosphere, regardless of belonging and ownership, are required to obtain a permit to emit pollutants into the atmosphere op ganah engaged governm ent control over protection of atmospheric of air to hold organizational tional-economic, technical and other measures to ensure to the fulfillment of the conditions and requirements in the preamp discretion permits SEL grew up, to take measures to reduce emissions in pollutants obespe chit smooth efficient operation and maintenance work yanii state structures , equipment and facilities for cleaning emissions and control, as well as to the settlement toyanny account number and amounted Islands pollutants emitted into the atmosphere.

8. Implementation of measures to protect the air should not lead to contamination of soil, water and other natural objects. **(B RT from 16.10.09g, №557).**

9. With increasing as a result of an emergency set of standards for maximum allowable emissions of pollutants into the atmosphere heads of enterprises, institutions and organizations must immediately report it **the authorized state guards ie air** and take in the prescribed manner to the measures air protection and the elimination of the causes and consequences of AI it zag ryazneniya in accordance with applicable law. **(B RT from 16.10.09g, №557).**

Article 12. Regulation of emissions of air pollutants under adverse weather conditions

Enterprises, institutions and organizations due to adverse weather conditions and the possibility of increasing the concentration of the hazardous contamination material required to conduct an analysis developed by UIS accordance with the bodies carrying out state control over protection air, measures to drastically reduce emissions of into the atmosphere during these periods.

Article 13. Normalization and regulation of emissions of pollutants into the atmosphere by means of reduced and installation of

1. The amount of pollutants emitted by transport and other mobile tools and tired vehicles must not exceed the maximum allowable emissions assets.

2. All vehicles and other mobile tools and installations in service shall be monitored by state **the competent** authorities in the field of nature protection of compliance with standards for maximum allowable emissions of pollutants. **(B RT from 16.10.09g, №557).**

3. Production and operation of vehicles and other mobile facilities and installations, in which emissions's content of pollutants exceeds the standards is not permitted.

4. In order to protect the spirit of atmospheric WHO local authorities may be temporarily or permanently locked on entry vehicle or other redvizhnyh funds in certain areas, residential areas, recreational facilities, tourism.

Article 14. Regulation of harmful physical impacts on the Atmosphere

1. Limits of electromagnetic fields, radiation and harmful physical effects assertion given by the Ministry of Health of the Republic of Tajikistan.

2. Natural and legal persons are obliged to take the necessary measures to prevent the harmful effects of noise, vibration, electromagnetic fields, radiation and other sources for environmental impact and human health. (B RT from 16.10.09g, №557).

3. Any harmful physical impact on atmospheric air is subject to the maximum permissible standards, and in case when he was issued a permit specifically authorized by a public authority, and in compliance with all other requirements under this resolution.

4. In case of violation of these requirements related activities industrial enterprises, institutions, organizations, corporations, companies, associations, other associations, cooperatives, small businesses, departments and units may be suspended, restricted or prohibited by the decision of the authority conducting the state control over protection air, to eliminate the causes and conditions that caused these violation.

5. Citizens are obliged to comply with the established requirements for combating domestic noise in the apartments, as well as in the yards of houses, streets, recreation areas and other public places.

C HAPTER 4 ECONOMIC MECHANISM OF AIR

Article 15. Goals and Objectives of economic mechanism of protection of atmospheric air

The economic mechanism of protection of atmospheric air has the task of planning and funding, limiting the harmful effects of economic and other activities on the state of the atmosphere, the establishment of fees for emissions of pollutants into the atmosphere and the mouth of the spirit of the WHO phenomenon corresponding benefits.

Article 16. Planning for Air Protection

1. Planning for Air Protection shall provide scientifically based combination of economic and environmental interests of society.

2. Current and long-term planning for air protection is carried out in've amounted to forecast economic and social development on the basis of state environmental programs with the requirements of environmental protection legislation.

3. Spatial planning measures for the protection of atmospheric air by local E M Majlisi of People's Deputies.

4. Projects on air protection plans to be agreed with the bodies carrying out the state control over protection of atmospheric air.

Article 17. Financing of the programs and activities for the protection of atmospheric air

1. Financing program's events, and by the spirit of the WHO atmospheric protection is made by means of:

- Republican and local budgets;
- Enterprises, institutions, organizations, rental collectives, cooperative, private or joint ventures;
- Bank loans **and grants** ; **(B RT from 16.10.09g, №557).**

- Voluntary contributions and donations from **individuals and legal entities** , as well as other sources. **(B RT from 16.10.09g, # 557).**

2. **With redstva** and material resources, intended to to the fulfillment of the specific measures for air stored, IP polzovat for other purposes is prohibited. **(B RT from 16.10.09g, # 557).**

Article 18. Payments for air pollution

Payments for air pollution include:

- Payment for emissions of pollutants into the atmosphere within the established standards of maximum permissible and temporarily coordinated emissions (limits);
- Payment for emissions of pollutants into the atmosphere in excess of the limits;
- Charges for accidental releases into the atmosphere.

