

**LAW OF THE REPUBLIC OF BELARUS
of November 26, 1992, No. 1982-XII**

ON ENVIRONMENTAL PROTECTION

(as worded in the Law of the Republic of Belarus of July 17, 2023, No. 294-3)

Environmental protection is an inherent condition for ensuring environmental safety and sustainable development of society.

The Law establishes legal frameworks for environmental protection, nature management, conservation and restoration of biological diversity, natural resources, and objects aimed to ensure the right of individuals to a favorable environment and compensation for harm caused by a violation of this right.

**CHAPTER 1
GENERAL PROVISIONS**

Article 1. Main Terms Used in This Law and Their Definitions

“**Anthropogenic object**” means an object created by a human and not possessing the properties of a natural object.

“**Biosphere reserve**” means a part of the territory of the Republic of Belarus, which includes separate, specially protected natural areas (hereinafter referred to as “SPNAs”) (their parts), and/or natural areas subject to special protection (their parts), as well as other areas where rational (sustainable) natural resources’ utilization is purposefully stimulated by use of the elements of an economic mechanism for environmental protection and nature management in implementing environmental measures, carrying out certain types of economic and other activities.

“**Biotope**” means a natural object (a part of the territory, a water body or its part) with homogeneous ecological conditions (terrain, soil and vegetation cover, a hydrological regime, and anthropogenic factors), which is a habitat for a community of various species of wild animals and wild plants.

“**Enabling environment**” means the environment the quality of which ensures ecological safety, sustainable functioning of natural ecological systems, other natural and natural-anthropogenic objects.

“**Environmental impact**” means any direct or indirect impact on the environment of economic and other activities the implications of which lead to environmental change.

“**Harm caused to the environment**” means a negative change, having monetary value, in the environment or separate components of the environment, natural or natural-anthropogenic objects that has manifested itself in their contamination, degradation, exhaustion, damage, destruction, unlawful withdrawal (capture) and/or any other deterioration in their condition as a result of a

harmful impact on the environment associated with a violation of legislation on environmental protection and rational use of natural resources.

“Harmful impact on the environment” means any direct or indirect impact on the environment of economic and any other activity the implications of which cause negative environmental changes.

“Natural ecosystem” means an objectively existing part of the natural environment, which has spatial and territorial borders, and in which its living (Plant and Animal Kingdom objects, microorganisms) and non-living components interact as an integral functional whole and are connected with each other by the exchange of matter and energy.

“Environmental pollution” means entry into the components of the natural environment, being and/or emerging in them, as a result of a harmful environmental impact, of substances, wastes, physical factors (energy, noise, radiation, and other factors), microorganisms, properties the location or the quantity of which cause harmful changes in the physical, chemical, biological and other characteristics of environmental indicators, including the exceedance of standards in the field of environmental protection.

“Pollutant” means a substance or a mixture of substances the entry of which into the environment causes its pollution;

“Green” economy” means a model of the organization of an economy in the Republic of Belarus aimed at achieving the goals of socio-economic development, while significantly reducing environmental risks and the pace of environmental degradation.

“Environmental quality” means an environmental condition characterized by physical, chemical, biological and/or other indicators or their aggregate.

“Components of the natural environment” means land (including soils), bowels, waters, the atmospheric air, the ozone layer, flora and fauna, and microorganisms collectively providing favorable conditions for existence of life on Earth.

“Red Book of the Republic of Belarus” means a list of rare and endangered species in the territory of the Republic of Belarus, including subspecies, varieties, wild animals and wild plants (hereinafter referred to as “the species of wild animals and wild plants”).

“Environmental monitoring” means a system of observations over the environmental condition, the assessment and prediction of changes in its state caused by natural and anthropogenic factors.

“Best Available Techniques” means technological processes, techniques, a procedure for organizing the production of products and energy, the performance of works (the delivery of services) providing the reduction and/or prevention of pollutants’ entry into the environment, the generation of production wastes compared to the ones that are applied and are most efficient in providing environmental quality standards, admissible environmental impact standards, provided that their application is economically viable and technically feasible.

“National Environmental Network” means a system of functionally interrelated SPNAs and the natural areas subject to special protection destined for the conservation of natural ecosystems, biological and landscape diversity, as well as ensuring the continuity of a habitat of Animal Kingdom objects;

“Low-carbon economy” means an economy based on the principles of energy efficiency, reduced greenhouse gas emissions, and their increased absorption by sinks.

