

Law of the Republic of Belarus

No. 1982-XII of November 26, 1992

[Amended as of December 31, 2009]

On Protection of Environment

The protection of the environment is a prerequisite of the stable economic and social development of the state. The present Law is aimed at ensuring of the legal principles of protection of the environment, nature management, protection and restoration of biological variety of natural resources and objects, and directed on provision of constitutional rights of citizens to the environment favorable to human life and health.

Section 1. General provisions

Article 1. The Main Terms Used in the Present Law

In present law the following main terms are used:

Anthropogenic object- the object, which was created by a man for satisfaction of his social needs and which doesn't have properties of natural objects.

Favorable environment- the environment, which quality provides the ecological security, established function of the natural ecological systems, other natural and anthropogenic objects.

Damage inflicted on the environment – having pecuniary valuation negative changes in the environment or separate components of the natural environment, in the natural or natural and anthropogenic objects manifested in their pollution, degradation, exhaustion, damage, destruction, illegal seizure and (or) other deterioration of their condition incurred from the harmful influence on the environment related to the violation of the requirements in the sphere of the environment protection, other infringements of the legislation of the Republic of Belarus.

Harmful influence on the environment- any direct or indirect influence on the environment of the economic and other activities, which results lead to the negative changes of the environment.

State cadastr of natural resources- the systematize summary of the qualitative and quantitative descriptions of natural resources, their economic evaluation and employment.

Natural ecological system- the really existing part of nature which has spatial territorial borders and in which alive and lifeless components interact as an integral whole and which are connected with each other by the substance and energy circulation.

Pollution of the environment - introduction to the components of the natural environment, being and (or) emergence in them in the result of the harmful influence on the environment of a substance, physical factors (energy, noise, radiation and others), microorganisms, which properties, location or quantity cause harmful changes in physical, chemical, biological and other characteristics of the condition of the environment, in particular cause excess of standards in the sphere of the environment protection.

Contaminating substance- substance or mixture of substance, the introduction to the environment of which cause its pollution.

Quality of the environment- condition of the environment which is characterized by the physical, chemical, biological and (or) other indicators or their totality.

Components of the environment- ground (including soil), bowels of the earth, waters, atmospheric air, flora and fauna, and ozone layer, cosmos near-ears space providing favorable conditions for the existence of life on the Earth.

Control in the sphere of protection of environment (ecological control) – system of measures which are directed on exposure and putting a stop to abuses the legislation of the Republic of Belarus on protection of the environment, providing the observing demands in the sphere of the protection of environment by the legal and natural persons who are concerned with economical and other activities.

Monitoring of the environment- system of observing the state of the environment, appreciation and prediction of changes of the state of environment under the influence of the natural and anthropogenic factors.

Standards of permissible anthropogenic burden on the environment- standards which are established in conformity with the quantity of permissible combined influence on environment and (or) each separately component of the environment in the borders of concrete territories, and observing which established function of the natural ecological systems and biological variety is provided.

Standards of permissible emissions and exhausts of chemical and other substance – standards which are established for legal and natural persons who are concerned with economic and other activities in conformity with indicators of the mass of chemical substance, also the radioactive substance, other substance and microorganisms which are permissible for the emission to the environment from the stationary and mobile sources in established regime and with consideration of the technological standards, and following which the standards of quality of environment are provided.

Standards of permissible physical influence- standards which are established in conformity with the levels of permissible influence of physical factors on the environment, and following which the standards of quality of environment are provided.

Standards of maximum permissible concentration of microorganisms – standards which are established in conformity with the indicators of the maximal permissible content of microorganisms in the environment, non-observance of which leads to infliction of ecological damage.

Standards of maximal permissible concentrations of chemical and other substance- standards which are established in conformity with the indicators of the maximal permissible chemical and other substance content in the environment, non-observance of which leads to infliction of ecological damage.

Standards of maximal permissible physical influence- standards which are established in conformity with the indicators of the maximal permissible influence on the environment of the warms, noise, vibration, ionizing radiation, voltage of electromagnetic fields and other physical influence, non-observance of which leads to infliction of ecological damage.

An owner of ecological information – a state body, another state organization, another legal person, their officials, an individual entrepreneur who carry out activities which result in creation of ecological information.

Environment--combination of components of the nature, natural and natural anthropogenic objects, and also anthropogenic objects.

Protection of the environment (activity of nature's protection)- activity of state body, public associations and other legal entities, which are directed on saving and rehabilitation of nature, rational use and reproduction of natural resource, prevention of pollution, degradation, damage, run thin, destruction and other harmful influence the environment by the economic and other activity and liquidation of its results.

Evaluation of the effect on the environment--type of activity of discovery, analysis and registration of direct, indirect and others results of economic and other activity on the environment in order to make a decision on possibility or impossibility of realization of the activity.

Provision of ecological information – actions of the owners of ecological information aiming at its transfer to state bodies, other legal persons and citizens, including individual entrepreneurs, under obligations imposed on the owners of such information by the legislation of the Republic of Belarus or under the contract on provision of specialized ecological information.

Natural environment--combination of components of natural environment, natural and natural anthropogenic objects.

Natural anthropogenic object--natural object modified by the economic and other activity and (or) object created by a human with properties of natural objects and with recreating and protecting importance.

Natural resources- components of natural environment, natural and natural anthropogenic objects which are used or can be used for realization of economical or other activity as sources of energy, ware and objects of utility, and which have a consumer value.

Natural complex- natural objects functionally and naturally connected with each other, and joined by geographical and other corresponding characteristics.

Natural object- natural ecological system, natural landscape, and components of natural environment conserved their natural quality.

Nature management- economical and other activity during which the natural resources are used and influence on the environment is caused.

Infliction of damage on the environment – harmful influence on the environment related to the violation of requirements in the sphere of environment protection, other infringements of the legislation of the Republic of Belarus, in particular emission of contaminating substances to the atmospheric air, effluent discharge into the water objects, if standards of permissible emissions and exhausts of chemical and other substances established in compliance with the legislation of the Republic of Belarus are exceeded at one or more contaminating substances, or if such standards have not been established while their establishment is required according to the legislation of the Republic of Belarus; illegal removal of wild-growing plants and (or) their parts, wild animals, other natural resources.

Dissemination of ecological information – actions of the owners of ecological information aiming at its communication to the state bodies, other state organizations, other legal persons and citizens, including individual entrepreneurs, by its publication in printed editions, other mass media, on their official web-sites in the global computer network Internet, or by other open means.

Specialized ecological information – ecological information for provision of which preliminary preparation is needed, including collection, processing and analysis of information, because the preparation of it is not required by the legislation of the Republic of Belarus, and it is not contained in the State Data Fund on the State of the Environment and Influence on It.

Fixed rate for evaluation of the compensation of damage inflicted on the environment – a standard unit for pecuniary evaluation of the compensation of damage inflicted on the environment.

Technological standard - standard of permissible emissions and exhausts of substances and microorganisms that is established for stationary, mobile and other sources, technological processes, equipment, and which determines the permissible mass of emissions and exhausts of substances and microorganisms to the environment considering the output goods.

Requirements in the sphere of protection of the environment (requirements of nature protection, requirements of ecological security)- obligatory conditions to economic and other activity, limitations or their totality, established by the law, including technical normative legal acts, other standards.

Ecological safety- state of protect-ability of the environment, human life and health from possible harmful influence of economical and other activity, extraordinary situations of natural and man-caused nature.

Ecological information – recorded information that contains data about the condition of the environment, influence on it and measures on its protection, as well as about the influence of the environment on a human being, and the content of which is specified by the present law, other legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus.

Ecological information of general purpose – ecological information intended for being publicly used by virtue of fulfilling by the owners of ecological information of obligations imposed on them by the legislation of the Republic of Belarus, and which is disseminated or provided free of charge in accordance with the present law.

Ecologically dangerous activity – construction, exploitation, dismantlement or demolition of objects, other activities that cause or may cause a situation of stable negative changing of the environment and of threat to the life, health and property of citizens, including individual entrepreneurs, to the property of legal persons and the property owned by the state.

Ecological audit - independent complex documentary control of maintenance by the legal entities and individual entrepreneur realizing economic and other activity of the requirements including standards and technical standard acts in the sphere of protection of the environment, requirements of international standards, and preparation of recommendations on lowering (prevention) harmful influence of such activity on the environment.

Ecological damage – damage inflicted on the environment, as well as damage, inflicted on the life, health and property of citizens, including individual entrepreneurs, on the property of legal persons and the property owned by the state in the result of the harmful influence on the environment.

Ecological risk - probability of occurrence which has negative consequence for the environment and which was caused by the harmful influence of economic and other activity, extraordinary situations of natural and man-caused nature.

Article 2. Legislation of the Republic of Belarus on Protection of the Environment

Legislation of the Republic of Belarus on protection of the environment is based on the Constitution of the Republic of Belarus and consist of the present Law, acts of legislation on specially protected natural territories, state ecological expert, hydro-meteorological activity,

protection of the ozone layer, wastes handling and other legislative acts of the Republic of Belarus, including norms which regulate relations in the sphere of protection of the environment and nature management.

Legal status of natural resources and other components of natural environment regulated by the legislation of the Republic of Belarus on protection of the environment, if otherwise is not provided by the law on land, water law, forestry law of the Republic of Belarus, law on bowels, legislation on flora and fauna and other legislation of the Republic of Belarus.

During the preparation of drafts of the acts of legislation of the Republic of Belarus the inclusion of regulations, the realization of which can entail increase of harmful influence on the environment, shall not be allowed.

Article 3. The Main Goals of Legislation of the Republic of Belarus on Protection of the Environment

The main goals of legislation of the Republic of Belarus on the protection of the environment are:

to provide favorable environment;

to regulate the relations in the sphere of the protection of natural resources, their utilization and reproduction;

to prevent harmful influence on the environment by the economic and other activity;

to improve the human environment;

to provide rational use of natural resources.

Article 4. The Main Principles of Protection of Environment

Economic and other activity of legal and natural persons influencing the environment shall be conducted on the basis of the following principles of:

observance of human right on favorable environment and compensation of injury applied by the violation of this right;

providing favorable conditions for human life and health;

scientifically well-grounded combination of ecological, economic and social concerns of citizens, society and state in the aim of providing favorable environment.

protection, rational utilization and reproduction of natural resources as necessary conditions for providing favorable environment and ecological security;

preventive disposition of measures on protection of the environment and on prevention of harm to the environment;

state regulation of protection of the environment and nature management;

payable special natural management and recovery of damages inflicted on the environment;

independence of control in the sphere of protection of the environment;

obligatory realization of state ecological expertise of projects and other documentation's substantiated economic and other activity, which can have harmful influence on the environment, imperil life, health, property of citizens;

taking into account natural and socio-economic features of the territories during planning and realizing the economic and other activity;

priority of saving natural ecological systems, typical and rare natural landscapes and natural complexes;

permissibility of influence of economic and other activity the environment with taking into account requirements in the sphere of protection of the environment;

obligatory participation in the activity on protection of the environment of state bodies, public associations, other legal and natural persons;

protection of biological variety;

provision of integrated and individual methods to the establishment of requirements in the sphere of protection of the environment for the legal and natural persons, which carry out economic and other activity;

presumption of ecological danger of planed economic and other activity;

decreasing harmful influence of economic and other activity to the environment on the basis of use of technologies provided implementation of requirements in the sphere of protection of the environment with consideration of economic and social factors;

prohibition of economic and other activity which can lead to degradation of natural ecological systems, changes or destruction of genetic fund of objects of flora and fauna, exhaustion of natural resources, and other negative changes of the environment;

publicity in the activity of state bodies, public associations on the problem of protection of the environment, and providing citizens with complete authentic opportune ecological information;

non-admission of holding functions of state regulation, administration and control in the sphere of protection of the environment with function of nature management;

responsibility for violation of legislation of the Republic of Belarus of protection of the environment;

organization and development of the system of education, upbringing in the sphere of protection of the environment and forming ecological culture;

international cooperation in the sphere of protection of the environment.

Article 5. Objects of Relations in the Sphere of Protection of Environment

Objects of relations in the sphere of protection of the environment are earth including soils, bowels, waters, atmospheric air, ozone layer, cosmos near-earth space, forests, flora and fauna, separately protected natural territories, typical and rare natural landscapes, climate, natural ecological systems, other natural objects, and also right of nature management.

Article 6. Subjects of Relations in the Sphere of the Environment Protection

Subjects of relations in the sphere of the environment protection are:

the President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, specially authorized republican bodies of state regulation in the sphere of protection of the environment, the local Councils of Deputies, executive and administrative bodies, as well as other state bodies, bodies of territorial public self-government within their authority;

public associations, other legal persons of the Republic of Belarus, citizens of the Republic of Belarus, including individual entrepreneurs (hereinafter – citizens).

The rules established by this Law are applied to the relations with participation of foreign citizens, persons without citizenship, foreign and international legal entities (organizations that are not legal entities), foreign states, if otherwise is not provided by the Constitution of the Republic of Belarus and international agreements of the Republic of Belarus.

Article 7. The Main Directions of the State Policy of the Republic of Belarus in the Sphere of Protection of Environment

The main directions of state policy of the Republic of Belarus in the sphere of protection of the environment are:

provision of rights of citizens on favorable environment and compensation of harm caused by the violation of these rights;

improvement of state management in the sphere of protection of the environment;

scientific provision of protection of the environment;

creation of legal and economic mechanisms stimulating rational use of natural resources;

rational use of natural resources;

improvement of system of protection of the environment and nature management;

creation of system of particularly protected natural territories;

provision of protection of biological and landscape variety;

provision of permanent functioning of the National system of monitoring of the environment of the Republic of Belarus;

realization of state ecological expertise;

provision and dissemination of ecological information;

organization and development of educational system, system of upbringing in the sphere of protection of the environment and forming ecological culture, and also training and retraining of specialists for activity in the sphere of protection of the environment;

rendering assistance to public associations, realizing their activity in the sphere of protection of the environment;

engaging citizens, public associations to protection of the environment and control over its state;

international cooperation in the sphere of protection of the environment.

Section 2. State Management In The Sphere Of The Protection Of The Environment

Article 8. The Bodies Carrying Out the State Management in the Sphere of Protection of Environment

The state management in the sphere of the protection of the environment is carried out by the President of the Republic of Belarus, by the Council of Ministers of the Republic of Belarus, Ministry of natural resources and protection of the environment of the Republic of Belarus and its territorial bodies, by other specially authorized republican bodies of state management and their territorial bodies, by local Councils of Deputies, executive and administrative bodies in the limits of their competence.

The specially authorized republican bodies of state management are the Ministry of natural resources and protection of environment of the Republic of Belarus, Ministry of Health of the Republic of Belarus, Ministry of Emergency Situations of the Republic of Belarus, Ministry of Forestry, State Committee on Property and other republican bodies of state management in accordance with the legislation of the Republic of Belarus.

