

**LAW
OF THE REPUBLIC OF TAJIKISTAN**

WATER CODE

DUSHANBE

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WATER CODE

SECTION 1

GENERAL PROVISIONS
CHAPTER 1
PRINCIPLE PROVISIONS

**Article 1. PURPOSE OF THE WATER CODE OF THE
 REPUBLIC OF TAJIKISTAN**

The Purpose of the Water Code of the Republic of Tajikistan is aimed at regulating water relations in order to ensure rational use of water for the needs of the population, branches of economy and the natural environment, protection of water from pollution, damage and exhaustion, preventing and liquidating adverse impact of water, improvement of condition and protection of water bodies, strengthening of lawfulness and protecting the rights of individuals and legal entities in the field of water relations.

Article 2. CONCEPTS AND SPECIAL TERMINOLOGY

Water – all water in water bodies

Surface water - water which is permanent and temporary, available on the surface water bodies.

Underground water – water, including mineral , which is available in underground water bodies.

Water resources – the reserve of surface and underground water in water bodies which is being used or can be used.

Water bodies - concentration of water on the surface of dry land in the shapes of its relief or in the entrails which have boundaries, volume and shapes of water regime.

Water regime – changes of levels, consumptions and volumes of water in water bodies.

Surface water basin – surface water bodies, concentrating water with slow water rotation in natural or artificial cavities.

Isolated water bodies – small artificial basins which do not have hydraulic connection with other surface water bodies.

Water catchment area – territory, flow which form water bodies.

Drainage water – water, collected by drainage water structures and discharged in water bodies.

Sewage water – water discharged in water bodies after its use or coming from polluted territories.

Use of water bodies – getting benefits from water bodies to meet material and other requirements of citizens and legal entities.

Protection of water bodies – activity directed to the maintenance and rehabilitation of water bodies.

Pollution of water bodies – discharge or coming by other means in water bodies and formation of detrimental substances, which worsen the quality of surface and underground water, restrict the use or have negative impact on the state of bottom and banks of water bodies.

Damaging of water bodies – discharge or coming by other means in water bodies of things or weighed particles worsening the conditions and hampering the use of water bodies.

Exhaustion of water – stable decreasing of reserves and deterioration of surface and underground water quality.

Adverse impact of water – flooding, underflooding and other adverse impact of surface and underground water at certain areas and projects.

Water user – physical and legal entities getting water for their requirements.

Water supply activity – the activity of citizens and legal entities related to use, rehabilitation and protection of water bodies.

License for water use – special permission for use of water bodies or their parts on certain conditions.

Drinking water – water, the quality of which in natural state or after processing (cleaning, disinfection, adding of deficit components) conforms to the norm requirements, and designed for drinking and social needs of people or for production of food products.

Norm quality of drinking quality (norm requirements) – the set of conditions established by scientific – research methods and regulated by sanitation rules, admissible index of chemical and microbiological compositions of water property which guarantees its safety and innocuous for health of people.

Water supply – activity, directed to ensure the requirements in drinking water of physical and legal entities.

Common water use – water use without application of structures or engineering means.

Special water use – use of water by way of application structures and engineering means.

Primary water users – physical and legal entities, which are given water bodies for individual use.

Secondary water users – physical and legal entities, which are allowed to use water bodies under permission of primary water users on a contract basis and on agreement with the special authorized state body regulating the use and protection of water.

Catchement – collecting and directing of water into a special course in order to use it fully and protecting it from pollution.

Monitoring – observing, evaluation and forecasting of the water state.

Article 3. WATER LEGISLATION

Water legislation of RT is based on the Constitution of RT and consists of the present Code, laws, norm – right acts of RT and international – right acts, recognized by RT.

Article 4. STATE WATER FUND

The State Water Fund of the Republic of Tajikistan includes combination of all water bodies with concentrated water resources, lands with the water protected zones and belts.

Rivers, lakes, glaciers, snow formations and other surface sources, as well as zones with concentrated underground water including medical and thermal water located on the territory of the Republic of Tajikistan belong to water bodies of the Republic of Tajikistan.

Water resources of the Republic of Tajikistan are the combination of all types of underground and surface water.

Article 5. STATE OWNERSHIP ON WATER

Under the Constitution of the Republic of Tajikistan **water is the exclusive property of the state**, and the state guarantees its effective use and protection in the interests of the nation.

Actions of individuals and legal entities, which directly or indirectly violate the state property rights on water and are in conflict with the interests of the Republic of Tajikistan, are prohibited and such actions bear responsibility in accordance with the legislation of the Republic of Tajikistan.

Article 6. THE COMPETENCE OF THE GOVERNMENT OF RT IN THE FIELD OF REGULATION OF WATER RELATIONS

Among the duties and powers of the Government of RT in the field of regulation of water relations are the following:

Realization of the integrated state policy in the field of complex use and protection of water resources, ensuring of drinking water in the interests of RT;

coordination of activities of the ministries, departments and associations regardless of the form of property, bodies of local authority as well as individuals and legal entities, related to both the use and protection of water;

working out, adoption and realization of state programs for the purpose of effective use, protection of water resources and development of drinking water supply system;

regulation of service cost related to the conditions and types of water supply;

realization of integrated state investing policy;

settlement of issues related to the payment of water use, realization of policy of price formation, fixing of tariffs and privileges;

development and regulation of interstate relations in the field of use and protection of water;

management of restructuring and property of the water complex;

establishment and use of the water fund, adoption of regulations and limits on use of water;

conducting scientific-research works on development, use and protection of water resources, providing government accounting and control on rational use of water resources, monitoring of water quality and water body pollution;

drafting of measures on prevention and liquidation of serious accidents, natural disasters and ecological crisis related to adverse influence of water;

drafting and realization of bank strengthening programs;

establishment of a special regime of water use in emergency zones;

setting of costs and payment procedure for water use rights, reproduction and protection of water resources, transportation and discharging of waste water to water intake, pollution and exhaustion of water bodies;

establishment of procedures to change form of ownership on water supply projects;

informing the population on the condition of water, water bodies and

water facilities;
 setting of system of official registration and delivery of license for water use;
 implementation of other measures related to use of water resources;
 settlement of other questions , provided in the law.

Article 7. COMPETENCE OF LOCAL EXECUTIVE AUTHORITIES IN THE FIELD OF REGULATION OF WATER RELATIONS

Among the duties and powers of the bodies of the local executive authorities in the field of water relations are the following:

determination of main directions of use and protection of water in their territories;

providing law and order in the field of regulation, use and protection of water resources;

accounting and evaluation of the water condition and water bodies, control over use and protection of water, observing the established limits on water consumption

actions on preservation and improvement of water body conditions, prevention and liquidation of adverse influences, as well as pollution of water, rehabilitation of objects, damaged as a result of accidents, floods, mountain torrents and other natural disasters;

providing drinking water, protection and development of centralized, decentralized systems of water drinking distribution for consumers within its competence , determined by the law of RT;

coordination of allocation and putting into operation of enterprises, buildings and fulfillment of works on water bodies and coastal water protection zones;

regulation of other issues envisaged by the law.

Article 8. STATE REGULATION AND SUPPORT IN THE FIELD OF WATER RELATIONS

Among the duties and powers of State regulation in the field of water relations are the following:

establishment of system on use of water resources, their protection from

pollution and exhaustion, prevention and liquidation of adverse water impact;

approval of schemes for the combination of use and water protection, water supply balances, implementation of state control over use and protection, of water resources, monitoring of water quality and water body pollution;

planning of actions to use and protect water, prevent and liquidate their adverse impact;

state support in the field of providing drinking water includes adoption and realization of republican and local programs for owners of the centralized systems, for organizations which use these systems as well as organizations which produce equipment, machines, materials and reagents in order to meet the needs in drinking water, subsidies, favourable credits, budgetary and custom privileges.

Article 9. STATE MANAGEMENT IN THE FIELD OF USE AND PROTECTION OF WATER

The State Government in the field of use and protection of water is based on the combination of reservoir and administrative-territorial principles and is implemented by the Government of RT, local executive authorities, as well as specially authorized agencies for the regulation of use and protection of water, according to the legislation.

Article 10. CONCESSION OF A RIGHT OF MANAGEMENT OF WATER SUPPLY PROJECTS OF STATE PROPERTY TO SPECIALIZED LEGAL PERSONS

The Government of RT, on a tender basis in keeping with its original function, may assign a right of management of water supply projects of state property within a defined (limited) territory, to specialized local and foreign legal persons on a contract basis taking into account the requirements of the given water legislation in RT.

Article 11. GOVERNMENT CONTROL OVER THE USE AND PROTECTION OF WATER

Government control over the use and protection of water resources includes providing of observance of water legislation requirements by individuals

and legal entities with the purpose to effectively use and protect water.

