

WATER CODE OF THE REPUBLIC OF TAJIKISTAN

Given Water Code regulates public relations linked with ownership, use and management of water and water sites and is aimed at protection and rational use of water resources, along with ensured legal protection of the water users.

CHAPTER 1. GENERAL DEFINITIONS

Article 1. General Definition

The following key definitions are used in the given Water Code:

- **Water Resources.** Water resources are natural and subsurface waters within water bodies, and which are used or can be used;

- **Drainage Water.** Drainage water is water collected by drainage works and discharged into water bodies;

- **Water Management.** Water management is a comprehensive system of measures, norms and rules in line with this Code and other normative legal acts that ensure effective planning, sustainable management, sustainable use and conservation of water resources and protection of populated areas, industrial territories and all kinds of assets from adverse impacts of waters;

- **integrated water resources management** - a water resources management system based on the accounting and interaction of water (surface, ground and return waters) and land, as well as other relevant natural resources within certain hydrographic boundaries, linking the interests of various industries and levels of the hierarchy of water use and the use of natural resources, involving them in the process of decision-making, planning, financing, protection and development of water resources in the interests of sustainable development of society and environmental protection;

- **Water Facilities.** Water facilities are engineering works and utilities designed to withdraw, convey, treat waters, to discharge wastewater, regulate water flows, to ensure navigation and protection of waters and to prevent the negative impacts of water (water intake facilities, canals, weirs, dams, locks, hydroelectric works, pumping stations, conduits, sewers and other such engineering works and utilities);

- **Water User.** A water user is a physical person or legal entity who has been granted the right to use a water facility and the resulting water resources;

- **use of water bodies** - the use of water bodies in various ways to meet the needs of individuals and legal entities;

- **Aquifers.** Aquifer is homogeneous or close in facial-lithology and hydrogeological characteristics of rock strata within the hydrogeological basins;

- **Depletion Of Waters.** Depletion of waters is a steady decline of water storage and deterioration of surface and subsurface water quality;

- **water management area** - a part of a river basin that has characteristics allowing setting the limits for the intake (withdrawal) of water resources from a water body and other parameters required for the use of a water body;

- **Catchment Area.** A catchment area is an area whose runoff forms a water body;

- **source of drinking water supply** - natural waters (surface and underground), which are used for drinking water supply after appropriate treatment or without such a treatment;

- **Water Area.** A water area is water space, bounded by natural, artificial or conditional boundaries;

- **limited area** - the area where on-farm water facilities are located;

- **Basin Water Management Plan.** A basin water management plan is a document reflecting a current assessment of the formation, use and conservation of water resources, development of water-consuming sectors of the economy in the basin, their short, medium and longer term water demand, with due regard to the objectives of sustainable development;

- **drinking water** - water in terms of its quality and safety in its natural state or after processing (purification, disinfection, addition of missing chemicals) that meets the established regulatory requirements and is intended for drinking, cooking and other household needs of the population, as well as for the production of food products;

- **surface waters** - waters permanently or temporarily available in the surface water bodies;

- **underground waters** - waters located in the strata of rocks of the upper part of the soil in liquid, solid and gaseous states;

- **wastewater** - water and atmospheric precipitation discharged into water bodies from the territory of industrial enterprises, agricultural lands and populated areas through the sewage system, drainage or by gravity, the properties of such water were deteriorated as a result of human activity;

- **water body** - a natural or artificial reservoir, watercourse or other object, permanent or temporary concentration of water which possess the characteristic forms and signs of the water regime;

- **capturing** - collection and direction in a certain channel of waters for the purpose of their full use and protection from pollution;

- **water management system** - a complex of interconnected water management structures designed to ensure the rational use and protection of water resources;

- **Negative Impact Of Waters.** A negative impact of waters includes washout, erosion, flooding, water logging, wearing away of banks of water bodies, eutrophication and other negative impacts on certain areas and facilities;

- **River Basin.** A river basin is a geographical area, where water resources are formed and used, and defined by the boundaries of the catchment basin, including surface and subsurface waters constituting by virtue of their physical interlinkage an integral whole and eventually flowing into the same confluence;

- **groundwater basins** - a set of drainage horizons located in the subsoil;

- **maximum permissible wastewater discharge** - the mass of a substance in wastewater, maximum allowed for the disposal in the prescribed mode at a certain point of a water body per unit of time in order to ensure water quality standards at a control point;

- **protection of water bodies** - a set of measures aimed at the protection, preservation and restoration of water bodies;

- **aquatic ecosystem** - an interconnected system of living organisms and their natural environment, in which there is a cyclical exchange of mineral and organic substances and energy in a water body.

Article 2. Water Legislation of the Republic of Tajikistan

The water legislation of the Republic of Tajikistan is based on the Constitution of the Republic of Tajikistan and consists of this Code, laws, other normative legal acts of the Republic of Tajikistan regulating water relations, as well as international legal acts adopted by Tajikistan.

Article 3. Goals and Objectives Of Water Legislation of the Republic of Tajikistan

The objectives of the water legislation of the Republic of Tajikistan are the regulation of water relations with the aim of ensuring sustainable management and rational use of water to meet the needs of the population and sectors of the economy, to protect water bodies from pollution, contamination and depletion, to prevent and eliminate harmful water impacts, as well as to protect the rights of individuals and legal entities, to strengthen the law in the sphere of water relations.

Article 4. Basic Principles Of Water Legislation of the Republic of Tajikistan

The water legislation and regulatory legal acts of the Republic of Tajikistan are based on the following principles:

- taking into account the importance of water bodies as the basis for human life and activities;

- water resources are state property;

- targeted use of water bodies and water resources;

- the priority of using water bodies is given to drinking and household needs of the population;
- basin water resources management;
- reduction and prevention of water pollution;
- participation of stakeholders in the preparation and decision-making on water resources management;
- equal access of individuals and legal entities to the acquisition of the right to use water bodies;
- rational and efficient use of water resources;
- protection of water bodies;
- avoidance of significant negative impact on the environment related to water bodies use;
- regulation of water relations depending on the natural characteristics of water bodies;
- regulation of the use of water resources from water bodies by issuing permits for special water use;
- introduction of innovative, water-saving technologies, means of measuring and accounting for water use;
- economic incentives for water conservation;
- accounting for economic value of water;
- reimbursement of expenses related with the damage caused to the water facilities;
- reimbursement of expenses for cleaning contaminated waters.

Article 5. The State Water Fund of the Republic of Tajikistan

The State Water Fund of the Republic of Tajikistan includes the total - within the territory of the Republic of Tajikistan - of water bodies and water resources contained therein, including the land under them with the respective water protection zones.

Article 6. Water Bodies

1. Water bodies are divided into surface water bodies and subsurface water bodies.
2. The surface water bodies consist of surface waters and the land areas covered by them within the shoreline:
 - watercourses (rivers, streams, canals);
 - water bodies (lakes, ponds, flooded quarries, reservoirs, mudflow storage reservoirs);
 - wetlands;
 - natural subsurface water outlets (springs, geysers);
 - glaciers, snowfields.
3. Subsurface water bodies include:
 - groundwater basins;
 - aquifers.
4. The boundaries of subsurface water bodies are defined in accordance with the legislation on subsoil

Article 7. The State Water Fund Lands

1. The lands of the state water fund are state owned and consist of lands occupied by surface water bodies, water facilities, including irrigation and drainage systems, and lands allocated for the water protection zones.
2. Land plots from the state water fund lands occupied by water facilities, including irrigation and drainage systems, networks of primary and secondary importance, as well as irrigation facilities serving the land plot of one economic entity, may be temporarily or permanently, fully or partially used by individuals and legal entities.
3. Improper use of lands of the state water fund, which has a negative impact on their condition, is prohibited.

Article 8. Water Property Rights

1. Water in the Republic of Tajikistan is the exclusive property of the state, and the state guarantees its effective use in the interests of the people.

2. Actions of individuals and legal entities, in a direct or hidden form, violating the state ownership of water and contravening the state interests of the Republic of Tajikistan, are prohibited, and entail responsibility in accordance with the legislation of the Republic of Tajikistan.

Article 9. The right to Use Water Bodies

Individuals and legal entities shall acquire the right to use water bodies on the grounds and in accordance with the procedure established by this Code.

Article 10. Water Facilities of Special Strategic Importance

1. The list of water facilities of special strategic importance is defined by the Government of the Republic of Tajikistan.

2. Water facilities of state property having special strategic importance shall be the property of the state, it is strictly prohibited to rent them out or transfer under personal management.

2. The regime of work, order of protection and monitoring of safety of water facilities having a special strategic importance, irrespective of the forms of ownership shall be determined by the Government of the Republic of Tajikistan.