Article 8.1. The Competence of the President of the Republic of Belarus in the Sphere of Protection of Environment

The President of the Republic of Belarus in the sphere of environmental protection:

determines unified state policy;

approves state programs of rational usage of natural resources and environmental protection;

establishes the procedure of granting natural resources for usage and takes decisions on granting them for usage in the cases provided by legislative acts of the Republic of Belarus;

takes decisions on declaring, transformation and discontinuing to function of reserves, national parks and also preserves of republican importance in the case of withdrawal of land plots from land users for these purposes;

declares the zones of ecological disaster;

establishes the period of suspension of the work of industrial and other objects located in the zone of ecological disaster;

carries out other powers entrusted to him/her by the Constitution of the Republic of Belarus and legislative acts of the Republic of Belarus.

Article 9. The Competence of the Council of Ministers of the Republic of Belarus in the Sphere of Protection of Environment

The Council of Ministers of the Republic of Belarus in the sphere of environmental protection:

provides realization of the unified state policy of the Republic of Belarus;

adopts the normative legal acts in the sphere of environmental protection;

provides the drafting and execution of the state programs of rational usage of natural resources and environmental protection;

establishes the procedure of working out and approvement of territorial complete schemes of efficient use of natural resources and environmental protection and their financing;

determines the measures on protection of the environment, on scientifically grounded usage of natural resources and improvement of the quality of the environment;

establishes the order of usage of natural resources if other is not provided by the legislative acts of the Republic of Belarus;

determines limits of nature management except for the cases foreseen by the present Law and other legislative acts of the Republic of Belarus ;

submits to the President of the Republic of Belarus proposals on establishing tax and other privileges to single categories of legal and physical bodies in the order established by the legislation of the Republic of Belarus;

establishes the order of conducting the state cadastrs of natural resources and also the order of record keeping in the sphere of the environmental protection;

approves the Regulations on the Red Book of the Republic of Belarus;

establishes the order of transmission of the places of habitation of wild animals and the places of growth of wild growing plants which are referred to the species included into the Red Book of the Republic of Belarus under the protection of the users of land plots and/or water objects, forms of the passports of the places of habitation of wild animals and the places of growth of wild growing plants which are referred to the species included into the Red Book of the Republic of Belarus and the protective obligation, as well as the order and conditions of its issuance;

determines the order of formation and maintenance of the State Data Fund on the State of the Environment and Influences on It;

takes decisions on declaring, transformation and discontinuing to function of preserves of republican importance in the case there is no need to withdraw land plots from land users for these purposes;

declares, if necessary, the certain parts of territory of the Republic of Belarus as the zones of ecological risk and zones of ecological crisis;

establishes the order of conducting the National system of monitoring of environment in the Republic of Belarus;

determines the order of conducting and usage of data on monitoring of environment;

establishes the order of carrying out the state control in the sphere of protection of environment and determines the list of officials of the Ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies having the right to carry out the state control in the sphere of protection of environment;

establishes the order of financial incentive of the officials of the Ministry of natural resources and protection of environment and their territorial bodies that revealed the offences in the sphere of protection of environment;

determines the content of ecological information of general purpose subject to obligatory dissemination, the owners of such information who are obliged to disseminate it, and the periodicity of its dissemination;

determines the form and the order of drawing up an act on establishment of the fact of infliction of damage on the environment;

determines the order of calculating the sum of compensation of damage inflicted on the environment;

provides the organization and development of system of education, up-bringing in the sphere of protection of environment and forming the ecological culture and also training and retraining of specialists for the activities in the sphere of protection of environment;

carries out the international cooperation in the sphere of environmental protection;

carries out other powers entrusted by the present Law, other laws of the Republic of Belarus and by the acts of the President of the Republic of Belarus.

Article 10. Competence of the Ministry of Natural Resources and Protection of Environment of the Republic of Belarus in the Sphere of Protection of Environment

The Ministry of natural resources and protection of environment of the Republic of Belarus carries out the entrusted powers directly and through its territorial bodies.

The Ministry of natural resources and protection of environment of the Republic of Belarus in the sphere of protection of environment:

realizes the unified state policy of the Republic of Belarus in the sphere of environmental protection;

within its competence drafts and adopts (issues) the normative legal acts, drafts and establishes (enters into force) technical normative legal acts in the sphere of environmental protection;

carries out the state management in the sphere of protection of environment;

organizes the working out of territorial complete schemes of protection of environment and rational usage of natural resources and provides the scientific methodic guidance of this activity;

approves the limits on collection, storage and purchases of wild plants and (or) its parts;

implements in the established order the rationing and standardization, technical standardization in the sphere of protection of the environment and usage of the natural resources;

carries out the state regulation of the activity in the sphere of ecological certification;

ensures within the scope of its authority the uniformity of measurements in the sphere of the environment protection;

carries out the licensing of activities connected with usage of natural resources and influence on the environment according to the legislation of the Republic of Belarus;

coordinates the activity of the republican bodies of state management in the sphere of protection of environment and usage of natural resources;

conducts the state ecological expertise;

adopts the lists of kinds and objects of economic and other activity for which the estimation of influence of the environment of the planned economic and other activity is conducted in obligatory order;

within its competence determines the order of using means of state special purpose budget funds of nature protection;

conducts the registration of analytical laboratories carrying out the measurements in the sphere of the environment protection, establishes the requirements for such laboratories;

carries out the state control for the usage and protection of lands (including soil), bowels of the earth, waters, free air, ozone layer, forests, flora and fauna, particularly protected natural territories, typical and rare natural landscapes, conducting hunting and fishing and wastes management in order established by the legislation of the Republic of Belarus;

determines the order of carrying out the control by the public inspectors of environmental protection and their powers;

decides on full or partial suspension of economic and other activities of legal persons and citizens that cause a harmful influence on the environment till the discovered infringement is eliminated;

submits claims to legal persons and citizens inflicted damage on the environment, and brings actions on compensation of damage inflicted on the environment, and also on the termination of economic and other activities carried out by legal persons or citizens that cause a harmful influence on the environment;

asks and receives without charge information necessary to carry out the tasks entrusted from the republican bodies of state management, local executive and administrative bodies, legal entities and individual entrepreneurs;

organizes the registration and estimation of natural resources;

conducts together with the relevant republican bodies of state management the following state cadastrs of natural resources: of bowels, water, air, flora, fauna and also of wastes and other cadastrs and coordinates the activity of these bodies on their conduction;

organizes the conduction of National system of monitoring of environment in the Republic of Belarus in established order;

forms the state data base of the state of environment and influences on it;

conducts the Red Book of the Republic of Belarus, exercises the state control over the state of wild animals and wild plants, referred to the species included in the Red Book of the Republic of Belarus;

organizes work on detecting places of habitat of wild animals and places of growth of wild plants, referred to the species included in the Red Book of the Republic of Belarus and on record maintenance of those places;

works out and approves measures on protection of wild animals and wild growing plants referred to the species included into the Red Book of the Republic of Belarus, as well as to the species falling within the purview of the Convention on International Trade In Endangered Species of Wild Fauna and Flora signed in Washington on March 3, 1973 (hereinafter, unless provided otherwise -- the Convention) and exercises control over their fulfillment;

issues permits for withdrawal of wild animals and wild growing plants referred to the species included into the Red Book of the Republic of Belarus from the environment of their habitat and growth;

takes decisions on declaring, transformation and discontinuing to function of natural monuments of republican importance;

organizes the ecological passportization of objects;

establishes the order of conduction of ecological passports of enterprises;

provides and disseminates ecological information in accordance with the present Law, other acts of legislation of the Republic of Belarus and international treaties of the Republic of Belarus;

informs the bodies of state management, legal entities and citizens on the state of the environment and measures of its protection;

cooperates with the public associations carrying out their activity in the sphere of protection of environment, organizes the net of public inspectors of protection of natural protection;

participates in development of the system of education, up-brining in the sphere of environmental protection and forming the ecological culture, organizes the propaganda of knowledge in the sphere of environmental protection;

carries out the international cooperation in the sphere of environmental protection;

studies, generalizes and spreads the experience of foreign countries in the sphere of environmental protection and rational usage of natural resources;

coordinates the implementation of international treaties of the Republic of Belarus in the sphere of environmental protection;

carries out other powers according to the present Law and other acts of legislation of the Republic of Belarus.

The Ministry of natural resources and protection of environment of the Republic of Belarus works out and introduces in order established by the legislation of the Republic of Belarus the following to the Council of Ministers of the Republic of Belarus:

drafts of acts of legislation of the Republic of Belarus on protection of the environment;

drafts of state programs of rational usage of natural resources and environmental protection;

proposals on questions of environmental protection and rational usage of natural resources for their introduction into the drafts of prognoses and programs of social and economic development of the Republic of Belarus;

proposals on fixing the limits on nature management resources by the Council of Ministers of the Republic of Belarus;

presentations on declaring, transforming and withdrawal of functioning of particularly protected natural territories of the republican importance;

proposals on declaring the certain parts of territory of the Republic of Belarus as zones of ecological risk and zones of ecological crisis;

proposals on forming and usage of state special purpose budget funds of environmental protection;

proposals on establishing tax and other privileges to single legal and physical bodies.

Article 11. The Competence of Local Councils of Deputies and Executing and Administrative Bodies in the Sphere of Protection of Environment

The local Councils of Deputies in the sphere of protection of environment:

approve the territorial programs and activities on rational usage of natural resources and protection of environment;

in the territory under their jurisdiction dispose of the natural resources in the cases and in the order provided by the legislation of the Republic of Belarus in environment protection and rational usage of natural resources, and also carry out control over their usage;

abolish the decisions of local executive and administrative bodies on withdrawal and granting the pieces of land in usage, under rent, life-long heritable possession, on their transmission to ownership, that are not in compliance with the legislation of the Republic of Belarus on land in force;

transfer, in the established order detected place of habitat of wild animals and wild growing plants, referred to the species included in the Red Book of the Republic of Belarus under the protection of users of land plots and/or water objects;

carry out other powers according to the legislation of the Republic of Belarus.

Local executive and administrative bodies in the sphere of protection of environment:

elaborate and present to the local Councils of Deputies the territorial programs and activities on rational usage of natural resources and protection of environment and take measures on their execution;

take measure on protection of rights and legal interests of citizens of the Republic of Belarus in the sphere of environmental protection;

carry out on the territory within their jurisdiction the state control over protection of lands (including soil), bowels, waters, air, forests, flora and fauna in order established by the legislation of the Republic of Belarus;

in the territory under their jurisdiction dispose of the natural resources in the cases and in the order provided by the legislation of the Republic of Belarus in environment protection and rational usage of natural resources;

take decisions on reserving the territories which are planned to be declare particularly protected natural territories;

take decisions on declaring, transforming and discontinuing to function of reserves and natural monuments of local importance;

determine the sites of wastes placement;

organize the collection, transportation, storage and neutralization of communal wastes, that appear on their territory;

decides on full or partial suspension of economic and other activities of legal persons and citizens that cause harmful influence on the environment till the discovered infringement is eliminated;

submits claims to legal persons and citizens inflicted damage on the environment, and brings actions on compensation of damage inflicted on the environment, and also on the termination of economic and other activities carried out by legal persons or citizens that cause a harmful influence on the environment;

organize the development of system of education, up-bringing in the sphere of environmental protection and forming ecological culture;

consider the proposals of legal entities also of public associations and citizens on the questions of protection of the environment and rational usage of natural resources;

carry out other powers according to the legislation of the Republic of Belarus.

Section 3. Rights And Duties Of The Citizens And Public Associations In The Sphere Of Protection Of Environment

Article 12. Rights and Duties of the Citizens in the Sphere of Protection of Environment

Every citizen has the right to favorable environment and to compensation of harm caused by the infringement of this right and also to receive, store and distribution of full and trustworthy and timely ecological information.

The citizens have the right to:

create according to legislation the public associations carrying out their activity in the sphere of environmental protection and also public funds of the protection of nature;

turn to bodies of state management and other organizations, to the officials for the reception of full, trustworthy and timely ecological information in order established by the legislation of the Republic of Belarus;

take part in preparation and discussion of materials on estimation of influence of the planned economic and other activity on the environment;

introduce the proposals o conduction of public ecological expertise and participate in its conduction in order established by the legislation of the Republic of Belarus;

assist the state bodies in the decision of questions of environmental protection;

carry out the public control in the sphere of protection of environment;

turn to the state bodies with complaints, applications and proposals on questions concerning the environmental protection, harmful influence on environment and to receive timely and grounded answers;

submit to court the claims on compensation of harm caused to their lives, health, property as the result of harmful influence on environment, and on full or partial suspension or termination of the economic or other activities of legal persons and citizens that cause a harmful influence on the environment.

The citizens are obliged to:

observe the legislation of the Republic of Belarus on protection of environment;

increase the ecological culture, aid the up-bringing in this sphere of the up-growing generation;

preserve and protect the natural environment and rationally use natural resources;

carry out the requirements in the sphere of waste management;

carry out the requirements of the fire security;

observe the rules of hunting and fishing;

carry out the requirements established for the purposes of fighting the everyday noise in the buildings, on streets, yards, on the territory of gardening partnership (cooperative society), in places of rests and other public places;

carry out the instructions of the state bodies and officials executing the state control in the sphere of environmental protection;

compensate in order established by the legislation of the Republic of Belarus the harm to environment caused by their activities.

The legislation of the Republic of Belarus can set forth other rights and duties of the citizens in the sphere of environmental protection.

Article 13. Provision of the Citizens' Right to Favorable Environment

The right of citizens to favorable environment is provided:

by planning and rationing of the quality of the environment, measures on prevention of harmful influence on the environment and its improvement, prevention and liquidation of the consequences of accidents, catastrophes and natural disasters;

by compensating in the established order the harm caused to life, health and property of citizens in the result of harmful influence on environment;

by presenting full, trustworthy and timely ecological information in the order established by the present law and other legislation of the Republic of Belarus, as well as by the international treaties of the Republic of Belarus;

by appealing the decisions and actions (inactions) of the state bodies, organizations and officials;

by judicial protection, self-protection and reception of qualified legal aid;

by control in the sphere of environmental protection;

by taking measures provided in the present Law and other acts of legislation of the Republic of Belarus.

Article 14. Protection of the Right to Favorable Environment

The right to favorable environment belongs to every citizen since birth and is subject to protection as a personal non-property right that is not connected with property in order established by the legislation of Republic of Belarus.

The moral harm caused to the citizen by the infringement of his right to favorable environment is subject to compensation in accordance with the legislation of the Republic of Belarus.

