



## ECOLOGY

INDUSTRY AND LEGAL UPDATE

KALIKOVA &  
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### Industry Update

October 14, 2015

#### Discussion of the actions under the Durban Platform of the UNFCCC

A seminar "Raising awareness and capacity to participate in international action on the Durban Platform for the UN Framework Convention on climate change and related issues" took place in Bishkek.

The seminar was organized by the State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic with the support of the World Wildlife Fund (WWF) and the United Nations Environment Programme (UNEP).

The seminar was attended by representatives of the World Wildlife Fund, representatives of ministries and departments, public and international organizations.

During the seminar issues related to the Durban Platform for the UNFCCC were discussed, and a presentations by Mr. Alexey Kokorin - Head of the program "Climate and energy" and Ms. Oksana Lipka - Project Coordinator of "Climate and Energy" on the theme "Building a new agreement for the period after 2020, and decisions on action to 2020" were heard.

In addition, Mr. Shamil Ilyasov, deputy director of the Center for Climate Change of the Kyrgyz Republic provided information on the developed contribution of the Kyrgyz Republic in international

### Legal Update

October 22, 2015

#### The Government intends to adopt the rules for issuing permits for the felling of valuable wood

The State Agency on Environment Protection and Forestry has developed a draft resolution of the Kyrgyz Republic "On approval of rules for issuing permits for the felling of valuable tree species in the Kyrgyz Republic".

The draft complies with the Forest Code of the Kyrgyz Republic, the Laws "On Environmental Protection", "On protection and use of flora" and "On the prohibition of the felling, transportation, purchasing and sales, procurement and use, export and import of precious (walnut and juniper (archa)) tree breeds in the Kyrgyz Republic".

As stated by the State Agency, the tasks of this project are: protection, preservation and regeneration of forests and increase of the productivity of the forests of the republic.

Earlier, the government approved the decree on the provisional rules of issuing permits for the felling of valuable (walnut and juniper (archa)) tree species in the Kyrgyz Republic. But the provisional rules of issuing permits are no longer valid because the validity period has been set up to March 1, 2015.

In the new document, taking into account that

action for a new climate agreement (INDC).

Assumed national defined contribution agreement in 2015 has been developed with the support of UNEP in accordance with its obligations under the United Nations Framework Convention on Climate Change, and its adoption is scheduled for the Conference of the Parties in December this year in Paris. The contribution has been prepared in the context of national priorities, circumstances and opportunities and defines the specific actions of the Kyrgyz Republic for the obligations of the Convention before the adaptation, reducing greenhouse gas emissions and to finance these actions.

Kyrgyzstan's contribution was approved on September 22, 2015 by the decision of the Coordination Committee on Climate Change and on September 29 was sent to the UNFCCC Secretariat and has been already posted on the website of the convention.

As an example of the positive results of measures to adapt to climate change communities for the conservation of biodiversity information of the project "Biodiversity Conservation and adaptation of communities in the Central Tien Shan" was presented. Speaker - Mr. Azat Alamanov project manager.

In conclusion, the speakers were asked questions and discussed possible joint actions to increase the participation of the Kyrgyz Republic in the activities of the UNFCCC and related international initiatives.

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September 10, 2015

### **Oil traders demand to release them from the obligation to pay for environmental pollution**

Oil traders demand to release them from the obligation to pay for environmental pollution. This was announced at a meeting of the Council for Business Development and Investment by executive director of the Oil Traders Association Ulan Kulov.

According to him, it is necessary to revise the procedure for payment and shift it to the car owners. It is noted that the existing procedure for collecting the payment does not meet the legislation. This payment must come directly to the

under Article 58-1 of the Forest Code, particularly valuable tree species are juniper (archa) turkestan, zeravshan juniper (archa), juniper (archa) hemispherical, walnut, pistachio and wild almond, throughout the text, the words "nut and juniper (archa) have been excluded".

The draft has passed public discussion by posting it on the official website of the Government of the Kyrgyz Republic and the State Agency.

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October 9, 2015

### **Resolution of the Government of the Kyrgyz Republic "On approval of the Regulation on the ecological posts of the State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic" dated October 9, 2015 No.702**

The Government of the Kyrgyz Republic approved the Regulation on the ecological posts of the State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic.

The ecological posts of the State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic are created on the Kyrgyz-Kazakh border in accordance with the laws of the Kyrgyz Republic "On Environmental Protection" and "On Air Protection".

The ecological posts ensure control on payment for pollution at the entrance of vehicles of foreign states on the territory of the Kyrgyz Republic through payment terminals of the authorized financial institution.

The ecological posts perform the following tasks:

- Control of payment for environmental pollution at the entrance of vehicles of foreign states on the territory of the Kyrgyz Republic through payment terminals of the authorized financial institution;

national budget rather than to extra budgetary funds.

“This position is supported by both the Ministry of Finance and the Ministry of Economy. The Ministry of Finance is developing a code of non-tax payments, in which this issue will be resolved. Another point: under the law both individuals and legal entities have to make payments for environmental pollution. But in reality it is borne by businesses. We propose to link the payment to the tax on transport” - said Ulan Kulov.