3. Financing of the maintenance and operation, protection and monitoring of safety of water facilities of a special strategic importance is carried out in priority order determined by the Government of the Republic of Tajikistan.

CHAPTER 2. STATUTORY REGULATION AND CONTROL IN WATER RESOURCES USE AND PROTECTION

Article 11. State bodies in the field of regulation of the use and protection of water resources

State regulation of the water resources use and protection in the Republic of Tajikistan is carried out by the following state bodies:

- The Government of the Republic of Tajikistan;
- The authorised state body in the field of regulation of water resources use;
- The authorised state body in the field of environmental protection;
- The authorised state body in the field of drinking water supply and sanitation;
- The authorised state body in the field of land reclamation and irrigation;
- The authorised state body in the field of supervision over the safe conduct of work in industry and in the field of mining supervision;
- The authorised state body in the field of subsoil use;
- local executive authority bodies;
- other state bodies within the framework of their tasks in accordance with the legislation of the Republic of Tajikistan.

Article 12. Competence of the Government of the Republic of Tajikistan

The Scope of Competence of Government of the Republic of Tajikistan in water resources management shall include:

- ensuring the implementation of state policy in the field of use, protection of water resources and integrated water resources management;
- development, adoption and implementation of forecasts, concepts, strategies and development programs in the field of water resources, basin plans, projects and activities related to the management, use and protection of water resources, development of public water supply and sanitation systems, prevention, mitigation and elimination of consequences related to water borne disasters, protection of territories from the negative impacts of water, major accidents,

protection and conservation of aquatic ecosystems;

- establishment of a special regime for water use in emergency zones;
- coordination of the activities of ministries, departments, local executive authority bodies and associations, regardless of the form of ownership, as well as legal entities associated with the use and protection of water facilities;
- approval and change of the basin zones boundaries;
- regulation of issues related to the setting of tariffs for water supply services;
- regulation of issues related to the paid use of water bodies;
- determination of the authorised state bodies in the field of regulation of the use and protection of water resources;
- determination of sources and procedure for financing the maintenance and operation of state water facilities;
- establishment and liquidation of the National Water Council;
- development and regulation of interstate and interethnic relations in the field of use and protection of water resources;
- management of the State Water Fund and water management facilities owned by the state;
- implementation of other authorities set forth for by this Code and regulatory legal acts of the Republic of Tajikistan.

Article 13. Competence of the authorised state body in the field of regulating the use of water resources

The authorised state body in the field of regulating the use of water resources has the following tasks in the field of regulation of the use and protection of water resources:

- implementation of state policy in the field of water resources use and integrated water resources management;
- development of proposals for improving the water legislation of the Republic of Tajikistan;
- development of normative legal regulation in the field of use and integrated management of water resources;
- general coordination of activities of state bodies and organisations in the field of water resources, as well as branches and other structures of regional and international organisations, whose activities are related to water resources, operating in the territory of the Republic of Tajikistan at the expense of partial or full funding from state sources;
- implementation of integrated water resources management based on the rational distribution of water resources between sectors of the economy;
- development of draft state programs, strategies and concepts in the field of water resources with the participation of interested state bodies;
- support the development of basin plans for water resources management, seasonal and annual plans for the distribution of water resources and water balances;
- monitoring the implementation and compliance with the indicators established by the basin plans for water resources management, as well as seasonal and annual plans for the distribution of water resources;
- development and approval of rules for the operation of reservoirs for complex purposes, as well as regulation of river flow by reservoirs;
- keeping records of the water withdrawal limit from water bodies for economic sectors;
- implementation of state accounting for the use of waters from water bodies, maintaining a state water cadastre in terms of the use of waters from water bodies and maintaining a unified state water cadastre in the manner established by the Government of the Republic of Tajikistan;
- receive free information from water users and state bodies, which is necessary to fulfil the tasks assigned to the authorised state body in the field of regulating the use of water resources;
- development and implementation, together with interested authorities, of measures to improve the condition and prevent depletion of water resources, prevent the harmful effects of water;

- organisation of research work related to the use and integrated management of water resources;
- creation and maintenance of a database and a national water information system;
- implementation of other tasks stipulated by the given Code and other regulatory legal acts of the Republic of Tajikistan.

Article 14. Competence of the authorised state body in the field of environmental protection

The authorised state body in the field of environmental protection has the following tasks in the field of regulation of the use and protection of water resources:

- implementation of the state policy in the field of water resources protection, hydrometeorology, biodiversity and climate change management;
- state control over the correctness of accounting for the use of water resources and discharges of pollutants into water bodies;
- state control over the availability and compliance with the conditions of permits for special water use;
- state control over the implementation of measures aimed at protection of surface and groundwater objects by individuals and legal entities;
- state control over compliance with environmental protection requirements during the placement, design, construction (reconstruction) and commissioning of new and reconstructed enterprises, structures and other facilities, dredging, drilling operations, laying cables, pipelines and other communications that affect the state aquatic environment;
- state control over the compliance with environmental requirements for the operation of water management systems and reservoirs, lakes and other water bodies used as reservoirs;
- state control over the implementation of measures to prevent accidental, discharges of pollutants into water bodies and eliminate their consequences;
- in accordance with the established procedure, approval of the norms for the maximum permissible concentration of substances in water bodies and the maximum permissible discharge of wastewater into water bodies;
- in accordance with the procedure established by the legislation of the Republic of Tajikistan, suspension or prohibition of discharges of pollutants into the environment, carried out in violation of the conditions and requirements provided for by permits for special water use;
- coordination of documentation on construction, dredging, blasting and other works on water bodies or their coastal strips (zones) that affect the state of natural resources in the prescribed manner;
- organisation and monitoring of water resources, forecasting and regular study of the state of water resources, including glaciers, lakes and reservoirs;
- development and implementation of national and regional programs, strategies and plans for the protection of water resources;
- coordination of the activities of ministries, departments and local government bodies, organisations, regardless of ownership and departmental affiliation, on the protection of water resources;
- coordination and ensuring the implementation of obligations adhered to by the Republic of Tajikistan under international treaties on the protection of water resources;
- implementation of water accounting and maintenance of the state water cadastre in terms of the formation of surface waters and their quality in the manner established by the Government of the Republic of Tajikistan;
- assessment of the impact on the environment and examination of projects of water management structures under construction;
- creation and development of a database and information system on environmental protection;
- implementation of other tasks stipulated by the given Code and other regulatory legal acts of the Republic of Tajikistan.

Article 15. Competence of the authorised state body in the field of drinking water supply and sewerage

The authorised state body in the field of drinking water supply and sewerage has the following tasks in the field of regulation of the use and protection of water resources:

- implementation of state policy in the field of drinking water supply and sanitation;
- development of proposals for improving the legislation of the Republic of Tajikistan in the field of drinking water supply and sanitation;
- development of draft state programs, strategies and concepts in the field of drinking water supply and sanitation in cooperation with the relevant state bodies;
- supervision over the uninterrupted supply of drinking water from drinking water supply systems;
- implementation of state registration of drinking water use and drinking water quality;
- accounting of supply networks for drinking water supply systems;
- creation and development of a database and information system for drinking water supply and sewerage;
- implementation of other tasks stipulated by the regulatory legal acts of the Republic of Tajikistan.

Article 16. Competence of the authorised state body in the field of melioration and irrigation

The authorised state body in the field of melioration and irrigation has the following tasks in the field of regulation of the use and protection of water resources:

- implementation of state policy in the field of land reclamation and irrigation;
- development of normative legal acts and proposals for improving the legislation of the Republic of Tajikistan in the field of melioration and irrigation;
- development of draft state programs, strategies and concepts in the field of land reclamation and irrigation with the participation of relevant state bodies;
- coordination of water use plans in accordance with the established procedure;
- ensure water distribution and uninterrupted water supply from irrigation systems to water consumers in accordance with the concluded contracts;
- ensure control and mitigation of the impact of changes in the level of groundwater and salinity of irrigated lands;
- implementation of state accounting for the use of water resources for irrigation purposes, as well as discharge of drainage water into water bodies;
- implementation of anti-mudflow, anti-flood, anti-landslide and coastal protection measures at the facilities under its jurisdiction;
- general coordination of the activities of government agencies, international organisations and investment projects in the field of land reclamation and irrigation;
- development, approval and establishment of rules for the operation of water management structures on its balance sheet;
- design, construction of new and reconstruction of units and water facilities;
- development and implementation of measures to improve the ameliorative state of irrigated lands, prevent erosion, salinisation and land degradation jointly with other relevant state bodies;
- implementation of research work in the field of land reclamation and irrigation;
- development of new irrigated lands;
- development of economic mechanisms for water use and coordination of tariffs in the field of irrigation and melioration;
- implementation of state accounting for the use of water resources and discharge of drainage waters in the field of reclamation and irrigation;
- creation and maintenance of a database and information system on land reclamation and irrigation;

- implementation of other tasks stipulated by the regulatory legal acts of the Republic of Tajikistan.

