

Law of the Kyrgyz Republic
On Production and Consumption Waste

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This Law determines the state policy in the field of waste production and consumption and is designed to help prevent the negative impact of waste production and consumption on the environment and human health when handling them, as well as maximize their involvement in economic turnover as an additional source of raw materials.

Section I.

General provisions

Article 1. Legislation of the Kyrgyz Republic on waste production and consumption

1. This Law regulates relations arising in the process of formation, collection, storage, use, disposal, transportation and disposal of production and consumption (hereinafter - the waste), as well as governance, supervision and control in the field of waste management.

2. Activities in the field of waste management are regulated by this Law and other

legislation of the Kyrgyz Republic, as well as international treaties.

3. Radioactive waste, emissions of harmful substances into the atmosphere and discharge into water bodies regulated by special legislation.

Article 2. The terms used in this Law

In this Act the following terms and definitions:

waste disposal - isolation of waste, aimed at preventing the entry of contaminants into the environment and to exclude the possibility of further use of the waste;

use of waste - the use of waste for the production and performance of works (services), or energy;

the competent authority - the public authority for environmental protection, which, in accordance with the Regulations of it is empowered to protect the environment and natural resources and coordinates activities in the field of waste management;

limit waste disposal - limiting the amount of waste is permitted to set and to individuals or legal entities for a certain period, taking into account the environmental situation in the region;

low- technology - the production process, wherein the production unit at minimal amount of waste generated as compared to existing conventional methods of obtaining these products;

Waste treatment - treatment (including incineration) of waste at specialized plants, leading to a reduction in the harmful effects on the environment and humans;

Waste management - all activities related to the collection, storage, use, disposal, transportation and disposal of waste;

waste disposal facilities - landfills, storage, landfills, sludge storage, tailings, dumps of rocks and other off-site locations for storage and disposal of waste;

hazardous waste - waste (except radioactive) containing in its composition of matter which possess a hazardous properties (such as toxicity, infectivity, explosiveness, combustibility, high reactivity) and are present in such quantity and in such a form that represent a direct or potential danger to human health or the environment, both independently and when in contact with other substances;

production waste - the remains of materials, raw materials, intermediate products, formed during the production of products or performance of works and wholly or partially lost their consumer properties, as well as related substances resulting from the manufacturing process and are not being used in this production;

consumer waste - products, materials and substances that have lost their consumer properties due to their physical or mental deterioration. For household waste also

includes municipal solid waste arising in the course of human activity;
Waste passport - a document certifying the quality and quantity of waste;
disposal of waste - any operation for the storage and disposal of waste;
transboundary movement - any movement of wastes from an area under the jurisdiction of another State, in / or through an area under the jurisdiction of the Kyrgyz Republic;
storage of waste - the content of the waste in specially equipped storage devices to retrieve them for the purpose of burial, disposal or use;
environmental impact assessment - to determine the level of environmental risk and danger of proposed solutions, the implementation of which directly or indirectly have an impact on the environment and natural resources.

Article 3. Basic principles of state policy in the field of waste management

The main principles of state policy in the field of waste management are:

prioritize the introduction of low-waste technological processes;
the use of economic incentives to engage in economic circulation of waste;
the inevitability of responsibility for violation of environmental and health legislation;
mandatory state environmental expertise when making decisions on waste management;
free access in accordance with the legislation of the Kyrgyz Republic to the information in the field of waste management;
decisions affecting the interests of the population, taking into account the protection of national interests.

Section II.

The powers of state bodies in the field of waste management

Article 4. Powers of local authorities

The powers of local state administrations and local authorities in the field of waste management are:

implementation of measures to prevent accidents, accidents related to waste management;

implementation of measures to eliminate the consequences of disasters, accidents associated with waste management;
development and implementation of regional, as well as the implementation of state programs in the field of waste management;
control the activity of enterprises and organizations on their territory, in the area of waste management;
organization of fundraising businesses and individuals, the local budget and extra-budgetary funds to finance the construction of new, expansion and reconstruction of existing facilities for processing, recycling and disposal of waste;
the rational organization of the waste collection system, providing separate collection of components (food waste, non-ferrous and ferrous metals, textiles, glass, paper, etc.), storage, regular removal, decontamination, waste disposal and reclamation of territory under their jurisdiction;
providing the population with information on waste management on the status of their storage and processing in the region.

Article 5. Powers of the competent authority

The powers of the competent authority include:

The state ecological examination of the documentation related to waste management;

the development of rules and regulations governing the procedure for environmentally sound waste management and with the safety of waste on the environment and human health;

Organization of maintaining the state cadastre of waste;

waste management by their owners, together with a claim for compensation for damage caused by waste;

control and supervision over the activities of state agencies, local governments, businesses and individuals in the field of waste management;

International cooperation in the field of waste management, research, compilation and dissemination of international experience;

ensuring public access to information on waste management.

