

ЗАКОН ТУРКМЕНИСТАНА

On nature protection*

(Statements of the Mejlis of Turkmenistan, 2014, No. 1, p. 40)

(With amendments and additions introduced by the laws of Turkmenistan dated 18.08.2015 No. 281-V; 20.03.2017 No. 532-V)

This Law defines the legal, economic and organizational basis for environmental protection and is aimed at ensuring environmental safety, preventing the harmful effects of economic and other activities on ecological systems, conserving biological diversity and rational use of natural resources.

CHAPTER I. GENERAL PROVISIONS

Article 1. Basic definitions used in this law

The following basic definitions are used in this Law:

- 1) **natural objects** – land, soil, mineral resources, water, forests, flora and fauna, ecological systems, atmospheric air, climate and ozone layer of the Earth, providing in aggregate favorable conditions for the existence of life on Earth;
- 2) **environment** – aggregate of natural objects in interaction;
- 3) **biological diversity** – a combination of plant, animal and other bodies that are specific to a certain territory;
- 4) **ecological system** – an objectively existing and established part of the natural environment that has spatial-territorial boundaries and in which its living and non-living elements interact as a single functional whole;
- 5) **natural complex** – a complex of functionally and naturally interconnected natural objects, united by geographic, ecological and other relevant features;
- 6) **natural landscape** – The territory that has not undergone changes as a result of economic and other activities and is characterized by a combination of certain types of terrain, soil, vegetation, formed in same climatic conditions;

* Translation from the official language of Turkmenistan.

7) **nature conservancy** – activities of public authorities and administrative bodies, local governments, public associations, legal entities and individuals, aimed at preserving and restoring the natural environment, rational use and restoration of natural resources, preventing the negative impact of economic and other activities on the environment and the elimination of its consequences;

8) **environmental quality** – the state of the environment, which is characterized by physical, chemical, biological and other indicators and (or) their totality;

9) **favorable environment** – environment, the state of the objects of which provides ecological safety and public health protection, pollution prevention, stable functioning of ecological systems, restoration and rational use of natural resources;

10) **authorized state administrative body in charge of nature conservancy** – the central body of state administration of Turkmenistan, implementing the state policy in nature conservancy and rational nature management;

11) **Natural resources** – components of the natural environment, natural objects that are used or can be used in the implementation of economic and other activities to meet the material, cultural and other needs of society;

12) **nature management** – a set of processes of involving natural resources in public consumption with the aim of creating material benefits and services;

13) **natural resource user** – a legal or natural person exercising the use of natural resources and (or) emissions and discharges of pollutants into the environment;

14) **use of natural resources** – exploitation of natural resources, their involvement in economic circulation, including all types of impact on them in the process of economic and other activities;

15) **environmental pollution** – the release of pollutants, hazardous chemical and biological substances, radioactive materials, waste into the environment, as well as the impact on the environment of noise, vibration, magnetic fields, infrared radiation and other adverse physical impacts;

16) **contaminant** – substance or mixture of substances, the amount and / or concentration of which exceeds fixed standards for chemicals, including radioactive, other substances, and have a negative impact on the environment;

17) **ecological regulation** – a system of rules, norms, containing

quantitative and qualitative indicators of the assessment of the state of the environment and standards for the permissible impact on it;

18) **environmental impact assessment** – a type of activity for the identification, recording and analysis of direct, indirect and other consequences of the environmental impact of the planned economic and other activities with a view to making an appropriate decision on the possibility or impossibility of its implementation;

19) **waste** – not suitable for the production of certain products of the substance (types of raw materials), subject to further utilization or disposal, from which useful properties have been extracted;

20) **production and consumption wastes** – remnants of raw materials, materials, semi-finished products, other products or products that were formed in the process of production or consumption, as well as goods (products) that have lost their consumer properties;

21) **household waste** – waste generated as a result of human life and activities;

22) **hazardous waste** – waste, the existence of which and (or) the handling of which poses a danger to human life, health and the environment;

23) **state environmental monitoring** – complex system of observations of the environment condition, assessment and forecast of changes in its state under the influence of natural and anthropogenic factors;

24) **environment protection control** – a system of measures aimed at preventing, detecting and restraining violations of the legislation of Turkmenistan on environmental protection, ensuring compliance of environmental and economic entities with environmental requirements;

25) **environmental requirements** – binding requirements, restrictions and (or) prohibitions, established by laws and regulations of Turkmenistan on nature protection applicable to economic and other activities;

26) **environmental audit** – an independent assessment of compliance by the entity involved in economic or other activities with the requirements of laws and regulations of Turkmenistan on environmental protection and the preparation of recommendations regarding environmental activities;

27) **environmental safety** – security of environment, life and health of citizens against possible harmful effects of economic and other activities, emergency situations of natural and anthropogenic nature;

28) **emissions** – emissions into the air of pollutants with exhaust

gases, solid and dusty particles and other types of waste harmful to human health and environment that enter the environment as a result of human activities;

29) **discharges** – discharges to surface and underground water bodies, to the terrain of wastewater containing pollutants and other liquid waste that enter the surrounding environment as a result of human activities;

30) **climatic system** – means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interaction.

Article 2. Nature conservancy legislation

1. Nature conservancy legislation is based on the Constitution of Turkmenistan and consists of this Law and other laws and regulations of Turkmenistan regulating relations in nature protection.

2. If other rules than those provided for by this Law are specified in the international treaty of Turkmenistan, the rules of the international treaty are applied.

Article 3. Basic principles of nature conservancy

Nature conservancy is carried out on the basis of the following basic principles:

1) ensuring the right of everyone to a favorable environment, the priority of protecting human life and health, favorable conditions for human life and activities, preserving and restoring the environment;

2) combination of environmental, economic and social interests of society in order to ensure stable development and favourable environment;

3) solving issues of nature protection and rational nature management on a scientific basis;

4) Ensuring environmental safety and restoration of unbalanced ecological systems;

5) ensuring conservation of biological diversity and environmental objects of special ecological, scientific and cultural importance;

6) protection, restoration and rational use of natural resources in order to ensure a favorable environment and ecological safety;

7) payment for the use of natural resources and compensation for damage caused to the environment;

8) separation of functions of nature use and nature protection, independence of control of nature protection;

9) compulsory assessment of environmental impact in making decisions on the implementation of economic and other activities;

10) compulsory state environmental review of projects and other documentation that justify economic and other activities;

11) participation of citizens, public associations and local authorities in the implementation of activities in the field of nature conservation;

12) ensuring publicity in solving environmental problems, the right of citizens to obtain reliable information in the field of nature protection and rational nature management;

13) guaranteeing administrative and judicial procedures for appealing against decisions of state bodies;

14) organization and development of the system of ecological education, ecological awareness training and formation of ecological culture;

15) international cooperation in nature protection.

Article 4. Ownership of natural resources

1. All natural resources located within the territory of Turkmenistan and the Turkmen sector of the Caspian Sea are state property.

The land may be privatized into private ownership on terms and in the manner determined by the legislation of Turkmenistan.

2. Terms, procedure for granting, using and protecting natural resources are determined by the legislation of Turkmenistan.

Article 5. Objects of nature protection

1. land, soil, subsoil, surface and groundwater, forests, flora and fauna, ecological systems, atmospheric air, climate and ozone layer of the Earth are subject to protection from destruction, degradation, depletion, damage, pollution, irrational use and other harmful effects.

2. Objects of nature protection, with special ecological, scientific and cultural significance, as well as natural areas of preferential protection are subject to special protection.

CHAPTER II. STATE ADMINISTRATION OF NATURE CONSERVANCY

Article 6. Competence of the Cabinet of Ministers of Turkmenistan in nature conservancy

The Cabinet of Ministers of Turkmenistan:

1) approves the main directions of the strategy of state policy in nature conservancy and rational nature management, determines measures for its

implementation;

2) approves state programs in nature conservancy and nature management;

3) approves the list of objects of special ecological, scientific and cultural importance, decides on the establishment of state nature reserves, state biosphere reserves, national natural parks and other natural areas of preferential protection within its competence;

4) establishes the licensing procedure in the field of environmental protection and nature management and environmental auditing;

5) coordinates activities of ministries and other central government bodies on international cooperation in nature protection;

6) resolves other issues within its competence, in accordance with this Law and other laws and regulations of Turkmenistan.