Article 17. Competence of the authorised state body in the field of supervision over the safe conduct of industrial works and mining supervision

The authorised state body in the field of supervision over the safe conduct of industrial works and mining supervision has the following tasks in the field of regulation of the use and protection of water resources:

- coordination of annual plans for water intake from medicinal, mineral and thermal water deposits;
- state control over the correct exploitation of deposits of mineral, medicinal and thermal waters;
- coordination of a technological plan for the development of mineral, medicinal waters and draft licensing conditions for obtaining a license (use of subsoil) for the use of underground (mineral, medicinal, thermal) waters, as well as registration of these licenses;
- consideration and control over the submission of annual statistical reports on the use of waters (mineral, medicinal and thermal) in the approved form;
- coordination of projects for the construction of tailing dumps, storage ponds, sludge collectors and other structures for the disposal of industrial waste;
- consideration and approval of projects for the construction of landfills for underground disposal of industrial wastewater and radioactive waste;
- allocation of a mining allotment for wastewater discharge;
- implementation of other tasks stipulated by the regulatory legal acts of the Republic of Tajikistan.

Article 18. Competence of the authorised state body in the field of subsoil use

The authorised state body in the field of subsoil use, has the following tasks in the field of regulation of the use and protection of underground water resources:

- state registration and accounting of work on the geological study of subsoil, including the drilling of wells for water and for the disposal of industrial wastewater and radioactive waste;
- coordination of projects for drilling water wells prepared by individuals and legal entities;
- approval of projects for consideration, exploration and construction of new water intakes from groundwater;
- coordination of projects for the construction of tailings, storage ponds, sludge ponds, filtration fields and other facilities for the disposal of industrial waste;
- approval of projects for the construction of landfills for underground disposal of industrial wastewater and radioactive waste;
- institutional control over the protection of groundwater bodies from depletion and pollution;
- keeping records of the approved operational reserves of groundwater;
- keeping records of self-flowing wells;
- maintaining the state water cadastre in terms of groundwater bodies in the manner prescribed by the legislation of the Republic of Tajikistan;
- creation and development of a database and information system for subsoil use;
- implementation of other tasks stipulated by the regulatory legal acts of the Republic of Tajikistan.

Article 19. Competence of local executive authority bodies

The local executive authority bodies are assigned to the following tasks in the field of regulation of the use and protection of water resources:

- determination of the main areas for the use and protection of water bodies within the respective administrative-territorial units;
- participation in the development of basin water management plans;

- taking measures to preserve and improve the condition of water bodies, prevent and eliminate harmful impact, as well as water pollution, restore objects damaged as a result of accidents, floods, mudflows and other natural disasters;
- develop flood risk control system and an early warning and flood elimination system jointly with other state bodies;
- supply drinking water, protection and development of centralised, decentralised systems and systems for the distribution of drinking water to consumers in accordance with the legislation of the Republic of Tajikistan;
- coordination of locations and commissioning tasks and works along water bodies and coastal water protection zones;
- cooperation with authorised state bodies in the field of regulation of the use and protection of water resources;
- implement other tasks provided for by this Code and other regulatory legal acts of the Republic of Tajikistan.

Article 14. The Scope of Competence of the National Water Council

1. National Water Council is a consultative body under the Government of the Republic of Tajikistan.

2. The Scope of Competence of the National Water Council in the field of water resources regulation shall include:

- coordination of the activities of the interested ministries, departments and other government agencies, river basin councils, water user associations, the private sector, as well as non-governmental organisations in integrated water resources management;
- preparation of proposals on the definition of best possible boundaries of river basins (basin zones) and sub-basins of the Republic of Tajikistan, as units for the planning and management of water resources;
- approval of a model Terms of Reference for river basin councils;
- review of the draft National Water Strategy, draft state forecasts, concepts, strategies and development programs in water resources, draft basin plans for water resources management and action plans related to water resources management and their submission to the Government of the Republic of Tajikistan for consideration;
- review of the assessment of the implementation of the National Water Strategy, government forecasts, concepts, strategies and development programs water resources, draft basin plans and action plans related to water resources management;
- any other task, defined by this Code and other normative legal acts.

3. National Water Council includes heads of ministries, departments and other state agencies responsible for the use and protection of water resources. National Water Council may include representatives of non-governmental organisations, individual specialists, scientists, experts in the field of water resources, environmental protection and economics.

Article 21. Basin Water Resources Management

1. Basin water resources management shall be carried out within the hydrographic boundaries of the river basins, including their sub-basins, and associated subsoil water bodies, in accordance with the principles of integrated water resources management.

2. To ensure implementation of basin water resources management, river basins, including their sub-basins, and related subsoil water bodies are divided into basin zones as territorial units for water resources management..

Article 22. Basin Zones

1. Basin zones are the main unit of water resources management consisting of river basins and associated subsoil water bodies in the territory of the Republic of Tajikistan.

2. The following basin zones shall be established in the Republic of Tajikistan:

- The Syrdarya basin zone;
- The Zeravshan basin zone;

- The Panj basin zone;
- The Vakhsh basin zone;
- The Kafirnigan basin zone.

Article 23. River Basin Organisations

1. River basin organisations and their subdivisions shall be organisations responsible for planning and monitoring the use and protection of water bodies and for implementing basin water resources management plans in the basin zones.

2. River basin organisations shall be subdivisions of an authorised state body in water resources management.

Article 24. River Basin Councils

1. River Basin Councils shall be established to promote efficient management of water resources and coordinate the activities of all stakeholders within the respective basin zones.

2. River Basin Councils review and agree upon draft Basin Water Management Plans.

3. River Basin Councils shall include representatives of authorised state bodies in water resources management, local executive authorities, as well as representatives of water users, nongovernmental organisations and other stakeholders.

4. The procedure for the establishment and operation of River Basin Councils shall be established by the Government of the Republic of Tajikistan.

Article 25. Development and Establishment of Standards for the Permissible Impacts on Water Bodies

1. To ensure that surface and groundwater meets the requirements of the legislation, standards for the permissible impacts on water bodies shall be ensured and complied with.

2. The standards for the permissible impacts on water bodies shall be developed on the basis of the maximum permissible concentrations of chemicals, radioactive substances, microorganisms and other water quality indicators in water bodies.

3. The approval of the standards for the permissible impacts on water bodies shall be carried out in accordance with the procedures determined by the Government of the Republic of Tajikistan.

4. The amount of substances and microorganisms contained in the wastewater discharged into water bodies shall not exceed the established standards for the permissible impacts on water bodies.

Article 26. Granting the Right to Manage State-Owned Water Facilities to Individuals and Legal Entities

The Government of the Republic of Tajikistan, provided that of the intended function remains unchanged, may grant the right to manage state-owned water facilities within a limited area to individuals and legal entities on the basis of public-private partnerships, concessions, lease outs or other forms of partnership, with due regard to the requirements of the legislation of the Republic of Tajikistan.

Article 27. State control in use and protection of water resources

1. The goal of the state control in use and protection of water resources shall be to ensure that all legal entities and individuals comply with the established procedures for the use of water bodies, fulfil the obligations to protect water bodies, prevent and eliminate harmful impacts of water, to comply with water metering rules, as well as to meet other rules established by the Government of the Republic of Tajikistan.

2. The state control in use and protection of water resources shall be carried out by the authorised state bodies in water resources management in accordance with their mandate as established by the Government of the Republic of Tajikistan.

3. Inspection of the activities implemented by economic entities in the field of use and protection of water resources is carried out in accordance with the legislation of the Republic of

Tajikistan on inspections of the activities of economic entities.

CHAPTER 3. PARTICIPATION OF THE NONGOVERNMENTAL ORGANISATIONS AND INDIVIDUALS IN IMPLEMENTING RATIONAL WATER USE AND PROTECTION ACTIVITIES

Article 28. Assistance to state bodies in the implementation of measures for the rational use and protection of water bodies

Non-governmental organisations and individuals assist the state bodies in the implementation of measures for the rational use and protection of water bodies.

Article 29. Procedure for the participation of non-governmental organisations and individuals in the implementation of measures for the rational use and protection of water bodies

1. Non-governmental organisations take part in activities aimed at ensuring rational use and protection of water bodies, in accordance with the legislation of the Republic of Tajikistan, their respective charters or regulations.

2. Individuals assist state bodies in the implementation of measures for the rational use and protection of water bodies by direct participation in the activities, providing proposals to improve the use and protection of water bodies and informing state bodies about violations of the rules for the use and protection of water resources.

3. State bodies are obliged to take into account the proposals of non-governmental organisations and individuals in the implementation of measures for the rational use and protection of water bodies.