Article 12. THE ENTITY CONDUCTING STATE CONTROL OVER THE USE AND PROTECTION OF WATER RESOURCES

State control over the use and protection of water is implemented by a specially authorized state body on regulation of use and protection of water. The given body and its authorization are determined by the Government of RT.

Article 13. PARTICIPATION OF LEGAL ENTITIES AND INDIVIDUALS IN THE IMPLEMENTATION OF MEASURES ON RATIONAL USE AND PROTECTION OF WATER

Individuals and legal entities functioning in the territory of RT, regardless of the form of property, can be allowed to participate in arrangements for the rational use and protection of water.

CHAPTER TWO

ALLOCATION, DESIGNING, CONSTRUCTION AND IMPLEMENTATION OF ENTERPRISES, FACILITIES AND OTHER PROJECTS THAT INFLUENCE THE QUALITY OF WATER

Article 14. THE CONDITIONS OF ALLOCATION, DESIGNING, CONSTRUCTION AND IMPLEMENTATION OF ENTERPRISES, FACILITIES AND OTHER PROJECTS THAT INFLUENCE THE QUALITY OF WATER

Allocation, designing, construction and implementation of new and reconstructed enterprises, facilities and other projects, as well as introduction of new technology processes, which influence the condition of water, should

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provide rational use of water with observance of ecological safety and health protection requirements, in order to meet immediately the needs of the population for drinking water and every day necessities.

For this purpose measures will be taken to ensure the implementation of the following questions:

- accounting of water taken from and returned to the water bodies;
- protection of water from pollution, littering and exhaustion;
- prevention of adverse influence;
- limiting of floods to the possible minimal level;
- protection of land from flood, salting and drying up;
- creation of water protection zones and preservation of favorable nature conditions of landscapes.

While designing and constructing enterprises, buildings and other projects that influence the condition of waters, depending on natural and economic conditions, timely measures should be taken to ensure protection of fish, other water animals and plants, and conditions for their reproduction, and also possibilities to use water bodies for recreation and sports should be taken into account.

Exploitation mode of new or reconstructed buildings for obtaining underground water shall exclude their contamination and exhaustion while designing and constructing.

Article 15. IDENTIFICATION OF PLACES FOR CONSTRUCTION OF ENTERPRISES, FACILITIES AND OTHER PROJECTS THAT INFLUENCE THE CONDITION OF WATER

Identification of places for construction of enterprises, facilities and other projects influencing the condition of water should be coordinated with the specially authorized state bodies on regulation of use and protection of water, local executive authorities, bodies, which are responsible for sanitation, and other agencies according to the legislation.

Article 16. COORDINATION OF PROJECTS ON CONSTRUCTION OF ENTERPRISES, FACILITIES AND OTHER PROJECTS INFLUENCING THE CONDITION OF WATER

Designs for construction of enterprises, facilities and other projects indicated in the Article 17 of the Code should be coordinated with the specially au-

thorized state agencies on regulation of use and protection of water, and other agencies in cases and order , envisaged by the legislation of the Republic of Tajikistan.

Construction of enterprises, facilities and other projects influencing the condition of water will be allowed only if a positive conclusion of state ecological expertise is available.

Article 17. CONDITIONS ON PROHIBITION OF IMPLEMENTING ENTERPRISES, FACILITIES AND OTHER PROJECTS INFLUENCING THE CONDITION OF WATER

Implementation of the following projects will be prohibited:

- water user bodies, which don't have permission for special use of water or the decision of the state ecological expertise;
- new and reconstructed enterprises, work shops, units (aggregates), municipal and other projects, which are not equipped with devices preventing contamination of water or their adverse influence;
- irrigation systems, reservoirs and canals before conducting measures shown in the designs that prevent floods, swamping, salting and water erosion of soil;
- drainage systems before readiness of intakes and other constructions according to the approved designs;
- hydrotechnical constructions of canals before readiness of devices for passing of flood water and fish according to the approved designs;
- water supply facilities in the designs, which do not provide compensation of losses that were brought to fish stocks, other water animals and plants;
- water bore-holes that are not equipped with water regulating devices and establishment of sanitary protection zones in appropriate cases.

It shall be prohibited to fill water reservoirs before implementation of measures envisaged by designs on preparation of boxes (lodges).

Article 18. DESIGNING OF CONSTRUCTION OF BRIDGES, CROSSINGS AND OTHER TRANSPORT COMMUNICATIONS THROUGH WATER PROJECTS

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Designs of construction of bridges, crossings and other transport communications through water bodies should envisage conditions which ensure passing of flood waters, observance of the operation regime of water bodies, protection of fish and other water animals, prevention of contamination, littering and exhaustion of water and other adverse influences.

CHAPTER 3

WORKS ON WATER BODIES AND IN WATER PROTECTION ZONES

Article 19. WORK PROCEDURES ON WATER BODIES AND IN COASTAL WATER PROTECTION ZONES

Construction, bottom deepening and explosive works, extraction of non-metallic materials, laying of cables, pipes and other communication lines, wood felling, collection of water plants, drilling, agricultural and other works at water bodies or in coastal water protection zones of reservoirs, influencing the condition of water should be conducted upon coordination with the special authorized state agencies on regulation of use and protection of water, local executive agencies and other agencies according to the legislation of the Republic of Tajikistan.

Article 20. WATER PROTECTION ZONES OF WATER PROJECTS

The territory adjacent to river-beds, different canals, reservoirs, other water bodies, for which a special water use regime is established with the purpose to protect these projects from contamination, silting by erosion products , littering and other negative occurrences, as well as for creation of favorable water regime will be called water protection zone.

The following will be considered as water protection zones:

- sanitary protection zones for surface and region of spreading under-

ground water;

- coastal zones of reservoirs and natural lakes;
- zones conducting canals of different purpose.

Article 21. ESTABLISHMENT OF COASTAL WATER PROTECTION AND SANITARY ZONES

Coastal water protection and sanitary zones of water bodies will be established in nature according to the designs by special authorized state agencies on regulation of use and protection of water and other authorized state agencies. Designs of coastal water protection zones should be approved by the Government of the Republic of Tajikistan or, at its instruction, by a special authorized state agency on regulation of use and protection of water resources.

Water protection and sanitary zones of water bodies, which are within the competence of local hukumats, will be established in nature on the same order at the appropriate level, and designs will be approved by local executive authorities or at their instruction by special authorized state body on regulation of use and protection of water resources.

Article 22. MAINTENANCE OF WATER PROTECTION ZONES

Maintenance of water protection zones with observance of use regime in their territories will be conducted by the heads of associations, enterprises, organizations and farms regardless of the form of property and subordination, as well as citizens that use land plots located within water protection zones. It will be prohibited to use chemicals, conduct works and locate projects that negatively influence on conditions of water in the water protection zones.

SECTION II

USE OF WATER

CHAPTER 4

TYPES OF WATER USE

Article 23. GENERAL AND SPECIAL WATER USE

There are two types of water use - general water use without applying constructions or technical devices influencing the condition of water and special water use with the application of such devices. Use of water bodies without applying construction or technical devices, but negatively affecting the condition of water in separate cases will be considered as special water use. List of types of special water use and limits of water takings from water sources will be established by specially authorized state agencies on regulation of use and protection of water.

Article 24. JOINT AND ISOLATED WATER USE

Water bodies can be used jointly or separately. Joint use may include water bodies (parts of water bodies) which are given for individual use. Individual use may include water bodies (parts of water bodies), given upon decision of state agencies (Article 38 of the Code) for individual use.

Article 25. PRIMARY AND SECONDARY WATER USE

Under the legislation of RT, physical and leagal entities, which are given water bodies for individual use – primary water users, have the right to allow other physical and legal entities to use the water secondary. But it should be coordinated with special authorized state body on regulation of use and protection of water.

The conditions of secondary use and mutual rights should be agreed and registered officially between the primary and secondary water users.

Article 26. TYPES OF WATER USE THAT DIFFER BY MAIN PURPOSE

Water bodies will be given for use ,if requirements envisaged in the legislation and conditions for satisfying of drinking, social, medical, health resorts and other needs of the population, agricultural, industrial, energy, transport, fishing industry and other government needs, as well as for use with several purposes are observed.

While using water without applying constructions of technical devices that don't affect the condition of water, legal entities or individual shall not have to get permission (license) for water use right if requirements established by specially authorized state agencies on regulation of use and protection of water are observed.

CHAPTER 5

WATER USERS AND WATER USE PROJECTS

Article 27. WATER USERS

Any legal entities or individuals regardless of the form of property that operate on the territory of the Republic of Tajikistan and observe requirements of water legislation of the Republic of Tajikistan can be considered as water users.

Article 28. WATER USE PROJECTS

Water bodies listed in Article 4 of the Code will be given for use.