Article 15. Rights and Duties of the Public Associations That Carry Out the Activity in the Sphere of Protection of Environment

Public associations that carry out the activity in the sphere of environmental protection have the right to:

elaborate, propagandize and realize programs of rational usage of natural resources and protection of environment, protect the right and legal interests of citizens in the sphere on environmental protection, attract voluntary the citizens to carry out the activity in the sphere of environmental protection in established order;

take part in elaboration of projects of state, departmental, local and other programs and measures on rational usage of natural resources and protection of environment and assist their execution;

carry out at the expense of own and attracted assessments the measures on restoration of natural resources and provision of ecological security;

introduce in the state bodies and direct to the officials the proposals on question of environmental protection and rational usage of natural resources;

take part in preparation and discussion of materials on estimation of influence on environment of the planned economic and other activity in particular by conducting the public hearings;

organize and conduct in established order the public ecological expertise;

create according to the legislation of the Republic of Belarus the public funds of the environmental protection and sped the assessments on conducting the measures on protection of environment;

assist the state bodies in decision of question of protection of environment;

carry out the public control in the sphere of environmental protection;

turn to bodies of state management and other organizations and to officials for the reception of full, trustworthy and timely ecological information order established by the legislation of the Republic of Belarus;

turn to the state bodies and other organizations with the complaints, applications and proposals on question concerning protection of environment, harmful influence on the environment and receive timely and grounded answers;

submit to court the claims on compensation of harm caused to life, health, property of their members (participants) as the result of harmful influence on environment, and on full or partial suspension or termination of the economic or other activities of legal persons and citizens that cause a harmful influence on the environment;

to speak up in mass media on the questions of environmental protection.

The legislation of the Republic of Belarus can determine other rights of the public associations that carry out their activity in the sphere of environmental protection.

The public associations that carry out the activity in the sphere of environmental protection carry out the work on propaganda and cultivation of solicitous attitude to nature, raising ecological culture of citizens, inform the territorial bodies of the Ministry of natural resources and protection of environment, local executive and administrative bodies on established cases of irrational usage of natural resources, infringements of the legislation of the Republic of Belarus on the protection of environment and also on accidents and other emergency situations, infringements of technological processes, as the result of which the contamination of the environment or other harmful influence on environment has taken place or can take place.

Public associations at carrying out the activity in the sphere of environmental protection are obliged to observe the requirements in the sphere of environmental protection.

Section 4. Nature Management

Article 16. The Right to Nature Management

Natural resources can be granted for usage in order established by the legislation of the Republic of Belarus.

The citizens are guaranteed the right of general use of natural resources for the satisfaction of their needs without a charge without securing other rights for them and without reception of relevant permissions, excluding cases provided by the legislation of the Republic of Belarus (right of general nature management).

Carrying out the management of nature at the process of economic activity (special nature management) is allowed to the legal entities and individual entrepreneurs with a charge, if other is not established by the legislative acts of the Republic of Belarus, on the basis of decisions of state bodies competent to make those decisions, special permission (license), on lease contract, concession contract and on other bases provided by the legislation of the Republic of Belarus.

Article 17. Licensing in the Field of Protection of Environment

Licensing in the field of protection of the environment is carried out by specially authorized republican bodies of state administration in accordance with the legislation of the Republic of Belarus on licensing.

Section 5. Rationing, Ensuring the Uniformity of Measurements, Technical Standardization and Standardization In The Sphere Of the Environment Protection, Ecological Certification

Article 18. Rationing in the Sphere of Protection of Environment

Rationing in the sphere of protection of environment is carried out for the purposes of state regulation of influence of economic and other activity on the environment guaranteeing the preservation of favorable environment and provision of ecological security.

Rationing in the sphere of environmental protection consists in establishing the norms of quality of the environment, norms of permissible influence on environment, limits on nature management and also other norms in the sphere of environmental protection.

Norms of quality of environment, norms of permissible influence on environment and also other norms in the sphere of protection of environment are elaborated, fixed and introduced on the basis of modern achievements of science and technology with consideration of international rules and standards in the sphere of protection of environment.

Norms of quality of environment and norms of permission influence on environment and also other norms in the sphere of protection of environment are established by the Ministry of natural resources and protection of environment of the Republic of Belarus, Ministry of Health of the Republic of Belarus and other specially authorized republican bodies of state management according to their competence.

Article 19. Main Requirements to Elaboration of the Norms in the Sphere of Protection of Environment

The main requirements to elaboration of norms in the sphere of protection of environment are the following:

establishing the grounds of their elaboration;

conducting the scientific research works on their grounding;

estimation and prediction of ecological, social, economic consequences of their application;

other requirements established by the legislation of the Republic of Belarus.

Article 20. Norms of Quality of the Environment

Norms of quality of the environment are established on the level providing the ecological security and are applied for the estimation of the state of the environment and rationing the permissible influence on it.

The following are included into the norms of quality of environment:

norms of limit permissible concentration of chemical and other substances;

norms of limit permissible physical influences;

norms of limit permissible concentration of micro-organisms;

other norms of the quality of the environment.

Norms of quality of the environment are approved and brought into effect by the Ministry of Health of the Republic of Belarus under agreement with the Ministry of natural resources and protection of environment of the Republic of Belarus, other state bodies according to the legislation of the Republic of Belarus.

For the purposes of preservation of particularly protected natural territories, resort and recreation zones, and also typical and rare natural landscapes having the special nature protection significance for these objects more strict norms of quality of environment than those that are in effect for other territories can be established.

Article 21. Norms of Permissible Influence on Environment

For purpose of prevention of harmful influence on environment of economic and other activity for the legal entities and individual entrepreneurs (nature-users) the following kinds of norms of permissible influence on environment are established:

norms of permissible exhausts and effluents of chemical and other substances;

norms of creation of industrial wastes;

norms of permissible physical influences (amount of heat, levels of noise, vibration, ionizing radiation, electro-magnetic field strength and of other physical influences);

norms of permissible extraction of natural resources;

norms of permissible anthropogenic burden on environment;

norms of other permissible influence on environment at carrying out economic and other activity established by the legislation of the Republic of Belarus.

Norms of permissible influence on environment shall provide the observance of norms of quality of environment with consideration of peculiarities of territories.

Article 22. Norms of Permissible Exhausts and Effluents of Chemical and Other Substances

Norms of permissible exhausts and effluents of chemical and other substances are established for stationary and movable sources of influences on environment based on norms of permissible anthropogenic burden on environment, norms of quality of environment and also technological norms.

Technological norms are established for stationary and movable sources on the bases of technologies providing the fulfillment of the requirements in the sphere of environment with the consideration of economic and social factors.

At impossibility of observance of norms of permissible exhausts and effluents of chemical and other substances the temporary norms on such exhausts and effluents can be established on the basis of permissions issued by the Ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies and being in effect only in condition of simultaneous conducting of measures on protection of environments, introduction of technologies providing the fulfillment of requirements in the sphere of protection of environment and (or) realization of other nature protection measures with consideration of step-by-step achievement of the fixed norms of permissible exhausts and effluents of chemical and other substances.

Article 23. Norms of Creation of Industrial Wastes

Norms of creation of industrial wastes are established for the purposes of prevention of their harmful influence on the environment in accordance with the legislation of the Republic of Belarus on wastes handling.

Article 24. Norms of Permissible Physical Influence

Norms of permissible physical influence (amount of heat, levels of noise, vibration, ionizing radiation, electro-magnetic field strength and other physical influences) are established for every source of such influence on the basis of the norms of quality of environment and with consideration of influence of other sources of physical influences.

Article 25. Norms of Permissible Extraction of Natural Resources

Norms of permissible extraction of natural resources are the norms established in accordance with the limits of volume of their extraction for the purposes of preservation of natural and nature-anthropogenic objects, provision of stable functioning of natural ecological systems and prevention of their degradation.

Norms of permissible extraction of natural resources and order of their establishment are determined by the legislation of the Republic of Belarus on protection of environment and on rational usage of natural resources.

Article 26. Norms of Permissible Anthropogenic Burden on Environment

Norms of permissible anthropogenic burden on environment are established for the legal entities and individual entrepreneurs carrying out economic and other activity for the purposes of regulation of total influence of all stationary and movable sources of influence on environment placed within the concrete territory.

Norms of permissible anthropogenic burden on environment are established on every kind of influence of economic and other activity on environment and total influence of all sources situated on these territories.

At establishing the limits of permissible anthropogenic burden on environment the natural peculiarities of concrete territories are considered.

Article 27. The Limits of Nature Management

The limits of nature management are established by the nature-user volumes of limit usage (extraction, mining) of natural resources, exhausts and effluents of contaminating substances, placing the wastes and other kinds of harmful influence on the environment for the certain period of time.

The limits of nature management are established by the Council of Ministers of the Republic of Belarus, Ministry of natural resources and environmental protection, local Councils of deputies, executive and administrative bodies according to the legislation of the Republic of Belarus.

Article 28. Other Norms in the Sphere of Protection of Environment

For the purposes of state regulation of influence of economic and other activity on the environment, estimation of quality of environment in compliance with the present Law and other normative legal acts of the Republic of Belarus other norms in the sphere of protection of environment can be established.

Article 29. Ensuring the Uniformity of Measurements in the Sphere of the Environment Protection

Ensuring the uniformity of the measurements in the sphere of the environment protection is exercised for collection of trustworthy ecological information, evaluation of influence of the economic and other activities on the state of the environment, determination of standards in the sphere of the environment protection, ensuring the validity of the results of the analytic control and objective evaluation of the activity on the environment protection, as well as for other purposes related to the environment protection and the efficient use of the natural resources.

Measures to ensure the uniformity of measurements in the sphere of the environment protection is taken in accordance with the present law and the legislation of the Republic of Belarus on ensuring the uniformity of measurements, on the technical standardization.

Measurements in the sphere of the environment protection is made in compliance with the methods of measuring that have passed the metrological verification of adequacy of the methods of measuring, using the means of measurements passed the metrological check.

The analytic laboratories carrying out measurements in the sphere of the environment control are subject to the registration at the Ministry of natural resources and the environment protection of the Republic of Belarus in the order established by it.

The state metrological control in the sphere of the environment protection is exercised by the State committee on standardization of the Republic of Belarus.

Article 30. Technical Normative Legal Acts in the Sphere of Protection of Environment

Technical normative legal acts in the sphere of protection of environment establish the requirements (norms, rules) in the sphere of protection of environment to the goods (works, services), technological processes and relevant methods of control.

Technical normative legal acts in the sphere of protection of environment are elaborated with consideration of scientific technical achievements and requirements of international rules and standards.

In the technical normative legal acts on new machines, technology, materials, substances and other production, technological protection, storage, transportation, usage of these productions in particular after their transmission to the category of wastes, the requirements, norms and rules in the sphere of protection of environment are considered.

Article 31. Ecological Certification

Ecological certification is the activity on verifying the conformity, carried out by the body on the certification, accredited in the System of the accreditation of the Republic of Belarus, objects of the estimation of the conformity to the requirements of normative legal acts, including technical normative legal acts, in the field of the protection of environment.

Objects of the ecological certification are:

system of the management of environment;

production;

competence of the personnel in performing works, services in the field of the protection of environment

rendering of services in the field of the protection of environment

other objects regarding to which the decision on an estimation of conformity is made according to the legal acts of the Republic of Belarus the protection of environment.

State regulation in the field of ecological certification is carried out by the President of the Republic of Belarus, Council of Ministers of the Republic of Belarus, State committee on standardization of the Republic of Belarus and Ministry of Natural Resources and Protection of Environment of the Republic of Belarus.

The scientific and methodical management on ecological certification in the Republic of Belarus is carried out by the Ministry of Natural Resources and Protection of Environment of the Republic of Belarus.

Section 6. The Requirements In The Sphere Of Protection Of Environment

Article 32. General Requirements in the Sphere of Protection of Environment at Placing, Projecting, Building, Reconstruction, Introduction into Exploitation, Exploitation, Conservation, Dismantling and Demolition and of Buildings, Constructions and Other Objects

At placing, projecting, building, reconstruction, introduction into exploitation, exploitation, conservation, dismantling and demolition of buildings, constructions and other objects the legal entities and individual entrepreneurs are obliged to provide the favorable state of the environment and to provide:

preservation, renewal and (or) improvement of the environment;

reduction (prevention) of harmful influence on environment;

implementation of low-waste, energy and resources spare technologies;

rational use of natural resources;

prevention of accidents and other emergency situation;

material, financial and other assessments on compensation of possible harm to the environment;

financial guarantees of carrying out of planned measures on protection of environment.

Article 33. The Requirements in the Sphere of Protection of Environment at Placing Buildings, Constructions and Other Objects

At placing buildings, constructions and other objects the fulfillment of requirements in the sphere of protection of environment with consideration of closest and further ecological, economic, demographic and other consequences of exploitation of the mentioned objects and observance of priority of preservation of favorable environment, biological diversity, rational usage and restoration of natural resources shall be provided.

The choice of sites of placing of buildings, constructions and other objects is carried out with the observance of requirements of legislation of the Republic of Belarus.

Article 34. The Requirements in the Sphere of Protection of the Environment at Elaboration of Projects of Building, Reconstruction, Conservation, Dismantling and Demolition of Buildings, Constructions and Other Objects

At elaboration of projects of building, reconstruction, conservation, dismantling and demolition of buildings, constructions and other objects the norms of permissible anthropogenic burden on environment shall be considered, the measures on prevention and liquidation of contamination of environment and also methods of waste management shall be provided, resources-economy, low-wastes and wasteless technologies contributing to environmental protection, to restoration of natural environment, rational usage and restoration of natural resources shall be used.

The reduction of cost or exclusion from the project works and from the approved project of the planned measures on protection of environment at projecting the building, reconstruction, conservation, dismantling and demolition of buildings, constructions and other objects is prohibited.

The project of building, reconstruction, conservation, dismantling or demolition of buildings, constructions and other objects subject to state ecological expertise and having not received the positive resolution is not subject to approval and works on its realization are not financed.

Article 35. The Requirements in the Sphere of Protection of Environment at Building and Reconstruction of Buildings, Constructions and Other Objects

Building and reconstruction of buildings, constructions and other objects shall be fulfilled under the approved project at presence of positive resolution of state ecological expertise, and also of sanitary, anti-fire, building and other requirements of legislation of the Republic of Belarus.

Building and reconstruction of building, construction and other objects before the approval of project and before the allocation of the land in kind, and also changing the approved project to the detriment to requirements in the sphere of environmental protection is prohibited.

At fulfillment of building and reconstruction of buildings, constructions and other objects all the measures on protection of environment, improvements of territory, protection of historico-cultural values, collection and other management of wastes and other measures on prevention of harmful influence of environment provided in project are taken.

In the course of building and reconstruction of building, constructions and other objects is carried out by the state, departmental and industrial control in the sphere of protection of environment in order established by the legislation of the Republic of Belarus.

Article 36. The Requirements in the Sphere of Protection of the Environment at Introduction of Buildings, Constructions and Other Objects into Exploitation

Introduction into exploitation of buildings, construction and other objects is carried out in condition of fulfillment of all works on protection of environment, improvement of territories provided in the project in compliance with the legislation of the Republic of Belarus.

Introduction into exploitation of buildings, constructions and other objects not equipped with the devices of registration and control, with technical means on purifying, neutralizing of exhausts and effluents of contaminating substances, usage or neutralizing the wastes providing the fulfillment of requirements established in the sphere of environmental protection is prohibited.