CHAPTER 4. STATE PLANNING, ACCOUNTING AND MONITORING OF WATER RESOURCES USE

Article 30. Planning the use of water resources

1. Planning for the water resources use shall ensure scientifically justified distribution of water between water users, taking into account the priority for the supply of drinking water and water for the household needs of the population, protection of water bodies and prevention of harmful impact of water.

2. Data from the state water cadastre, water management balances, schemes for the integrated use and protection of water, as well as the limits of water intake from the sources belonging to the state water fund are taken into account when developing the plan for the use of water resources.

Article 31. National Water Strategy

1. The National Water Strategy shall be a document reflecting the policy and strategy of the Government of the Republic of Tajikistan in water resources management. It shall be based on the principles of integrated water resources management, with due regard to the prospects for socio-economic development of the country.

2. The National Water Strategy shall be developed by the authorised state body in water resources management with the involvement of other stakeholders. It shall be reviewed by the National Water Council and approved by the Government of the Republic of Tajikistan.

Article 32. State monitoring of water bodies

1. State monitoring of water bodies is carried out with the aim of observing, assessing and forecasting changes in the conditions of water bodies.

2. Data and information obtained as a result of water resources monitoring shall be included in the national water information system and the unified state system of the Republic of Tajikistan for the prevention and elimination of emergency situations.

3. State monitoring of water bodies is carried out in accordance with the legislation of the Republic of Tajikistan.

Article 33. Governmental Monitoring of Water Bodies

1. The National Water Information System shall be created to collect, store, process and deliver information for the development of public policies, forecasts, concepts, strategies and development programs in water resources, basin plans, projects and activities related to management, use and protection of water resources, strategic and operational decision-making and public information on water resources.

2. The National Water Information System shall be created, managed and coordinated by the authorised state body in water resources management.

3. All the water users, in accordance with the specified formats and procedures, shall ensure the collection, processing and transfer of information to the National Water Information System.

4. The procedure for collecting, processing, as well as the format of data to be submitted to the National Water Information System shall be determined by the Government of the Republic of Tajikistan.

5. The operation of the National Water Information System shall be financed from the state budget.

6. Funding related to the maintenance of the national water information system is carried out at the expense of the budget funds of the authorised state body responsible for the regulation of the water resources use.

Article 34. Water Balances

1. When developing basin water resources management plans, river basin organisations, with the assistance of the authorised government body in water resources management and in coordination with other stakeholders, shall prepare water balances.

2. A water balance, which statistically assesses the availability and extent of water resources usage, shall be prepared for major canals, sub-basins, water management units, river basins and ground waters, economic rayons and oblasts of the Republic of Tajikistan. Water balances shall be developed in accordance with the unified methodology on the basis of data from the river basin water users' reports, scientific research, hydrological and hydrogeological surveys. Development of the water balances shall be financed from the state budget.

3. Water balances shall be developed in accordance with the procedure established by authorised state bodies in water resources management.

Article 35. The State Water Cadaster of the Republic of Tajikistan

1. The State Water Cadaster of the Republic of Tajikistan is a set of systematised official data on the status, use and protection of water bodies.

2. The State Water Cadaster shall be maintained by the authorised state bodies in water resources management and its operation shall be financed by the state budget.

3. The State Water Cadaster is a part of the National Water Information System.

4. The order for maintaining state water cadastre is defined by the Government of the Republic of Tajikistan.

Article 36. National Water Facilities Register

1. The National Water Facilities Register is a set of systematised data on the certification of water facilities.

2. The National Water Facilities Register shall be maintained by the authorised state body in water resources management. Each water management facility listed in the State Register shall have a comprehensive description containing information such its economic purpose, legal, physical, geographical, hydrological, hydrogeological, technical-economic and other indicators. A facility shall be entered into the National Water Facilities Register simultaneously with the issue of a special water use permit.

3. The National Water Facilities Register shall also include water facilities of a special strategic importance.

4. State register of water facilities is an integral part of water information system.

Article 37. National Register of Special Water Use Permits

1. National Register of Special Water Use Permits is established to ensure state registration of water use agreements, decisions to provide water bodies for use, transfer of rights and obligations under water use agreements, as well as termination of water use contracts

2. Maintaining the state register of permits for special water use is carried out in accordance with the legislation of the Republic of Tajikistan in the field of regulation of the permitting system and other sectoral legal acts.

Article 38. Basin Water Management Plan

1. Basin Water Management Plans shall be developed by the authorised state body in water resources management with the participation of river basin organisations in accordance with the provisions of the National Water Strategy and with due regard to local programs of social and economic development.

2. Basin Water Management Plans shall be developed using data from the National Water Information System, existing schemes for the integrated use and protection of water resources, water balances, water withdrawal plans and limits and water use norms developed for a specific river basin.

3. The procedures for the development and approval of Basin Water Management Plans shall be determined by the Government of the Republic of Tajikistan.

4. The costs associated with the development of Basin Water Management Plan shall be financed from the state budget.

CHAPTER 5. WATER USE

Article 39. Water Users and Water Use Objects

1. Water users are individuals or legal entities who have been granted the right to use water bodies and water resources extracted from them.

2. For use shall be provide water bodies listed in Article 7 of this Code.

3. The use of water bodies of special national importance, or of special scientific and cultural value, may be partially or completely prohibited in accordance with the procedures established by the Government of the Republic of Tajikistan.

Article 40. Types of Water Use

Based on the conditions for water body use, water uses are classified as:

- a general water use;
- a special water use;
- a joint water use;
- a segregated water use.

Article 41. General and Special Water Use

General water use is a free use of water without permissions and title documents by individuals and legal entities from surface water bodies without utilising structures or technical devices that affect the state of the surface water bodies.

Special water use is a use water without withdrawal or by withdrawing water from a water body (except canals) to meet the needs of individuals and legal entities by utilising structures or technical devices that affect the state of the surface water bodies.

Article 42. Joint and Segregated Water Use

Water bodies may be used jointly or separately.

Joint water use may be applicable to water bodies or parts thereof that are not provided for

segregated use.

Segregated water use may be applicable to surface water bodies or parts thereof that are allocated to meet the needs of individuals and legal entities, with the understanding that this will exclude the use of water bodies or their parts by other individuals and legal entities.

Segregate use shall be applicable to water bodies or part thereof, that are granted use to individuals and legal entities on the basis of a decision of the authorised state bodies.

Article 43. Primary and Secondary Water Use

1. A primary water use is the use of water by individuals and legal entities that draw water directly from water bodies to meet their own needs and (or) deliver it to secondary water users.

2. A secondary water use is a water use by individuals and legal entities that receive water from the primary water users on the basis of contracts.

3. Terms of a secondary water use, mutual rights and obligations of the parties should be stipulated and formalised through an agreement between the primary and secondary water users.

CHAPTER 6. PROCEDURES AND CONDITIONS FOR GRANTING WATER BODIES FOR USE

Article 44. Priority provision of water bodies for drinking and household needs of the population

1. Water bodies shall primarily be granted for use to meet the drinking and household needs of the population.

2. Use of water bodies for other purposes is approved only if there is sufficient volume of available water resources.

Article 45. Payment for the use of water bodies

1. General water use in the Republic of Tajikistan is free of charge.

2. Special water use to generate electricity at hydropower power facilities with a capacity of not more than 3,000 kW/h, and the special water use to address emergency situations, agriculture and forestry carried out by the state bodies, and to meet the needs of navigation is free of charge in the Republic of Tajikistan.

3. Special water use is carried out on the paid basis in all case, except for those listed in the part 2 of the given Article and other relevant legislation of the Republic of Tajikistan.

4. The size of the charges for the use of water bodies, the procedures for the calculation and collection of such charges shall be established by the Government of the Republic of Tajikistan..

Article 46. Procedure for general water use

1. In case of general water use, it is necessary to meet the requirements of regulatory documents established by the authorised state body for sanitary and epidemiological supervision, protection of fish stocks, as well as rules for protecting people's lives on water, rational use and protection of water, and other requirements established by authorised state bodies in water management.

2. In order to protect the lives and health of citizens, the local executive authorities, upon the request of the authorised state bodies in water resources management, local executive bodies of the state authority, and other authorities concerned, will establish places where it is prohibited to swim, sail small boats, water cattle, as well as will set forth other conditions for general water use in water bodies.

3. Local executive authorities shall inform individuals and legal entities about the conditions of general water use established by such authorities.

Article 47. General water use on water bodies provided for segregated use

1. On water bodies granted for segregated use, general water use is allowed in accordance with the conditions established by the primary water user in coordination with authorised state

bodies in water resources management, though it may be prohibited where required.

2. The primary water user shall inform individuals and legal entities about the conditions or prohibition of general water use on the surface water body granted to it for segregate use.