Article 29. PARTIAL AND FULL PROHIBITION ON THE USE OF WATER BODIES

Use of water bodies of special significance for the Government or special scientific and cultural value can be partially or fully prohibited according to the Government of the Republic of Tajikistan.

CHAPTER 6

PROCEDURES AND CONDITIONS FOR GIVING WATER

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BODIES FOR USE

Article 30. PRIORITY IN GIVING WATER BODIES FOR DRINKING AND SOCIAL NEEDS OF POPULATION

Water bodies will be given for use firstly to satisfy drinking and social needs of population.

Article 31. FEES FOR WATER USE

General water use in RT is free of charge.

Special water use in RT should be paid

Charges should be paid by all water users, except general use, regardless of departmental subordination, citizenship, types of property and forms of management, except cases envisaged by the legislation of RT.

Charges will be paid for:

- use of water resources within the established limits (except agricultural production, forestry, irrigation works);
- above the limit and irrational use of water resources;
- services on accumulation, transportation, distribution, purification of water;
- giving a right to use water resources for irrigation purposes;
- implementation of other measures (except agricultural and forestry irrigation).

The order and conditions of establishment and payment of charges for use of water bodies and resources should be identified by the legislation of the Republic of Tajikistan.

Article 32. PERMISSION FOR SPECIAL WATER USE

Special water use in branches of economy will be implemented on the basis of permissions given by special authorized state agencies on regulation of use and protection of water. If it is necessary, permissions should be coordinated with the state authorized agency on sanitary supervision, as well as with other concerned agencies.

Article 33. PERMISSION FOR SPECIAL WATER USE GIVEN BY

THE LOCAL EXECUTIVE AUTHORITY

Permission for use of underground water, which is not used for centralized water supply by the establishment of wells, leaking pits, as well as catchments, which work without compulsory lowering of water level in the territory of villages, towns and cities will be given by local executive agencies, councils of towns and villages.

Establishment of the indicated wells and catchments on the state reserve land and state forest fund land will be implemented according to the special authorized agencies on regulation of use and protection of water, agency on management of land resources and land-tenure regulations, on the basis of permissions given by local executive authorities.

Article 34. IMPLEMENTATION ORDER ON GENERAL WATER USE

General water use will be implemented without permission. Observance of requirements of the state sanitary supervision agency, protection of people in water related issues and agencies on rational use and protection of water will be compulsory in case of general water use.

With the purpose to protect life and health of the citizens, as well as for industrial or other reasons, local executive authorities, upon submission of special authorized state agencies on regulation of use and protection of water and state sanitary agencies, as well as other concerned agencies, will identify places where it should be prohibited to swim, to go boating, to water livestock, and will identify other conditions of general water use on water bodies.

Local executive authorities will be obliged to inform the population and legal entities on the established conditions for general water use.

Article 35. GENERAL WATER USE AT WATER PROJECTS GIVEN FOR INDIVIDUAL USE

General water use at water bodies given for individual use will be allowed on conditions set up by the a primary water user upon coordination with the special authorized state agencies on regulation of use and protection of water, and if it is necessary, general water use can be prohibited.

The primary water user should inform the population about conditions or

prohibition of general water use.

Article 36. ALLOCATION OF WATER BODIES FOR INDIVIDUAL USE

Water bodies will be given for individual use fully or partially according to the Resolution of the Government of the Republic of Tajikistan, by a decision of an appropriate local executive authority or any authorized state agency on regulation of use and protection of water resources according the legislation of the Republic of Tajikistan.

The purposes for which water bodies are given for individual use and main conditions for use of water bodies should be indicated in the resolutions and decisions.

Article 37. AGENCIES ALLOCATING WATER PROJECTS FOR INDIVIDUAL USE

Local executive authorities of districts and cities will allocate the isolated (non-flowing) reservoirs located in the territory of cities, districts, towns, villages, if they have no negative effect on other water users.

Executive authorities of the Gorno-Badakhshan Autonomous Region and regional executive authorities will allocate water bodies located in the territory of the region for individual use.

The Government of the Republic of Tajikistan or authorized state agencies will allocate for individual use water bodies or their parts in cases envisaged by Articles of the Code.

Article 38. DOCUMENTS CERTIFYING THE RIGHT FOR INDIVIDUAL USE OF WATER BODIES

The right of water users for individual use of water bodies should be certified by the governmental acts for the right to use water, which shall be delivered by local executive authorities of districts and cities.

Forms of the documents will be drafted and approved by the state agency on regulation of use and protection of water resources.

Article 39. TERMS OF WATER USE

Water bodies will be allocated for permanent or temporary use.

Water use without time - limit (permanent) will be considered as water use without fixed term, agreed beforehand.

Temporary use can be short-term - up to three years and long-term - from three up to twenty five years. If it is necessary, terms of water use can be extended for a period that does not exceed accordingly the terms of short term or long term use. General water use will not be limited.

Article 40. CALCULATION OF TERMS OF TEMPORARY WATER USE

The terms of temporary water use should be calculated from the adoption of the decision about assignment of water bodies for individual use or delivering of permission for special water use, if there is not shown any other term in the decision.

Article 41. PROCEDURES TO EXTEND TERMS OF TEMPORARY WATER USE

Terms of temporary water use can be extended upon a request of the concerned water users or by the state agency which has given the decision on allocation of a water bodies for individual use or issued permission for special water use.

CHAPTER 7

RIGHTS AND OBLIGATIONS OF WATER USERS

Article 42. PURPOSE USE OF WATER BODIES

Water users have the right to use water bodies if there is permission for special water use, in accordance with the purposes of water bodies .

Article 43. RIGHTS OF WATER USERS

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In accordance with the permission for special use of water bodies, water users have the following right :

- to obtain water for use in the future;
- to use water bodies for agricultural needs, industry, hydroenergy, transport, fishery, hunting and other allowed purposes;
- to construct irrigation systems, water hydrotechnical devices, facilities as well as reconstruction and liquidation;
- to use water resources for relaxation, sports and rehabilitation, maintenance of favorable condition of natural complexes, as well as implementation of other actions, which are not prohibited by legislation;
- to require special authorized state agencies to take measures on prevention from exhaustion and contamination of the water fund and providing water resources in definite quantity and quality;
- to create the associations of water users.

Associations of water users will be created with the purpose to operate and maintain on-farm land reclamation and irrigation systems, being used collectively and individually, to ensure fair, effective and timely distribution of water between dekhkan (farmers) farms, to collect payment for the supply of water and settlement of disputes, taking place during the distribution and use of water.

Article 44. LIMITING OF WATER USERS' RIGHTS

The rights of water users can be limited in the interest of the government, as well as in the interest of other water users in cases of exclusive shallowness, emergency situations at water bodies, danger of epidemic, epizootic and other. At the same time the conditions of use of water bodies for drinking water and every day needs of population should not be worsened.

Limiting of water users' rights while implementing emergency measures on prevention and liquidation of the consequences of natural disasters caused by harmful influence of water will be regulated by the Article 130 of the Code.

Water use will be stopped partially or in full if payment for use of water resources was not made according to the Article 31 of the Code.

Rights of water users can be limited by special authorized state agencies that issued permission for special water use and the rights for secondary water use by primary user upon coordination with the special authorized state agencies on regulation of use and protection of water, as well as other agencies in accordance with the Code.

Article 45. OBLIGATIONS OF WATER USERS

Water users will be obliged to:

- rationally use water bodies, provide economic water spending, rehabilitation and improvement of the quality of water;

- introduce water saving technologies increasing effectiveness of water use and promoting land improvement and improvement of land condition and environment;

- take possible measures to fully stop dropping of waste water into water bodies;

- not allow violation of rights given to other water users and take measures in order not to damage economic and natural objects (land, animals and the plant world, minerals and other);

- make timely payments for use of water resources and water delivery services to water users;

- maintain irrigation, drainage, purifying and other constructions and technical devices that influence the condition of water and improve exploitation of qualities;

- implement independently or together with other agencies in the established order, the control quality and quantity of used water;

- conduct fish protection measures;

- maintain water protection zones following the mode of using territories, if they are used by them;

- follow the established requirements and terms of the agreement on use of water concluded with the special authorized state agencies on regulation of use and protection of water.

- meet other requirements envisaged by the legislation of the Republic of Tajikistan and by the permission for special water use.

Article 46. INCENTIVES FOR WATER USERS IMPLEMENTING MEASURES ON RATIONAL USE AND PROTECTION OF WATER

Incentives for water users, which stimulate the implementation of public measures on rational and protection of water, shall be drafted by special authorized state agencies on use and protection of water, coordinated with the related departments and shall be approved (coordinated) by the Government of the Republic of Tajikistan.