The chiefs and members of the commissions on acceptance of buildings, constructions and other objects to exploitation bear responsibility for the acceptance of buildings, constructions and other objects not meeting the requirements in the sphere of protection of environment according to the legislation of the Republic of Belarus.

Article 37. The Requirements in the Sphere of Protection of Environment at Exploitation of Buildings, Constructions and Other Objects

Legal entities and citizens that carry out the exploitation of buildings, constructions and other objects are obliged to observe the technological norms and other requirements in the sphere of protection of the environment.

Legal entities and citizens that carry out the exploitation of buildings, constructions and other objects shall provide the observance of norms of quality of the environment on the basis of implementation of technological means and technologies of neutralization and usage of wastes of manufacturing, neutralization of exhausts and effluents of contaminating substances and also other technologies providing the fulfillment of requirements in the sphere of protection of environment.

At exploitation of buildings, constructions and other objects the legal entities and individual entrepreneurs are obliged to conduct the ecological passport of enterprise. Ecological passport of enterprise is considered to be a document including the data on usage of resources (natural and derivative) by the legal entity or individual entrepreneurs that carry out the economic and other activity, and estimation of influence of the manufacturing on the environment. The order of conduction of ecological passport of enterprise is established by the Ministry of natural resources and protection of environment.

Article 38. The Requirements in the Sphere of Protection of Environment at Liquidation of Legal Entity or Liquidation of Legal Entity or Termination of Activity of the Individual entrepreneurs and also at Their Bankruptcy

At liquidation or bankruptcy of legal entity that carry out the activity connected with harmful influence on environment the ecological audit and estimation of harm caused to the environment as the result of its activity are conducted, the measure on compensation of harm caused to the environment are taken, and measures on restoration of environment according to the legislation of the Republic of Belarus are elaborated and taken.

The effect of the present article is expanded on cases of bankruptcy or termination of activity of individual entrepreneur connected with harmful influence on environment.

Article 39. The Requirements in the Sphere of Protection of Environment at Placing, Projecting, Building, Reconstruction, Introducing into Exploitation and Exploitation of Objects of Power Engineering

At projecting and building of heat power plants their equipment with the means of purifying of exhausts and effluents of contaminating substances providing the fulfillment of requirements in the sphere of environmental protection, usage of ecological safe kinds of fuel and safe placement of wastes of industry and also measures on reduction of creation and ejection of gases influencing the climate into the environment shall be provided.

At placing, projecting, building, reconstruction, introduction into exploitation and exploitation of hydropower plants the peculiarities of relief shall be considered, the measures on maximal perseverance of water objects, water collectors, land (including soils), forests, inhabited localities, biological diversity shall be taken, the stable functioning of natural ecological systems, the preservation of typical and rare natural landscapes, particularly

protected natural territories shall be provided, and also measures on timely stoking-up and export of timber, taking down the fertile layer of soil at cleaning and sinking the bed of water storages and other necessary measures on non-admission of harmful changes of environment, saving the water regime providing more favorable conditions for restoration of water biological resources shall be taken.

At placing, projecting, building, reconstruction, introduction into exploitation and exploitation of nuclear plants the protection of environment from the radiation influence of this plant shall be provided, the established order and technological norms, requirements of specially authorized republican bodies of state management that carry out the state inspection and control in the sphere of provision of radiation security shall be observed, and also the measures on provision of full radiation security of the environment and population according to the legislation of the Republic of Belarus and generally accepted principles and norms of international law shall be taken, the training and improving the qualification of workers' of nuclear plants shall be provided.

Placing the nuclear plants is carried out at presence of positive resolutions of state ecological expertise and other state expertise provided under the legislation of the Republic of Belarus and confirming the ecological and radiation safety of nuclear plants for the projects and other grounding materials.

Projects of placing and building of nuclear plants shall contain the decisions providing the safe withdrawal from exploitation and safe management with the radioactive wastes.

Article 40. The Requirements in the Sphere of Protection of Environment at Placing, Projecting, Building, Reconstruction, Introduction into Exploitation, Exploitation, Conservation and Liquidation of Military and Defense Objects, Armament and Military Machines

The requirements in the sphere of protection of environment at placing, projecting, building, reconstruction, introduction into exploitation, exploitation, conservation and liquidation of buildings, constructions and other objects are fully expanded to military and defense objects, armament and military machines excluding the emergency situations obstructing the observance of requirements in the sphere of environmental protection.

The list of emergency situations obstructing the observance of requirements in the sphere of environmental protection at placing, projecting, building, reconstruction, introduction into exploitation, exploitation. Conservation or liquidation of military and defense objects, armament and military machines is established by the legislation of the Republic of Belarus.

Article 41. The Requirements in the Sphere of Protection of Environment at Exploitation of Objects of Agriculture

Legal entities and citizens that carry out the exploitation of objects of agriculture are obliged to carry out the measures on protection of lands (including soils), bowels, waters, free air, forests, objects of flora and fauna, particularly protected natural territories, typical and rare natural landscapes.

Legal entities and individual entrepreneurs that carry out the production, stoking-up and processing of agricultural products and also the service and repair of agricultural machines, storage of combustive-lubricating materials, organic and mineral fertilizers, means of plants' protection, stimulators growth and other preparations shall have sanitary protective zones around the industrial objects and purifying constructions providing the fulfillment of requirements in the sphere of protection of environment.

Article 42. The Requirements in the Sphere of Protection of Environment at Melioration of Lands, Placing, Projecting, Building, Reconstruction, Introduction into Exploitation and Exploitation of Melioration Systems and Hydro-Technical Constructions Located Separately

At carrying out the melioration of lands, placing, projecting, building, reconstruction, introduction into exploitation and exploitation of melioration systems and hydro-technical constructions located separately the legal entities and individual entrepreneurs shall take measures on providing the hydro-economic balance and economical usage of waters, protection of lands (including soils), forests, objects of flora and fauna, and also prevention of other harmful influence on environment at carrying out the melioration measures. Melioration of lands shall not lead to worsening the state of environment, breach of stable functioning of natural ecological systems.

Article 43. The Requirements in the Sphere of Protection of Environment at Placing, Projecting, Building and Reconstruction of Inhabited Localities

At placing, projecting, building and reconstruction of inhabited localities the requirements in the sphere of protection of environment providing the favorable environment for life and health of citizens shall be observed.

Objects of economic and other activity shall be placed with the consideration of requirements in the sphere of protection of environment and also sanitary, anti-fire, building and other requirements of the legislation of the Republic of Belarus.

At panning and building of inhabited localities the measures on preservation and restoration of environment shall be provided, the requirements in the sphere of protection of environment shall be observed, measures on purifying of sewages, sanitary cleaning, collection, transportation, usage and (or) neutralization of wastes, observance of norms of permissible exhausts and effluents of chemical and other substances and also on re-cultivation of lands, improvement of territories and other measures providing the ecological safety shall be taken.

Around the inhabited localities the green zones are created, the legal regime of which is established by the legislation of the Republic of Belarus. The sizes of green zones are determined at elaboration of schemes and projects of regional planning of administrative-territorial units, general plans, projects of detailed planning and building, projects of improvements of inhabited localities and other projects with consideration of number of citizens and natural-climate conditions.

Organization of inhabited localities and territories shall be carried out according to the architectural and town-planning projects where the measures on greening and other management with the objects of fauna providing the favorable environment for live and health of citizens shall be carried out.

The management with the objects of flora located on lands of inhabited localities is carried out in compliance with the legislation of the Republic of Belarus on flora, housing and communal services, in the sphere of architectural, urban planning and construction activity.

Liquidation (removal) including felling without relevant permission and (or) damaging the objects of flora in the inhabited localities, green zones around the inhabited localities, town woods and sanitary-protective zones is prohibited.

Article 44. The Requirements in the Sphere of Protection of Environment to the Movable Sources

Legal entities and citizens at projecting, production, exploitation, repair and technical service of movable sources are obliged to elaborate and carry out measures on reduction of toxicity, smoggy of processed gases, purifying or neutralization of exhausts and effluents of contaminating substances into the environment, transition to less toxic kinds of fuels and other measures directed to prevention and reduction of harmful influence on environment.

The production and (or) exploitation of movable sources, where the content of the contaminating substances in the exhausts and levels of other harmful physical influences on environment exceed the fixed norms are prohibited.

Article 45. The Requirements in the Sphere of Protection of Environment at Placing, Projecting, Building, Reconstruction, Introduction into Exploitation, Exploitation and Liquidation of Objects of Oil and Gas Industry, Objects of Processing, Transportation, Storage and Realization of Oil, Gas and Products of Their Processing

Placing, projecting, building, reconstruction, introduction into exploitation, exploitation and liquidation of objects of oil and gas industry, objects of processing, transportation, storage and realization of oil, gas and products of their processing shall be carried out in compliance with the requirements in the sphere of protection of environment, sanitary, anti-fire and other requirements of legislation of the Republic of Belarus.

At placing, projecting, building, reconstruction, introduction into exploitation, exploitation and liquidation of oil and gas industry, objects of processing, transportation, storage and realization of oil, gas and products of their processing the measures on purifying and neutralization of wastes of industry and collection of oil (accompanying) gas and accompanying waters, re-cultivation of lands, decreasing the harmful influence on environment and also on compensating the harm to the environment caused in the process of building and (or) exploitation of mentioned objects in the result of infringement of legislation of the Republic of Belarus on protection of the environment are provided.

Building and exploitation of objects of oil and gas industry, objects of processing, transportation, storage and realization of oil, gas, and products of their processing are allowed at presence of projects of restoration of contaminated lands, positive resolutions of state ecological expertise and financial guarantees of realization of these projects.

Exploitation of objects of oil and gas industry, objects of processing, transportation and storage of oil and gas, located in the surface water objects is allowed at presence of positive resolutions of state ecological expertise and other state expertise established by the legislation of the Republic of Belarus.

Article 46. The Requirements in the Sphere of Protection at the Production of Dangerous Chemical Substances, Their Management and Their Neutralization

Production of dangerous chemical substances and their management is allowed on the territory of the Republic of Belarus after conducting the necessary toxic-hygienic and toxicological research of these substances, establishment of order of their management with observance of requirements in the sphere of protection of environment and state registration of these substances in order established by the legislation of the Republic of Belarus.

Neutralization of dangerous chemical substances is carried out at presence of project and technological documentation, agreed in order established by the legislation of the Republic of Belarus.

Article 47. The Requirements in the Sphere of Protection of Environment at Usage of Radioactive Substances

Legal entities and individual entrepreneurs are obliged to observe the rules of production, storage, transportation, usage, burial of radioactive substances (sources of ionizing radiation), not to allow the exceeding of norms of limit permissible level of radiation influence and in case of their exceeding to inform the specially authorized republican bodies of state management, local executive and administrative bodies on exceeding level of radiation dangerous to the environment and health of citizens without delay, take measures on liquidation of center of radiation contamination.

Legal entities and individual entrepreneurs that do not provide the observance of rules of management with the radioactive substances and also with radioactive wastes bear responsibility in compliance with the legislation of the Republic of Belarus.

Import of the sources of ionizing radiation on the territory of the Republic of Belarus from other states for the purposes of their storage, utilization or burial is prohibited. Transit or import of sources of ionizing radiation for other purposes is carried out in order established by the legislation of the Republic of Belarus.

Burial of sources of ionizing radiation on surface of land and in bowels without taking measures on exclusion of possibility of accidental ingress of sources of ionizing radiation or their separate components into the environment is prohibited.

Burial of sources of ionizing radiation in water objects on the territory of reservations, national parks and reserves, natural memorials is prohibited.

Article 48. The Requirements in the Sphere of Protection of Environment at Usage of Chemical Substances in Agriculture and Forestry

Legal entities and citizens are obliged to carry out the rules of production, storage, transportation and usage of chemical substances used in agriculture and forestry, and also the requirements in the sphere of protection of environment and take measures on prevention of harmful influence of economic and other activity and liquidation of its negative consequences for provision of quality of environment, stable functioning of natural ecological systems and preservation of typical and rare natural landscapes.

The usage of toxic chemical substances not exposed to the decay is prohibited.

Article 49. The Requirements in the Sphere of Protection of Environment to the Activity That Has or May Have Harmful Biological Influence on Environment

Introduction, acclimatization, growing, cultivation of plants, animals not peculiar to the ecological systems and also created in artificial way without elaboration of measures on prevention of their harmful influence on natural ecological systems, reception of positive resolutions of relevant expertise and (or) permissions in compliance with the legislation of the Republic of Belarus.

At placing, projecting, building, reconstruction, introduction in exploitation, exploitation and liquidation of dangerous industrial objects, application of technologies connected to harmful influence of micro-organisms on environment the requirements and norms in the sphere of protection of environment including the norms of limit permissible concentrations of micro-organisms, technical normative legal acts in the sphere of protection of environment shall be observed.

Legal entities and individual entrepreneurs that carry out activity connected with possibility of harmful influence of micro-organisms on environment are obliged to provide ecologically safe production, transportation, usage, storage, placing and neutralization of micro-organisms, elaborate and carry out measures on prevention of accidents and catastrophes, prevention and liquidation of consequences of harmful influence of micro-organisms on environment.

Requirements in the sphere of management with the genetic changeable organisms are established by the legislation of Republic of Belarus in the sphere of biological safety and genetic engineering activity.

Article 50. The Requirements in the Sphere of the Environment Protection at Management of Wastes

Legal entities and citizens, economic and other activity of which is connected with wastes management, are obliged to observe the requirements in the sphere of protection of environment and also sanitary, anti-fire and other requirements established by the legislation of the Republic of Belarus.

The relations appearing in the process of wastes management are regulated by the legislation on wastes handling and by other legislation of the Republic of Belarus.

Article 51. The Requirements in the Sphere of Protection of Environment to the Sources Having Harmful Physical Influence

Legal entities and citizens, activity of which is connected with usage of sources of physical influences and also local executive and administrative bodies are obliged to take necessary measures on prevention and liquidation of harmful influence of noise, vibration, electric, electro-magnet, magnet fields and other harmful physical influences on environment, including in industrial, public and dwelling buildings, on the streets, in the yards, on the squares of towns and other inhabited localities, in zones of recreation and other public places, in sites of habitation of wild animals, including in the sites of their reproduction, on natural ecological systems and typical and rare natural landscapes.

For these purposes the following shall be carried out:

improvement of constructions of automobile, railroad, air, sea and river transportation means, agricultural, road and building machines and other movable means and plants equipped with the rotary-piston engines and means of their exploitation and also the quality of maintenance of railroads and tramways, automobile roads and street network of the inhabited localities;

placing the airdromes, airports and other objects, exploitation of equipment that are the sources of noise, on the distance providing ecological safety of the inhabited localities;

special noise protection measures.

Exploitation of buildings, constructions, and other objects having the sources of physical influence that exceed the norms of permissible physical influences is prohibited.