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September 7, 2015

### **Expanded meeting of the Interdepartmental Commission for Cooperation of Kyrgyzstan with the Global Environment Facility (GEF)**

The meeting was chaired by Director of the State Agency for Environmental Protection and Forestry (SAEPF) under the Government Sabir Atadjanov with the support of UNDP program "Environment Protection for Sustainable Development". The meeting was attended by representatives of ministries and agencies of Kyrgyzstan, NGOs and international organizations involved in environmental activities.

The SAEPF's Director welcomed the participants of the meeting, noting that the meeting should serve to raise awareness among all stakeholders of GEF projects, exchange of experience and knowledge, as well as strengthening cooperation between the involved parties.

As noted by Mr. Atadjanov more than 16-year collaboration with the Government of Kyrgyzstan has shown the effectiveness of the GEF grant support from GEF and established a platform for long-term strategic partnership. Today's meeting will provide an opportunity for all who are here to discuss the relevance and viability of the national environmental priorities of the country, and how to effectively use the resources of the GEF-5, the GEF-6 for solving environmental problems in Kyrgyzstan.

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- Stopping the entry of vehicles of foreign states on the territory of the Kyrgyz Republic, which did not pay the fee for environmental pollution.

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October 5, 2015

### **Resolution of the Government of the Kyrgyz Republic “On approval of the Regulation on the use of lands of state natural parks of the Kyrgyz Republic” dated October 5, 2015 No. 677**

In order to regulate the process of land use of state natural parks of the Kyrgyz Republic, the Government approved the Regulation for use of lands of state natural parks of the Kyrgyz Republic.

The said Regulation governs the use of lands of state natural parks of the Kyrgyz Republic. According to the Regulation, state parks are protected natural areas with the status of environmental and scientific institutions for the conservation of biological and landscape diversity, use of environmental, ecological, educational, scientific, tourist and recreational use of the unique natural complexes and objects of the state natural reserve Fund having special ecological, scientific, historical, cultural and recreational value.

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September 16, 2015

### **A method for determining the environmental damage caused to glaciers has been developed in the Kyrgyz Republic**

A method for determining the environmental damage caused to glaciers on the territory of the republic has been developed in the Kyrgyz Republic

The method establishes the procedure for calculating the amount of damage in monetary terms, the economic and non-economic losses caused to the glaciers as a result of violation of the legislation of the Kyrgyz Republic in the field of environmental protection, as well as in emergency situations of natural and manmade

August 18, 2015

## Environmental fees on the Kazakh-Kyrgyz border are not charged

As stated by the Minister of Economy Oleg Pankratov on August 18, environmental fees on the Kazakh-Kyrgyz border are not charged.

“The resolution which regulated the procedure for collecting environmental fees has not been factually cancelled yet. This function has been assigned to the Customs Service, as it carried out control. Accordingly, the fees are no longer carried out,” - he said.

Earlier, the head of the State Customs Service Adamkul Zhunusov reported that it is necessary to support the environment and there is no need to cancel environmental fees for entering vehicles on the territory of Kyrgyzstan.

According to him, this matter cannot be discussed unilaterally.

“In any other country there are environmental fees, when we enter Kazakhstan and Uzbekistan we also pay”, - he said.

On June 9, 2015 the chairman of the trade union of the market “Dordoï” Damira Dolotalieva said that since May 20, 2015, the resolution of the government of the Kyrgyz Republic on collection of environmental fees from vehicles that enter the territory of Kyrgyzstan has been effective, the amount of environmental fee is for taxi drivers 1,000 soms for minibus drivers – 2,500 soms .

Also, according to Dolotalieva business sphere KR has sent a letter to the president, prime minister and speaker of the Parliament to cancel this resolution.

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July 31, 2015

## Round Table of Aarhus Center in Naryn

Round table “Current environmental issues and problems: value of public participation and awareness”, organized by the Aarhus Centre in Bishkek with the support of the OSCE Centre in Bishkek and the participation of the State Agency for Environmental Protection and Forestry under

character.

Method calculates in value terms the extent of damage caused to the glaciers as a result of:

- Littering, pollution by waste production and consumption, mining dumps and chemical substances (including waste water, chemical fertilizers and pesticides, oil and oil products, etc.);
- Unauthorized placement production and consumption waste, waste dumps, burial grounds and other facilities on the surface of glaciers that may have a detrimental effect on the quality of melted glacier water;
- Unlawful seizure and harvesting of glacial ice for the economic and / or other purposes;
- Failure to conduct recultivation and / or restoration of the glaciers damaged in the process of economic activities;
- Accidents and emergencies on the glaciers.