Article 7. Competence of the authorized state body in nature conservancy

The authorized body of state administration in nature protection:

1) carries out state management of nature protection in Turkmenistan;

2) develops proposals on the formation of a single state policy in nature conservancy and rational nature management in Turkmenistan and ensures its implementation;

3) prepares and submits to the Cabinet of Ministers of Turkmenistan proposals on environmental protection and rational nature management for inclusion in the projects of forecasts and programs of social and economic development of Turkmenistan;

4) ensures the development and implementation of state programs and other policy documents in nature protection and rational nature management, and also coordinates local programs and action plans for nature protection;

5) develops draft laws and other laws and regulations of Turkmenistan on nature protection and rational use of natural resources;

6) coordinates the activities of government bodies, enterprises, institutions and organizations, regardless of the form of ownership in nature protection and rational nature management;

7) carries out the state control over observance of the legislation of Turkmenistan on nature protection and rational nature management by legal and natural persons;

8) carries out state control over the protection of ecological systems, prevention of pollution of lands, surface and groundwater, the marine

environment of the Turkmen sector of the Caspian Sea and its coastal zone, the use of natural resources;

9) carries out state control over protection and prevention of atmospheric air pollution, depletion of the Earth's ozone layer and reduction of greenhouse gas emissions;

10) carries out state control over the protection, reproduction and rational use of flora and fauna, as well as compliance with the laws and regulations of Turkmenistan on the protection of rare and endangered species of plants and animals listed in the Red Data Book of Turkmenistan;

11) carries out state control over the condition, security and protection of the forest fund, over the use, restoration of forests, afforestation, as well as over the natural areas and objects of preferential protection;

12) establishes the procedure for conducting and organizes the conduct of state monitoring of the state of the environment and natural resources, coordinates these activities;

13) carries out the registration and assessment of natural resources, maintains the state forest cadastre, flora and fauna cadastre, natural areas of preferential protection, and jointly with other relevant government bodies participates in the development of state cadastres of water and land resources, subsoil, air, greenhouse gases and other cadastres in accordance with the legislation of Turkmenistan;

14) participates in due order in the development of state standards in nature protection;

15) develops and approves justified economic payments standards for the use of natural resources, emissions (discharges) of pollutants into the environment and for the disposal of waste within the limits set and beyond established limits, and to calculate the amount of penalties for damage caused to the environment by legal entities and individuals as a result of their economic and other activities or as a result of violation of the legislation of Turkmenistan on nature protection; *(August 18, 2015)*

16) provides scientific research in the field of nature protection and rational nature management;

17) monitors compliance with the requirements of the environmental legislation of Turkmenistan, as well as a methodological guide on conducting an environmental impact assessment;

18) conducts state environmental review of pre-project and project documentation for the construction and reconstruction of industries, economic and residential facilities;

19) participates in state and working commissions on acceptance of new and reconstructed productions, economic and residential facilities;

20) issues, suspends and annuls, in accordance with the established procedure, licenses for types of activities related to the use of natural resources and environmental protection, development of environmental documentation in accordance with the legislation of Turkmenistan on the licensing of certain activities;

21) takes decisions on carrying out of mandatory ecological audit;

22) prepares and submits documents in accordance with the legislation of Turkmenistan for making a decision to suspend, terminate the activities of legal entities or individuals, or re-profile environmentally harmful facilities and industries in cases where they pose a threat to the life and health of population and environment;

23) determines quotas for use of flora and fauna, including species listed in the Red Data Book of Turkmenistan;

24) determines the procedure and issues permits for import and export of flora and fauna, including plant and animal species classified as rare and endangered, in accordance with the legislation of Turkmenistan, as well as species the trade or protection of which is regulated by international treaties to which Turkmenistan is a party;

25) manages the subordinate natural areas of preferential protection, provides implementation of measures for their protection and restoration, and manages scientific research, prepares and submits to the Cabinet of Ministers proposals for the establishment of natural areas of preferential protection;

26) issues single permits for the export and import of ozone-depleting and other substances and (or) products containing ozone-depleting and other substances regulated in accordance with the legislation and international treaties of Turkmenistan;

27) determines the hunting objects and places, establishes terms of the hunting season, determines quotas and issues in accordance with the established procedure permits for the use of hunting animals;

28) considers cases of administrative offenses of nature protection in the order established by the legislation of Turkmenistan;

29) provides organization of propaganda of nature protection, ecological education and training of citizens;

30) participates in international cooperation in nature protection, coordinates activities of ministries and other central government bodies to

fulfill obligations of Turkmenistan under international environmental treaties;

31) resolves other issues within its competence, in accordance with this Law and other laws and regulations of Turkmenistan.

Article 8. Competence of local executive and local government bodies in the field of nature protection

1. Local executive bodies:

1) promote the implementation of state programs on nature protection and rational use of natural resources;

2) take measures for the rational use, protection of lands, subsoil, waters, forests, air, flora and fauna, other natural resources in the relevant territory and exercise control in this area in the manner established by the legislation of Turkmenistan;

3) in consultation with territorial authorities in nature protection, prepare draft decisions on suspension of activities of enterprises, institutions, organizations that pose a threat to public health and environment and lead to violation of the environmental legislation of Turkmenistan;

4) in accordance with the established procedure request reports of heads of local self-government bodies, enterprises and organizations on the state of the environment and nature management in a certain territory;

5) ensure proper sanitation in their territories, timely removal and neutralization of industrial and domestic waste, not allowing their ignition;

6) in consultation with the authorized government body in nature protection and other specially authorized state bodies, in accordance with the requirements of sanitary norms and rules, establish procedure and conditions for the collection, use, neutralization, transportation, storage and disposal of industrial and domestic waste;

7) coordinate according to the established procedure the locations of special polygons for disposal, utilization and burial of industrial and domestic waste; (August 18, 2015)

8) submit proposals to the authorized body of state administration in nature protection on protection of nature objects with special ecological, scientific and cultural significance, and on the organization of natural areas of preferential protection;

9) assist in conducting public environmental expertise;

10) promote activities of public associations in nature protection;

11) take part in the implementation of environmental education of the

population and the promotion of knowledge in nature protection;

12) resolve other issues within their competence, in accordance with this Law and other laws and regulations of Turkmenistan.

2. Local government bodies:

1) organize activities for the protection of nature and rational use of natural resources under their jurisdiction;

2) organize and conduct works on landscaping and gardening in their territories, take measures to care for green areas;

3) ensure timely removal and neutralization of industrial and domestic waste in their jurisdictions, not allowing their ignition;

4) ensure participation of population in issues of local significance on nature protection within the powers established by the legislation of Turkmenistan;

5) resolve other issues within their competence, in accordance with this Law and other laws and regulations of Turkmenistan.

CHAPTER III. RIGHTS AND DUTIES OF CITIZENS AND PUBLIC ASSOCIATIONS IN NATURE PROTECTION

Article 9. Rights and duties of citizens in nature protection

1. Citizens of Turkmenistan, foreign citizens and stateless persons have the right to a favorable environment, to protect it from negative impacts caused by economic and other activities.

2. Citizens have the right:

1) to use in accordance with the established procedure natural resources, to participate in activities for the protection of nature and the improvement of the environment;

2) to create public associations that carry out activities in the field of nature protection;

3) to apply to state bodies and organizations with complaints, applications and proposals on matters relating to the environment, as well as to the judiciaries to ensure protection of violated environmental rights;

4) to receive full and reliable information on the state of the environment in their places of residence;

5) to take part in meetings, rallies and demonstrations, referendums on environmental issues;

6) to put forward proposals on conducting public ecological expertise and participate in its conduct in the order established by the legislation of

Turkmenistan;

7) to demand in administrative or judicial order cancellation of decisions on placement, construction, reconstruction and commissioning of enterprises, structures and other environmentally harmful facilities, as well as on restriction, suspension and termination of economic and other activities of legal entities and individuals that have a negative impact on the environment and human health;

8) to raise questions on bringing to justice of guilty officials, citizens and legal entities, bring suits in court for compensation of damage caused to their health and property as a result of violation of the environmental legislation of Turkmenistan;

9) to exercise other rights stipulated by the legislation of Turkmenistan.