Article 52. The Requirements in the Sphere of Protection of Environment at Conducting of Scientific Research, Experimental Constructional and Technological Works

At conducting fundamental and applied scientific research, experimental constructional and technological works the requirements in the sphere of protection of environment shall be considered.

Usage of inventions and usage of machines, equipment, material and technologies leading to the infringement of the requirements in the sphere of protection of environment is prohibited.

Article 53. The Requirements in the Sphere of Protection of Environment at Establishing the Safety and Protection Zones

For the purposes of provision of stable functioning of natural ecological systems, protection of natural complexes, natural landscapes and particularly protected natural territories from the contamination and other harmful influence of economic and other activity the safety and protection zones can be established.

The order of establishment, creation of safety and protection zones, their legal regime is determined by the legislation of the Republic of Belarus.

Article 54. The Requirements in the Sphere of Protection of Environment at Privatization of the Enterprises

At privatization of enterprises having the harmful influence on environment the conduction of measures on protection of environment and compensation of harm caused to the environment is provided.

At privatization of enterprises the plants and equipment designed for the protection of environment are considered indivisible with the object of privatization.

Section 7. Protection Of The Ozone Layer. Regulation Of Influence On Climate

Article 55. Provision of Protection of the Ozone Layer

The protection of the ozone layer from the ecologically dangerous change of its state is provided:

by organization of observance, registration and control of change of the state of the ozone layer under the influence of the economic and other activity;

by limiting or full stoppage of usage of substances destroying the ozone layer;

by application of the economic mechanism of protection of ozone layer;

by application of measure of responsibility for the infringement of the legislation of the Republic of Belarus on the protection of the ozone layer.

The protection of the ozone layer is carried out in compliance with the legislation of the Republic of Belarus.

Article 56. The Responsibility of Legal Entities and Individual entrepreneurs that Carry Out the Economic and Other Activity Connected with Exhausts of Greenhouse Gases into the Free Air

Legal entities and individual entrepreneurs carrying out the economic and other activity connected with the exhausts of greenhouse gases in free air are obliged to reduce the number of exhausts of these gases and (or) other substances contributing to their creation, accumulation of which in the atmosphere can lead to the change of the climate.

Article 57. Regulation of the Influence on Climate

Any economic and other activity, the consequences of which lead or can lead to the change of climate, shall be carried out with the observance of the legislation of the Republic of Belarus on protection of environment.

The fulfillment of measures on regulation of influence on the climate shall not lead to the harmful influence on environment.

Section 8. Estimation Of Influence On Environment. Ecological Expertise

Article 58. The Estimation of Influence on Environment of the Planned Economic and Other Activity

The estimation of influence on the environment is conducted in relation to the planned economic and other activity that can have harmful influence on environment.

The order of conducting the estimation of influence on environment of planned economic and other activity, the requirements to the materials and content of the report on the results of conducting such estimation are established by the legislation of the Republic of Belarus on state ecological expertise.

Article 59. Ecological Expertise

Ecological expertise is conducted for the purposes of determination of compliance of the planned economic and other activity with the requirements in the sphere of protection of the environment.

In the Republic of Belarus the state ecological expertise and public ecological expertise are conducted.

Article 60. State Ecological Expertise

State ecological expertise is organized and conducted by the Ministry of natural resources and protection of environment of the Republic of Belarus or by its territorial bodies.

The order of conducting the state ecological expertise is established by the legislation of the Republic of Belarus on state ecological expertise.

Article 61. Public Ecological Expertise

Public ecological expertise is organized and conducted on the initiative of public associations and citizens by the independent specialists, who in order established by the legislation of the Republic of Belarus have the right to receive from the customer (initiator of the planned economic and other activity) documentation subject to public ecological expertise including the material on estimation of influence on environment of the planned economic and other activity and also other materials necessary for conducting of the public ecological expertise.

The resolution of the public ecological expertise can be send to bodies that conduct the state ecological expertise, local executive and administrative bodies and also to other interested persons and has the recommendation character.

The financing of the public ecological expertise is accomplished at the expense of its initiators—public associations and (or) citizens.

Section 9. Natural Objects Subject To Particular Or Special Protection

Article 62. Particularly Protected Natural Territories

Unique, model or other valuable natural complexes and objects having the particular ecological, scientific and (or) esthetic importance are subject to particular protection. For the protection of such natural complexes and objects the particularly protected natural territories are declared.

Declaring, transformation or discontinuing to function of the particularly protected natural territories are carried out in accordance with the legislation of the Republic of Belarus on particularly protected natural territories.

Article 63. Natural Territories Subject to Special Protection

For the purposes of preservation of the useful qualities of the environment in the Republic of Belarus the territories subject to special protection are distinguished.

The resort zones, zones of rest, water protection zones, bank regions of rivers and reservoirs, zones of sanitary protection of deposits of medicinal mineral waters and medicinal silts, zones of sanitary protection of water objects used for the economic and drinking water supply, zones of sanitary protection in the places of water scoop, water protective forests (prohibited regions of forests and forests within the borders of water protective zones at the banks of rivers, lakes, water reservoirs and other water objects), protective forests (anti-erosion forests, protective regions of forests along the railroads and automobile roads of the public usage), sanitary hygienic and sanitary forests (city forests, forests of green zones around the towns, other inhabited localities and industrial objects including the forests of forest park parts of the green zones, forests of first and second regions of zones of sanitary protection of the sources of water supply and forests of regions of sanitary protection of resorts (resort forests)), city parks, protected typical and rare natural landscapes and other territories for which the special regime of protection and usage is established.

The legal regime of specially protected territories mentioned in the part two of the present article is established by the legislation of the Republic of Belarus.

Article 64. Protection of Wild Animals and Wild Growing Plants which are Referred to Rare and Being under the Threat of Disappearance in the Territory of the Republic of Belarus Species of Wild Animals and Wild Growing Plants which Fall within the Purview of the Treaties of the Republic of Belarus

Rare and being under the threat of disappearance in the territory of the Republic of Belarus species of wild growing plants and wild animal are included into the Red Book of the Republic of Belarus.

Inclusion of rare and being under the threat of disappearance in the territory of the Republic of Belarus species of wild animals and wild growing plants into the Red Book of the Republic of Belarus is implemented by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus on the terms and in the order determined by the Regulations on the Red Book of the Republic of Belarus.

The Regulations on the Red Book of the Republic of Belarus is approved by the Council of Ministers of the Republic of Belarus on a submission of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus agreed with the National Science Academy of the Republic of Belarus.

Withdrawal of wild animals and wild growing plants which are referred to the species included into the Red Book of the Republic of Belarus from their habitat and the environment of growth is allowed for scientific purposes, for the purposes of immigration (including dissemination), introduction, re-introduction, acclimatization, cross breeding, creation and replenishment of zoological and botanical collections on the basis of the permission to be issued by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus in the order established by the Council of Ministers of the Republic of Belarus, unless otherwise established by the president of the Republic of Belarus.

Willful withdrawal of wild animals and wild growing plants which are referred to the species included into the Red Book of the Republic of Belarus from their habitation and environment of growth, their illegal circulation, as well as commitment of other actions which may lead to their death, curtailment of the number or disturbance of their habitation and the environment of growing, are to be prohibited.

Transfer through the customs border of the Republic of Belarus of the wild animals and wild growing plants which are referred to the species included into the Red Book of the Republic of Belarus , their parts and/or derivatives, species of animals and plants, their parts or their derivatives falling within the purview of the Convention, as well as of zoological and botanical collections or its parts is carried out in accordance with the legislation of the Republic of Belarus on foreign economic activities.

With the aim to protect wild animals and wild growing plants which are referred to the species included into the Red Book of the Republic of Belarus, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus organizes work on the detection of the places of habitation of wild animals and the places of growth of wild growing plants which are referred to the species included into the Red Book of the Republic of Belarus and the accounting of those places.

Local Council of Deputies on the submission of the respective territorial body of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus agreed with the National Academy of Sciences of the Republic of Belarus transmit detected places of habitation of wild animals and places of growth of wild plants which are referred to the species included into the Red Book of the Republic of Belarus under the protection of the users of land plots and/ or water objects.

Users of the land plots and/or water objects who are transferred under the protection the places of habitation of wild animals and/or the places of growth of wild plants which are referred to the species included into the red Book of the Republic of Belarus, are issued the passports of the place of habitation of wild animals and/or the place of growth of wild plants which are referred to the species included into the Red book of the Republic of Belarus, and the protective obligation which envisages a special mode of protection and using those places.

The order of transmission of the places of habitation of wild animals and the places of growth of wild growing plants which are referred to the species included into the Red Book of the Republic of Belarus under the protection of the users of land plots and/or water objects, forms of the passports of the places of habitation of wild animals and the places of growth of wild growing plants which are referred to the species included into the Red Book of the Republic of Belarus and the protective obligation, as well as the order and conditions of its issuance, are established by the Council of Ministers of the Republic of Belarus.

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus works out and approved measures on protection of wild animals and wild growing plants which are referred to the typed included into the Red Book of the Republic of Belarus, as well as to the species falling within the purview of the Convention and performs the control over their fulfillment.

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus may establish restrictions, bans or other measures in relation to the protection, withdrawal, keeping, storing, exposure of wild animals and wild growing plants which are referred to the species included into the Red Book of the Republic of Belarus, their parts and/or derivatives and their trade in relation to preservation, protection and restoration of their habitation and the environment of growth, as well as in relation to carrying out economical and other activities in the process of which they are used as a raw material, for other purposes of consumption and sale.

The effect of this Article does not cover cultivated plants which are referred to the rare or being under the threat of disappearance species.

Section 10. Ecologically Unfavorable Territories

Article 65. Zones of Ecological Risk

Certain parts of territory of the Republic of Belarus, where as the result of economic and other activity there is unfavorable ecological situation, the stable negative changes of environment began to occur that threaten the safety of life and health of citizens, to components of natural environment and ecological systems are declared by the Council of Ministers of the Republic of Belarus to be the zones of ecological risk.

In the zones of ecological risk the measures on prevention of harmful influence on environment and on its restoration are conducted.

Financing the measures on improvement of zones of ecological risk is conducted first of all at the expense of legal entities and individual entrepreneurs as the result of which economic and other activity the unfavorable ecological situation appeared, and stable negative changes of the environment began to occur and also at the expense of the republican and local budgets and other sources according to the legislation of the Republic of Belarus.

Article 66. Zones of Ecological Crisis

Certain parts of territory of the Republic of Belarus, where as the result of economic or other activity, accidents, catastrophe, natural disaster or other emergency or unpredictable at these conditions circumstances the stable negative changes of environment threatening the safety of life and health of citizens, the components of natural environment and natural ecological systems have occurred, are declared by the Council of Ministers of the Republic of Belarus to be the zones of ecological crisis.

In the zones of ecological crisis for the period established by the Council of Ministers of the Republic of Belarus:

economic and other activity of the legal entities and individual entrepreneurs causing the harmful influence on environment can be suspended;

the usage of certain kinds of natural resources can be limited;

reconstruction or re-profiling of industrial and other objects causing the harmful influence on environment can take place;

measures on restoration of the environment can be conducted.

The financing of the measures on improvement of zones of ecological crisis is conducted in order established by the part three article 65 of the present Law.

Article 67. Zones of Ecological Disaster

Certain parts of the territory of the Republic of Belarus, where as the result of economic and other activity the irreversible changes of the environment threatening the safety of life and health of citizens and leading to violation of natural balance, destruction of natural ecological systems, degradation of components of natural environment have occurred, are declared by the President of the Republic of Belarus to be the zones of ecological disaster.

In the zones of ecological disaster:

wok of the industrial and other objects (excluding objects connected with the service of citizens living on this territory) is suspended on the period established by the President of the Republic of Belarus;

building, reconstruction and introduction into exploitation of new buildings, constructions and other objects for the exception of those that are necessary for liquidation of consequences of ecological disaster are prohibited;

nature management is limited;

operational measures on restoration of environment are taken.

The financing of measures on improvement of zones of ecological disaster is conducted in order established by part three of the article 65 of the present Law.

Section 11. Observation Of State Of The Environment

Article 68. National System of Monitoring of Environment

For the purposes of providing the cooperation of systems of observation over the state of the environment, estimation and prediction of changes of state of environment under the influence of natural and anthropogenic factors, reception and provision of full, trustworthy and timely ecological information the National system of monitoring of the environment in the Republic of Belarus.

Conducting the National system of monitoring of environment in the Republic of Belarus is carried out in order established by the legislation of Republic of Belarus.

Coordination of conducting the National system of monitoring of environment in the Republic of Belarus is carried out by the Ministry of natural resources and protection of environment of the Republic of Belarus.

Article 69. Monitoring of Environment

Monitoring of environment is carried out for the purposes of observation over the sate of environment (including over state of environment in the regions of location of sources of harmful influence and influence of these sources on environment), providing the state bodies, legal entities and citizens with the full, trustworthy and timely information necessary for management and control in the sphere of protection o environment and nature management.

Monitoring of environment is a part of National system of monitoring of the environment of the Republic of Belarus.

Monitoring of environment is conducted by the Ministry of natural resources and protection of environment of the Republic of Belarus, other bodies of the state government and the National academy of sciences, in the order established by the legislation of Republic of Belarus. Conducting the monitoring of environment by other bodies of state management is conducted under the agreement with the Ministry of natural resources and protection of environment.

Bodies of the state government and other legal entities in order established by the legislation of Republic of Belarus give free of charge to the Ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies the materials on observation over the state of environment.

Republican bodies of state management, local executive and administrative bodies, legal entities at elaboration of prediction of social and economic development and taking the appropriate decisions, elaboration of programs and measures on rational usage of natural resources and protection of environment, placing the industrial and other objects shall consider the data of monitoring of environment and also use it for informing the citizens on the state of environment and measures on it protection.

The order of conducting and usage of data of monitoring of environment is established by the Council of Ministers of the Republic of Belarus.

Section 12. Registration in the Sphere of Protection of Environment. State Database on the State of Environment and Influence on It. Ecological Information

Article 70. State Registration in the Sphere of Protection of Environment

Legal persons and individual entrepreneurs the economic or other activities of which cause a harmful influence on the environment, including the ecologically dangerous activity, kinds and quantity of exhausts and effluents of contaminating substances into the environment, kinds and value of harmful physical and other influences on environment are subject to state registration conducted by the territorial bodies of the Ministry of natural resources and protection of environment of the Republic of Belarus and also other specially authorized republican bodies of state management in order established by the legislation of the Republic of Belarus.

State registration in the sphere of protection of environment is conducted in the order established by the Council of Ministers of the Republic of Belarus for the purposes of state regulation of nature protection activity and also current and perspective planning of measures on reduction of harmful influence of the economic and other activity on environment.

Criteria for classifying the economic and other activities which cause a harmful influence on the environment as ecologically dangerous are established by the President of the Republic of Belarus or by the state body authorized by him.