3. In case if the primary water user has not advised on the conditions or prohibition of general water use on the surface water body granted to it for segregate use, the general water use is recognised as permitted without restrictions in accordance with the water legislation.

Article 48. Permits for special water use

1. Special water use shall be carried out in accordance with permits issued by the authorised state body in water resource management, and in cases provided for by Article 40 of this Code, by local executive authorities, by self-government bodies of settlements and villages. Such permits shall be issued in coordination the authorised state bodies for sanitary and epidemiological supervision, protection of fish stocks, supervision of industrial safety and mining supervision as well as with other bodies concerned.

2. The procedures for issuing and modifying special water use permits, extending the terms, terminating them, issuing duplicates and transferring rights and obligations for a permit for special water use to other persons/entities shall be established by the authorised state body in water resources management in coordination with other authorised state bodies in water resources management.

Article 49. Permits for special water use issued by local executive authority bodies and self-government bodies of settlements and villages

1. Permission for the use of subsoil water bodies, which are not used for centralised water supply by establishing in villages, towns and cities water wells, driven filter wells, as well as by tapping water sources without the use of pumps to lower the water levels, are issued by local executive authorities, and self-governments of settlements and villages.

2. Permissions for the construction of these wells and groundwater intake structures on the lands of the state reserve and the state forest fund shall be issued by the local executive authorities in coordination with the authorised state bodies in water resources management, and the authorised state body for land management and land planning.

3. Special water use in closed (stagnant) water bodies located in the territory of a rayon, a city, and also on streams and dry lands shall be carried out on the basis of permits issued by local executive authorities of the respective districts and cities.

Article 50. Provision of water bodies for segregated use

1. For segregate use, water bodies shall be allocated in whole or in part through a decree of the Government of the Republic of Tajikistan, a decision of the authorised state body in water resources management or local executive authorities.

2. Decrees or decisions for granting surface water bodies for segregate use shall specify the purpose for which they are allocated and the basic conditions for the use of surface water bodies..

Article 51. Agencies providing water bodies for segregated use

1. 1. The Government of the Republic of Tajikistan shall allocate surface water bodies or parts thereof for segregate use as provided for in subsection 39 (3) and Article 72 of this Code.

2. The authorised state body in water resources management shall allocate for segregate use water bodies (except for canals) located in the territory of the Republic of Tajikistan, with the exception of cases provided for in Parts 1 and 3 of this Article.

3. Local executive authorities of rayons and cities shall allocate for segregate use closed (stagnant) water bodies located in the territory of a rayon or a city, if this does not have a negative impact on other water users.

Article 52. Documents certifying the right to segregated use of water bodies

1. The right of water users to segregate use of a water body shall be certified by a state title on the water use, which shall be issued by the authorised state body in water resources management and local executive authorities of districts and cities authorised to regulate the use of water

resources in cases provided by the part 2 of the Article 51 and local executive authority bodies in the cases stipulated by the part 3 of the Article 51.

2. The forms of the titles shall be established by the authorised state body in water resources management.

Article 53. Terms of use of water bodies

1. Water bodies shall be allocated for permanent or temporary use.
2. A permanent water use is referred to as a term-less water use.
3. Temporary use may be short-term - up to three years, and long-term - from three to twenty-five years. If necessary, the term of a water use may be extended for a period not exceeding the corresponding periods of short-term or long-term temporary use.
4. General water use has no time related limitations.

CHAPTER 7. RIGHTS AND OBLIGATIONS OF THE WATER USERS WHEN USING WATER OBJECTS

Article 54. Rights of water users

In accordance with the designated purpose of the water body, which was allocated for use, water users have the right, in accordance with the established procedure, to:

- derive water for its subsequent use;
- deliver derived water to secondary users;
- use water bodies to meet drinking and household needs of the population, agriculture, industry, electricity generation sector, transport, fish farming, fishing and hunting;
- build water facilities, as well as carry out their reconstruction and liquidation;
- use water bodies for recreation, sports and health strengthening activities, maintain a good state of natural complexes, and carry out other water use related activities that are not prohibited by law;
- participate in water user associations;
- receive information on the quantity, quality and use of water resources;
- participate in the management and planning of water resources;
- be members of river basin councils;

Article 55. Restriction of the rights of water users

1. In case of exceptional low water levels, emergency situations on water bodies, threats of epidemics, epizootic outbreaks, excessive water abstraction and in other cases stipulated by law, the rights of water users may be restricted in order to protect public health, or in the interests of other water users. At the same time, this shall not lead to the deterioration of conditions in the usage of water bodies to meet drinking and household needs of the population.

2. Restriction of the rights of water users when preventing negative impacts of water and addressing its consequences caused by the harmful effects of water shall be regulated by Article 83 of this Code.

3. The rights of water users to a segregate use of a surface water body may be restricted by the authority that granted this water body for segregate use, the right to special water use may be restricted by the authority that issued the permit for special water use, the right to secondary water use may be restricted by the primary water user, in coordination with the authorised state body for management of water resources, as well as other authorised state bodies in water resources management in accordance with the legislation of the Republic of Tajikistan.

Article 56. Obligations of water users

Water users are required to:

- ensure that water bodies are used in a sustainable manner, take measures to ensure frugal water consumption, and restore and improve water quality;
- take possible measures to completely stop discharge of polluted wastewater into water

bodies;

- avoid violating the rights of other water users, as well as causing harm to the environment;
- maintain in good working order the water treatment facilities operated by them and water facilities located on water bodies;
- timely pay charges and fees for the use of water resources and for water delivery services to consumers;
- inform the authorised state bodies in water resources management and local executive authorities about accidents and other emergencies on water bodies;
- maintain accounting of water withdrawals from water bodies and the wastewater discharges, including data about their quality, and submit such reports free of charge and in due time to the authorised state body in water resources management in accordance with the specified procedures;
- keep water protection zones in good order in compliance with the modality of a territory use, provided these are in their use;
- comply with the established requirements and terms of the water use agreement concluded with the water delivery organisation and agreed with the authorised state body in water resources management;
- perform other duties stipulated by the legislation and permits for special water use.

Article 57. Encouragement of water users to ensure rational use and protection of water

Incentives for water users to implement socially useful measures for the rational use and protection of water shall be developed by the authorised state body and approved by the Government of the Republic of Tajikistan.

CHAPTER 8. REASONS AND PROCEDURE FOR WATER USE RIGHT TERMINATION

Article 58. Reasons for termination of the right to water use

1. The right of water use by individuals and legal entities shall be subject to termination in the following cases:

- avoiding or refusing to use water;
- expiration of the water use period of validity;
- reorganisation or liquidation of a legal entity, or death of an individual;
- transfer of water management facilities to other water users;
- the need of the state to withdraw water bodies from special and segregated use;
- the need to redistribute water use in accordance with a specific basin water management plan;
- failure to use water for three consecutive years;
- finding a water use permit holder guilty in a violation of the water legislation of the Republic of Tajikistan.

2. A water use right (except for the right to use water for drinking and domestic purposes) of individuals and legal entities may be terminated in case of a violation of the rules for the use of waters and their protection, or the use of a water body for purposes other than those for which the water use right was granted, or if there is a significant ecological imbalance of the natural environment.

3. Law may provide for other grounds for the termination of water use rights.

Article 59. Procedure for termination of the right to water use

1. A water use right shall be terminated by:
 - canceling or suspending a special water use permit;
 - withdrawing a water body segregate use permit.
2. A special water use permit shall be terminated by a decision of the authority that issued such a permit.

3. A secondary water use may be terminated by a decision of the primary water user in coordination with the authorised state body in water resources management.

Article 60. Withdrawal of water bodies from segregated use

1. A water body shall be withdrawn from segregated use in accordance with a resolution or decision of the state body that provided the water body for segregated use in accordance with Article 44 of this Code.

2. A water body shall be withdrawn from the use by a nature sanctuary in accordance with Part 4 of Article 72 of the given Code.

Article 61. Compensation for losses caused by water management measures, termination or change in the water use conditions

Damage caused to individuals and legal persons by carrying out water management measures (hydraulic works, etc., except for those related to emergency situations and natural disaster management), as well as termination or change of water use conditions, are subject to compensation in cases and in accordance with the procedures established by the Government of the Republic of Tajikistan.

CHAPTER 9. WATER OBJECT USE

Article 62. Basic requirements for the use of water bodies

1. In the design, construction, reconstruction and operation of water management facilities, measures shall be envisaged to protect water bodies as well as aquatic biological resources and other objects of the animal and plant world in a timely manner.

2. When using water bodies included in water management systems, it is not allowed to change the water regime of these water bodies, which otherwise can lead to the violation of the rights of other water users.