3. Citizens shall:

1) conserve nature, take care of the environment and natural resources;

2) comply with the requirements of environmental legislation of Turkmenistan;

3) perform other duties stipulated by the legislation of Turkmenistan.

Article 10. Rights and duties of public associations in nature protection

1. In carrying out their activities in nature conservation, public associations have the right:

1) to develop and promote their programs in nature protection, to protect the rights and legal interests of citizens in nature protection, to involve them in the implementation of environmental protection activities;

2) to assist state bodies and organizations in resolving issues of nature protection;

3) to take part in conservation activities, rational use of natural resources, in protection of natural objects that have special ecological, scientific and cultural significance, organization and activities of natural areas of preferential protection;

4) to submit proposals on holding referendums on nature protection issues and on discussing projects related to the environment in accordance with the legislation of Turkmenistan;

5) to apply to state bodies and organizations, officials about receiving timely, complete and reliable information about the state of the environment, its protection and health improvement measures;

6) to participate in due order in decision-making on issues related to nature protection and rational use of natural resources;

7) to apply to state bodies and organizations with applications and proposals on issues related to nature protection and receive timely responses;

8) conduct in accordance with the established procedure public hearings on the design, location of economic and other activities that may harm the environment and (or) health of population;

9) take part in the organization and conduct, in accordance with the established procedure, of public environmental expertise;

10) submit to the state bodies and organizations, as well as to the court, applications for the cancellation of decisions on design, placement, construction, reconstruction, on operation of facilities of economic and other activities that may have a negative impact on the environment, on limiting, suspending and terminating the economic and other activities that have a negative impact on the environment;

11) to carry out public control over nature protection, to establish public inspectorates for nature protection, in due course take part in inspections carried out by state environmental management bodies for nature protection on performance by the legal bodies of nature protection plan, measures, to request information about such inspections by authorized bodies;

12) to carry out work on environmental protection and restoration of natural resources at the expense of its own funds and voluntary labor participation of the population;

13) to create public funds for nature protection and to spend their funds for carrying out nature protection measures;

14) to exercise other rights stipulated by the legislation of Turkmenistan.

2. Public associations shall comply with the requirements of the environmental legislation of Turkmenistan when carrying out activities in environmental protection.

CHAPTER IV. ECONOMIC REGULATION IN NATURE PROTECTION

Article 11. Economic measures in nature protection

1. The economic measures in nature protection are:

- 1) planning and financing of nature conservation activities;
 - 2) establishment of limits for the use of natural resources, emissions and discharges of pollutants into the environment and waste disposal;
 - 3) collection of fees for the use of natural resources, for discharges and emissions of pollutants into the environment, waste disposal, other types of harmful effects on the environment;
 - 4) application of penalties for administrative offenses in nature protection;
 - 5) economic assessment and compensation for environmental damage;
 - 6) environmental insurance;
 - 7) economic incentives for nature conservation activities.
2. The legislation of Turkmenistan may establish other economic measures in nature protection.

Article 12. Planning and financing of nature conservation activities

1. Nature protection activities are taken into account in forecasts and programs in nature protection and rational nature management and are included in the state programs of social and economic development of Turkmenistan.

The procedure of program development in nature protection and rational nature management is determined by the legislation of Turkmenistan.

2. Financing of nature protection programs and activities is made at the expense of:

- 1) the State Budget of Turkmenistan;
- 2) funds received in the form of fees for the use of natural resources, emissions and discharges of pollutants into the environment, disposal of waste, other types of harmful impact on the environment;
- 3) funds received as compensation for damage to the environment;
- 4) funds received from compulsory environmental insurance;
- 5) own means of nature users;
- 6) voluntary contributions and donations of legal entities and individuals;
- 7) Other means not prohibited by the legislation of Turkmenistan.

Article 13. Limits on the use of natural resources, emissions and discharges of pollutants into the environment, disposal of production and consumption wastes

1. Limits on the use of natural resources, on emissions and

discharges of pollutants into the environment, the location of production and consumption wastes are a system of environmental restrictions and represent the established volumes of the maximum use (removal) of natural resources, emissions and discharges of pollutants into the environment and disposal of production and consumption wastes.

2. Limits on the use of natural resources, emissions and discharges of pollutants into the environment, placement of production and consumption wastes are established by the laws and regulations of Turkmenistan.

Article 14. Payment for the use of natural resources, emissions and discharges of pollutants into the environment

1. The payment for the use of natural resources is charged:

- 1) for the right to use natural resources within the established limits;
- 2) for overlimit use of natural resources.

2. The payment for pollution of the environment and other types of harmful effects are charged:

1) for emissions, discharges of pollutants, waste disposal and other types of pollution within the established limits;

2) for emissions, discharges of pollutants, waste disposal and other types of pollution in excess of the established limits.

3. The procedure for calculating and applying the fee standards for the use of natural resources is determined by the authorized government agency for nature protection. Payment standards for environmental pollution and use of natural resources are subject to indexation as prices change in Turkmenistan.

4. The payment for the use of natural resources does not exempt the nature users from carrying out measures for nature protection, payment of fines for violating the nature protection legislation of Turkmenistan and compensation for damage caused by environmental pollution.

Article 15. Economic incentive of nature protection and environmental management activities

Measures for the economic incentive of activities for the protection of nature and rational use of natural resources are carried out in accordance with the procedure stipulated by the legislation of Turkmenistan.

Article 16. Environmental insurance

1. Compulsory state environmental insurance of legal entities and

individuals carrying out environmentally hazardous types of economic and other activities are maintained in Turkmenistan.

2. The procedure and conditions for compulsory state environmental insurance are established by the legislation of Turkmenistan.

3. Legal entities and individuals may conclude a contract in the manner of voluntary environmental insurance when carrying out environmental activities not provided for in part one of this article.

CHAPTER V. ENVIRONMENTAL REGULATION

Article 17. Basic requirements for environmental regulation

1. Environmental regulation is carried out in order to establish scientifically valid maximum permissible environmental impact standards that guarantee the preservation of favorable environment and ensure environmental safety.

2. Environmental regulation is the establishment of standards for the maximum permissible impact on the environment in implementation of economic and other activities, standards and other regulations in nature conservation.

3. Environmental standards are mandatory for compliance by all legal bodies and individuals engaged in economic and other activities.

4. Environmental regulation in nature protection is carried out by the authorized body of the state administration for nature protection in accordance with the legislation of Turkmenistan.

Article 18. Norms of maximum permissible impact on the environment

1. In order to protect the health of population, to prevent harmful impact of economic and other activities on the environment, maximum permissible environmental impact standards are established for legal bodies and individuals-nature users.

2. Norms of maximum permissible impact on the environment are established for each source of impact based on the standards of permissible anthropogenic load and taking into account the influence of other sources of environmental impact.

3. For excess of the established standards of maximum permissible impact on the environment, legal entities and individuals - entities of economic and other activities, depending on the damage caused to the

environment, bear responsibility in the manner established by the legislation of Turkmenistan.

Article 19. Norms of maximum permissible emissions and discharges of pollutants into the environment

Norms of maximum permissible emissions and discharges of pollutants into the environment are established taking into account their total receipt from each source of pollution of all economic objects without exception, data on the inventory of emissions and discharges of harmful substances from each source of pollution, the current standards for the maximum permissible concentration of harmful substances in the environment and its background pollution.

Article 20. Norms of maximum permissible levels of noise, vibration, magnetic fields, infrared radiation and other harmful physical effects

1. The standards for the maximum permissible levels of noise, vibration, magnetic fields, infrared radiation and other harmful physical effects are set at a level ensuring the preservation of public health and environmental protection.

2. Norms of maximum permissible levels of noise, vibration, magnetic fields, infrared radiation and other harmful physical effects are developed and approved by specially authorized state bodies of Turkmenistan.

Article 21. Norms of the maximum permissible level of radiation exposure

1. The norms of the maximum permissible level of radiation impact on the environment and food, the maximum permissible level of radiation exposure of the population are set in quantities that do not pose a threat to public health and are environmentally friendly.