Article 47. THE RIGHTS OF WATER SUPPLY ORGANIZATIONS ON USE OF WATER RESOURCES

The organization of water supply will carry out the delivery of water from sources and its distribution between water users to meet the needs of different branches of the national economy.

Article 48. THE OBLIGATIONS OF WATER SUPPLY ORGANIZATIONS ON WATER DELIVERY

Water supply organizations will carry out their activity in accordance with the Code, legislation of RT and the agreement of parties about delivery of water to water users. To observe the conditions shown in the agreements on water supply, the water supply organizations will be obliged:

- To provide appropriate maintenance of irrigation systems in order to deliver the necessary quantity of water to water users as shown in the agreement;

- To prepare drains, water catchment-discharge systems, water ways, and to provide water supply;

- To provide water to water users according to norms and at fixed times;

- To install water level indicator at the point of water distribution in order to identify the quantity of water delivery in accordance with agreement.

CHAPTER 8

CESSATION OF WATER USE RIGHTS

Article 49. REASONS FOR CESSATION OF WATER USE RIGHTS

Water use rights of legal entities and individuals in the Republic of Tajikistan will be subject to cessation in the following cases:

- when water use needs passed or in case of refusal;
- when the permission for special use rights is expired;
- restructuring or liquidation of a legal entity, death of individual;
- transfer of water constructions to other water users;
- when there is a need for the Government to withdraw permission for special use rights;
- systematic violation of terms of the water use agreement, concluded with the special authorized state agency on regulation of use and protection of water.

Water use right (except the right to use water resources for drinking and social needs) of legal entities and citizens can be ceased as the result of violation of water use rules, or in case of use of a water body for other than envisaged purposes, as well as in cases of significant violation of the ecological balance of the environment.

The legislation of RT can envisage other reasons for cessation of water use rights.

Article 50. PROCEDURES OF CESSATION OF WATER USE RIGHTS

Water use rights shall be ceased by the following ways:

- cancellation or suspension of special water use permission;
- withdrawal of water bodies allocated for individual use.

Cessation of special water use rights shall be implemented upon a decision of the agency that issued the permission.

Secondary water use may be ceased upon the decision of the primary water user, in agreement with the special authorized state agency on regulation of use and protection of water that issued permission for special water use.

Article 51. WITHDRAWAL OF WATER BODIES FROM INDIVIDUAL USE

Withdrawal of water bodies from individual use will be executed by the agencies that allocated water bodies for individual use according to Article 36. Withdrawal of water bodies from use of nature reserve will be executed in accordance with Article 97 of the Code.

Article 52. COMPENSATION OF LOSSES AS THE RESULT OF WATER ECONOMY MEASURES, CESSATION OR CHANGE OF WATER USE TERMS

Losses of legal entities and individuals caused by conducting water measures (hydrotechnical works etc., except emergency situations and natural disasters), as well as cessation or change of terms of the water use agreement, will be subject to compensation in cases and order established by the Government of RT.

CHAPTER 9

USE OF WATER BODIES FOR DRINKING, SOCIAL AND OTHER NEEDS OF THE POPULATION

Article 53. WATER AND WATER BODIES ALLOCATED FOR DRINKING, SOCIAL AND OTHER NEEDS OF THE POPULATION

Water bodies, the quality of which complies with the established sanitary requirements, will be allocated for drinking, social and other needs of the population.

Article 54. CENTRALIZED WATER SUPPLY FOR THE POPULATION

While using water bodies for drinking, social and other needs of the population in the order of centralized water supply, legal entities which have under their operational management or as property drinking water-pipes shall have the right to take water from water supply sources according to the permis-

sion on special water use and deliver it to the consumers.

The indicated legal entities shall be obliged:

to provide delivery of drinking water, which complies with the established quality normative, set up accounting of water taken and conduct regular supervision of the water quality in places of intake;

to provide a permanent regime for delivery of drinking water for the needs of the population and enterprises of food industry;

not to violate the permanent regime of water delivery to the population, if there is no necessity in drinking water by technological processes of organization;

to inform authorized state agencies on regulation of use and protection of water, state sanitary agencies and local executive authorities on water quality deviations from the established normative.

Article 55. DECENTRALIZED WATER SUPPLY FOR THE POPULATION

While using water bodies for drinking, social and other needs of the population in a decentralized water supply order enterprises, organizations, institutions and citizens will have the right to take water directly from surface or underground sources in the order of general and special water use.

Use of intake facilities, allocated for these purposes, will be made according to the rules established by local executive authorities on territories where they are located.

Article 56. USE OF UNDERGROUND WATER OF DRINKING QUALITY FOR NEEDS NOT RELATED TO DRINKING AND THE-SOCIAL WATER SUPPLY

Use of underground drinking water for needs not related to drinking and social water supply will be prohibited. In the districts, where there are no necessary surface water sources and enough underground water of drinking quality, special authorized state agencies on regulation of use and protection of water may allow the use of that water for purposes not related to drinking and social water supply.

Article 57. THE RIGHT OF PROPERTY FOR SYSTEMS OF DRINKING WATER SUPPLY

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Centralized and decentralized systems for drinking water supply can be the property of the republican, municipal or legal entities.

The system of municipal distribution of drinking water, separate system of drinking water supply, system of drinking water supply by transportation should be considered as the property of owners of housing resources, vehicles.

Centralized and decentralized systems can not be privatized.

Article 58. FINANCING SOURCES IN THE FIELD OF DRINKING WATER SUPPLY

Financing sources in the field of drinking water supply should be considered the following:

Payments charged to the users of centralized water supply systems and drinking water consumers;

Financial assets of the republican budget;

Financial assets of local budgets;

Financial assets paid by physical and legal entities for the development of the water supply system;

Other sources allowed by the laws of RT.

Article 59. CERTIFICATION IN THE FIELD OF DRINKING WATER SUPPLY

Drinking water set for sale, individual, social and collective systems of cleaning and also materials, reagents, technological processes and other systems, delivered to consumers, must be subject to certification.

Certification of drinking water delivered by centralized water supply systems, should be done according to the acting legislation.

Article 60. GUARANTEE ON PROVISION OF DRINKING WATER IN CASE OF DISTURBANCE IN THE OPERATION OF CENTRALIZED AND DECENTRALIZED SYSTEMS OF DRINKING WATER SUPPLY

In case of disturbance in the operation of centralized and decentralized systems of drinking water supply, bodies of the local authority, owners of systems and organizations which are responsible for drinking water supply

within their competence, should take measures for delivery of water from reserve sources and drinking water supply, should use technical components of every day and collective cleaning of water and should bring drinking water for common use in tanks.

CHAPTER 10

USE OF WATER BODIES FOR MEDICAL, RESORT AND REHABILITATION PURPOSES

Article 61. PRIMARY USE FOR MEDICAL AND RESORT PURPOSES OF WATER BODIES RELATED TO MEDICAL CATEGORIES (MINERAL)

Water bodies related to medical (mineral) categories should be used first of all for medical purposes and as resorts.

In exceptional cases special authorized state agencies on regulation of use and protection of water may allow to use water bodies related to the medical (mineral) category for other purposes upon coordination with appropriate health protecting agencies.

Article 62. PROHIBITION OF DISCHARGE OF WASTE WATER TO WATER BODIES

Discharge of sewage water into water bodies related to the medical categories should be prohibited.

Article 63. ORDER OF USE OF WATER BODIES FOR RELAXATION AND SPORTS

The order of use of water bodies for rest and sports should be established by the legislation of the Republic of Tajikistan.

Article 64. USE OF WATER BODIES FOR WATER TRANSPORTATION

Use of water bodies for water transportation (rowing, motor boats, cutters, yachts etc.) will be allowed if rules established by the Government of the Republic of Tajikistan for use of small boats are observed.

Small boats must be registered by local executive authorities in the established order with drawing of symbols on the board.

Article 65. USE OF WATER BODIES FOR SPORTS AND AMATEUR FISHING

All water bodies, with the exception of those located in the territory of sanctuaries, fish nurseries, pond and other cultural fish farms, can be used for sports and amateur fishing with the observance of the established fishing rules.

For these purposes water protection agencies will be provided for water bodies or their separate parts.

Sports and amateur fishing in water reservoirs allocated to sports societies for cultural fish farms will be allowed by these societies.

CHAPTER 11

USE OF WATER BODIES FOR AGRICULTURAL NEEDS

Article 66. AGRICULTURAL WATER USE

Use of water bodies for agricultural needs will be implemented in general order, as well as in the special water use mode. With the special water use mode irrigation, drainage and collector-drainage systems for agricultural water supply, as well as separate water constructions and devices belonging to legal entities and individuals, can be used.

Article 67. PURPOSES OF AGRICULTURAL WATER USE IN IRRIGATED AGRICULTURE

Agricultural water use shall be implemented with the aim to create a

favorable water mode (regime) on irrigated land with the purpose of agricultural production, as well as to ensure other needs of agricultural production.