The state registration in the sphere of the environment protection conducted by the territorial bodies of the Ministry of natural resources and the environment protection of the Republic of Belarus includes the maintenance of the State register of legal persons and individual entrepreneurs the economic and other activities of which cause a harmful influence on the environment.

At the state registering in the sphere of the environment protection each legal person and individual entrepreneur the economic and other activities of which cause a harmful influence on the environment receive a registration number of a user of natural resources at the place they carry out their economic and other activities.

Article 71. Registration of Used Natural Resources and Harmful Influences on Environment

Legal entities and individual entrepreneurs at carrying out the economic and other activity are obliged to conduct the registration of used natural resources, exhausts and effluents of contaminating substances into the environment, wastes management, and also registration of other kinds of harmful influence on environment in order established by the Ministry of Natural resources and protection of environment of the Republic of Belarus and other specially authorized republican bodies of state management in compliance with their powers.

Data on usage of natural resources, exhausts and effluents of contaminating substances into the environment, wastes management, and also on other kinds of harmful influence on environment are subject to registration in the ecological passport of the enterprise and to state statistics registration in order established by the legislation of the Republic of Belarus.

Article 72. State Cadastrs of Natural Resources

State cadastrs of natural resources are conducted for the registration of quantity, quality and other characteristics of natural resources, and also for registration of volume, character and regime of their usage.

In the Republic of Belarus the following state cadastrs of natural resources are conducted: land, bowels, water, free air, forests, flora, fauna, climate and wastes.

The acts of legislation of the Republic of Belarus can provide also the conducting of other state cadastrs of natural resources.

Conducting the state cadastrs of natural resources is carried out by the Ministry of natural resources and protection of environment of the Republic of Belarus and other specially authorized republican bodies of state management in compliance with their competence.

Coordination of conducting of state cadastrs of natural resources is carried out by the Ministry of natural resources and protection of environment of the Republic of Belarus.

Article 73. State Data Fund on the State of the Environment and Influence on It

The State data fund on the state of the environment and influence on it includes ecological information, collected in the result of activities specified in part 2 of article 74 of the present law conducted by the owners of the ecological information, and accumulated by the Ministry of natural resources and the environment protection of the Republic of Belarus, other state bodies and other state organizations by virtue of exercising functions charged on them by acts of the legislation of the Republic of Belarus.

The Ministry of natural resources and the environment protection of the Republic of Belarus, other state bodies and other state organizations, which accumulate ecological information collected in the result of conducting by the owners of the ecological information activities specified in part 2 of article 74 of the present law, conduct the Registers of ecological information of the State data fund on the state of the environment and influence on it.

The Ministry of natural resources and the environment protection of the Republic of Belarus, other state bodies and state organizations which conduct the Registers of ecological information of the State data fund on the state of the environment and influence on it post the content of information contained in the above Registers in the publicly accessible place (on the information boards, panels) and on their official web-sites in the global computer network Internet.

The order of formation and conduct of the State data fund on the state of the environment and influence on it is established by the Council of Ministers of the Republic of Belarus.

Provision and dissemination of information contained in the Registers of ecological information of the State data fund on the state of the environment and influence on it are carried out in accordance with articles 74-74⁷ of the present law.

Article 74. The Content, Sources and Kinds of Ecological Information, Forms of Its Provision and Dissemination

The ecological information includes the following data:

on the state of the environment, including atmospheric air, waters, grounds (including soils), flora and fauna in their biological diversity, natural landscapes, other natural objects, and on

interaction between these objects, as well as on the genetically engineered organisms and microorganisms;

on influence on the environment of substances, as well as energy, noise, radiation and other physical factors;

on decisions of the state bodies, on the economic and other activities of legal persons and individual entrepreneurs, connected to the harmful influence on the environment or its protection, as well as justification of necessity of their fulfillment, including financial and economic reasoning;

on acts of the legislation of the Republic of Belarus, on territorial complex schemes, programs and measures on rational use of natural resources and the environment protection, concepts, strategies, schemes, programs and measures which realization influences or may influence the environment, as well as justification of necessity of their adoption, including financial and economic reasoning;

on the state of health and security of citizens, their living conditions, on the condition of objects of culture, buildings and constructions that relate to the influence or possible influence on them by the environment or through the environment factors, activities and measures specified in indents 3-5 of the present part.

The ecological information provided or disseminated by the owners of the ecological information in accordance with the present law is collected in the result of:

monitoring the environment;

measuring in the sphere of the environment protection;

conducting the state registration in the sphere of the environment protection;

conducting the state registration of natural resources in use and influence on the environment;

issue of special permissions (licenses), other permissions and documents, on the ground of which the natural resources are used, bringing amendments and (or) alterations in these permissions and other documents, suspension, resumption, prolongation of term of their validity, their termination;

evaluation of influence on the environment exerted by planned economic and other activities;

ecological examination;

exercising control in the sphere of the environment protection;

ecological auditing;

ecological certification;

standardization in the sphere of the environment protection;

development and realization of territorial complex schemes, programs and measures on efficient use of natural resources and the environment protection.

The ecological information, collected in the result of activities not specified in part 2 of the present article is provided and disseminated in accordance with the legislative acts of the Republic of Belarus on the financial and credit system, the state statistics, health care, security of the genetic engineering, hydrometeorological activities, the state system of prevention and liquidation of emergency situations, on historical and cultural heritage, information and informatization, other legislative acts.

The ecological information is provided and disseminated in oral, written, electronic, audiovisual or other forms.

The ecological information collected in the result of the activities specified in part 2 of the present article is divided on the ecological information of general purpose and the specialized ecological information.

Classification of the ecological information related to the fact of inflicting ecological damage as the specialized ecological information is forbidden.

Article 74¹. Access to the Ecological Information

Access of the state bodies, other state organizations, other legal persons and citizens to the ecological information of general purpose is guaranteed by means of providing or disseminating the ecological information of general purpose by the owners of the ecological information.

Access of the state bodies, other state organizations, other legal persons and citizens to the specialized ecological information is guaranteed on the basis of a contract on provision of the specialized ecological information concluded with the owners of the ecological information.

Article 74². Restriction of Access to the Ecological Information

The ecological information shall not be provided or disseminated in the following cases:

the information is classified as the state secrets in accordance with the legislation of the Republic of Belarus on the state secrets;

the disclosure of information will lead to the infringement of the rules of judicial procedure, preliminary investigation, administrative process;

the disclosure of information will cause damage to the environment or threaten to cause damage;

in other cases established by the legislative acts, international treaties of the Republic of Belarus in the interests of the national security, protection of rights and freedoms of citizens, rights of legal persons.

Provision of the ecological information may be denied in the following cases:

a state body or another state organization do not have enquired information and such information can not be obtained from other owners of the ecological information because of its unavailability;

a legal person other than a state body or a state organization, or an individual entrepreneur do not have enquired ecological information;

a request to provide information concerns the documents that are related to the internal document management of the owner of the ecological information.

In the case provided for in indent 4 of part 2 of the present article the owner of the ecological information is obliged if it is possible to extract the information contained in such documents without prejudice to the confidentiality thereof and provide it to an applicant.

Access to the following ecological information shall not be restricted:

about the state of the environment;

about the emission of contaminating substances to the atmospheric air and discharge of effluents into the water objects with exceeding the standards in the sphere of the environment protection or in the absence of such standards if their determination is required according to the legislation of the Republic of Belarus;

about exhausts into the water object of chemical and other substances, their compositions, items or waste products;

about applying of chemical and other substances to the ground (soil) that led to the deterioration of its quality or the quality of subsurface waters;

about ionizing and electromagnetic radiation, noise or other physical influence with exceeding the standards in the sphere of the environment protection or in the absence of such standards if their determination is required according to the legislation of the Republic of Belarus.

Article 74³. Providing the Ecological Information to the State Bodies and Other State Organizations

The ecological information of general purpose is provided to the state bodies and other state organizations by the owners of the ecological information in accordance with the present law and other acts of legislation of the Republic of Belarus upon their request by means of exchange of such information or its mailing.

The specialized ecological information is provided to the state bodies free of charge. The specialized ecological information is provided to other state organizations in the order, established in article 74⁵ of the present law.

Article 74⁴. Providing the Ecological Information to Citizens and Legal Persons Other Than State Bodies and State Organizations

The ecological information of general purpose is provided by the owner of the ecological information upon request of a citizen or a legal person other than a state body or a state organization (hereinafter – an applicant) free of charge.

The ecological information of general purpose is provided by the owner of the ecological information within 10 working days from the date of receiving a request.

If the request on providing the ecological information of general purpose is not in conformity with the requirements of article 74⁶ of the present law the owner of the ecological information shall notice in writing an applicant about the information that is not available in the request within 3 working days from the date of receiving the request.

The ecological information of general purpose is provided in the form, amount and content that are specified in the request on providing the ecological information of general purpose, and if the owner of the ecological information has no technical facilities to provide it in the enquired form and amount – in the available form and amount with indicating of relevant reasons.

If the request on providing the ecological information of general purpose concerns the ecological information that is preparing and shall be provided or disseminated after its preparation in terms established by the legislation of the Republic of Belarus the owner of the ecological information shall notice an applicant in writing within 5 working days from the date of receiving the request and indicate the term and mode of possible obtaining of such information.

If the applicant of the ecological information of general purpose is a legal person other than a state body or a state organization, or an individual entrepreneur, the state body or other state organization, which receive the request and are to comply the request within the scope of their authority, shall enquire by themselves the ecological information at the owner of the ecological information and notice the applicant about it in writing within 5 working days from the date of receiving the request.

After receiving the request from the state body or other state organization on providing the ecological information of general purpose the owner of the ecological information named in part 6 of the present article shall provide the enquired information within 10 working days from the date of receiving the request or inform, within 3 working days, about a denial of providing such information, and specify the reasons of such denial provided for in the present law and other legislative acts of the Republic of Belarus.

The state body or other state organization which have received the ecological information of general purpose in accordance with part 7 of the present article shall provide this information to the applicant within 1 month from the date of receiving the applicant's request. If the owner of the ecological information has informed about a denial of providing the ecological information of general purpose the state body or other state organization inform about it the applicant and specify the reasons of a denial within 3 working days.

If it is outside the competent authority of the state body or other state organization to comply a request on providing the ecological information of general purpose, they shall refer it, within 5 working days from the date of receiving a request, to other state body or state organization that are competent to comply such request, and notice the applicant about it in writing.

If the enquired ecological information is classified as the specialized ecological information, the owner of the ecological information shall, within 5 working days from the date of receiving a request on providing the ecological information, offer the applicant to conclude a contract on providing the specialized ecological information and submit the considerable terms and conditions of such a contract.

The applicant is not obliged to inform about the reasons he/she/it needs the ecological information.

If the owner of the ecological information has the reasons specified in the present law and other legislative acts of the Republic of Belarus for denial of providing the ecological information, he/she/it informs the applicant, within 3 working days, in writing about denial of providing the ecological information, specifies the reasons of denial, and explains the terms and order for appealing the decision.

The denial of providing the ecological information may be appealed to the superior state body or other state organization (superior official) and/or to the court.

Article 74⁵. The Order of Providing the Specialized Ecological Information

The specialized ecological information is provided to the state organizations, legal persons other than the state bodies, and to the citizens at the price, in terms and on conditions specified in a contract on providing the specialized ecological information. The price for provision of such information shall not exceed economically reasoned costs related to the collection, processing and analyzing the specialized ecological information.

Article 74⁶. A Request on Providing the Ecological Information

A request on providing the ecological information shall include:

data about the owner of the ecological information (a name of the state body or other state organization, another legal person, a full name of an official or an individual entrepreneur);

data about the applicant (a full name and a place of residence of a citizen, a full name of an individual entrepreneur, his/her registration number and a name of the registering body, a name and a place of residence of a legal person);

specification of the enquired ecological information to determine its amount and a content;

data about the form of providing the ecological information.

The request on providing the ecological information is registered by the owner of the ecological information on the day of its receiving.

Article 74⁷. Dissemination of the Ecological Information of General Purpose

The ecological information of general purpose is subject to dissemination by the owners of the ecological information by means of its publication in printed editions, other mass media, on their official web-sites in the global computer network Internet or by other publicly accessible means in accordance with the legislation of the Republic of Belarus on information and informatization.

The content of the ecological information of general purpose subject to obligatory dissemination, the owners of such information obliged to disseminate it, and the periodicity of its dissemination are established by the Council of Ministers of the Republic of Belarus.

Section 13. Education, Enlightenment And Scientific Research In The Sphere Of Protection Of Environment

Article 75. Education in the Sphere of Protection of Environment

For the purposes of forming of ecological culture of citizens and preparation of specialists in the sphere of protection of environment the system of education in the sphere of protection of environment that includes pre-school, basic general, general secondary, professional technical, secondary special, high and postgraduate education and also improving the qualification and re-training of staff is established.

Mastering the minimum of ecological knowledge necessary for forming the ecological culture of citizens is provided in all establishments of education by means of obligatory teaching the basis of knowledge in the sphere of protection of environment and nature management.

In the establishments providing the reception of special secondary and high education the teaching of special courses in the sphere of protection of environment and nature management is introduced.

The training of specialists for the activity in the sphere of protection of environment and nature management is carried out in the establishments of education providing the reception of high education.

The improvement of qualification and retraining of the specialists of the economy branches in the sphere of protection of environment and natural resources is carried out in the establishments (their departments) providing the improvement of qualification and retraining of staff.

Article 76. The Requirements to the Employees, Whose Activity is Connected with Usage of Natural Resources and Influence on Environment

Employees, whose activity is connected with the usage of natural resources and influence of environment shall have the necessary knowledge in the sphere of protection of environment, nature management and regularly improve them. At appointing the officials and specialists, their attestation and re-attestation the presence of necessary knowledge in the sphere of protection of environment is considered.

Article 77. The Enlightenment in the Sphere of Protection of Environment

For the purposes of forming the ecological culture of citizens, up-bringing the solicitous attitude toward nature the enlightenment in the sphere of environmental protection is carried out by means of spreading the ecological information, including those contained data about the ecological security, as well as the knowledge on the content of the ecological information, the order of its collection, dissemination and provision to the subjects of relations in the sphere of the environment protection.

The enlightenment in the sphere of protection of environment including informing the citizens about legislation of the Republic of Belarus on protection of environment is carried out by the Ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies, republican bodies of state management, bodies of local government and self-governance, public associations, mass media and also by the establishments of education, healthcare, museums, libraries and other establishments of culture, nature protection establishments, organizations of sport and tourism, other legal entities.

Article 78. Scientific Research in the Sphere of Protection of Environment

Scientific research in the sphere of protection of environment is conducted for the purposes of:

improving the legislation of the Republic of Belarus on protection of environment;

elaboration of concepts, scientific prognosis, programs and measures on rational usage of natural resources and protection of environment;

elaboration of programs of rehabilitation of territories of ecological risk, zones of ecological crisis, zones of ecological disasters, improvement of means and methods of restoration of ecologically unfavorable territories;

elaboration and improvement of indexes of complete estimation of influence on environment, means and methods of their determination;

elaboration of technologies in the sphere of protection of environment and rational usage of natural resources;

elaboration of requirements in the sphere of protection of environment;

and other purposes in the sphere of protection of environment.