2. The norms of the maximum permissible level of radiation exposure are developed and approved by specially authorized state bodies of Turkmenistan.

Article 22. Maximum permissible norms of agrochemicals application in agriculture and forestry

In order to protect health, preserve the genetic fund of humans, protect flora and fauna, the maximum permissible norms for the use of

mineral fertilizers, plant protection products, growth stimulants and other agrochemicals in agriculture and forestry at doses ensuring compliance with the maximum permissible residual quantities of chemicals in food products, soils and waters are established.

Article 23. Norms for permissible removal of environmental components

1. The norms for permissible removal of environmental components are established in accordance with the restrictions on the volume of their removal in order to conserve natural objects, ensure the stable functioning of ecological systems and prevent their degradation.

2. The norms of permissible removal of environmental components and the procedure for their establishment are determined by the legislation of Turkmenistan on subsoil, flora and fauna, land, water, forestry legislation and other legislative acts of Turkmenistan on nature protection and rational nature management. These norms are established in accordance with the requirements of nature protection, protection and restoration of certain types of natural resources established by this Law, other laws and regulations of Turkmenistan on nature protection.

Article 24. State nature protection standards

1. State nature protection standards are established in relation to products, works and services, restrictions on economic and other activities that may threaten environmental safety, life and health of population, restoration and rational use of nature in order to prevent its negative impact on the environment.

2. The requirements, norms and rules on nature protection should be taken into account in state standards for new equipment, technologies, materials, substances and other products, technological processes, storage, transportation, use of such products, including after its transfer to the category of production and consumption wastes.

3. State standards of Turkmenistan and technical conditions in nature protection are developed and approved in accordance with the procedure established by the legislation of Turkmenistan.

Article 25. Environmental Certification

1. Environmental certification is conducted in order to ensure the safety of products and the implementation of economic and other activities in the territory of Turkmenistan for the safety of life and health of the

population and environmental protection.

2. Implementation of economic activities and production of products that are subject to mandatory environmental certification are prohibited without a certificate of conformity.

3. Environmental certification is conducted in accordance with the procedure established by the legislation of Turkmenistan.

CHAPTER VI. ENVIRONMENTAL REVIEW AND ENVIRONMENTAL IMPACT ASSESSMENT

Article 26. Environmental review

1. Environmental review is carried out in order to determine the compliance of the planned economic and other activities with requirements of nature protection and to prevent possible adverse effects of this activity on the environment and the consequences associated with them.

2. The procedure for carrying out the environmental impact assessment is established by the laws and regulations of Turkmenistan.

Article 27. State environmental review

1. The state environmental review is carried out by the authorized state body for nature protection within the competence defined by the legislation of Turkmenistan on environmental impact assessment.

2. The implementation of the project subject to environmental review, without a positive conclusion of the state environmental expertise is prohibited and not subject to financing.

3. The list of projects and facilities subject to mandatory state environmental review, the procedure of its implementation is determined by the laws and regulations of Turkmenistan.

Article 28. Public environmental review

Public environmental review is carried out by independent groups of specialists on the initiative of public associations at the expense of their own funds or on a voluntary basis.

Article 29. Conducting an environmental impact assessment

1. Environmental impact assessment is carried out in relation to the planned economic and other activities that may have a direct or indirect impact on the environment, regardless of the organizational and legal forms of ownership of entities of economic and other activities.

2. Environmental impact assessment is carried out in the development of all alternative options for pre-project, including pre-investment, and project documentation, justifying the planned economic and other activities.

3. The requirements for environmental impact assessment materials are established by the authorized government agency for nature protection.

CHAPTER VII. ENVIRONMENTAL REQUIREMENTS FOR ECONOMIC AND OTHER ACTIVITIES

Article 30. General environmental requirements for the activities of legal entities and individuals engaged in economic and other activities

1. Legal entities and individuals engaged in economic and other activities in the territory of Turkmenistan shall:

1) ensure nature conservation measures by developing and adopting environmental action plans;

2) develop environmental passports that represent a set of data expressed through a system of indicators reflecting the level of use of natural resources and the degree of their impact on the environment.

2. Environmental passports are approved by legal entities or individuals in consultation with the authorized government agency for nature protection.

Article 31. Environmental requirements for the placement, design, construction, reconstruction, commissioning, operation and liquidation of buildings, structures and other facilities

1. Placement, designing, building, reconstruction, commissioning, operation, conservation and liquidation of buildings, structures and other objects that have a direct or indirect negative impact on the environment are carried out in accordance with the requirements of nature protection. In addition, measures should be envisaged to protect the environment, restore the natural environment, rational use and restoration of natural resources, ensure environmental safety.

2. When placing buildings, structures and other objects, the requirements of nature protection, rational nature management, restoration should be met, taking into account the environmental consequences of the activities of these facilities.

3. When designing buildings, structures and other objects, standards

for the permissible anthropogenic load on the environment, measures for preventing and eliminating environmental pollution must be taken into account, as well as ways to locate production and consumption waste, and resource-saving, low-waste, non-waste and other best available technologies for nature protection and its restoration, rational use and reproduction of natural resources should be used.

4. The construction and reconstruction of buildings, structures and other facilities should be carried out according to approved projects coordinated with the state ecological expertise, with observance of requirements of nature protection.

When carrying out construction work, measures are taken to recultivate land, rational use of natural resources and restoration, improvement of territories and environmental protection.

5. Commissioning of buildings, structures and other facilities is carried out subject to the full implementation of environmental measures provided for in the project documentation.

6. Legal entities and individuals carrying out the operation of buildings, structures and other facilities shall:

1) observe the approved technologies and requirements of nature protection, restoration of the natural environment, rational nature management;

2) ensure compliance with environmental quality standards based on the use of technical means and technologies for neutralization and safe disposal of production and consumption wastes, neutralization of emissions and discharges of pollutants, as well as other best available technologies that ensure compliance with environmental protection requirements;

3) carry out measures for the restoration of the natural environment, land reclamation, improvement of territories in accordance with the requirements of laws and regulations of Turkmenistan.

7. The liquidation of buildings, structures and other facilities is carried out in accordance with the environmental legislation of Turkmenistan and upon availability of approved project documentation.

When liquidating buildings, structures, constructions and other objects, measures should be developed and implemented to restore the natural environment, including the restoration of natural environment components, in order to ensure a favorable environment.

Article 32. Environmental requirements for the operation of

industrial facilities, energy, transport and communications, agriculture and water management

The operation of industrial, energy, transport and communication facilities, agriculture and water resources should be carried out based on the established environmental requirements and using environmentally justified technologies, the necessary treatment facilities and the establishment of sanitary protection zones that exclude environmental pollution. When operating these facilities, low-waste and non-waste technologies and production, equipped with effective means for cleaning, neutralization and disposal of harmful wastes, emissions and discharges of pollutants should be introduced, must be used safe fuels, natural resources should be used economically and rationally, environmental safety measures should be taken.

Article 33. Environmental requirements for the construction of cities and other human settlements

1. Designing, building, reconstruction of cities and other settlements should provide the most favorable conditions for life, work and rest of population in view of requirements of ecological safety and preservation of the environment.

2. When planning and building cities and other settlements, sanitation, disposal, utilization, storage, safe disposal, processing and burial of wastes should be provided and carried out. Forest, green and protective zones with a limited regime of nature management should be created around cities and industrial centers.

Article 34. Ecological requirements for use of chemicals

1. Legal entities and individuals are obliged to comply with the environmental requirements when manufacturing, storing, transporting, using, neutralizing and disposing chemical substances, to comply with the established norms for their use, to take measures to prevent and eliminate harmful consequences of their use for environment, as well as in exceeding the fixed norms to immediately inform the relevant authorities in the field of chemical safety.

2. It is prohibited to import chemical wastes and materials for the storage or burial from other states into Turkmenistan.

Violation of environmental requirements when handling chemicals that create threat of environmental pollution entails to prohibition of production, storage, transportation, use, neutralizing and burial of these substances.