Article 68. IMPLEMENTATION OF AGRICULTURAL WATER USE

Water use in irrigation systems, river systems, main canals, subsoil reservoirs and other water bodies shall be implemented according to the agreements, internal economic (associations) and general systemic plans (schedules) of water use.

In the water use agreements, departments on irrigation and agricultural water supply systems shall clarify terms of water use, as well as mutual rights and obligations of the parties.

Article 69. APPROVAL OF WATER USE PLANS

General water use plans shall be approved in the following way:

Internal water use plans created by water users shall be subject to coordination with the organization supplying water and shall be approved by appropriate local executive authorities (hukumat), to which the according territory is administratively subordinate;

By district systems by local executive authorities (hukumat) of the district, to which the territory is administratively subordinate;

By interdistrict, regional (reservoir), republican systems, accordingly by regional, republican agencies managing the use and protection of water upon coordination with agricultural agencies.

Article 70. CHANGE OF QUANTITY AND TERMS OF WATER DELIVERY

Additional delivery of water for agricultural needs shall be implemented according to the request of water users on terms agreed while concluding the water supply agreement.

Special authorized state agencies on regulation of use and protection of water shall have the right to:

limit water supply to water users if water level decreases at the irrigation source (observing principles of equalized sufficient water supply), introduce

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water turnovers at the irrigation systems in periods of shallowness at some irrigation sources;

stop water supply in accordance with article 49 of the Code in case of misuse of water, unauthorized use of water by any water user and apply penalties according to the legislation of RT.

correct the schedule of water supply to water users, taking into account changes in the water mode of the irrigation source, weather conditions and other reasons which caused necessity to change the terms of water supply envisaged by the agreements. Changes in the water use conditions can be introduced only according to the rules envisaged in the water supply agreements.

Article 71. OBLIGATIONS OF WATER USERS USING WATER BODIES FOR AGRICULTURAL NEEDS

Legal entities and individuals using water bodies for agricultural needs shall be obliged to observe established obligations of the agreement and water use mode, reduce all types of water losses, provide for appropriate accounting and control of quantity of water used and protect water measuring devices and constructions on their territories.

Article 72. IRRIGATION BY SEWAGE

Irrigation of land by sewage shall be allowed by special authorized state agencies on regulation of use and protection of water upon coordination with sanitary, veterinary and ecological supervision.

Article 73. USE OF WATER FOR IRRIGATION OF FOREST, FOREST BELTS AND FOREST NURSERY

Articles 68 and 74 of the Code shall be applied to irrigation of forest land, forest belts and forest nurseries.

Article 74. USE OF WATER BODIES FOR THE NEEDS OF ASSOCIATIONS OF WATER USERS AND OTHER PUBLIC SOCIETIES

Associations of water users and other public societies can use water bodies for irrigation on the basis of license issued by special authorized state body on regulation of use and protection of water and according to an agreement

with the local water supply organization which is responsible for the delivering of water.

Horticultural associations, enterprises, organizations and institutions, which are allocated land plots for collective market-gardening and horticulture, can be used by water bodies for watering of kitchen-gardens and gardens according to the agreements with water suppliers.

Article 75. WATER SUPPLY TO PERSONAL PLOTS AND OTHER FARMS

Water supply to personal plots and other farms of citizens and dehkan farms shall be executed according to the agreement between the water suppliers and association or other public organization, on the territory where the above-mentioned farms are located.

Article 76. PROHIBITION TO WATER USERS TO REGULATE WATER SUPPLY FROM INTERFARM WATER BODIES

All legal entities and individual water users shall be prohibited to make unauthorized regulation of hydrotechnical constructions on interfarm canals and reservoirs with the purpose to increase or reduce water spending, as well as installation of temporary cross pieces, pump stations and other constructions.

Discharging of water from ponds, canals and other water constructions, when necessary, shall be allowed only upon coordination with the special authorized state agencies on regulation of use and protection of water.

Article 77. PROHIBITION TO DRIVE TRACTORS, TRANSPORTS AND LIVESTOCK THROUGH CANALS AND OTHER HYDRO-TECHNICAL FACILITIES

Driving livestock, tractors, agricultural machines, vehicles and other transport means through canals and other constructions in places, which are not earmarked for these purposes, shall be prohibited.

Watering of livestock from canals and reservoirs should be allowed only if specially equipped watering places are available or at places allocated for this purpose.

Article 78. PARTICIPATION OF WATER USERS IN IRRIGATION AND LAND RECLAMATION WORKS

In order to maintain and improve existing irrigation and watering and irrigation-watering systems, water users that receive water from these systems shall be encouraged to execute irrigation works in the order established by the Government of R T.

Article 79. WATER SUPPLY TO AGRICULTURE

Water supply to agriculture shall be divided into centralized and non-centralized. Rules of Article 52 of the Code shall be applied on centralized water supply of agriculture.

Non-centralized water supply of cattle-breeding farms and certain agricultural enterprises and irrigation of pastures shall be implemented upon permission of local executive authorities (hukumats) upon coordination with the agencies implementing state sanitary and veterinary supervision and specially authorized state agencies on regulation of use and protection of water.

Legal entities, regardless of the form of property, which exploit water supply systems for irrigation of pastures and for other agricultural purposes shall be obliged to control misuse of water, salting and swamping of land.

CHAPTER 12

USE OF WATER BODIES FOR INDUSTRIAL PURPOSES AND NEEDS OF HYDROPOWER ENGINEERING

Article 80. OBLIGATIONS OF WATER USERS USING WATER BODIES FOR INDUSTRIAL PURPOSES

Water users using water bodies for industrial purposes shall be obliged to observe technological norms and water use rules, as well as take actions to reduce water spending and stop dropping sewage by way of improvement of production technology and water supply schemes (applying waterless tech-

nological processes, turnover water supply rotation and other technological methods).

Article 81. LIMITS IN USE OF DRINKING WATER FOR INDUSTRIAL PURPOSES

Local executive authorities shall have the right to reduce or prohibit use of drinking water from municipal networks for industrial purposes and temporarily limit use of drinking water from departmental water-pipes in cases of natural disasters, accidents and shallowness and other exclusive circumstances in order to satisfy immediate drinking and social needs of the population.

Article 82. USE OF UNDERGROUND WATER FOR TECHNOLOGICAL WATER SUPPLY AND OTHER INDUSTRIAL PURPOSES

Underground water (fresh, mineral and thermal) not related to the category of drinking or medical water can be used for technological water supply, extraction of chemical elements from it, obtaining thermal energy and other production needs in the established order observing the requirements of rational use and protection of water.

Article 83. USE OF WATER BODIES FOR HYDROPOWER ENGINEERING NEEDS

Use of water bodies for the needs of hydropower engineering shall be implemented taking into account the interests of other branches of the national economy, if it otherwise is not stipulated by the Government of the Republic of Tajikistan or by a decision of a special authorized state agency on regulation of use and protection of water. Accumulation and operation of reservoirs every year shall be done strictly upon coordination with the authorized state agency on regulation of use and protection of water resources of the Republic of Tajikistan.

Water resources shall be used to produce electric power in accordance with the legislation of the Republic of Tajikistan on protection of nature on a payment basis.

Legal entities and individuals shall be able to use, upon coordination with the state authorized agencies, engineering capacities of canals and other different hydrotechnical constructions for production of electric power, if it does not have negative influence on the main purpose of these facilities.

Article 84. THE RIGHTS AND OBLIGATIONS OF HYDROPOWER ENTERPRISES ON WATER USE

Enterprises have right to:

- use the water for production of power according to the approved designs;
- carry out arrangements on improvement of use of water reservoir for the purposes of energy, if it doesn't violate the requirements of complex use and protection of water;
- demand from physical and legal entities to observe the rules of optimum use of water reservoirs for hydropower needs.

Enterprises will be obliged to:

- observe the regime of operation and filling of water reservoirs;
- provide free passage and safety of water transport, boats, and carry out sanitation passage of water and protection of water according to the designs;
- maintain fish protected facilities, the places of passage and spawning of fishes, and protect the water flora and fauna;
- provide the stability of facilities, their working without breakdowns during flooding and other natural calamities.

CHAPTER 13

USE OF WATER RESOURCES FOR THE NEEDS OF WATER AND AIR TRANSPORT

Article 85. WATER-WAYS FOR GENERAL USE

In addition to the requirements of Article 4 of the Code, the rivers, lakes and reservoirs of the Republic of Tajikistan should be considered as water-ways

for general use except when use of these water-ways are fully or partially prohibited or they are allocated for individual use.

Article 86. ORDER OF REFERRING WATER-WAYS TO THE CATEGORY OF NAVIGABLE AND SETTING UP OF OPERATION RULES

The order of referring water-ways to the category of navigable and operation rules should be drafted by appropriate agencies and approved by the Government of the Republic of Tajikistan.