Article 19. Fee for emissions of pollutants into the atmosphere within the established limits

1. The procedure for calculating the size and use of fees for air pollution is determined by the Government of the Republic of Tajikistan.
2. The fee for emissions of pollutants into the atmosphere is a form of compensation for damage caused by air pollution.
3. The amount of payment for emissions of polluting substances are determined on basis of wasps techniques approved by specially authorized government authorities, taking into account local conditions, the composition and properties of the emitted pollutants, characteristics of natural systems.
4. The fee for emission limit values included in the cost of goods (works, services).
5. Payment for emissions of pollution loads in the atmosphere has mastered bozhdaet natural resources by offsetting eniya damage caused by environmental protection.

Article 20. The fee for excess emissions of harmful substances into the atmosphere

1. The fee for excess emissions of harmful substances into the atmosphere, as well as accidental discharges is determined at the double rate basis of the cost of air recovery, liquidation of consequences of emergency and volley emissions in accordance with relevant procedures, the assertion of **the authorized state bodies** on protection of nature. **(B RT from 16.10.09g, №557).**
2. The heads of enterprises, institutions and organizations that have a detrimental effect on the atmospheric spirit WHO must ensure observing of the established regulations of emissions; for excess, salvo emissions they are personally responsible.
3. Emissions of harmful substances into the atmosphere without the permission of specially authorized state organs are overrated and the payments for them are established under the laws of the Republic of Tajikistan.

(Article 21 Deleted W RT from 12.12.97 year №498).

CHAPTER 5. ENVIRONMENTAL ASSESSMENT

Article 22. State Ecological Expertise

1. The state ecological expertise is mandatory and must be **in accordance with the hold Zack Republic of Tajikistan "On ecological expertise"** precede the adoption of economic decisions, the implementation of which may have a harmful effect on the STATUS tion s atmospheric air. **(B RT from 16.10.09g, # 557).**
2. E NVIRONMENTAL examination is carried out on the basis of the Regulations on State Ecological Expertise, approved by the Government.

Chapter 6. REQUIREMENTS FOR THE SAFETY OF AIR WHEN ADMINISTERED economic and other activities

Article 23. Compliance with the requirements on air quality in the extraction of mineral resources levied, blasting, once displaced heaps, dumps and landfills

1. Extraction of minerals, conducting blasting operations, placement of dumps, landfills and waste heaps should n Wires subject require- ments for air protection and methods consistent with the environmental authorities.
2. Accommodation in towns and near the borders of their stockpiles, heaps and dumps all kinds of waste s, which are sources of pollution loads zag atmosphere, as well as the burning of these wastes is prohibited.
3. Enterprises and organizations are obliged to ensure the export of wastes and other pollutants in the air, to processing enterprises and specialized landfills.

Article 24. Conditions of accommodation, designing, construction and commissioning of enterprises, structures and other facilities affecting the condition of atmospheric air

1. It is forbidden to finance, design, location, construction, reconstruction, expansion and modernization of enterprises, structures and other objects and putting them into operation without the state environmental review.
2. When locating, designing, construction, reconstruction, expansion and modernization of enterprises and, structures and oth GIH facilities must respect the established maximum allowable norms of harmful impact on the atmosphere and other demand for air protection.

Article 25 Compliance with requirements for air protection from radioactive contamination

In the production of building materials, the choice of sites for construction and radioactive waste disposal enterprises, institutions, organizations need to ensure compliance with the rules of transportation, storage of radioactive waste, as well as regularly radiometric measurements for the purpose of compliance with established sanitary standards.

Article 26. Compliance with the chemical TO USE of substances and protection from some ntroliruemyh biological WHO action

1. **Individuals and legal entities** in the production, storage, use, transportation, chemical and biological transformation of their preparations (fungi, viruses and other microorganisms) that have (or might have a) the impact on the air, are obliged to take measures to prevent and eliminate harmful effects alongside a dc tvy on the atmosphere. **(B RT from 16.10.09g, №557).**

2. Violation of environmental REQUIREMENTS OF s handling of substances chemical and biological agents, creating a threat nekontroliruem direct biological effects of pollution on the environment, zdo rovyu human gene pool, and entails the prohibition or suspension of such activities by the decision of **the authorized state bodies** . **(B RT from 16.10.09g, №557).**

Article 27. Protection of the climate and the ozone layer of the Earth

Climate protection and the Earth's ozone layer from the effects of economic and other activities provided by:

- Compliance with standards for maximum permissible emissions of harmful substances, affecting the state of the climate and the ozone layer of the Earth;
- The reduction of harmful emissions, greenhouse production and use of regulation in the domestic chemical substances that deplete the ozone layer;
- Application of sanctions for violation of the above requirements;
- Performing other activities stipulated by the law m ki republics of Tajikistan "On Environmental Protection".