Article 35. Protection of nature from harmful influence of noise, vibration, magnetic fields, infrared radiation and other harmful physical impacts

1. Legal entities and individuals are obliged to take necessary effective measures to prevent and eliminate harmful effects of noise, vibration, harmful effects of magnetic fields, infrared radiation and other harmful physical effects on environment in industrial, public and residential premises, in streets, yards, squares of cities and other settlements, in recreation areas of population and wildlife habitats.

2. When planning and building cities and other populated areas, designing, constructing, reconstructing and operating industrial or other facilities, creating and mastering new equipment, operating vehicles and communication facilities, standards for maximum permissible noise, vibration, magnetic fields, infrared radiation and other harmful physical effects should be taken into account.

Article 36. Protection of nature from harmful biological impacts

Legal entities and individuals that have or may have biological effects on environment are obliged to provide environmentally safe production (creation), storage (maintenance), acclimatization and re-acclimatization, transportation, use and burial of biological species of microorganisms, animals, plants and substances, to develop and implement measures to prevent accidents and disasters, prevent and eliminate consequences of harmful biological effects on nature and human health, preservation of natural genetic resources and ecosystems.

Article 37. Ecological requirements when handling wastes

1. Legal entities and individuals are obliged to take necessary effective measures to reduce generation, use, neutralizing, processing, storage and burial of production and consumption wastes.

2. Storage, destruction and burial of wastes are carried out in places determined by decisions of bodies of local executive power and local self-government in coordination with authorized state bodies.

It is forbidden to dump waste and untreated sewage into surface and underground water bodies, to lands of water fund, on the territory of housing estates, forest fund, agricultural lands and other nature sites.

It is forbidden to bury construction waste directly on the site of the object under construction and on adjacent territory.

3. It is prohibited to export and import hazardous wastes.

Sterilization of hazardous waste at special facilities, their burial and storage at landfills are carried out with the permission of the authorized state body in the field of nature protection and other authorized state bodies.

It is prohibited to bury hazardous waste in the vicinity of cities and other settlements, on irrigated lands, in water bodies, including in the water area of the Turkmen sector of the Caspian Sea, and on the grounds of the water fund, in health resorts, health-improving treatment and recreational zones and other places, where there can be a danger to public health and state of environment.

4. The permission for the burial of hazardous wastes is issued by specially authorized state bodies in the order established by the Cabinet of Ministers of Turkmenistan.

5. Failure to comply with the requirements established by this Article shall entail penalties, suspension or termination of activities of legal entities and individuals associated with waste generation, pursuant to decisions of the authorized state bodies within their competence.

6. Ecological requirements for waste management are determined in accordance with this Law and other normative legal acts of Turkmenistan.

Article 38. Ecological requirements in the implementation of economic and other activities in the Turkmen sector of the Caspian Sea

1. Legal entities and individuals engaged in economic and other activities in the Turkmen sector of the Caspian Sea are obliged to take all necessary measures to protect the marine environment of the Caspian Sea and its coastal zone from pollution from marine and terrestrial sources in order to achieve and maintain ecologically clean marine environment of the Caspian Sea. At the same time, mandatory measures should be envisaged for protection of marine environment of the Caspian Sea, its restoration, conservation, reproduction and rational use of its biological resources, and ensuring environmental safety.

2. Violation of the requirements for protection of marine environment of the Caspian Sea from pollution from marine and terrestrial sources entails suspension or termination of economic and other activities in full in accordance with this Law and other normative legal acts of Turkmenistan.

3. The authorized state bodies are obliged to take necessary measures to protect, preserve and restore the viability and integrity of the biological diversity and ecological systems of the Caspian Sea, as well as for the sustainable and rational use of biological resources. To this end, they carry out state monitoring of the environment and biological diversity of the Caspian Sea, control pollution sources and any activities that have or may have harmful effects on the ecological systems and biological diversity of the Caspian Sea.

4. Oil and gas companies in carrying out all types of oil works in the Turkmen sector of the Caspian Sea are responsible for protecting life and health of workers at sea, alerting state authorities of oil spills, taking measures to prevent and eliminate oil spills, timely cleaning and remedial to environmental and population.

The authorized state bodies monitor the activities of legal entities and individuals to fulfil their requirements and measures to prevent oil spills in the Turkmen sector of the Caspian Sea in accordance with the legislation of Turkmenistan.

State bodies take all necessary measures to prevent and eliminate the consequences of the incident caused by the oil spill in the Turkmen sector of the Caspian Sea, in accordance with the normative legal acts of Turkmenistan.

5. In carrying out all types of oil operations performed on the terms of production sharing contracts, environmental requirements are provided in accordance with the normative legal acts of Turkmenistan.

CHAPTER VIII. PROTECTION OF MINERAL, LAND AND WATER RESOURCES

Article 39. Protection of mineral resources

1. Scientifically based rational and careful use of minerals is understood under the protection of mineral resources, the most complete, technically accessible and economically expedient extraction, utilization of waste, elimination of damage caused to natural landscapes.

2. The main measures for the protection of mineral resources are based on resource-saving: prevention of losses during extraction, transportation of minerals, at their enrichment and processing, use of finished products.

The main requirements for the protection of mineral resources are:

- 1) Conducting state ecological expertise;
- 2) State accounting of mineral resources, as well as subsoil plots used for purposes not related to the extraction of minerals;
- 3) Protection of mineral resources from flush, flooding, fires and other factors that reduce the quality of mineral resources and the industrial value of deposits or complicate their development;
- 4) Prevention of pollution of subsoil during work related to the use of mineral resources, especially in the underground storage of oil, gas or

other substances and materials, burial of hazardous substances and production wastes, discharge of sewage;

5) Other measures to ensure the protection of mineral resources, provided for by the regulatory legal acts of Turkmenistan.

3. In case of violation of the requirements of Part 2 of this Article, the right to use mineral resources may be restricted, suspended or terminated by the authorized state bodies in accordance with the legislation of Turkmenistan.

Article 40. Protection of land resources

1. Protection of land resources includes a system of legal, organizational, economic and other measures aimed at protecting land from pollution, for their rational use, preventing unjustified withdrawal of land from agricultural and forestry turnover, as well as restoring and improving soil fertility.

2. The goals and objectives of land protection are:

1) Prevention of land degradation and disturbance, other adverse effects of economic and other activities by stimulating environmentally friendly production technologies and carrying out forest reclamation, land reclamation and other measures;

2) Ensuring the improvement and restoration of lands that have been degraded or disturbed;

3) Introduction of ecological norms of optimum land use in practice.

3. Legal entities and individuals are obliged to carry out activities aimed at:

1) Protection of lands from depletion and desertification, water and wind erosion, mudflows, flooding, waterlogging, secondary salinization, drying, compaction, pollution with production and consumption wastes, chemical, biological, radioactive and other harmful substances from other destruction processes;

2) Protection against contamination of agricultural lands by quarantine pests and plant diseases, from overgrowing with weeds, shrubs and small forests, from other types of deterioration of the state of land;

3) Reclamation of disturbed lands, restoration of their fertility and other useful properties of land and timely involvement of it in economic circulation;

4) Removal, conservation and use of fertile soil layer in work related to damage of land.

4. When installing, designing and commissioning new and reconstructed buildings, structures and other facilities, when introducing new machinery and technologies that adversely affect the state of land, measures should be envisaged and implemented to protect land, compliance with environmental and other special requirements should be ensured in accordance with the legislation of Turkmenistan.

Article 41. Protection of water resources

1. Water bodies shall be protected from:

1) Natural and anthropogenic pollution by harmful dangerous chemical and toxic substances and their compounds, radiation and other pollution;

2) Clogging with solid wastes of industrial, domestic and other origin;

3) Exhaustion.

2. Water objects are subject to protection in order to prevent:

1) Damage of environmental sustainability of natural systems;

2) Causing harm to life and health of population;

3) Reduction of fish resources and other aquatic animals;

4) Deterioration of water supply conditions;

5) Reducing ability of water bodies to natural reproduction and purification;

6) Deterioration of hydrological and hydrogeological operation of water bodies;

7) Other adverse events that negatively affect physical, chemical and biological properties of water bodies.