Article 87. USE OF WATER BODIES FOR THE NEEDS OF AIR TRANSPORT

The order for use of water bodies for parking, taking-off and landing, as well as for other needs of air transport should be determined by the legislation of the Government of the Republic of Tajikistan.

CHAPTER 14

USE OF WATER BODIES FOR THE NEEDS OF FISHING FARMS

Article 88. RESTRICTION OF WATER USE IN FARM RESERVOIRS IN THE INTEREST OF FISHING FARMS

The rights of water users can be limited in the interest of fishing farms at the fishing reservoirs or certain territories that are of important significance in order to preserve, reproduce and catch valuable fish species.

A list of such reservoirs or their parts and types of water use restrictions should be identified by the special authorized agency on regulation of use and protection of water.

Article 89. MEASURES FOR PROTECTION AND REPRODUCTION OF FISH STOCKS

While exploiting hydropower engineering and other constructions at the fishing reservoirs, water users should provide conditions for reproduction and implement measures to ensure the protection of fish stocks.

It will be prohibited to work and discharge soil or conduct other works which have negative effects on conditions of fish stocks and reproduction conditions in spawning places and wintering pits at the fishing reservoirs. Taking water from fishing reservoirs for industrial purposes, irrigation and other needs can be conducted only in places agreed with the state fish protection agencies.

Article 90. OBLIGATIONS OF ENTERPRISES AND ORGANIZATIONS USING FISHING RESERVOIRS

Legal entities and individuals that are allocated fishing reservoirs for fishing will be obliged to ensure conditions for reproduction of fish stocks, conduct necessary irrigation works, as well as maintain sanitary conditions of coastal territory of a land user.

Article 91. ORDER ON USE OF WATER BODIES FOR THE NEEDS OF FISHING FARMS

The order on use of water bodies for the needs of fishing farms should be established by the legislation of the Republic of Tajikistan.

CHAPTER 15

USE OF WATER BODIES FOR THE NEEDS OF HUNTING FARMS

Article 92. PREFERENCE OF HUNTING ORGANIZATIONS ON WATER USE

Preferential water use rights at rivers, lakes and other objects, which are dwelling-places of wild waterfowl and fur-bearing animals, can be given to enterprises and organizations of hunting farms by the special authorized state agency on regulation of use and protection of water, taking into account requirements on complex use and protection of water.

Article 93. USE OF WATER BODIES FOR THE NEEDS OF HUNTING FARMS

Use of water bodies for the needs of hunting farms (breeding of waterfowl and fur-bearing animals, cultivation of water plants and conducting of other

measures necessary for hunting farms) should be drafted by the republican forestry agency and should be coordinated with the special authorized state agency on regulation of use and protection of water, state sanitary supervision and other related agencies. The use of water bodies for the needs of hunting farms should be approved by the Government of the Republic of Tajikistan.

CHAPTER 16

USE OF WATER BODIES FOR THE NEEDS OF SANCTUARIES

Article 94. PROTECTED WATER BODIES

Water bodies representing special scientific and cultural value should be announced as protected and allocated for life term solitary use of sanctuaries with the purpose of protecting nature and conducting scientific investigations according to the legislation of the Republic of Tajikistan.

Article 95. DECLARATION OF WATER BODIES AS NATURE AND CULTURAL MEMORIALS

Water bodies of scientific and cultural value, declared as protected, should be considered as nature and cultural memorials according to the Government of the Republic of Tajikistan. The population and concerned organizations should be informed about declaration of water bodies as nature and cultural memorials and about conditions for the special use of these water bodies.

Article 96. USE OF PROTECTED WATER BODIES AND MEASURES ON THEIR PROTECTION

The use of water in sanctuaries should be determined by the regulations on sanctuaries. It should be prohibited to violate natural conditions of protected water bodies.

Habitation of citizens at the protected water bodies will be allowed only by their administration. Discharging of sewage to reservoirs, which provide water to the protected water bodies, as well as hydroreclamation works that may change the natural condition of these objects should be conducted with

observance of the rules, shown by the Code and upon coordination with the administration of the concerned sanctuaries.

The Government of the Republic of Tajikistan can include water bodies in protection zones around sanctuaries with prohibition or restriction of water use types that may cause violation of the natural condition of sanctuaries.

Article 97. WITHDRAWAL OF WATER BODIES FROM USE OF SANCTUARIES

Withdrawal of water bodies from use of sanctuaries should be allowed only in cases of special necessity according to the decision of the Government of the Republic of Tajikistan.

CHAPTER 17

USE OF WATER BODIES FOR DISCHARGING OF SEWAGE

Article 98. PERMISSION TO USE WATER BODIES FOR DISCHARGING OF SEWAGE

Use of water bodies for discharging of industrial, municipal-social, drainage, downpour and other waste water shall be made only upon permission of the special authorized state agency on regulation of use and protection of water upon coordination with the sanitary supervision agencies, fish stock protection and other related agencies. Permission shall be issued on the basis of documents explaining the necessity and possibility to use water bodies for sewage discharge.

Article 99. PROHIBITION TO DISCHARGE SEWAGE TO WATER BODIES REFERRED TO AS DRINKING CATEGORIES

Sewage discharge into drinking water bodies should be prohibited.

Article 100. PERMISSIBLE TERMS FOR DISCHARGE OF SEWAGE TO WATER BODIES

Sewage discharging should be allowed only if it does not increase the contamination of water bodies above the established limits, under condition that water user will clean sewage up to the limits, established by the water protection agencies.

If the indicated requirements are not observed, sewage discharging must be prohibited by water protection agencies, including cessation of certain industrial enterprises, shops, devices, organizations and institutions.

If a threat exists to the health of the population, state sanitary supervision agencies shall have the right to prohibit sewage dropping including cessation of exploitation of industrial and other objects with notification to water protection agencies. All measures providing for cleaning and neutralizing sewage dropped into water bodies of newly constructed industrial, municipal and agricultural enterprises and those under reconstruction shall be implemented before putting into operation of production capacities of the above enterprises.

Article 101. ORDER AND CONDITIONS OF USE OF WATER BODIES FOR SEWAGE DISCHARGING

The order and conditions of use of water bodies for sewage dropping shall be established by the legislation of the Republic of Tajikistan.

CHAPTER 18

**USE OF WATER BODIES FOR ANTI-FIRE NEEDS,
LIQUIDATION OF EMERGENCY AND SIMILAR SITUATIONS**

Article 102. USE OF WATER PROJECTS FOR ANTI-FIRE PURPOSES

Use of water from water bodies for anti-fire needs should be allowed. Water users should be obliged to provide available water free of charge for extinguishing of fire and other emergency situations.

**Article 103. USE OF WATER BODIES FOR ANTI-FIRE NEEDS,
LIQUIDATION OF EMERGENCY SITUATIONS AND OTHER
STATE AND PUBLIC NEEDS**

Use of water bodies for anti-fire needs and liquidation of emergency situations, as well as other state and public needs should be established by the legislation of the Government of RT

CHAPTER 19

OPERATION OF RESERVOIRS

Article 104. REGIME OF ACCUMULATION AND WORK OF RESERVOIRS

Legal entities and individuals operating water-pipes, water passing and water intake devices at the reservoirs should observe the regime of accumulation and work of reservoirs, taking into account interests of water users located in the zones of reservoirs.

Article 105. ORDER OF OPERATION FOR RESERVOIRS

The order of operation for reservoirs should be established by the rules for every reservoir, cascades or reservoirs' system, approved by the special authorized agency on regulation of use and protection of water upon coordination with the state sanitary supervision and other concerned agencies.

Article 106. ORGANIZATION AND COORDINATION OF

MEASURES PROVIDING OF PROPER CONDITION AND IMPROVEMENT OF RESERVOIRS

The organization and coordination of measures providing proper technical conditions and improvement for reservoirs, as well as control over observance of operational rules should be implemented by the special authorized state agencies on regulation of use and protection of water according to the order, established by the Government of the Republic of Tajikistan.

Article 107. LAKES AND OTHER BASINS USED AS WATER RESERVOIRS

The provisions of articles 104 -106 of the Code should also cover operation of lakes and other basins, which are used as water reservoirs.

CHAPTER 20

SETTLEMENT OF DISPUTES OVER WATER USE

Article 108. AGENCIES SOLVING DISPUTES OVER WATER USE

Disputes on water use should be solved by the Government of the Republic of Tajikistan, local executive authorities on regulation of use and protection of water and other authorized agencies according to the legislation of the Republic of Tajikistan.

Article 109. SETTLEMENT OF DISPUTES OVER WATER USE BETWEEN WATER USERS OF RT AND WATER USERS OF OTHER STATES

Disputes over water use between the water users of the Republic of Tajikistan and other states should be solved by the governments of states.