“According to the studies conducted in the 1970s of the twentieth century on the territory of Kyrgyzstan there were 7,628 glaciers, covering an area of 8000 108 square kilometers with a water volume of 494.7 cubic kilometers, or 4 percent of the territory of the entire country. Glacial runoff in the whole country is about 6 per cent of the river flow of the republic, that is, the power of the rivers is mainly due to the accumulation and melting of seasonal snow. With the change (warming) of climate area and volume of glaciers are shrinking. According to studies conducted on some glacier systems in Kyrgyzstan over the past 30 years the whole area of the glaciers has decreased by 14-15 percent. In addition, the activities of economic entities, located near the glacier, also have a significant impact on the reduction of the ice mass. In order to protect the glaciers, as well as compensation for economic losses caused to the glaciers as a result of economic and other activities, it is necessary to establish a mechanism for the calculation of the damage “, - noted at the State Agency of the Environmental Protection and Forestry.

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September 11, 2015

## Resolution of the Government of the Kyrgyz Republic “On establishment

the Government of the Kyrgyz Republic has taken place.

The roundtable was attended by about 60 participants - representatives of the regional administration of Naryn and Naryn City Hall, local governments (aiyl okmotu), territorial administration SAEPF, SIETS, state nature reserves and parks, the media, NGOs, PU, PF and civil society.

The roundtable featured presentations and materials:

- "Summary of the Aarhus Convention", the speaker Yryspek Choibalsan uulu - local coordinator of the OSCE Centre in Bishkek, Naryn region.
- "The work of the Aarhus Centre in Bishkek and objectives of the strategic plan for the development of Aarhus Centres in the Kyrgyz Republic in 2015-2018", the speaker - director of the Aarhus Center in Bishkek Nurbekov A.

During the discussion of reports on the Aarhus Convention and the work of the Aarhus Centre in Bishkek, the participants were asked questions and expressed their views on the topic of public awareness of the Aarhus Convention, according to plans of the Aarhus Centre, the environmental problems in the mining industry, the problem of pollution by garbage park and protected areas, a possible collaboration with NGOs and PUs in the area of environmental conservation.

The second part of the round table featured the hearings on the draft Regulation "On the procedure of use of lands of state parks" taken by the Department of Forest Ecosystems Development and the Department of special natural area of SAEPF for public discussion. A report on this issue was made by the Deputy Director of the Department Yrysaliev B.K. He spoke about the need for adoption of the draft Regulation and the use of the operation of the lands of state parks. During the discussion, comments and proposals for changes to the legislation were expressed.

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## **of the Natural Park "Kan-Achuu" dated September 11, 2015 No. 630**

In order to preserve the unique natural complexes and biodiversity, protect rare and endangered species of flora and fauna, expand the network of protected areas of the Kyrgyz Republic, the Government established the State Natural Park "Kan Achuu" in Toguz-Torou District of Jalal Abad Region of the Kyrgyz Republic, on the area of 30,496.5 hectares.

In addition, pursuant to the said resolution (1) the explication of lands and a description of the boundaries of the State Natural Park "Kan Achuu" were approved; and (2) 3090.2 hectares of land were transferred from the category of "forest lands" and 27,406.3 hectares of land from the category of "reserve lands", the total area of 30,496.5 hectares to the category of "lands of specially protected areas".

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August 3, 2015

## **Order of the Prime Minister of the Kyrgyz Republic dated August 3, 2015 No. 365 "On approving the Regulation on the department of agriculture and ecology of the Government Office of the Kyrgyz Republic"**

The said Regulation defines: general provisions; tasks and functions, the powers of the department, the management and staff of the department of agriculture and ecology of the Government Office of the Kyrgyz Republic (hereinafter - the Department)

Within the framework of the said Regulation the main tasks of the Department are:

1. the information-analytical and expert support of the activities of the Government, Prime Minister, Deputy Prime Ministers, Chief of the Government and his deputies on the development of agriculture, agricultural production, including livestock production, fisheries and crop production, water management, food, alcohol and processing industry, purchasing, marketing and export of agricultural products, improve the quality of agricultural products and processed products, to ensure food

security of the country, state material reserves, environmental protection, biodiversity conservation, forestry, sustainable development and environmental security of the state, functioning of the unified system of state registration of rights to real estate, real estate development, the implementation of the registration of rights to immovable property and the state protection of registered rights to immovable property, topographic, geodesic and cartographic works in the Kyrgyz Republic;

2. coordination of activities of the ministries, state committees, administrative departments and other state executive bodies in the preparation, implementation, monitoring and evaluation of performance of sectorial policies, strategies and action plans on issues related to the competence of the department.

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September 10, 2015

**Resolution of the Government of the Kyrgyz Republic dated September 10, 2015 No. 625 “On approval of the rates of payment for environmental pollution in the Kyrgyz Republic”**

The rates of payment for environmental pollution have been established in the following amounts:

- For emissions into the atmosphere at a rate of 3.24 soms per ton of the reduced pollutants;
- For the discharge of pollutants from wastewater into the environment in the amount of 10.5 soms per ton of the reduced pollutants;
- For waste disposal and waste dumps in the environment at a rate of 3.24 soms per ton of the reduced waste dumps.

Charges for environmental pollution are used in the calculation of payment for environmental pollution.

In addition, pursuant to the said resolution due to changes in the price level on the environmental costs, indexation coefficient shall

apply to the rates of payment for environmental pollution.

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