“Holder of ecological information” means the state body, any other legal entity, their officials, and an individual entrepreneur exercising activities that result in moulding of ecological information;

“Public discussions of draft environmentally significant decisions, environmental impact assessment reports, environmental reports on the strategic environmental assessment” means a set of mandatory measures ensuring the awareness raising among legal entities and individuals, including individual entrepreneurs, of the projects of environmentally significant solutions, environmental impact assessment reports, environmental reports on the strategic environmental assessment, as well as the possibility of the participants of public discussions to express their attitude to the named projects, reports, and proceedings for the purpose of taking into consideration of public interests and respecting the rights of legal entities and individuals, including individual entrepreneurs.

“Objects that have a complex impact on the environment” means the objects of economic and another activity united by a single purpose and/or inextricably linked physically and/or technologically, located within the boundaries of one or more land lots.

“Objects of economic and other activities” means the objects of industrial, transport, engineering, and social infrastructure, as well as housing construction objects the placement, erection, reconstruction, modernization, technical modernization, repair and restoration works, repair, operation, and demolition of which are related to the use of natural resources and/or have or may have an impact on the environment.

“Environment” means an aggregate of natural environment components, natural and natural-anthropogenic objects, as well as anthropogenic objects.

“Protection of the environment (environmental activity)” means the activity of state bodies, non-governmental organizations, the bodies of territorial public self-government, other legal entities, individuals, including individual entrepreneurs, directed at the conservation and restoration of the natural environment, the rational (sustainable) use of natural resources and their restoration, the prevention of a harmful impact on the environment and the elimination of its consequences.

“Environmental impact assessment” means determining during the development of pre-design (pre-investment), design documentation of a possible impact on the environment in the implementation of design solutions, anticipated environmental changes, forecasting of its state in future for the purpose of establishing the possibility or impossibility of design solutions’ implementation, as well as determining measures required for the protection of the environment and the rational (sustainable) use of natural resources.

“Provision of ecological information” means the actions of ecological information holders directed at its transfer to state bodies, other legal entities and individuals, including individual entrepreneurs, by virtue of duties imposed on the holders of such information by legislation on environmental protection, or on the basis of an agreement for the provision of customized environmental information.

“Natural environment” means an aggregate of natural environment components, natural and natural-anthropogenic objects.

“Natural-anthropogenic object” means a natural object modified as a result of economic and any other activity, and/or an object created by man that has the properties of a natural object and is of recreational and protective value.

“Natural resources” means natural environment components, natural and natural-anthropogenic objects, which are used or may be used during the implementation of economic or any other activity as sources of energy, production products and consumer items and are of consumer value.

“Natural complex” means functionally and naturally related natural objects united by geographical and other corresponding features.

“Natural landscape” means a natural object that includes interacting components of the natural environment formed under the same natural and climatic conditions.

“Natural object” means a natural ecological system, a natural landscape, a biotope, and natural environment components constituting them that have preserved their natural properties.

“Nature management” means economic and any other activity, which involves, in carrying it out, the use of natural resources and/or has an impact on the environment.

“Nature user” means a legal entity, an individual, including an individual entrepreneur carrying out activities associated with nature management.

“Environmental harm” means a harmful impact on the environment associated with a violation of legislation on environmental protection and the rational use of natural resources, including through the emission of pollutants into the atmospheric air, the discharge of effluents into surface water objects with the exceedance of standards of permissible emissions and discharges by one or more pollutants or in the absence of such standards, provided their setting is required by legislation on environmental protection, on the protection of the atmospheric air, on the protection and use of waters, by polluting of lands (including soils) with chemical and other substances; contamination, pollution of the environment with wastes, illegal logging, illegal withdrawal (removal, replanting), damage, destruction of wild plants and/or their parts, illegal withdrawal or destruction of wild animals, other natural resources.

“Dissemination of ecological information” means actions of ecological information holders directed at bringing it to the attention of state bodies, other legal entities and individuals, including individual entrepreneurs, by way of publishing such information in printed editions and other mass media, on their official websites over the global computer network Internet, or by other publicly available means.

“Rational (sustainable) use of natural resources” means the use of natural resources in such a way and at such a pace that do not, in the long-term perspective, lead to their depletion, and thus, allow preserving their ability to satisfy ecological, economic, social and other needs of present and future generations.

“Customized environmental information” means environmental information, which requires, before its submission, preliminary preparation, including the collection, processing, and analysis of such information, due to the fact that it is not contained in the State Register of Environmental Information about the state of the environment and an impact on it.

“Strategic environmental assessment” means determining during the development of the projects of state, regional, and sectoral strategies, programmes, urban-planning projects the

environmental state, possible impacts on the environment, including transboundary, and environmental changes that may emerge during the implementation of specified strategies, programmes, urban-planning projects, taking into account amendments and/or additions to them.