Article 110. SETTLEMENT OF DISPUTES OVER THE RIGHT FOR SPECIAL WATER USE

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Disputes over special water use rights should be solved by agencies that issued permission to use a water bodies.

Article 111. COMPETENCE OF THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN ON SETTLEMENT OF DISPUTES BETWEEN WATER USERS

The Government of the Republic of Tajikistan should solve disputes between water users regardless of forms of property and subordination, which are located in the territories of different districts (cities) of republican subordination on one side and regional subordination and Dushanbe on the other side, and also including between regions, except disputes, envisaged by Articles 110, 116 of the Code.

Article 112. COMPETENCE OF THE REGIONAL EXECUTIVE AUTHORITY ON SETTLEMENT OF DISPUTES OVER WATER USE

The Regional executive authority and Dushanbe city will solve disputes over water use between the legal entities located in different districts (cities) of the region, except disputes which refer to the competence of the Government of the Republic of Tajikistan and special authorized agency on regulation of use and protection of water.

Article 113. COMPETENCE OF DISTRICTS AND THE CITY EXECUTIVE AUTHORITY ON SETTLEMENT OF WATER USE DISPUTES

The district and city executive authority shall solve water use disputes between legal entities and citizens regarding use of water bodies, which are located in the territory of this district (city), except disputes that refer to the competence of the special authorized state agency on regulation of use and protection of water.

Article 114. COMPETENCE OF RURAL AND VILLAGE COUNCILS ON THE SETTLEMENT WATER USE DISPUTES

Councils of rural and villages shall solve disputes between citizens on use of water bodies located in their territories, except disputes, settlement of which refers to the competence of the special authorized state agency on regulation of use and protection of water and other authorized state agencies.

Article 115. COMPETENCE OF THE AGENCY ON REGULATION OF USE AND PROTECTION OF WATER AND OTHER AUTHORIZED STATE AGENCIES ON SETTLEMENT OF WATER USE DISPUTES

The special authorized state agency on regulation of use and protection of water and other authorized state agencies should settle water use disputes, referred to their competence by legislation.

Article 116. SETTLEMENT OF WATER USE DISPUTES BETWEEN PRIMARY AND SECONDARY USERS AND BETWEEN SECONDARY USERS

Water use disputes between primary and secondary users, as well as between secondary users should be solved by the agency that issued permission for special water use.

Article 117. CONSIDERATION OF WATER USE DISPUTES

Water use disputes should be considered on the basis of justified applications, submitted by one of the sides, to which all necessary documents are attached. Materials which are necessary for settlement of disputes should be prepared by special authorized state agency on regulation of use and protection of water.

Implementation of decisions on water use disputes should be ensured by the special authorized state agency on regulation of use and protection of water. An appeal of a decision on water use disputes shall not postpone its implementation. The agency which made a decision on the water use dispute has the right to postpone implementation of the decision until consideration of a complaint by a higher agency.

Article 118. SETTLEMENT OF PROPERTY AND OTHER DISPUTES RELATED TO WATER RELATIONS

Property and other disputes related to water relations should be solved by the courts.

SECTION III.

PROTECTION OF WATER AND PREVENTION OF ITS ADVERSE IMPACT

CHAPTER 21

WATER PROTECTION

Article 119. WATER PROTECTION TASKS

All water (water bodies) should be the subject to protection from contamination, littering and exhaustion, which may damage the health of the population and entail a breach of the hydrological and hydrogeological water regime, reduction of fish stocks, deterioration of water supply conditions and other unfavorable occurrences as the result of change to the physical, chemical, biological features of water and a reduction of self-cleaning capacity of water.

Article 120. MEASURES PROVIDING WATER PROTECTION, AS WELL AS IMPROVEMENT OF WATER CONDITION AND REGIME

Legal entities, the activity of which has effect on water conditions, should be obliged to conduct technological, forest irrigation, agrotechnical, hydrotechnical, sanitary and other measures that provide protection of water from contamination, littering, exhaustion and ensure improvement of conditions and regime of water. All above-mentioned arrangements should be conducted independently or they should be coordinated with special authorized state agency on regulation of use and protection of water, local executive authority, bodies which are responsible for sanitary supervision and other concerned state bodies.

Article 121. MEASURES PROVIDING PROTECTION AND IMPROVEMENT OF THE CONDITION AND REGIME OF WATER

Measures providing protection of water from contamination, littering and exhaustion, as well as improvement of condition and mode of water are:

Technological – aimed at construction of water turnover systems of industrial water supply, cleaning constructions and neutralization of sewage, utilization with use of sewage sediments, technological processes of industrial and agricultural production objects providing stable work of cleaning devices and disinfection of sewage, organization of technological processes, which exclude formation of contaminated sewage;

Forest melioration and agrotechnical – providing fortification of water bodies' coast, protection from caving in, swamping, as well as stabilization and improvement of the natural mode of sewage objects;

Hydrotechnical – aimed at creation of hydrotechnical systems and constructions, which provide favorable conditions of water use and stability of coasts, as well as at cleaning, if necessary, river beds and the course of canals, bottom of ponds, lakes and reservoirs from harmful drifts and sediments;

Sanitary-technical – aimed at disinfecting and neutralization of sewage discharged to water bodies, as well as sanitary protection and establishment of coastal territories allocated for economic activities;

Other possible measure providing water protection and promoting improvement of mode conditions.

Article 122. PLANNING OF WATER PROTECTION MEASURES

Water protection measures shall be envisaged in the forecasts of economic and social development of the Republic of Tajikistan on the basis of schemes of complex use and protection of water resources of rivers and of the republic as a whole, as well as long-term government and territorial programs and schemes of development and allocation of production forces and branches of national economy.

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Territorial planning of water protection shall be implemented by local executive authorities (hukumats) on the basis of the indicated pool schemes. Planning of water protection on branches shall be implemented by ministries, departments, enterprises regardless of the form of property, based on territorial planning indicators.

Financing of water protection measures shall be taken into account while forming the annual budget of the Republic of Tajikistan, as well as from the funds of water users.

Article 123. PROHIBITION OF SEWAGE DISCHARGING

Discharging of industrial, social and other types of waste and garbage to water bodies, except cases envisaged in Articles 98-101 of the Code, should be prohibited.

Article 124. PROTECTION OF WATER , RIVER-BEDS, ICE SHEETS OF RESERVOIRS, SURFACE OF WATER COLLECTORS, GLACIERS AND SNOW-DRIFTS

Legal entities and individuals shall be prohibited from allowing contamination and littering of surface of water collectors, river-beds, ice sheets of reservoirs, surface of glaciers and snow-drifts by production and other garbage and waste, as well as oil and chemical products and wash-out which results in worsening the quality of surface and underground water.

All legal entities regardless of forms of property and citizens, owners of water transport means, pipe-lines, floating and other constructions at water bodies, as well as land users shall be obliged to prevent contamination and littering of water in the result of loss of oil, chemical, oil and other products or other activity, fertilizers, pesticides or other toxic substances.

Those allowed contamination of surface and underground water by fertilizers, pesticides, other pesticides and harmful products shall be responsible according to the legislation of the Republic of Tajikistan.

Article 125. REGIONS, PATCHES AND SANITARY WATER PROTECTION ZONES

Regions, patches and zones of sanitary water protection shall be established with the purpose of protecting water, being used for drinking and social

water supply, medical, resorts and rehabilitation needs of the population according to the legislation of the Republic of Tajikistan.

Article 126. MEASURES ON WATER PROTECTION FROM EXHAUSTION

Water protection forest zones shall be established to maintain favorable water mode of rivers, lakes, reservoirs, underground water and other water bodies in order to prevent water erosion of soil, silting of reservoirs and worsening of living conditions of water animals, in order to reduce fluctuation of sewage etc., where concerned legal entities and individuals regardless of the form of property shall be obliged to conduct forest irrigation anti-erosion, hydrotechnical and other measures according to the legislation of the Republic of Tajikistan.

Article 127. NECESSITY OF ACCOUNTING OF WATER USERS' INTERESTS WHILE ALLOCATING AND CONSTRUCTING OF ENTERPRISES, CONSTRUCTIONS AND OTHER OBJECTS INFLUENCING CONDITION OF WATER

While coordinating issues for the allocation of construction of enterprises, buildings and other objects influencing the condition of water, as well as while issuing permission for special water use regulating water protection, agencies shall be obliged to follow the schemes of complex use and protection of water and water balances which take into account interests of water users and requirements of environment protection.