3. Works related to the change or development of a natural water body or watercourse shall be carried out subject to the preservation of its natural origin

Article 63. Use of water bodies for drinking and household needs of the population

1. Every citizen of the Republic of Tajikistan has the right of access to safe and clean drinking water as an integral component in the implementation of universal human rights.

2. To meet drinking and household needs of the population, use shall be made of only water bodies protected from pollution and debris, with the suitability of water bodies for these purposes determined in accordance with the sanitary and epidemiological conclusions.

3. For water bodies that are used to meet drinking and household needs of the population, sanitary protection zones shall be established on the basis of a sanitary and epidemiological certificate in accordance with the legislation of the Republic of Tajikistan.

4. In the sanitary protection zones for drinking water supply sources, business activities and allocation of the territory for housing construction, construction of industrial facilities and agricultural facilities shall be prohibited or restricted in cases and in the manner established by the sanitary rules and norms in accordance with the legislation on sanitary and epidemiological safety of the population and the sanitary protection zone project document for water bodies.

5. If water quality fails to meet the requirements of sanitary norms and regulations, the authorised state body for sanitary and epidemiological supervision, local executive authorities and self-government bodies of settlements and villages, individuals and legal entities shall take measures to prevent, suspend or prohibit the use of said water bodies.

6. The use of drinking groundwater for the purposes other than those related to drinking and domestic water supply is not allowed.

7. In areas where there are no surface water bodies, but there are sufficient groundwater resources suitable for the purposes of drinking and domestic water supply, the use of groundwater for purposes not related to drinking and domestic water supply is allowed in exceptional cases, according to a special water use permit issued by the authorised state body in water resources

management.

8. Other legal and organisational basic relations in the area of drinking water and drinking water supply, and the statutory guarantees for providing the population with drinking water shall be provided for in the drinking water and drinking water supply legislation.

Article 64. Use of water bodies for medical, resort and recreational purposes

1. Water bodies, assigned as proper to the category of medicinal water, shall be primarily used for medical, health resort treatment and wellness purposes. In exceptional cases, the authorised state body in water resources management may authorise the use of water bodies classified as medicinal water for other purposes as agreed upon with the relevant health authorities.

2. Discharge of wastewater into water bodies, referred to the category of medicinal water, shall be prohibited.

Article 65. Use of water bodies for recreational purposes

1. The use of water bodies for recreational purposes (recreation, tourism, sports) shall be with due regard to the rules for the use of water bodies established by local executive authorities in accordance with Articles 39 and 40 of this Code.

2. Design, construction, reconstruction, commissioning and operation of buildings, structures, facilities for recreational purposes, including beach development, shall be in accordance with water legislation, legislation on sanitary and epidemiological supervision and legislation on urban development of the Republic of Tajikistan.

Article 66. Use of water bodies for the purpose of electrical energy generation

1. The use of water bodies for the production of electricity shall with due regard to the interests of other water users and meet the requirements for sound use and protection of water bodies.

2. Water users, operators of hydropower facilities, must ensure the draw off and filling regime of reservoirs with due regard to the priority of drinking and household needs of the population, as well as in accordance with the reservoir operational rules approved by the authorised state bodies in water resource management.

3. Individuals and legal entities may, in agreement with owners, use the engineering capabilities of canals and other existing hydraulic structures of various purposes to generate electricity, if this does not compromise the main purpose of these facilities and the environment.

Article 67. Use of water bodies for the needs of agriculture

1. The use of water bodies for agricultural purposes shall be in accordance with the procedures related to both general and special water use.

2. Individuals and legal entities may use water facilities to establish and maintain the best possible water regime for agricultural plants on agricultural land in the manner specified by the legislation on land improvement and irrigation.

3. The purpose of agricultural water use is to ensure agricultural and forestry production, irrigate household plots, wash saline lands, conduct water charging irrigation and to meet other agricultural needs.

4. Use of water from water bodies, watering, irrigation and irrigation systems shall be in accordance with water use plans on the basis of contracts between water suppliers and water users.

5. Water use plans shall be approved:

- by water user associations on the farm level;

- by water suppliers for water supply systems, irrigation systems and irrigation/water distribution systems;

- by river basin organisation at the basin (sub-basin) level.

6. Changes in the volume and schedule of water supply to water users shall be subject to the water body regime, availability of water resources in the water body, weather conditions and other reasons in accordance with current regulations.

7. Irrigation of land by wastewater shall be sanctioned by the authorised state environmental protection authority in coordination with the state sanitary-epidemiological and veterinary supervision authority and in accordance with the requirements of the current legislation.

8. Individuals and legal entities who use water bodies for agricultural purposes shall comply with the operational (maintenance) rules for land reclamation systems and stand-alone water facilities.

9. Individuals and legal entities are not allowed to adjust in an unauthorised manner hydraulic structures on canals and reservoirs of inter-farm importance with the aim of increasing or decreasing the flow of water, nor to install temporary bridges, pumping stations and other structures and devices.

10. Water discharge from ponds, canals and other irrigation facilities into water bodies without permission of the authorised state body in water resources management is not allowed.

11. The movement of cattle and ruminants, the passage of motor vehicles through water management structures and devices, as well as the use of water management structures and devices for providing water to livestock are allowed in specifically designated places designated.

12. Regulation of other legal and institutional grounds in the field of land reclamation and irrigation of agriculture is provided by the legislation of the Republic of Tajikistan on land reclamation and irrigation.

Article 68. Use of water bodies for industrial purposes

1. Water users who use water bodies for industrial purposes must comply with water use technological norms and rules and also take steps to reduce water consumption and avoid wastewater discharges by improving production technology and water supply schemes (use of water-free technological processes, recycled water supply and other technological techniques).

2. Ground waters not included in the category of drinking or medicinal waters may, in accordance with the procedures established by the Government of the Republic of Tajikistan, be used for technical water supply, extraction of chemical substances contained therein, generation of heat energy and other production needs in compliance with the requirements for sound use and protection of waters.

3. Ground water sources that are not classified as drinking or treatment water can be used in the order established by the Government of the Republic of Tajikistan for technical water supply, extraction of chemical elements contained in these types of water, obtaining heat energy and for other production needs in compliance with the requirements of rational use and protection of water.

Article 69. Use of surface water bodies for the purposes of water and air transport

1. Rivers, lakes, reservoirs of the Republic of Tajikistan are waterways of general use, except for cases when their use for this purpose is fully or partially prohibited or if they have been allocated for segregated use.

2. The procedures for assigning waterways to the category of navigational importance and the rules for their operation shall be approved by the Government of the Republic of Tajikistan.

3. The procedures for using water bodies for parking, take-off and landing, as well as for other air transport needs shall be determined by the Government of the Republic of Tajikistan.

Article 70. Use of water bodies for the purposes of fish farming and fishing

The use of water bodies for the purposes of fish farming and fishing, as well as of legal regulation of fish farming, fishing and protection of fish resources shall be in accordance with the legislation of the Republic of Tajikistan on fish farming, fisheries and protection of fish resources.

Article 71. Use of water bodies for the needs of the game industry

1. On the rivers, lakes and other water bodies, which are habitats of wild waterfowl and valuable fur-bearing animals, the authorised state body in water resources management may grant water use preferential rights to hunting organisations, with due regard to the requirements of integrated water resources management.

2. The procedures for the use of water bodies for game husbandry needs (breeding of waterfowl and fur-bearing animals, cultivation of aquatic plants and other activities related to the management of hunting facilities) shall be developed by the authorised state forestry authority in coordination with the authorised state bodies for the management of water resources, state sanitary and epidemiological supervision authorities and other authorities concerned and shall be approved by the Government of the Republic of Tajikistan.

Article 72. Use of water bodies for the needs of natural reserves

1. Water bodies of special scientific or cultural value shall be declared protected in accordance with the procedures established by the legislation of the Republic of Tajikistan and shall be allocated for unlimited use to nature sanctuaries for the purposes of nature protection and scientific research.

2. Water bodies in the Republic of Tajikistan shall be declared protected and shall be allocated for use to nature sanctuaries on the basis of a resolution of the Government of the Republic of Tajikistan.

3. The procedures for using the nature sanctuary waters shall be defined by Statutes on Nature Sanctuaries.

4. Water bodies may be withdrawn from the use by nature sanctuaries only in special cases in accordance with a resolution of the Government of the Republic of Tajikistan.

5. Water bodies of a scientific and cultural value and declared protected shall be recognised as monuments of nature or culture in accordance with the procedures established by the Government of the Republic of Tajikistan. The decision to recognise water bodies as nature or culture monuments and establish special conditions for their use shall be brought to the attention of the population and organisations concerned.

Article 73. Use of water bodies for fire fighting needs and emergency response

1. Withdrawal of water for fire and emergency management shall be allowed from any water bodies. Water shall be withdrawn free of charge, without a special permit, and in the amount necessary to control the fire and emergency situation.