Scientific research in the sphere of protection of environment is conducted in order established by the legislation of the Republic of Belarus on scientific activity.

Section 14. Economic Mechanism Of Protection of Environment And Nature Management

Article 79. Elements of Economic Mechanism of Protection of Environment and Nature Management

Economic mechanism of protection of environment and nature management includes the following elements:

elaboration of state prognosis and programs of socially economic development of the Republic of Belarus in the part of rational usage of natural resources and protection of environment;

financing the programs and measures on rational usage of natural resources and protection of environment;

creation of funds of protection of nature;

fixing the payments for nature management;

conducting economic estimation of natural objects;

conducting economic estimation of influence of economic and other activity on environment;

taking measures of economic stimulating in the sphere of protection of environment;

compensating in the established order the harm caused to the environment;

ecological insurance;

other measures directed on protection of environment;

Article 80. Territorial Complex Schemes, Programs and Measures on Rational Usage of Natural Resources and Protection of Environment

For the purposes of elaboration of long-term prognosis in the sphere of protection of environment the territorial complex schemes of rational usage of natural resources and protection of environment that define the complex of measures on restoration, preservation and improvement of quality of environment, rational usage of natural resources and preservation of biological diversity.

Territorial complex schemes of rational usage of natural resources and protection of environment are elaborated for the concrete territories with consideration of general scheme of settling, schemes of developments of industrial powers and social sphere.

The order of elaboration and approve of territorial complex schemes of rational usage of natural resources and protection of environment, their financing is established by the Council of Ministries of the Republic of Belarus.

Elaboration of programs of rational usage of natural resources and protection of environment is carried out in the whole republic within the borders of administrative territorial units and also by the branches of economy for the purposes of provision of favorable environment on the basis of scientifically grounded combination of ecological, economic and social interests, choosing the means of nature management providing the minimal probable level of harmful influence on environment, prevention and reducing the harmful influence on environment of economic and other activity and also preservation and restoration of natural resources.

Elaboration of branch programs of rational usage of natural resources and protection of environment is carried out by the relevant republican bodies of state management and associations (establishments) accountable of Council of Ministries of the Republic of Belarus upon the agreement with the Ministry of natural resources and protection of environment of the Republic of Belarus.

Elaboration of measures on rational usage of natural resources and protection of environment is carried out on the basis of approved state programs of social economic development of the Republic of Belarus, state and branch programs of rational usage of natural resources and protection of environment, republican, oblast and other complex schemes of protection of environment. The mentioned programs and schemes are agreed with the Ministry of natural resources and protection of environment of the Republic of Belarus or its territorial bodies.

Elaboration of programs and measures on rational usage of natural resources and protection of environment within the borders of administrative territorial units is carried out by the

relevant local Councils of Deputies, executive and administrative bodies upon the agreement with the territorial bodies of the Ministry of natural resources and protection of environment.

Legal entities and individual entrepreneurs carrying out the economic and other activity causing harmful influence on the environment are obliged to plan, elaborate and carry out the measures on protection of environment in order established by the legislation of the Republic of Belarus.

Article 81. Financing the Programs and Measures on Rational Usage of Natural Resources and Protection of Environment

Financing the programs and measures on rational usage of natural resources and protection of environment is conducted at the expense of:

means of republican and (or) local budgets, including means of state special purpose budget funds of nature protection;

means of legal entities and individual entrepreneurs;

means of citizens including foreign;

bank credits;

foreign investments;

other non-budget sources not prohibited by the legislation of the Republic of Belarus and attracted for fulfillment of these programs and measures.

Article 82. Economic Stimulation of Protection of Environment

Economic stimulation of protection of environment may be carried out on the basis of:

establishing privileges on taxation of legal entities and individual entrepreneurs at introduction of low-wastes, energy and resource spare technologies, special equipment reducing the harmful influence on environment, at usage of wastes as secondary raw-materials and carrying out other nature protection activity by the President of the Republic of Belarus and (or) laws, if other is not established by the President of the Republic of Belarus, to single categories of legal and physical bodies tax and other privileges;

accelerated amortization of equipment and other objects designed for the protection and improvement of the environment.

Legislation of the Republic of Belarus can also establish other kinds of economic stimulation in the sphere of protection of environment.

Article 83. Nature management payments

The common nature management is free of charge and special nature management is executed on a paid basis if other is not provided by the legislative acts of the Republic of Belarus.

Payments for special nature management are taken in accordance with the legislative acts of the Republic of Belarus in the form of taxes, duties (dues), other obligatory payments and rent.

The rent rate for natural resources usage, procedure, conditions and terms of its payment shall be determined in the rent agreement in accordance with the legislation on environmental protection and rational usage of natural resources and civil legislation. In accordance with the legislative acts of the Republic of Belarus the Council of Ministers of the Republic of Belarus may establish minimum rent rates for usage of single natural resources.

The payments for special nature management do not exempt the user of nature from execution of measures on environmental protection and compensation of harm made in the result of illegal usage (extraction, mining) of nature resources, other harmful effect on environment.

Article 84. Funds of Protection of Nature

For financing the state, branch and other program and measures on rational usage of natural resources and protection of environment and other purposes in the sphere of protection of environment in the Republic of Belarus the republican and, in the cases provided for by the legislative acts of the Republic of Belarus, local funds of protection of nature, which are the state special purpose budget funds, are created.

The sources of forming the state special purpose budget funds of protection of nature can be:

payments for special nature management if other is not provided by the legislation of the Republic of Belarus;

assets received as compensation of harm caused to the environment;

finances for contamination of environment, irrational usage of natural resources and other infringements of legislation of the Republic of Belarus on protection of environment;

assets from the realization of confiscated tools of hunting and fishing and other water animals prey or those inverted to the state profit by other means, and also assets from sale of production illegally received with the help of other means;

voluntary fees of legal entities and individual entrepreneurs including the foreign;

other assets in compliance with the legislation of the Republic of Belarus.

Income and expenditure of the republican fund of nature protection are approved by the law on republican budget for the next financial year. Income and expenditure of local funds of nature protection are approved by the decisions of local Councils of Deputies on the budget for the next financial year. The procedure and directions of using means of republican and local funds of nature protection are established by the legislation of the Republic of Belarus.

At the expense of voluntary fees of legal entities, citizens and other sources not contrary to the legislation of the Republic of Belarus in order established by the legislation of the Republic of Belarus the public funds of protection of environment that are spent on conducting the measures on protection of environment and forming the ecological culture of citizens can be created.

Article 85. Ecological Insurance

Ecological insurance is an insurance of civil liability of legal persons and individual entrepreneurs aimed at protection of property interests of citizens and organizations, as well as the Republic of Belarus and its territorial administrative units in the case of inflicting ecological damage.

Ecological insurance is carried out in order established by the legislation of the Republic of Belarus on insurance.

Section 12. Control In The Sphere Of Protection Of Environment

Article 86. Main Purposes of Control in the Sphere of Protection of Environment

The control in the sphere of protection of environment for the purposes of provision of republican bodies of state management, local executive and administrative bodies, legal entities and citizens of implementation of legislation of the Republic of Belarus in the sphere of protection of environment, observance of requirements in the sphere of protection of environment and also provision of ecological safety.

Control in the sphere of protection of environment can be state, departmental, industrial and public.

Article 87. State Control in the Sphere of Protection of Environment

State control in the sphere of protection of environment includes control over usage and protection of lands (including soils), bowels, waters, free air, ozone layers, forests, objects of flora and fauna, particularly protected natural territories, typical and rare natural landscapes, climate and also over waste management.

State control in the sphere of the environment protection is carried out by the Ministry of natural resources and protection of environment of the Republic of Belarus, other specially authorized republican bodies of the state government, their territorial bodies, the State inspection for protection of flora and fauna at the President of the Republic of Belarus, local Councils of Deputies and executive and administrative bodies within their competence (hereinafter – the state body exercising the state control in the sphere of the environment protection).

The list of officials of the Ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies having the right to carry out the state control in the sphere of protection of environment established by the Council of Ministers of Republic of Belarus.

The rights and duties of officials of the state bodies exercising the state control in the sphere of protection of the environment are established by the legislation of the Republic of Belarus.

The order of carrying out of state control in the sphere of protection of environment is established by the Council of Ministers of the Republic of Belarus.

Article 88. Rights of the Officials of the Ministry of Natural Resources and Protection of the Environment of the Republic of Belarus and Its Territorial Bodies Carrying Out the State Control in the Sphere of Protection of Environment

Officials of the Ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies carrying out the state control in the sphere of protection of environment within their competence have the right:

to introduce to the relevant state bodies the suggestions on the questions of improvement of legislation of the Republic of Belarus on protection of environment, and also on drafts of prognosis of social and economic development of the territories, complex programs of rational usage of natural resources and protection of environment;

to draw the acts on the results of checks, to issue within their rights the instructions on elimination of the discovered deficiencies that are obligatory for execution;

in compliance with the legislation of the Republic of Belarus to make-up the protocols on administrative offences, to receive the explanations from the persons called to administrative responsibility because of the infringement of legislation of the Republic of Belarus on protection of environment, to consider cases on administrative offences and to impose administrative penalty for the infringement of legislation of the Republic of Belarus on protection of environment;

to introduce to consideration of state bodies and organizations the suggestions on the questions of protection of environment and rational usage of natural resources and to present the resolutions on them;

to make decisions on full or partial suspension of the economic and other activities of legal persons and citizens exerted a harmful influence on the environment till the discovered infringement is eliminated;

to draw up acts on establishment of the fact of infliction of damage on the environment;

to introduce in order established by the legislation of the Republic of Belarus the suggestions of suspension or annulment of the special permission (licenses) on carrying out certain kinds of economic and other activity to the bodies that issued it if this activity is carried out with the infringement of the requirements in the sphere of protection of environment;

to receive without any charge the data and documents necessary for the execution of state control in the sphere of protection of environment from the legal entities and individual entrepreneurs;

to visit without any obstacles at any time and without preliminary notice (at presence of office identity card) the enterprises and other objects of the legal entities and individual entrepreneurs and also military and other special objects in order established by the legislation of the Republic of Belarus in order to carry out the state control in the sphere of protection of the environment;

to summon the citizens for the consideration of materials on facts of infringement of legislation of the Republic of Belarus on protection of environment;

to conduct in cases and order provided by the legislative acts of the Republic of Belarus the search of the stuff;

to seize the illegally received objects of fauna and flora and its products also the tools used at their reception;

to pass the material on conducted checks and other material to the relevant state bodies for the decision of the question calling the persons, who broke the legislation of the Republic of Belarus on protection of the environment, to the account in the established order;

to introduce the suggestions on taking measures of disciplinary penalty to the employees guilty of infringement of the legislation of the Republic of Belarus on protection of environment to the employers;

in order, established by the legislation of the Republic of Belarus to deliver the persons perpetrated the offence in the sphere of protection of environment to the law enforcement bodies.

For the prevention, disclosure and suppression of the offences in the sphere of protection of the environment the officials of the Ministry of natural resources and protection of the environment of the Republic of Belarus and its territorial bodies have the right to material incentive pay in order established by the Council of Ministers of the Republic of Belarus.

Legislation of the Republic of Belarus can determine other rights of the officials that carry out the state control in the sphere of protection of environment.

Article 89. Duties of the Officials of the Ministry of Natural Resources and Protection of Environment of the Republic of Belarus and Its Territorial Bodies that Carry Out the State Control in the Sphere of Protection of Environment

The officials of the Ministry of natural resources and protection of environment and its territorial bodies that carry out the state control in the sphere of protection of the environment are obliged to:

timely and fully use the given authority on prevention, disclosure and suppression of infringement of legislation of the Republic of Belarus on protection of environment;

keep the state, commercial and other secret protected by law;

to assist the increase of ecological culture of citizens;

to clear out to the citizens the requirements of the legislation of the Republic of Belarus on protection of environment;

to carry out other duties provided by the legislation of the Republic of Belarus.

Article 90. Responsibility of the Officials of the Ministry of Natural Resources and Protection of Environment of the Republic of Belarus and Its Territorial Bodies that Carry Out the State Control in the Sphere of Protection of Environment

The officials of the Ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies that carry out the state control in the sphere of protection of environment bear responsibility in order established by the legislation of the Republic of Belarus for the improper fulfillment of their duties.

Article 91. Appeal of the Actions (Inactions) of the Official of the Ministry of Natural Resources and Protection of Environment of the Republic of Belarus and Its Territorial Bodies

Actions (inactions) of the officials of the ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies can be appealed in higher body (higher official) and (or) to the court.

Article 92. Main Guarantees of the Officials of the Ministry of the Natural Resources and Protection of Environment of the Republic of Belarus and Its Territorial Bodies that Carry Out the State Control in the Sphere of Protection of Environment

The officials of the ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies that carry out the state control in the sphere of protection of the environment at fulfillment of their official duties are the representatives of the state power and are under the protection of the state.

Any influence in any form on the officials of the Ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies that carry out the state control in the sphere of protection of environment that impede the fulfillment of their official duties, or the interference into their activity are prohibited.

The state protection of the officials of the Ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies is carried out in compliance with the legislation of the Republic of Belarus on state protection of judges, officials of the law enforcement and controlling bodies and other acts of legislation of the Republic of Belarus.

Article 93. Provision of Uniform and Special Weapon of the Officials of the Ministry of the Natural Resources and Protection of Environment of the Republic of Belarus and Its Territorial Bodies that Carry Out the State Control in the Sphere of Protection of the Environment

The officials of the Ministry of natural resources and protection of environment and its territorial bodies that carry out the state control in the sphere of protection of the environment have the right to wear the uniform with the badges of rank, have and use the special weapon at time of fulfillment of the official duties.

The order of giving out the uniform and special weapon and also the order of carrying, use and storage of special weapon is established by the legislation of the Republic of Belarus.

Article 94. Departmental and Industrial Control in the Sphere of Protection of Environment

Departmental control in the sphere of protection of environment is carried out by the bodies of the state government or by other organizations for the purposes of checking the observance of the legislation of the Republic of Belarus on protection of environment by the legal entities accountable to them, the carrying out the branch programs and measures of rational usage of natural resources and protection of environment and fulfillment of instruction of the state body exercising the state control in the sphere of the environment protection.

The order of conducting the departmental control in the sphere of protection of environment is established by the bodies of state management or by organizations that carry out the control in the organizations accountable to them according to the requirements of the present Law and other acts of legislation of the Republic of Belarus on the protection of the environment.

Legal entities and individual entrepreneurs at carrying of economic and other activity having the harmful influence on the environment are obliged to provide conducting the industrial control in the sphere of protection of environment according to the requirements established by the legislation of the Republic of Belarus on protection of environment.