3. Protection of water resources is carried out by:

1) Putting in general requirements for protection of water bodies to all water users carrying out any use of them;

2) Putting in special requirements to certain types of economic activity;

3) Improvement and application of water protection measures with the introduction of new technology and environmentally, epidemiologically safe technologies;

4) Establishment of water protection zones, protective strips of water objects, zones of sanitary protection of drinking water supply sources;

5) Conducting state and other forms of control over use and protection of water bodies;

6) Application of measures of responsibility for non-compliance with the requirements for protection of water bodies.

4. Legal entities and individuals whose activities affect the condition of water bodies are obliged to comply with the environmental requirements established by the legislation of Turkmenistan and carry out organizational, technological, forest amelioration, agro technical, hydro technical, sanitary and epidemiological and other measures to protect water objects from pollution, contamination and exhaustion.

CHAPTER IX. PROTECTION OF FORESTS, FLORA AND FAUNA, SPECIALLY PROTECTED NATURAL TERRITORIES AND OBJECTS

Article 42. Protection of forests

1. Forests irrespective of their category are subject to protection and regulation of forest use as a habitat for plants and animals, as an important part of the geographical environment, which has water conservation, water regulation, soil protection, climatic, recreational and cultural-aesthetic significance.

2. Legal entities and individuals who are on the territory of the forest fund are obliged to conduct forest management measures aimed at preventing forest fires, observance of fire safety and sanitation rules, protection of forests from illegal cutting, damage and other violations of the forestry legislation of Turkmenistan, protection of forest fund lands as well as other measures that ensure protection of the forest fund, reproduction, rational use of forests and afforestation.

Article 43. Protection of flora

1. Protection of flora is aimed at preserving flora objects, their number, resource potential and productivity, preventing their damage, destruction or other negative impact on them.

2. Protection of flora is carried out on the basis of legal, organizational, economic and other measures aimed at rational use, reproduction, increasing productivity and sustainability of flora.

3. Legal entities and individuals using objects of flora are obliged to protect the environment of growth of wild plants and their communities, rational use of the territory occupied by natural plant communities, suppression of violations of legislation on the rational use and reproduction of flora objects and other measures in accordance with the legislation Turkmenistan.

Article 44. Protection of fauna

1. Protection of fauna is aimed at preserving or restoring biological diversity, ensuring the sustainable existence of the animal world, as well as creating conditions for the rational use and reproduction of objects of fauna that live in conditions of natural freedom.

2. Protection of fauna is carried out on the basis of legal, organizational, economic and other measures aimed at rational use and

reproduction of fauna and ensuring the sustainable existence of the animal world.

3. Legal entities and individuals using wildlife objects must:

- 1) Observe the legislation of Turkmenistan on fauna;
- 2) Use objects of fauna in ways that do not allow damage of the integrity of natural communities and habitats of objects of the animal world and ensure the safety of population and environment;
- 3) Fulfil other requirements for the protection, reproduction and rational use of fauna provided for by the legislation of Turkmenistan.

Article 45. Protected natural territories and objects subject to special protection

1. Territories, natural complexes and individual objects that have special nature protection, scientific, cultural and cognitive, recreational and health-improving, aesthetic significance are subject to special protection with the aim of preserving and restoring the ecological balance, richness and diversity of natural resources and useful properties of the natural environment.
2. State natural reserves, state biosphere reserves, national nature parks, state nature wildlife sanctuaries, state nature monuments, natural areas for recreational purposes, state botanical gardens, state zoological parks belong to specially protected natural territories and objects.
3. Rare and endangered species of animals and plants listed in the Red Data Book of Turkmenistan are subject to special protection.

The Red Data Book of Turkmenistan is maintained by the authorized government agency in the field of nature protection and the Academy of Sciences of Turkmenistan on the basis of systematically updated data on the area of distribution and number of rare and endangered species of animals and plants in Turkmenistan.

The list of animals and plants listed in the Red Book of Turkmenistan, the procedure for their entry and expulsion from it are approved by the Cabinet of Ministers of Turkmenistan.

4. The legislation of Turkmenistan may envisage other categories and types of specially protected natural territories and objects (wetlands of international importance, key ornithological territories, unique natural water bodies or their areas, etc.).

5. Water protection zones and coastal water protection zones of water objects, protected zones of water bodies and other zones are subject to special protection in the procedure determined by the legislation of Turkmenistan.

6. The procedure for the establishment, functioning and protection of specially protected natural territories and objects on specially protected natural areas is determined by the legislation of Turkmenistan.

CHAPTER X. PROTECTION OF ATMOSPHERIC AIR, CLIMATE AND OZONE LAYER OF THE EARTH

Article 46. Protection of atmospheric air

1. Protection of atmospheric air is provided by preventing, reducing and stopping the effect of harmful chemical, biological, radiation, physical and other effects, as well as greenhouse gases to the atmospheric air.

2. Legal entities and individuals whose activities are associated with the emission of pollutants and harmful physical effects on atmospheric air are required to:

1) Fulfil the requirements for protection of atmospheric air provided for by the legislation of Turkmenistan;

2) Ensure effective operation of facilities and equipment to reduce harmful emissions and harmful physical effects to atmospheric air and monitor them;

3) Take into account the amount and composition of pollutants emitted into the atmosphere;

- 4) Control the design and construction of enterprises, structures and other facilities in compliance with the requirements for the protection of atmospheric air;
- 5) Observe the established maximum permissible standards of harmful physical effects to atmospheric air;
- 6) Implement other measures to reduce pollutants emitted into atmosphere.

Article 47. Climate protection and mitigation of climate negative consequences

1. The goal of climate protection and mitigation of its negative consequences is to stabilize the concentration of greenhouse gases in the atmosphere at a level that would prevent dangerous anthropogenic impact on the climate system.
2. Climate protection and measures to protect the climate system from anthropogenic changes, to mitigate its negative effects must take into account socio-economic conditions and be integrated into the Programmes of Social and Economic Development of Turkmenistan.
3. Legal entities and individuals are obliged to take preventive measures to prevent or minimize the causes of climate change and mitigate its negative consequences.
4. Activities in the field of protection of the climate system from anthropogenic change, adaptation to climate change should be provided by all ministries and other central government bodies, other legal entities, as well as individuals and included in relevant plans and programmes for the development of branches, industries and territories.

Activities in the field of protecting the climate system from anthropogenic changes include:

- 1) Development of a cadastre of anthropogenic emissions by sources and absorption by absorbents of all greenhouse gases;

2) Regulation of the production and use of substances that adversely affect the climate, in accordance with international treaties of Turkmenistan;

3) Introduction and application of technologies, methods and processes that contribute to reducing or stopping anthropogenic emissions of greenhouse gases;

4) International cooperation and exchange of experience on climate change issues on the basis of scientific, technological, technical, socio-economic and other research;

5) Other activities in the field of protecting the climate system and mitigating the negative effects of climate change.

5. The authorized state administration body in the field of nature protection jointly with the concerned ministries and other central government bodies shall periodically prepare national reports and programmes on climate change and submit them to the Cabinet of Ministers of Turkmenistan in the procedure established by the legislation of Turkmenistan.

Article 48. Protection of the Earth's Ozone Layer

1. Protection of the Earth's ozone layer from environmentally dangerous changes is ensured through regulation of production and non-use of substances that deplete the ozone layer, in accordance with the legislation and international treaties of Turkmenistan.

2. Protection of the ozone layer of the Earth from environmentally dangerous changes is ensured by organizing the accounting and control of changes in the state of the ozone layer under the influence of economic and other activities, setting standards for maximum permissible emissions of harmful substances affecting the state of the ozone layer of the Earth, reducing and completely stopping production and use substances that destroy the ozone layer, as well as applying measures of responsibility for violation of these requirements.

CHAPTER XI. EMERGENCY ENVIRONMENTAL SITUATIONS AND ZONES OF ENVIRONMENTAL DISASTERS

Article 49. Emergency environmental situation

1. An emergency ecological situation is an unfavourable ecological situation that has arisen on a certain territory, as a result, of anthropogenic impact or natural disasters, characterized by stable negative changes in the environment, dangerous for life and health of the population, conservation of biological diversity.
2. In the event of an emergency ecological situation, certain types of economic activities and nature management may be banned or restricted in certain territories of Turkmenistan.