Article 128. MEASURES TO PREVENT EXHAUSTION OF UNDERGROUND WATER

Legal entities and individuals shall be obliged to immediately inform water regulation and protection agencies of opening of underground water carrying horizons while conducting boring and other mountainous works connected with searching, prospecting and exploitation of gas, oil and other mineral deposits, and take measures in the established order to protect underground water from contamination and exhaustion by equipping selfpouring bore-holes by regulating devices and control means.

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CHAPTER 22

PREVENTION AND LIQUIDATION OF HARMFUL INFLUENCE OF WATER

Article 129. OBLIGATIONS OF WATER USERS FOR PREVENTION AND LIQUIDATION OF HARMFUL INFLUENCES OF WATER, CONSEQUENCES OF CONTAMINATION OF WATER BODIES AS THE RESULT OF ACCIDENTS AND NATURAL DISASTERS

Legal entities regardless of the form of property and subordination and citizens using water bodies and water constructions shall be obliged to conduct coordination with regulating agencies on use and protection of water, local executive authorities and other related agencies or according to the directions of special authorized state agencies, measures on prevention and liquidation of harmful influence of water in the result of:

- Accidents and natural disasters;
- Floods, and swamping;
- Destruction of coasts, protection dikes and other constructions;
- Formation of ravines, landslides, floods and other harmful occurrence.

Article 130. IMPLEMENTATION OF URGENT MEASURES FOR PREVENTION AND LIQUIDATION OF NATURAL DISASTERS CAUSED BY HARMFUL INFLUENCE OF WATER AND CONSEQUENCES OF CONTAMINATION OF WATER BODIES AS THE RESULT OF ACCIDENTS AND NATURAL DISASTERS

Implementation of urgent measures for the prevention and liquidation of natural disasters caused by harmful influence of water, consequences of contamination of water bodies as the result of accidents and natural disasters shall be regulated by the legislation of the Republic of Tajikistan and international agreements.

For operative management of works on prevention and liquidation of natural disasters caused by harmful influence of water the Government of the Republic of Tajikistan and local executive agencies of regions, cities and districts shall establish commissions comprising representatives of related organizations, as well as representatives of special authorized state agencies on regulation and use of water and, if necessary, representatives of neighboring states.

Article 131. PLANNING OF MEASURES FOR THE PREVENTION AND LIQUIDATION OF HARMFUL INFLUENCE OF WATER, CONSEQUENCES OF CONTAMINATED WATER BODIES AS THE RESULT OF ACCIDENTS AND NATURAL DISASTERS

Measures for the prevention and liquidation of harmful influence of water, consequences of contamination of water bodies as the result of accidents and natural disasters shall be envisaged in the government forecasts for the development of the national economy.

Water bodies including their water collection territories or their parts, where stable unfavorable changes of water conditions threatening security and the health of population, degradation of animals and plants occurred as the result of economic or other activities, or accidents and catastrophes, shall be pronounced ecological emergency zones and if needed neighboring states shall be informed. The legal force of the emergency ecology zone shall be introduced and cancelled by the Government of the Republic of Tajikistan.

SECTION IV

STATE CONTROL , ACCOUNTING AND PLANNING OF WATER USE

CHAPTER 23

STATE CONTROL, ACCOUNTING AND PLANNING OF WATER USE

Article 133. STATE CONTROL AND WATER ACCOUNTING TASKS

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The task of state control and accounting of water shall be to identify the quality and quantity of water, data on water use for population needs and national economy branches and the establishment of compliance of quantitative and qualitative indicators of water with normative requirements.

Article 134. WATER USE PLANNING

Water use planning shall have to provide scientifically justified distribution of water between water users taking into account primary satisfaction of drinking and social needs of the population, water protection and prevention of their harmful influence.

While planning water use state water cadastre data, water balances, schemes of complex use and protection water, as well as limits on water taking from the state water fund sources shall be used.

Article 135. STATE WATER CADASTRE

The state water cadastre of the Republic of Tajikistan shall be an aggregate of systematized official data on the condition, use and protection of water bodies. Conducting of the State water cadaster shall be executed by special authorized state agencies.

Article 136. STATE REGISTER OF WATER FACILITIES

The state register of water constructions shall be an aggregate of systematized data on the certification of water constructions.

Conducting of the State register shall be implemented by state agencies. Every water construction included in the State Register, shall have complex characteristics containing economic-purpose direction, legal, physical-geographic, hydrological, technical-economic and other indicators. Inclusion in the State register shall be executed at the same time with the issuance of the permission for special water use.

Legal entities and individuals shall pay according to the established tariffs for inclusion in the State Register.

Article 137. DATA BASE AND INFORMATION SYSTEM FOR WATER RESOURCES AND THEIR USE

Special authorized state agencies on management of use and protection of water resources and other related state agencies shall establish data base and information systems for the use of water resources by branches of economy of the Republic of Tajikistan with the purpose of long-term and mid-term planning of complex use and protection of water resources.

With the purpose to formulate data base organizations, departments, enterprises and water users shall, free of charge and with no limits, submit data on the quantity and quality of water, quality of water consumption, technical-economic characteristics of water use, ecological condition of the environment connected with water use and other information, which will help to improve management of use and protection of water resources.

Article 138. WATER BALANCES

Water balances, which statistically evaluate the availability and degree of water use, shall be made for rivers, large canals, economic districts and regions of the Republic of Tajikistan.

Article 139. SCHEMES OF COMPLEX USE AND WATER USE

General and pool schemes of complex use and protection of water shall identify main water and other measures subject to implementation for satisfaction of perspective water demand of population and economics of the government, as well as water protection and prevention from harmful influence.

Article 140. PROCEDURES OF STATE CONTROL AND ACCOUNTING OF WATER AND WATER USE, STATE WATER CADASTER, COMPILATION OF BALANCES AND DRAFTING OF MULTI USE AND PROTECTION OF WATER

State accounting of water and its use, state water cadaster, water monitoring, compilation of balances, drafting of multi use and protection of water shall be implemented by special authorized state agencies on regulation of use and protection of water at the expense of the government and according to single methods of the Republic of Tajikistan.

The order of state control and accounting of water and water use, state water cadaster, compilation of water balances, drafting and approval of schemes of complex use and protection of water shall be established by the Government of the Republic of Tajikistan.

SECTION V

RESPONSIBILITY FOR VIOLATION OF WATER LEGISLATION

CHAPTER 24

RESPONSIBILITY FOR VIOLATION OF WATER LEGISLATION

Article 141. INVALIDITY OF DEALS VIOLATING THE STATE PROPERTY RIGHTS ON WATER

Reconcession of water use rights and other direct or hidden deals violating state property rights on water shall not be valid.

Article 142. RESPONSIBILITY FOR VIOLATION OF WATER LEGISLATION

Persons guilty for acts indicated in Article 124 of the Code, as well as:

- Unauthorized water use, which is in conflict with agreements;
- Contamination and littering of water;

Putting into operation enterprises, municipal and other objects without facilities preventing contamination and littering of water or its harmful influence;

Violation of water protection regimes at water collectors, which may cause their contamination;

Violation of the order of accounting and reports of water use;

Unauthorized production of hydrotechnical works;

Damage of water facilities and devices;

Violation of normative technical, sanitary hygienic and metrological requirements on the order of implementation of control and accounting of water use;

Refusal to submit timely and correct information or submission of wrong information on condition and use of water resources;

Non-satisfactory work of cleaning construction, above the limit dropping of pollutants into water bodies;

Violation of economy regime at water bodies and water facilities, causing contamination, water erosion of soil and other negative influence;

Discharging of contaminating sewage to underground horizons;

should bear responsibility in accordance with the legislation of the Republic of Tajikistan.

The legislation of the Republic of Tajikistan shall identify responsibility for other violations of the water legislation as well.

Article 143. RETURN OF WATER BODIES, SEIZED WITHOUT PERMISSION

Water bodies seized without permission should be returned with no compensation of expenses made during unauthorized use according to the legislation of RT.

Article 144. COMPENSATION OF LOSSES CAUSED BY VIOLATION OF THE WATER CODE

All legal entities and individuals should be obliged to compensate losses-caused by violation of water legislation in the size and order according to the legislation of RT.

Article 145. PRINCIPLES OF INTERNATIONAL COOPERATION IN THE FIELD OF WATER RELATIONS

The policy of the Republic of Tajikistan in the field of water relations takes into account the necessity to provide stable development of the economy, rational use and protection of water resources, observing the principles of international water rights, mutual and friendly cooperation with foreign states, general ecological security, development of international cooperation in the field of water relations.

International water relations of the Republic of Tajikistan with other states will be regulated by this Code, other laws of the Republic of Tajikistan and regulations on international agreements, recognized by RT.

Article 146. ECONOMIC PROVISIONS OF WATER RELATIONS WITH OTHER STATES

Economic provisions of water relations with other states should be established on the basis of the international water use rights and intergovernmental agreements.

E. Rakhmonov
President
Republic of Tajikistan