The head of the legal entity, whose economic or other activity has the harmful influence on environment, shall appoint the official responsible for conducting the industrial control in the sphere of protection of environment and at necessity—to create the subdivision that carry out the industrial control in the sphere of protection of environment.

The order of conducting the industrial control in the sphere of protection of environment is established by the instruction elaborated, agreed and approved by the legal entity or individual entrepreneur in order established by the Ministry of natural resources and protection of environment.

Article 95. The Public Control in the Sphere of Protection of Environment

The public control in the sphere of protection of environment is carried out for the purposes of realization of the right of every citizen to favorable environment and prevention of infringement of legislation of the Republic of Belarus on protection of environment.

Public control in the sphere of protection of environment is carried out by the public inspectors of nature protection, public associations that carry out the activity in the sphere of protection of environment and also by citizens in compliance with the legislation of the Republic of Belarus.

The order of conducting the control by public inspectors of nature protection and their powers are determined by the Ministry of natural resources and protection of environment of the Republic of Belarus.

Article 96. Analytic (Laboratory) Control in the Sphere of Protection of Environment

Analytic (laboratory) control in the sphere of protection of the environment (hereinafter—analytic control) is a part of state departmental, industrial and public control.

Analytic control is conducted for the purposes of estimation of quality and quantity characteristics of exhausts into the free air and effluents into the waters of contaminating substances and also determination of contamination of lands (including soils) and content of wastes.

Analytic control that is conducted at carrying out the state control in the sphere of protection of environment is the state analytic control. Analytic control that is conducted at carrying out departmental or industrial control in the sphere of protection of environment is accordingly the departmental or industrial analytic control.

State analytic control is carried out by the Ministry of natural resources and protection of environment of the Republic of Belarus and its territorial bodies. Certain functions of the state analytic control can be carried out by other bodies of state management in compliance with the legislation of the Republic of Belarus.

Departmental analytic control is carried out by the ministries, other bodies of state management, associations (establishments), accountable to the Council of Ministers of the Republic of Belarus at the expenses of their own assets and other sources of financing.

Industrial analytic control is carried out by the legal entities and individual entrepreneurs independently at the expense of their own assets and other sources of financing.

The order of conducting the analytic control is established by the legislation of the Republic of Belarus.

Article 97. Ecological Audit

Ecological audit is conducted for the purposes of the provision of ecological safety, determining the ways and means of reduction of risk of harmful influence on the environment of the economic and other activity on compliance with the requirements in the sphere of protection of environment and other indexes established by the legislation of the Republic of Belarus.

Ecological audit is conducted by legal entities and individual entrepreneurs in order established by the legislation of the Republic of Belarus. Persons conducting the ecological audit can render services in elaboration of solutions on increasing the ecological safety of the production process on the checked objects.

Ecological audit of the economic and other activity of the legal entities and individual entrepreneurs can be conducted in voluntary or obligatory order at the expense of the own assets of this legal entities or individual entrepreneurs.

At privatization of the enterprises and also at bankruptcy or liquidation of the legal entities, bankruptcy or stoppage of the activity of individual entrepreneur causing the harmful influence on the environment and also in other cases established by the legislative acts of the Republic of Belarus ecological audit is conducted in obligatory order at the expenses of the own assets of this legal entity and individual entrepreneur.

The order of conducting the ecological audit is established by the legislation of the Republic of Belarus.

Section 16. Liability For The Infringement Of The Legislation Of The Republic Of Belarus On Protection Of Environment

Article 98. [Excluded]

Article 99. Liability for the Infringement of the Legislation of the Republic of Belarus on Protection of Environment

Infringement of the legislation of the Republic of Belarus on protection of environment entails the liability in compliance with the legislative acts of the Republic of Belarus.

Calling the persons to the account for the infringement of the legislation of the Republic of Belarus on protection of environment does not free them from the compensating harm caused to the environment, and carrying out the measures on its protection.

Article 100. Full or Partial Suspension or Termination of the Economic and Other Activities Exerted Harmful Influence on the Environment

If the ecological damage is inflicted, or threatens to be inflicted in the future, if the requirements in the sphere of the environment protection are infringed or the requirements of the state body exercising the state control in the sphere of the environment protection are not observed, the economic and other activities of legal persons and citizens exerted a harmful influence on the environment may be:

fully or partially suspended upon the decision of a local executive and administrative body, the decision of the Ministry of natural resources and the environment protection of the Republic of Belarus, its territorial bodies and their officials, of other state bodies (organizations) which are authorized by the present law and other legislative acts of the Republic of Belarus to make such decision (hereinafter – the authorized state body), till the discovered infringement is eliminated;

fully or partially suspended till the discovered infringements are eliminated, or terminated upon the decision of a court.

In order to enforce the decisions of the authorized state body on full or partial suspension of the economic and other activities of legal persons or citizens exerted a harmful influence on the environment till the discovered infringement is eliminated (hereinafter – a decision on suspension of the economic and other activities) the authorized state bodies are entitled in accordance with the legislative acts to secure the enforcement of this decision by applying measures aimed to prevent using the equipment, transport facilities, other objects the

exploitation of which at the economic and other activities shall be suspended, including the sealing of the above objects.

The decision on suspension of the economic and other activities includes a name of the authorized state body made the decision, a fact of infringement, full or partial suspension of the economic and other activities, a term of suspension, measures to secure the enforcement of the decision and the order of appealing it.

Copies of the decision on suspension of the economic and other activities are handed to legal persons or citizens against receipt.

The decision on suspension of the economic and other activities, as well as actions of officials of the authorized state bodies to secure its enforcement may be appealed by a legal person or a citizen to the superior state body and/or to the court within the period of 10 days from the date of its passing.

The authorized state body is entitled to bring actions on termination of the economic and other activities exerted a harmful influence on the environment, if a legal person or a citizen carrying out such activities inflict the ecological damage, threaten to inflict the ecological damage in the future, infringe the requirements in the sphere of the environment protection or not observe the requirements of the above body to eliminate the discovered infringements, or the decisions on suspension of the economic and other activities.

Public associations carrying out activities in the sphere of the environment protection, and citizens are entitled to bring actions on full or partial suspension or termination of the economic and other activities exerted a harmful influence on the environment, if such activities result in infringements of the requirements in the sphere of the environment protection, inflicting the ecological damage or threatening to inflict the ecological damage in the future.

Article 100¹ . Resumption of the Economic and Other Activities of Legal Persons or Citizens Suspended Fully or Partially till the Discovered Infringement Is Eliminated

Legal persons or citizens the economic and other activities of which were suspended fully or partially upon the decision on suspension of the economic and other activities shall notify in writing the authorized state body made such decision that they have eliminated infringements which entailed full or partial suspension of the economic and other activities, and enclose the documents evidencing the elimination of these infringements.

The authorized state body who made the decision on suspension of the economic and other activities controls for legal persons or citizens to eliminate the infringements entailed full or partial suspension of the economic and other activities within the period of 5 days after receiving a written notification on elimination of the infringements.

By the results of the control provided for in part 2 of the present article the authorized state body who made the decision on suspension of the economic and other activities decides to resume the economic and other activities of legal persons or citizens, and sends copies of this

decision to respective legal persons or citizens within 3 days from the date of passing the decision.

If the state analytic inspection in the sphere of the environment protection is required for resumption of the fully or partially suspended economic and other activities, the term of control provided for in part 2 of the present article may be prolonged by the authorized state body up to 20 days.

The decision on resumption of the fully or partially suspended economic and other activities of legal persons or citizens includes a name of the authorized state body made the decision, a date of resumption of the fully or partially suspended economic and other activities, and a permission to remove seals from the equipment, transport facilities, other objects, or repeal of other measures to secure the enforcement of this decision.

Article 101. Compensation of Harm Caused to the Environment and Establishment the Fact of Its Infliction

Harm caused to the environment is subject to compensation in full, unless otherwise established by the present article, voluntary or upon the decision of the court by the person inflicted it.

The fact of infliction of harm to the environment established in the result of the state control in the sphere of the environment protection is recorded by the state body exercising the state control in the sphere of the environment protection in the act on establishment of the fact of infliction of harm to the environment which drawn up in the order established by the Council of Ministers of the Republic of Belarus.

The act on establishment of the fact of infliction of harm to the environment includes:

data about the state body (an official) who established the fact of infliction of harm to the environment (a name and a place of residence of the state body, a full name and a position of the official);

time, place, circumstances of infliction of harm to the environment with a reference to the normative legal acts, including technical ones, which are not observed;

results of measurements in the sphere of the environment protection (if they were done), evidencing the fact of infliction of harm to the environment;

the amount of compensation of harm caused to the environment.

The act on establishment of the fact of infliction of harm to the environment shall be signed by the official who established this fact.

The fact of infliction of harm to the environment established by the state body at exercising the state control in the sphere of the environment protection shall not be proved, but evidence to the opposite may be submitted.

Measurements in the sphere of the environment protection proved the fact of infliction of harm to the environment is conducted in compliance with the requirements of article 29 of the present law.

The fact of infliction of harm to the environment may be recorded by the bodies of inquest, preliminary investigation, by the public prosecutor's office, other state bodies, which do not exercise the state control in the sphere of the environment protection, in accordance with the legislation on the criminal procedure, the administrative procedure and enforcement, and other legislation of the Republic of Belarus.

Claims on compensation of harm caused to the environment and entailed its pollution is not submitted by the state body exercising the state control in the sphere of the environment protection if the amount of such compensation is not exceeded 3 base units.

If the economic and other activities exerted a harmful influence on the environment and entailed the infliction of the ecological damage threaten to inflict the ecological damage in the future, the court is entitled to oblige legal persons or citizens not only to compensate the ecological damage, but also to suspend fully or partially till the discovered infringement is eliminated, or terminate such activities.

Article 101¹. Amount, Methods and Terms of Compensation of Harm Caused to the Environment

The amount of compensation of harm caused to the environment is evaluated in accordance with fixed rates for calculation of the amount of compensation of harm caused to the environment, determined by the President of the Republic of Belarus, and if they are not available – under fact costs on restoration of the state of the environment with consideration of losses, including the lost profits.

The order of calculation of the amount of compensation of harm caused to the environment is established by the Council of ministers of the Republic of Belarus.

Harm caused to the environment may be compensated by a person inflicted it by way of restoration of the broken state of the environment at his/her/its own expenses and in accordance with the instructions of the state body exercising the state control in the sphere of the environment protection, contained in the claim on compensation of harm caused to the environment, or upon the court decision with consideration of the facts of a matter. The sum paid for restoration of the broken state of the environment shall not be less than the amount of the compensation of harm calculated in accordance with the fixed rates for calculation of the amount of compensation of harm caused to the environment.

Restoration of the broken state of the environment at the expenses of person inflicted harm to the environment is exercised in terms required for carrying out works on restoration the

broken state of the environment and determined in the instructions of the state body exercising the state control in the sphere of the environment protection and contained in the claim on compensation of harm caused to the environment, or in the court decision in accordance with the legislation of the Republic of Belarus.

Article 101². Compensation of Harm Caused to the Environment in the Result of Carrying Out Ecologically Dangerous Activities

Legal persons and individual entrepreneurs carried out ecologically dangerous activities shall compensate harm caused to the environment in the result of such activities unless they prove the harm have been caused in the result of force majeure.

If the damage to the environment was inflicted in the result of the activities which meet the criteria of classification of the economic and other activities exerted a harmful influence on the environment as the ecologically dangerous activities but legal persons and individual entrepreneurs carrying out such activities have not accomplished the state registration in the sphere of the environment protection, a court may oblige such persons to compensate harm caused to the environment in accordance with part 1 of the present article.

Article 101³. Claims on Compensation of Harm Caused to the Environment

Before bringing an action on compensation of harm caused to the environment to the court, the state body exercising the state control in the sphere of the environment protection, another state organization submit, within the scope of its authority, a claim on compensation of harm caused to the environment to the person who inflicted harm on the environment.

The claim on compensation of harm caused to the environment contains:

data about the state body submitted the claim (a name and a place of residence of the state body);

data about the person who inflicted harm (a full name and a place of residence, a full name of an individual entrepreneur, his/her registration number and a name of the registering body, a name and a place of residence of a legal person);

circumstances on which the claim submitted by the state body is grounded with reference to the normative legal acts including technical ones which have not been observed;

calculation of the amount of harm caused to the environment, methods and terms of its compensating, requisites of the bank account whereto the compensation of harm caused to the environment shall be transferred.

If harm caused to the environment is compensated in the monetary form the term of its compensating shall not exceed 2 months from the date of submission of the claim.

The claim on compensation of harm caused to the environment shall be adjoined with the act on establishment of the fact of infliction of harm on the environment.

Article 101⁴. Claims on Compensation of Harm Caused to the Environment

If the claim on compensation of harm caused to the environment has not been allowed fully or partially, the state body exercising the state control in the sphere of the environment protection, another state organization, within the scope of its authority, or the public prosecutor bring an action on compensation of harm caused to the environment to a court.

Limitation of action terms are not applied to the actions on compensation of harm caused to the environment. Actions brought after expiration of the 3-years period from the date of establishment of the fact of harm infliction shall be allowed for the period not exceeding 3 years preceding submission of the action on compensation of harm caused to the environment.

Article 102. Compensation of Harm to the Life, Health and Property of Citizens, to the Property of Legal Persons and to the Property Owned by the State Caused in the Result of the Harmful Influence on the Environment

Harm to the life, health and property of citizens, to the property of legal persons and to the property owned by the state caused in the result of the harmful influence on the environment is subject to the full compensation by the person inflicted harm in accordance with the civil legislation of the Republic of Belarus.

Harm to the life, health and property of citizens, to the property of legal persons and to the property owned by the state caused in the result of the transboundary influence on the environment is compensated in accordance with the international treaties of the Republic of Belarus in the sphere of the environment protection.

Article 102¹. Compensation of the Ecological Damage by the Person Who Insured His/Her/Its Liability

Legal persons and individual entrepreneurs who insured his/her/its civil liability for infliction of damage in the order established for the ecological insurance shall compensate the difference between the insurance payments and the fact amount of the inflicted damage, if the insurance money is not sufficient for the full compensation of the inflicted ecological damage.

Article 103. Resolving the Disputes in the Sphere of Protection of the Environment

Disputes in the sphere of protection of the environment are resolved by the Ministry of natural resources and protection of environment of the Republic of Belarus or its territorial bodies and (or) by court in order established by the legislation of the Republic of Belarus.

Section 17. International Cooperation In The Sphere Of Protection Of The Environment

Article 104. International Cooperation in the Sphere of Protection of Environment

Republic of Belarus carry out international cooperation in the sphere of protection of the environment in compliance with the general principles and norms of the international law and international treaties of the Republic of Belarus in the sphere of protection of the environment.

Republic of Belarus takes part in international cooperation in the sphere of protection of the environment in compliance with the legislation of the Republic of Belarus.

Article 105. International treaties

If a treaty of the Republic of Belarus establishes other rules of environmental protection than those provided by the present Law, the rules of the treaty should be applied.

* unofficial translation *