2. It is prohibited to use water from water bodies specially designed for the purposes of fire-fighting for purposes other than for their intended purpose.

Article 74. Use of water bodies for wastewater discharge

1. The use of water bodies for the discharge of industrial, communal, household, drainage and other wastewater types shall only be with a permit issued by the authorised state body in water resources management in coordination with the state authorities responsible for sanitary and epidemiological supervision, environmental protection, protection of fish stocks, as well as other authorities concerned. A permit shall be issued on the basis of documents proving the need and the possibility of using water bodies for wastewater discharge.

2. Discharge of wastewater into water bodies, classified as drinking, medicinal and specially protected water bodies, shall be prohibited.

3. Discharge of wastewater shall only be allowed if this does not lead to an increased pollutant concentrations in the water of the water body in excess of the established norms and under condition that the wastewater has been treated by the water user to the limits established by the authorised state body.

4. The procedures and conditions for the use of water bodies for wastewater discharge shall be established by the Government of the Republic of Tajikistan and state bodies authorised in the field of environment protection.

Article 75. Operation of reservoirs

1. Individuals and legal entities operating water pipes, culverts or water intake facilities at reservoirs must comply with the regime of filling and working out of reservoirs, established with due regard to the interests of water users and land users located in the zones of the reservoirs influence.

2. The reservoirs operational procedures shall be defined by regulations approved by the authorised state body in water resources management for each reservoir, cascade or reservoir system in coordination with the sanitary and epidemiological supervision authorities and other authorities concerned.

3. The working out and coordination of measures ensuring the proper technical condition and improvement of reservoirs, as well as monitoring compliance with the operational rules thereof, shall be carried out by the authorised state body in water resources management in accordance with the procedures established by the Government of the Republic of Tajikistan.

4. The provisions of paragraphs 1, 2 and 3 of this article shall also apply to the exploitation of lakes and other reservoirs used as reservoirs.

5. The list of reservoirs, along with the rules for the use of reservoirs, is developed by the Government of the Republic of Tajikistan.

6. The use of reservoirs, with the exception of the reservoirs specified in part 5 of the given Article, is carried out in accordance with the standard rules for the use of reservoirs, approved by the Government of the Republic of Tajikistan.

7. The procedure for the development, coordination and approval of the rules for the use of reservoirs is defined by the Government of the Republic of Tajikistan.

CHAPTER 10. WATER OBJECTS PROTECTION

Article 76. Basic requirements for the protection of water bodies

1. Water bodies shall be protected by authorized executive authorities within their scope of competence in accordance with the legislation for environmental protection, sanitary and epidemiological supervision, and veterinary supervision and in accordance with this Code.

2. When using water bodies, individuals and legal entities must implement water management measures and water body protection activities in accordance with this Code and environmental protection legislation of the Republic of Tajikistan.

Article 77. Protection of water bodies from pollution and contamination

1. Discharge and disposal of production and consumption wastes into water bodies shall be prohibited.

2. Owners of means of water transport, pipelines, floating and other structures on water bodies must avoid contaminating polluting and clogging of water due to loss of oils, chemicals, petroleum and other products.

3. Measures to prevent pollution of water bodies from accidents and other emergencies and to address their consequences shall be defined by the legislation of the Republic of Tajikistan.

4. Concentration in water bodies of radioactive substances, pesticides, agrochemicals and other substances and compounds hazardous to human health shall not exceed, respectively, the maximum permissible levels of natural radiation background, typical for certain water bodies, and other standards established in accordance with the legislation of the Republic of Tajikistan.

5. Burial of radioactive and toxic substances in water bodies is prohibited.

6. Discharge into water bodies of wastewater with the concentration of radioactive substances, pesticides, agrochemicals and other substances and compounds hazardous to human health exceeding the standards for the permissible impact on water bodies is prohibited.

7. Blasting operations on water bodies resulting in the release of radioactive and/or toxic substances is prohibited.

Article 78. Protection of glaciers and snowfields from pollution and clogging

1. Pollution of glaciers and snowfields with production and consumption waste, oil products, pesticides and other harmful substances is prohibited.

2. Extraction of ice from glaciers shall not have a negative impact on the state of water bodies and lead to water depletion.

Article 79. Protection of groundwater bodies

1. Individuals and legal entities whose activities have or may have a negative impact on the state of subsoil water bodies must take measures to prevent pollution, clogging of subsoil water bodies and water depletion, as well as to comply with the established standards for the permissible impact on subsoil water bodies.

2. In the catchment areas of subsoil water bodies that are used or can be used to meet drinking and household needs of the population, it is not allowed to locate facilities for the disposal of production and consumption wastes, cemeteries, cattle cemeteries and other facilities that have a negative impact on groundwater.

3. Wastewater in areas with a shallow groundwater level may be used for irrigation and land fertilisation in accordance with legislation for environmental protection and sanitary-epidemiological supervision.

4. Should underground aquifers be opened during the use of subsurface resources, natural and legal persons shall immediately notify the authorised state body in water resources management and take measures to protect groundwater from pollution and depletion in accordance with the established procedure, and furnish flowing wells with control devices.

5. In the design, construction, reconstruction, commissioning, operation of water intake facilities associated with the use of subsoil water bodies, measures shall be taken to prevent the negative impact of such facilities on water bodies and other environmental entities.

Article 80. Protection of water bodies during design, construction, reconstruction, commissioning, operation of a water management system

1. During the design, construction, reconstruction, commissioning, and operation of water management facilities and when implementing new technological processes, it will be necessary to take into account their influence on the state of water bodies and ensure that standards for permissible impact on water bodies be met, except for cases established by the legislation of the Republic of Tajikistan.

2. It is not allowed to put into operation facilities for irrigation and fertilization of land with wastewater without establishing points for monitoring the water regime and water quality in water bodies.

3. Design of through flow systems of technical water supply is not allowed.

4. When operating a water management system, it is prohibited to:

- discharge into water body wastewater that has not been sanitized, rendered harmless (based on the understanding that it is not allowed to exceed the standards for the permissible impact on water bodies and standards for maximum permissible concentrations of harmful substances in water bodies);

- extract water resources from a water body in an amount that will have a negative impact on the water body;

- discharge into water bodies wastewater containing infectious agents, as well as harmful substances, for which the maximum permissible concentrations have not been established.

5. Failure to meet the requirements for the use and protection of water bodies shall entail the restriction, suspension or prohibition of the operation of water system facilities in the manner provided for by this Code and other laws of the Republic of Tajikistan.

Article 81. Protection of water bodies during implementation of works

1. Construction, dredging, blasting, drilling and other works associated with the change of the bottom and banks of water bodies in their water protection zones shall be carried out in accordance with the requirements of water environmental protection legislation.

2. Water users using water bodies for the extraction of water resources must take measures to prevent fish from entering water intake facilities, to prevent groundwater contamination, and raising of their level.

3. Irrigation activities, including the use of wastewater, the quality of which complies with the requirements of the standards for permissible impact on water bodies, drainage and other land

reclamation activities should be carried out simultaneously with the implementation of measures for the protection of the environment, the protection of water bodies and their catchment areas.

4. Individuals and legal entities engaged in the construction, dredging, blasting, drilling and other works associated with the change of the bottom and shores of water bodies, must implement measures to protect water bodies, to prevent their contamination, and clogging.

Article 82. Protection of water bodies used for the production of electrical energy

1. Water users using water bodies to meet the technological needs of the heat power industry are obliged to observe the temperature regime of water bodies.

2. The use of water bodies for the production of electric energy by hydropower facilities is carried out taking into account the interests of other water users, compliance with the requirements for the use and protection of water bodies, requirements for the preservation of aquatic biological resources and flora and fauna, requirements for the prevention of the negative impact of water and liquidation of its consequences.

3. To ensure safe and sound operation, safe operation of hydropower facilities in the water areas of water bodies, on sections of the coastal strip (including areas adjacent to hydropower facilities), sections of the floodplain, protection zones are established with special conditions for water use and use of sections of the coastal strip (including the number of sites adjacent to hydropower facilities).

4. The procedure for establishing protection zones for these facilities, special conditions for water use and use of sections of the coastal strip (including areas adjacent to hydropower facilities) within their boundaries is determined by the Government of the Republic of Tajikistan.

Article 83. Pools and zones of sanitary protection of water bodies, water resources used for treatment

1. To ensure protection of water bodies with medicinal water resources, basins and zones of sanitary protection shall be established in accordance with the legislation of the Republic of Tajikistan.

2. Withdrawal of sanitary zones for any needs is prohibited.

Article 84. Water protection zones and bank protection zones

1. Water protection zones shall be the areas that adjoin the rivers, creeks, canals, lakes, reservoirs and that are adjacent to the shoreline (boundaries of the water body) and on which a special regime of economic and other activities is established to prevent pollution, clogging, siltation of these water bodies and depletion of their waters, as well as the conservation of the habitat of aquatic biological resources and other components of the animal and plant world.