Article 50. Zones of emergency ecological situation and ecological disaster

1. Areas of territory, water and air space where steady negative changes take place in the environment, threatening health of population, condition of ecological systems as a result of economic and other activities as well as destructive effect of natural phenomena are declared areas of emergency ecological situation
2. Areas of territory, water and air space, where as a result of economic or other activities, or the destructive effect of elemental forces of nature, or an accident or catastrophe that has occurred, stable and irreversible changes in the natural environment took place associated with the destruction of ecological systems are declared areas of ecological disaster.
3. The procedure for the declaration of zones of an emergency ecological situation or an ecological disaster and the establishment of their condition shall be determined by the legislative acts of Turkmenistan.

4. Financing of measures for liquidation of an emergency ecological situation and ecological disaster, improvement of zones of an emergency ecological situation and an ecological disaster shall be carried out:

1) At the expense of the funds of enterprises, institutions and organisations, through the fault of which an accident or disaster occurred;

2) At the expense of the targeted funds of the state budget and other sources.

CHAPTER XII. CONTROL IN THE FIELD OF NATURE PROTECTION

Article 51. Tasks of control in the field of nature protection

1. The objectives of environmental control are to monitor the state of environment and its changes under the influence of economic and other activities, verify the implementation of programmes and specific measures for nature protection, rational use of natural resources, improve environment and comply with the requirements of environmental legislation of Turkmenistan.

2. State, departmental, industrial and public control in the field of nature protection is carried out in Turkmenistan.

Article 52. State control in the field of nature protection

1. State control in the field of nature protection is carried out within the limits of its competence by the authorized state administration body in the field of nature protection, by other specially authorized state bodies in view of preventing, detecting, eliminating violations of the environmental legislation of Turkmenistan and irrational use of natural

resources, as well as bringing offenders to justice in accordance with the legislation of Turkmenistan.

2. Officials of the authorized government body in the field of environmental protection have the right:

1) To visit enterprises, institutions and organizations without hindrance, regardless of the form of ownership and subordination, to request and receive for free the documentation, results of analyzes and other materials necessary for exercising state control in the field of nature protection;

2) To check the implementation of programmes, plans and activities for the protection, reproduction and rational use of natural resources, compliance with environmental legislation of Turkmenistan;

3) To check the availability of licenses for the implementation of activities in the field of nature protection and rational nature management, the conclusions of the state environmental review, compliance with the conditions established in the licenses for the use of natural resources and the implementation of certain activities in the field of environmental protection, the implementation of agreements (contracts) and permits for use of natural resources, cancel them in accordance with the established procedure, give instructions or make proposals for their cancellation;

4) To submit proposals on the conduct of state environmental review, environmental audits and verify the implementation of their conclusions;

5) To issue instructions on prohibiting import (export) to the territory of Turkmenistan, as well as the transit of environmentally hazardous goods, wastes and raw materials carried out with violations of environmental quality standards and environmental requirements;

6) To submit environmental requirements to legal entities and individuals, to issue instructions for the elimination of violations in the field of nature protection;

7) To consider cases on administrative offenses in the field of nature protection in the order established by the legislation of Turkmenistan,

to send materials to the appropriate authorities for bringing guilty persons to administrative or criminal responsibility;

8) To determine the extent of damage caused to the environment as a result of violation of the environmental legislation of Turkmenistan and, on the basis of this, present legal and physical persons with claims for voluntary Compensation for damages or bring suits in court;

9) To submit proposals to the relevant organizations to suspend the construction of economic and other activities carried out in violation of environmental requirements or having no agreement on state environmental review;

10) To check compliance with the norms and rules of industrial environmental control and monitoring;

11) To apply to law enforcement agencies for rendering assistance and receive it for prevention or suppression of acts of violators of the environmental legislation of Turkmenistan;

12) To enjoy other rights granted to them in accordance with the legislation of Turkmenistan.

3. Decisions of officials of the authorized government agency in the field of nature protection are mandatory for execution by all legal entities and individuals and may be appealed in accordance with the procedure established by the legislation of Turkmenistan.

Article 53. Departmental control in the field of nature protection

1. The task of departmental control in the field of nature protection is to check the implementation of departmental plans and measures for the protection of nature and rational use, restoration and reproduction of natural resources, environmental improvement, compliance with the standards for the consumption of natural resources, the degree of environmental impact, the requirements of environmental legislation of Turkmenistan.

2. Departmental control in the field of nature protection is carried out by the relevant services of ministries and other central government bodies of Turkmenistan.

3. The procedure of organization and activity of departmental services is regulated by the provisions approved by the ministries and other central government bodies of Turkmenistan in agreement with the authorized state body in the field of nature protection.

Article 54. Production control in the field of nature protection

1. Production control in the field of nature protection is carried out in order to ensure compliance with the environmental protection legislation of Turkmenistan in the process of economic and other activities for the implementation of measures in the field of nature protection.

2. Production control in the field of nature protection is carried out by the relevant services of enterprises, institutions and organizations.

Article 55. Public control in the field of nature protection

1. Public control in the field of nature protection is carried out in order to ensure the right of everyone to favourable environment and to prevent violation of the environmental legislation of Turkmenistan.

2. Public control in the field of nature protection is carried out by public associations and citizens in accordance with the normative legal acts of Turkmenistan.

3. The results of public control in the field of nature protection submitted to state bodies are subject to compulsory review in accordance with the procedure established by the legislation of Turkmenistan.

Article 56. State monitoring of environment

1. State monitoring of environment is carried out on an ongoing basis in order to monitor the state of environment, including in the areas of active anthropogenic impact, as well as to ensure the needs of the state, legal entities and individuals in reliable information on the state of natural environment necessary for prevention and (or) reduction of adverse consequences of changes in the state of environment.
2. The structure, content and procedure for implementation of state environmental monitoring shall be established by the authorized government agency in the field of nature protection.

CHAPTER XIII. ECOLOGICAL EDUCATION AND EDUCATION, RESEARCH IN THE FIELD OF NATURE PROTECTION

Article 57. Education and upbringing in the field of nature protection

1. In order to improve the ecological culture of the society and professional training of specialists, comprehensive, continuous and accessible education and upbringing in the field of nature protection shall be provided covering pre-school, general secondary education and training, professional training of specialists in primary vocational, secondary vocational and higher vocational schools and increase of their skills.
2. Teaching of the basics of ecology and nature protection courses shall be provided for the vocational education institutions of various types, regardless of their profile.
3. The heads of ministries and other central government bodies, enterprises, institutions and organizations, other officials and specialists associated with the activities that produce harmful impact on environment, should know the basics of the environmental legislation of Turkmenistan and the requirements for ensuring environmental safety.

4. The bodies of education, nature protection, other state bodies and public associations, mass media shall disseminate knowledge of nature protection and rational use of nature, conduct ecological education.

Article 58. Research in the field of nature protection

1. Research in the field of nature protection shall be conducted in order to create scientific basis for environmental protection, develop scientifically grounded measures for improving and restoring nature environment, ensuring sustainability of ecological systems and environmental safety.

2. The objectives of scientific research are:

1) Assessment of consequences of harmful impact of economic and other activities on the environment;

2) Development of concepts, scientific forecasts and plans for conservation and restoration of environment;

3) Improvement of the environmental legislation of Turkmenistan, development of norms, standards and other normative documents in the field of nature protection;

4) Development and introduction of the best technologies in the field of nature protection and rational nature management;

5) Development of measures for conservation and development of natural and recreational potential;

6) Implementation of international cooperation for the purpose of exchange of experience in the field of nature protection and rational nature management;

7) Implementation of other areas of science in the field of nature protection.

CHAPTER XIV. DISPUTE RESOLUTION IN THE FIELD OF NATURE PROTECTION. DAMAGES COMPENSATION AND RESPONSIBILITY FOR VIOLATION OF THE ENVIRONMENTAL LEGISLATION OF TURKMENISTAN

(August 18, 2015)

Article 59. Resolution of disputes in the field of nature protection

Disputes in the field of nature protection are resolved in the judicial order established by the legislation of Turkmenistan.