Section III.

Requirements for waste management

Article 6. Requirements for the design, construction and reconstruction of enterprises, buildings and other facilities

In the design, construction and reconstruction of existing enterprises, buildings, waste treatment plants, landfills for the disposal and recycling of toxic waste and other objects of legal and physical persons are obliged to:

comply with established standards, norms and other environmental quality standards in the field of waste management;

have a positive opinion of the state ecological expertise for projects and other documents regulating activities relating to waste management to the start of the project.

Article 7 Requirements for operation of existing plants

1. Legal and natural persons in the course of operation of existing plants must: an inventory of waste generated and to provide reliable information and statistics to the competent authorities;

to carry out production control in the field of waste management;

to provide the necessary information to the competent authority for waste management;

comply with the requirements for the prevention of accidents;

in emergency situations with negative environmental consequences immediately inform the competent authority, local authorities and the population;

transboundary movements of wastes follow the requirements of the Basel

Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, this Law and other regulations.

2. Operation of industries in which hazardous wastes are not disposed of in environmentally safe ways, is prohibited.

Article 8. Requirements for waste disposal

1. Any unauthorized disposal of waste, which can be sources of pollution, as well as burning them on the territory of enterprises, institutions, organizations and localities.

2. Wastes that are sources of pollution, to be destroyed, processing, treatment, storage or disposal of in special landfills or in other designated areas of waste disposal or incineration in special installations.

3. Selecting the construction of facilities for waste disposal is determined by local authorities (where appropriate in view of public opinion) in accordance with the requirements of the competent authority on the basis of environmental, geological, hydrological and other studies with a positive conclusion of the state environmental review in accordance with the law Kyrgyz Republic.

4. landfills are included in the state cadastre of waste.

5. disposal of waste disposal sites maintenance monitoring is mandatory.

Monitoring is carried out by the owner of waste disposal facilities in the manner agreed with the competent authority.

6. The owner of the property disposal after use of the object (or site) is obliged to carry out measures to restore disturbed land (plots).

Article 9. Requirements for clearing settlements from waste

1. The territory of the village should be regularly cleared from the waste.

2. The organization of a rational system of waste collection, providing separate collection of valuable components, temporary storage, regular removal and disposal, is determined by local authorities, and shall meet the requirements of sanitary rules, hygienic and environmental standards.

3. Monitoring compliance with established rules and norms of the maintenance of settlements provide local governments and bodies exercising state control in the field of environmental protection and sanitary-epidemiological supervision.

Article 10. Requirements for handling hazardous waste

1. Legal and natural persons whose activities are related to the generation of hazardous waste are required when handling them to ensure protection of the environment and population of their harmful effects.

2. All hazardous waste according to their harmful effects on humans and the environment are divided into classes.

3. Hazard waste is determined by their manufacturers in accordance with the regulations approved by the public authorities for environmental protection, sanitary-epidemiological, Mining and Technical Supervision, within their competence.

4. Placement of hazardous waste is allowed only in specially equipped facilities for these purposes.

5. Legal entities and individuals engaged in the management of hazardous waste are required to keep records of hazardous waste in the manner prescribed by the

state statistics body and the competent authority.

Article 11. Requirements for the transport of hazardous waste

1. Transportation of hazardous waste is allowed only specially equipped vehicles.
2. The procedure for transporting waste to the specific modes of transport (road, rail, water, etc.), The requirements for loading and unloading and other necessary requirements for environmental safety are determined by the relevant regulations.
3. Since the wastes are loaded on the vehicle and the acceptance of their organization or individual engaged in the transportation of waste, and to discharge them in a designated place out of the vehicle legally responsible for the safe handling shall transport organization, which belongs to this vehicle.

Article 12. The transboundary movement of wastes

1. Import of waste into the territory of the Kyrgyz Republic with a view to their placement is prohibited.
2. The procedure for state regulation of transboundary movements of hazardous and other wastes established by the Government of the Kyrgyz Republic.
3. Control over the export (import) of hazardous and other wastes is provided by public authorities of executive power in charge of customs, environmental and sanitary-epidemiological control.

Article 13. Licensing of waste management

The activity of legal entities and individuals associated with waste management, subject to licensing in accordance with the Law of the Kyrgyz Republic "On Licensing".

Section IV.