2. Within the boundaries of water protection zones, protected shoreline belts are established, where additional restrictions shall be imposed on economic and other activities.

3. Water protection zones shall include:

Zones of sanitary protection of surface and subsoil water bodies, which are used for water extraction to meet the drinking and household needs;

Water protection zones of rivers, streams, canals, lakes and reservoirs.

4. Zones of sanitary protection of water bodies, water protection zones of rivers, streams, canals, lakes, reservoirs and their protected shoreline belts shall be established on the location, in accordance with the project documents developed by the authorised state body in water resources management and other authorised state bodies. The Project documents for water protection zones including protected shoreline belts shall be approved by the Government of the Republic of Tajikistan or, at its request, by the authorised state body in water resources management.

5. Water protection zones, which are within the scope of competence of local executive authorities, shall be established in the respective location in the same manner at the appropriate level, with project documents approved by the local executive authorities.

6. Within the water protection zones it is prohibited to:

- use wastewater to regulate soil fertility;
- establish (site) cemeteries, cattle cemeteries, facilities for disposal of production and

consumption wastes, chemical, explosive, toxic, poisonous and poisonous substances, radioactive waste disposal sites;

- use aviation to control pests;
- move and park vehicles (except for special vehicles), except for their movement on roads and parking on roads and in specially equipped places with a hard surface;
- establish gas stations, fuel and lubricants storages, service stations used for technical inspection and repair of vehicles, wash vehicles;
- establish specialised storage facilities for pesticides and agrochemicals, use pesticides and agrochemicals;
- discharge wastewater;
- exploit and produce common mineral resources (except for cases when common minerals are exploited and produced by users of subsurface resources engaged in development and production of other types of minerals within the boundaries of mining allocations granted to them in accordance with the legislation of the Republic of Tajikistan and (or) geological allocations based on the approved technical design).

7. Designing, construction, reconstruction, commissioning, operation of economic and other facilities shall be allowed within the boundaries of water protection zones, provided that such facilities are furnished with systems that protect water bodies from pollution, contamination, siltation and depletion of water in accordance with water and environmental protection legislation. The choice of a system to protect a water body from pollution, clogging, siltation and depletion of water shall be made with due regard to the need to comply with the standards of permissible discharges of pollutants, other substances and microorganisms established in accordance with the environmental protection legislation. For the purposes of this article, the systems to protect water bodies from pollution, clogging, siltation and depletion of water are understood to be:

- centralised sewerage systems, and centralised storm drainage systems;
- structures and systems for draining (diverting) sewage into centralised drainage systems (including rainwater, thawed, infiltration, irrigation and drainage water), if they are designed to receive such waters;
- local sewage treatment plants for wastewater treatment (including rain, thawed, infiltration, irrigation and drainage water) that ensure their treatment based on the standards established in accordance with the requirements of the environmental protection legislation and this Code;
- facilities for the collection of production and consumption wastes, as well as structures and systems for discharging (diverting) sewage (including rain, thawed, infiltration, irrigation and drainage water) into receivers made of waterproof materials.

8. Within the boundaries of protected shoreline belts along with the restrictions set forth in Part 6 of this article, the following shall be prohibited:

- plowing of lands;
- placement of dumps of eroded soils;
- grazing agricultural animals and organising summer camps and baths for them.

9. The boundaries of water protection zones and protected shoreline belts of Water bodies on the specific location, including by way special information signs shall be established in the manner established by the Government of the Republic of Tajikistan.

Article 85. Specially protected water bodies

1. Water bodies or their parts that have special ecological, scientific, cultural, aesthetic, recreational and health related significance may be recognised as specially protected water bodies.

2. The status, special protection regime and boundaries of the territories where the water bodies are located, specified in part 1 of the given Article, shall be established in accordance with the legislation of the Republic of Tajikistan on specially protected natural territories.

3. A special regime for the use of a water body or its part, within the boundaries of the archaeological heritage site shall include the possibility of carrying out works defined by this Code, under the condition that the safety of the archaeological heritage site included in the state register of historical and cultural heritage of the Republic of Tajikistan, or identified as an object

of archaeological heritage, as well as providing citizens with access to these sites and conducting archaeological field work in the manner prescribed by the legislation of the Republic of Tajikistan

Article 86. Zones of ecological disasters, zones of emergency situations along water bodies

1. In accordance with the legislation of the Republic of Tajikistan in the field of environmental protection and legislation in the field of protecting the population and territories from natural and man-made emergencies, zones of ecological disaster and zones of emergency situations may be declared in the areas along the water bodies and river basins, where the changes occur that pose a threat to the health or life of the population, objects of flora and fauna, and other objects of the environment as a result of man-made and natural phenomena.

2. The bottom soil can be used to prevent the negative impact of water in the event of emergencies and eliminate the consequences of such situations in accordance with the legislation of the Republic of Tajikistan in the field of protection of the population and territories from natural and man-made emergencies.

Article 87. Prevention of negative impact relate to water and elimination of its consequences

1. To prevent the negative impact of water (flooding, destruction of the water bodies banks, water logging) and eliminate its consequences, special protective measures are carried out, including bank protection and mudflow protection measures in accordance with this Code and other legislative acts of the Republic of Tajikistan.

2. The placement of new settlements and the capital construction of facilities without special protective measures to prevent the negative impact of water within the boundaries of flooding zones, flooding is prohibited.

3. Within the boundaries of flooding zones it is prohibited to:

- use of wastewater to regulate soil fertility;
- establish cemeteries, cattle burial grounds, objects of disposal of production and consumption waste, chemical, explosive, toxic, poisonous substances, storage and disposal for radioactive waste;
- implementation of aviation measures to combat harmful organisms.

4. The boundaries of flooding zones are determined by the authorised state body in the field of emergency situations with the participation of the relevant units of local executive authority bodies and self-government bodies in settlements and villages.

5. Measures to prevent the negative impact of water and liquidate its consequences in relation to water bodies are carried out by the relevant bodies authorised by the Government of the Republic of Tajikistan, local executive authority bodies and self-government bodies in settlements and villages.

CHAPTER 11. DISPUTE RESOLUTION IN THE FIELD OF WATER RELATIONS

Article 88. Settlement of disputes in the field of water relations

Disputes between participants of water relations are resolved through negotiations between the parties, their consideration in the Government of the Republic of Tajikistan, National Water Council, River Basin Councils, authorised state bodies in the field of regulation of the use and protection of water resources, local executive authority bodies, local government bodies in the villages, bodies established by the citizens and associations of water users, within their competence, or in the courts in the manner prescribed by the legislation of the Republic of Tajikistan.

Article 89. Procedure for property disputes resolution in the field of water relations

Property disputes in the field of water relations are resolved in accordance with the procedure established by the legislation of the Republic of Tajikistan.

CHAPTER 12. INTERNATIONAL COOPERATION IN THE FIELD OF WATER RELATIONS

Article 90. International cooperation in the field of water relations

The foreign policy of the Republic of Tajikistan in the field of water relations is based on the prerequisite need to ensure sustainable development of the national economy, effective, rational use and protection of water resources on the basis of compliance with the principles of international water law, expanded mutually beneficial and friendly cooperation with foreign states, ensuring overall environmental security, development international cooperation in the field of water relations.

Article 91. Economic bases of water relations with other states

The economic foundations of water relations with other states are established on the basis of interstate agreements and international legal acts ratified by Tajikistan.

CHAPTER 13. FINAL PROVISIONS

Article 92. Responsibility for non-compliance with the requirements of the given Code

Individuals and legal entities are held liable for non-compliance with the requirements of the given Code in the manner prescribed by the legislation of the Republic of Tajikistan.

Article 93. Compensation of damage caused to water bodies

1. Persons who have caused damage to water bodies shall compensate for it voluntarily or within a judicial proceeding.

2. The methodology for calculating the fiscal indication of damage caused to water bodies as a result of violation of the legislation of the Republic of Tajikistan is approved in the manner set forth by the Government of the Republic of Tajikistan.

Article 94. On recognition of the Water Code of the Republic of Tajikistan as invalid

The Water Code of the Republic of Tajikistan, adopted by the Law of the Republic of Tajikistan as of 29 November 2000, №34 (Akhbori Majlisi Oli of the Republic of Tajikistan, 2000., №11, art. 510; 2006 ., №3, art. 164; 2008 r., №3, art. 200; 2009, №12, art. 824; 2011, №6, art. 455; 2012 ., №4, art. 271) shall be considered invalid.

Article 95. Procedure for the enacting of the given Code

The given Code is considered enacted after it is officially published.

President of the Republic of Tajikistan

Emomali Rakhmon

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