Article 60. Responsibility for violation of the environmental legislation of Turkmenistan

Legal entities and individuals guilty of violating the environmental legislation of Turkmenistan on nature protection are responsible in accordance with the normative legal acts of Turkmenistan.

Article 61. Obligation to compensate for damage caused to environment

1. Legal entities and individuals who caused damage to environment as a result of its pollution, destruction of flora and fauna, depletion, spoilage, irrational use of natural resources, degradation and destruction of ecological systems, natural complexes and natural landscapes as a result of their economic and other activities or as a result of violation of the environmental legislation of Turkmenistan, are obliged to compensate for damage caused in full in accordance with the legislation of Turkmenistan.

2. Compensation for damage caused to environment by legal entities and individuals as a result of their economic or other activities or as a result of violation of the environmental legislation of Turkmenistan shall be carried out voluntarily or by a court decision.

3. Compensation for damage caused to environment by legal entities and individuals as a result of their economic and other activities or as a result of violation of the environmental legislation of

Turkmenistan shall be carried out in accordance with the established procedures in accordance with the approved fees, standards for payment for environmental pollution and methods for calculating the amount of damage, and in their absence, compensation for damage shall be made at the actual costs of restoring damaged state of environment, taking into account incurred losses, including lost profits. *(August 18, 2015)*

4. The obligation to compensate for damage caused to plant and animal life specified in Subsection (1) of this Section shall not be imposed on legal entities and individuals engaged in economic and other activities related to construction, reconstruction and liquidation of buildings, structures and other facilities in accordance with the acts of the President of Turkmenistan and the decisions of the Cabinet of Ministers of Turkmenistan. *(20 March 2017)*

Article 62. Compensation for damage caused to health and property of citizens as a result of violation of the environmental legislation of Turkmenistan

1. Damage caused to health and property of citizens by negative impact of the environment as a result of economic and other activities of legal entities and individuals is subject to compensation in full.
2. Determination of the scope and amount of compensation for damage caused to health and property of citizens as a result of violation of the environmental legislation of Turkmenistan shall be carried out in accordance with the legislation of Turkmenistan.

Article 63. Suspension, termination and re-profiling activities producing harmful effect on environment

1. The activities of legal entities or individuals, environmentally harmful facilities and industries may be suspended, and in case of impossibility of eliminating the causes of harmful effects – terminated or re-profiled in the cases as follows:

- 1) Harmful effect on health and living conditions of population and environment;
 - 2) Threats of occurrence of accidents or incidents harmful to environment;
 - 3) Violation of environmental requirements in placement, design, construction, reconstruction, commissioning and operation of enterprises, organizations, structures and other sites;
 - 4) Violation of environmental requirements when handling chemical, radioactive and biological substances;
 - 5) Violation of environmental requirements for nature protection from pollution with production and consumption wastes.
2. Decisions on suspension, termination and re-profiling of the activities of environmentally harmful facilities and industries shall be taken in accordance with the legislation of Turkmenistan.

Article 64. Claims for termination of environmentally harmful activities of facilities and industries

Legal entities and individuals have a right to apply to the appropriate state agencies for the termination of environmentally harmful activities of facilities and industries that cause damage to environment, public health, property of legal entities and individuals.

Decision to terminate the activities of environmentally harmful facilities and industries is made in accordance with the legislation of Turkmenistan and is the basis for termination of financing of this activity.

CHAPTER XV. FINAL PROVISIONS

Article 65. International cooperation in the field of nature protection

1. Turkmenistan implements international cooperation in the field of nature protection in accordance with universally recognized principles and norms of international law and international treaties of Turkmenistan in the field of nature protection.

2. Turkmenistan participates in international cooperation in the field of nature protection by concluding international treaties and agreements on nature protection and rational use of natural resources, participation in activities of international environmental organizations and foundations.

Article 66. Effectiveness of this Law

1. This Law shall be effective from the date of its official publication.

2. To recognize as invalid:

1) The Law of Turkmenistan of 12 November 1991 “On Nature Protection” (Gazette (Vedomosti) of the Supreme Council of Turkmenistan, 1991, No. 16, Article 174);

2) Part II of the Law of Turkmenistan of April 18, 2009 "On Amendments, Additions and Recognition as invalid of Certain Legislative Acts of Turkmenistan" (Gazette (Vedomosti) of Mejlis of Turkmenistan, 2009, No. 2, Article 33).

**President
of Turkmenistan**

**Gurbanguly
Berdimuhamedov**

c. Ashgabat

March 1, 2014

No. 40-V.

LAW OF TURKMENISTAN

On Amending the Law of Turkmenistan "On Nature Protection" *¹

(Official Gazette (Vedomosti) of the Mejlis of Turkmenistan, 2015, No. 3, Article 115)

I. To introduce the following amendments to the Law of Turkmenistan "On Nature Protection", adopted on March 1, 2014 (Gazette (Vedomosti) of Mejlis of Turkmenistan, 2014, No. 1, Article 40):

1. Paragraph 15 of Article 7 shall be stated as follows:

"15) Develops and approves sound economic standards for payments for the use of natural resources, emissions (discharges) of pollutants into the environment and for placing of waste within the limits set and above the established limits, as well as for calculation of the amount of penalties for damage caused to the environment by legal entities and by individuals as a result of their economic and other activities or as a result of violation of the legislation of Turkmenistan in the field of nature protection; "

2. Paragraph 7 of Part 1 of Article 8 shall be stated as follows:

"7) Agree in accordance with the established procedure the locations of special sites for placing, utilization and burial of industrial and domestic waste;"

3. The title of Chapter XIV shall be stated as follows:

"CHAPTER XIV. DISPUTE RESOLUTION IN THE FIELD OF NATURE PROTECTION. COMPENSATION FOR DAMAGE AND RESPONSIBILITY FOR VIOLATION OF THE ENVIRONMENTAL LEGISLATION OF TURKMENISTAN "

¹ * Translation from the official language of Turkmenistan

4. Article 61 shall be stated as follows:

"Article 61. Obligation to compensate for damage, caused to environment"

1. Legal entities and individuals that caused damage to environment as a result of its pollution, destruction of plant and animal life, depletion, spoilage, irrational use of natural resources, degradation and destruction of ecological systems, natural complexes and natural landscapes as a result of implementation of their economic and other activities or as a result of violation of the environmental legislation of Turkmenistan are obliged to compensate for the damage in full in accordance with the legislation of Turkmenistan.

2. Compensation for damage caused to environment by legal entities and individuals as a result of their economic or other activities or as a result of violation of the environmental legislation of Turkmenistan shall be carried out voluntarily or by a court decision.

3. Compensation for damage caused to environment by legal entities and individuals as a result of their economic and other activities or as a result of violation of the environmental legislation of Turkmenistan shall be carried out in accordance with the established procedures in accordance with the approved fees, standards for payment for environmental pollution and methods for calculating the amount of damage, and in case of their absence, compensation for damage is made at the actual costs of restoring the damaged state of environment, taking into account incurred losses, including lost profits. "

II. This Law shall be effective from the day of its official publication.

**President
of Turkmenistan**

**Gurbanguly
Berdimuhamedov**

c. Ashgabat
August 18, 2015
No. 281-V.

LAW OF TURKMENISTAN
On Making Addition to the Law
of Turkmenistan "On Nature Protection" *

(Gazette (Vedomosti) of Mejlis of Turkmenistan, 2017, No. 1, Article
38)

I. Article 61 of the Law of Turkmenistan "On Nature Protection", adopted on March 1, 2014 (Official Gazette of Mejlis of Turkmenistan, 2014, No. 1, Article 40, 2015, No. 3, Article 115) shall be supplemented with the following part:

"4. The duty to compensate for damage caused to plant and animal life specified in Part 1 of this Article is not incumbent on legal entities and individuals engaged in economic and other activities related to construction, reconstruction and liquidation of buildings, structures and other facilities in accordance with the Acts of the President of Turkmenistan and Decisions of the Cabinet of Ministers of Turkmenistan. "

II. This Law shall be effective from the day of its official publication.

President
of Turkmenistan

Gurbanguly
Berdimuhamedov

c. Ashgabat
March 20, 2017
No. 532-V.