Control of waste management

Article 14. The state control over waste management

1. State control over waste management is carried out by the competent authority.
2. The state control in the field of waste management include:
monitoring compliance with legal and physical persons of legal requirements for

waste management, including under international agreements and treaties, identifying violations of these requirements and measures to address them; monitor the implementation of environmental, health and environmental regulations for waste management; control over the reliability of the information provided and report on waste; the collection, processing and analysis of information on waste management; Analysis of existing production, identifying opportunities and ways to reduce the volume and severity of waste, control over their full involvement in economic turnover as a raw material; involvement in the prescribed manner the perpetrators to justice, the application of penalties, sue for damages caused to the environment and human health as a result of violation of the legislation on waste; decisions on restriction, suspension, termination of activities in the field of waste management; supervision to ensure free access to information on waste management.

3. Local authorities oversee waste management within the powers established in Article 4 of this Act.

4. Decisions of the bodies exercising state control over the handling of waste, may be appealed in accordance with the legislation of the Kyrgyz Republic.

Article 15. Production control of waste management

Organizations engaged in economic activities related to waste management, organize and implement production control over waste management, which is intended to verify compliance with environmental, health and other requirements for waste management in accordance with the legislation of the Kyrgyz Republic.

Article 16. Public control over waste management

Public control over waste management is carried out by public associations in accordance with their statutes, labor collectives or citizens - in accordance with the legislation of the Kyrgyz Republic, and includes checking compliance with this law by public authorities, local governments, corporations and individuals.

Section V.

Rationing, state accounting and economic regulation for waste management

Article 17. Rationing waste management

1. Legal and natural persons are obliged to be guided by the legislation of the Kyrgyz Republic, regulating waste management.
2. Regulations limit the amount of waste disposal and limit the content of toxic substances in them are set at a level at which the disposal of waste and toxic substances contained in them, will not result in exceeding the maximum permissible concentrations of pollutants in the environment.

Article 18. The state account in the field of hazardous waste management

1. Legal and natural persons involved in the generation of hazardous waste, are their primary quantitative and qualitative accounting.
2. State registration in the field of hazardous waste management is carried out by a single system in the order established by the state statistics, ensuring the completeness and accuracy of the information provided. Legal and natural persons shall constitute accounting and statistical bodies and the competent authority a report on the availability, education and the management of hazardous waste of its own production, as well as waste coming from the outside, in the prescribed manner.
3. The order of the primary account in the field of hazardous waste management is established by the competent authority, and the order of the official statistics - Statistics Agency in coordination with the competent authority.

Article 19. The state cadastre of waste

1. Systematic compilation of data for accounting of waste generated in the state cadastre.
2. The inventory of waste is carried out by the competent authority of a unified methodology based on state classifiers of technical, economic and social information.
3. The procedure for maintaining the inventory of waste and its contents are defined by the competent authority.

Article 20. Economic regulation in the field of waste management

1. Economic regulation in the field of waste management is established on the basis of charging for waste disposal in accordance with their volume, hazard class and

standards of accommodation.

The fee for waste disposal in excess of the limit will be charged with the appropriate change.

2. Funds received from charging a fee for waste disposal, are sent to the system of state environmental funds are used for environmental protection.

3. The mechanism and economic incentives in the area of waste management, the procedure for collecting and determining the size of payments for waste disposal are established by legislation of the Kyrgyz Republic.

Section VI.

Responsibility for violation of legislation on waste

Article 21. Responsibility for violation of legislation on waste

1. violations of the legislation on waste production and consumption are:

failure to comply with this law, international agreements and treaties;

failure to comply with standards, regulations and other environmental quality standards for waste management;

causing harm to the environment and public health, and property of individuals and legal entities for waste management;

failure to comply with the primary account, untimely submission or providing false information on waste management in the relevant organs of state control and supervision;

the absence of a positive conclusion of the state ecological examination of documentation on waste management;

waste disposal in places not intended for this purpose;

failure to comply with the requirements of state bodies of control and supervision;

violation of the order of cross-border transportation of waste;

violation of the requirements on monitoring and remediation of landfills;

violation of the order of clearing settlements from waste;

violation of the order of transporting the waste.

2. Natural and legal persons guilty of violation of the legislation on waste production and consumption shall be liable in accordance with the legislation of the Kyrgyz Republic.

3. Prosecution does not absolve individuals and legal entities from the damages caused to health and / or property of citizens and other legal persons and the environment.
4. Pollution, happened as a result of violation of this law, liquidated person who committed this infraction.

Article 22. Resolution of Disputes

Disputes in the field of waste management shall be settled in accordance with the legislation of the Kyrgyz Republic.

Inter-state disputes are resolved in accordance with international law.

Article 23. International Treaties

If an international agreement or treaty ratified by the Kyrgyz Republic, provided other requirements than those contained in this Act, the rules of the international treaty.

Section VII.

Final provisions

Article 24. Entry into force of this Act

This Act shall come into force from the date of publication.

Government of the Kyrgyz Republic within three months to bring their normative legal acts into conformity with this Act.

President of the Kyrgyz Republic

Akaev

Adopted by the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic of October 18, 2001