CHAPTER 7. Public accounting harmful influences on the atmosphere AIR

Article 28. State registration of harmful impact on the atmosphere air quantity

1. Objects that have a harmful impact on the atmosphere, the types and the amount of harmful substances emitted into the atmosphere, as well as the physical impact on it shall be subject to state registration.

2. The single system of state registration of harmful effects on the atmosphere set by the Government of **the Republic of Tajikistan** . **(B RT from 16.10.09g, №557).**

Article 29. Monitoring the air

Monitoring the state of pollution of the air by chi nomic, physical and biological indicators osusches tvlyaetsya civil service monitoring the level of environmental pollution, scientific departments of the relevant departments of the republic, who provide information and forecasts about the levels of pollution of air atmospheres tion stakeholders and citizens.

Article 30. State control in the field of air protection

1. State control in the field of air protection is carried SETTING Adding E this Law specially authorized state bodies.

2. Departmental control over atmospheric air protection, including including the observance of standards Prev flax permissible emissions of pollution loads in the air and harmful physical impact on it, carried out by bodies in charge of enterprises, institutions and organizations, Okaz digits together with the harmful impact on the al spheric air.

3. State control over the activities of economic entities, regardless of their form of ownership and subordination, by conducting inspections of compliance by legislation on atmospheric air protection is carried out in accordance with the Law of the Republic of Tajikistan "On inspection of economic entities in the Republic of Tajikistan."

4. Managers of enterprises, institutions and organizations that have a harmful impact on the atmosphere, must ensure control over compliance with standards for maximum permissible emissions of polluting substances into the air and harmful physical impact on it at each production site.

Article 31. Zones of Ecological used COROLLARY and extreme mental situation ecologists

1. Zones of ecological disasters and environmental emergencies are defined by the Government of the Republic of Tajikistan.

2. Improvement of the zones and the restoration of the environmental situation can be financed from the funds of enterprises, institutions, organizations and persons whose fault allowed ecological disaster or emergency environmental situation, as well as the target of the republican, local budgets.

Chapter 8. International cooperation in the field of air protection

Article 31¹ . Principles of international cooperation in the field of protection of atmospheric air

The Republic of Tajikistan, carrying out international cooperation in the field of air protection, guided by the principles of mutual respect for the safety for human habitation, flora and fauna, environmental protection in accordance with international standards in this field. (H RT from 16.10.09g, # 557).

Article 31². The activity of foreign individuals and legal entities

Activities of foreign individuals and legal entities in the field of air protection in the Republic of Tajikistan shall be carried out in compliance with the norms of the Republic of Tajikistan legislation and international legal ak Comrade recognized by Tajikistan. (B RT from 16.10.09g, №557).

CHAPTER 9. FINAL PROVISIONS

Article 32. The order of consideration of disputes on protection of atmospheric air
The debate on air protection are resolved by the court. (B RT from 16.10.09g, №557).

Article 33. Responsibility for violation of this Law

Natural and legal persons for violation of this Law shall be prosecuted in the manner prescribed by the Legislative elstvom the Republic of Tajikistan. (B RT from 16.10.09g, №557).

President of the Republic of Tajikistan
Dushanbe, February 1, 1996 the first, yes,
number 228

E. Rakhmonov

JUDGMENT
MAJLISI OLI OF THE REPUBLIC OF TAJIKISTAN

On the order of entry into force of the Law of the Republic of Tajikistan
"On Air Protection"

Majlisi Oli of the Republic of Tajikistan decides:

1. Put in place Zuko called the Republic of Tajikistan "On Air Protection" from the moment of its publication.
2. To establish that the Act ki republics of Tajikistan "On Atmos spheric air protection" applies to relations arising after the introduction of the Law of the action.
3. The Government of the Republic of Tajikistan:
 - Submit the Majlisi Oli of Tajikistan proposals on bringing the legislation into conformity with the Law of Republika Taji ki stan "On Air Protection";
 - To bring the decisions of the Government of the Republic of Tajikistan in accordance with the Law of the Republic of Tadzhikis tan "On Atmospheric Protection WHO spirit";
 - Ensure the revision and abolition of ministries, state committees and departments of their normative acts that contravene the law Republics of Tajikistan "On Air Protection".
4. The Law of the Tajik SSR on May 1982 17 , "On Air Protection" (Bulletin of the Supreme Council of the Tajik SSR, 1982 of., Number 11, p. 122) and the Resolution of the Supreme Council of the Tajik SSR From "On the Procedure for action Law of the Tajik Soviet Socialist Republic "On air protection" (Bulletin of the Supreme Soviet of the USSR Thad zhikskoy, 1982 of., number 11, p. 123).

Chairman of the Majlisi Oli
Republic of Tajikistan
city Dushanbe, February 1, 1996,
number 229

S. RADJABOV