Consultant Plus: comment.

With regard to the rates for establishing the amount of compensation for harm caused to the environment and a procedure for determining it refer to the Resolution of the Council of Ministers of the Republic of Belarus of April 11, 2022, No. 219.

“Rate for determining the amount of compensation for harm caused to the environment” means a conditional unit of monetary value of the amount of compensation for harm caused to the environment.

“Requirements in the field of environmental protection (environmental requirements, environmental safety requirements)” means mandatory conditions applied to economic and any other activity, limitations or their aggregate established by normative legal acts, including binding technical normative legal acts in the field of environmental protection, as well as authorization documents specified in paragraph 3 of Article 29 of this Law.

“Environmental safety” means the state of protection of the environment, the life and health of individuals from a possible harmful effect on the environment, emergency situations of natural and technogenic character.

“Environmental information” information on the environmental state and its changes, impacts on it and measures to protect it, as well as impacts of the environment on a human the composition of which is determined by this Law, other legislative acts and the international treaties of the Republic of Belarus.

“General-purpose environmental information” means environmental information destined for public use.

“Environmentally important decisions” means decisions specified in part 1 of Article 18 of this Law adopted by state bodies, the implementation of which produces an impact on the environment and/or related to the utilization of natural resources.

“Environmentally hazardous activity” means the activity, which creates or may create a situation characterized by a lasting negative environmental change and posing a threat to the life, health, and property of individuals, including individual entrepreneurs; the property of legal entities and the property owned by the state determined in accordance with the criteria for attributing economic and other activities that produce a harmful impact on the environment to environmentally hazardous activities established by the President of the Republic of Belarus.

“Environmental audit” means independent, comprehensive, documented assessment of compliance by legal entities and individual entrepreneurs carrying out economic and other activities with requirements in the field of environmental protection and the preparation of recommendations for reducing (preventing) the harmful effects of such activities on the environment.

“Environmental harm” means harm caused to the environment, as well as to the life, health, and property of citizens, including individual entrepreneurs; the property of legal entities and the property that is owned by the state as a result of a harmful impact on the environment.

“Environmental risk” means the probability of an event that has unfavorable implications for the environment and caused by a harmful impact on the environment, natural and man-induced emergencies.

“Ecosystem services” means provisioning, regulatory, supporting, cultural, and other services that make it possible for the society to obtain benefits in the environmental, economic, and social spheres as a result of the conservation, restoration, and sustainable functioning of natural ecological systems.

Article 2. Legal Regulation of Relations in the Field of Environmental Protection

1. Relations in the field of environmental protection shall be regulated by legislation on environmental protection, the international treaties of the Republic of Belarus, as well as international legal acts constituting the Law of the Eurasian Economic Union in the field of environmental protection, rational (sustainable) use of natural resources, and mitigation of the consequences of climate change.

2. Legislation on environmental protection shall be based on the Constitution of the Republic of Belarus and shall consist of this Law, the acts of legislation on specially protected natural areas, on the protection of the ozone layer, on the protection of the atmosphere, on waste management, on the protection and use of peatlands, on hydrometeorological activities; legislation in the area of state environmental expertise, strategic environmental assessment and environmental impact assessment and other legislative acts containing the norms governing relations in the field of environmental protection.

3. A legal regime for the components of the natural environment and other natural resources shall be regulated by legislation on the protection and use of lands; on the protection and use of waters; on the use, safeguarding, protection and reproduction of forests; on the protection and use of bowels; on the protection and use of the Animal Kingdom; on the protection and the use of the Plant Kingdom; as well as legislation on environmental protection in its part not regulated by specified branches of legislation.

4. Relations arising in the field of environmental protection to the extent necessary to ensure the sanitary and epidemiological welfare of the population shall be regulated by legislation on the sanitary and epidemiological welfare of the population.

5. Relations arising in the field of environmental protection to the extent necessary to ensure radiation safety, including in radioactive wastes' management, shall be regulated by legislation on nuclear and radiation safety.

6. If the international treaty of the Republic of Belarus establishes other rules than those contained in this Law, then the rules of the international treaty shall apply.

7. When preparing draft legislative acts, including provisions in them the implementation of which may lead to an increase in the harmful impact on the environment, shall not be allowed.

Article 3. Technical Normative Legal Acts in the Field of Environmental Protection

1. The following shall be referred to the technical normative legal acts in the field of environmental protection:

environmental norms and rules that are mandatory for compliance;

technical normative legal acts in the field of technical rate setting and standardization that establish requirements in the field of environmental protection for the objects of technical rate

setting and the objects of standardization (except for the technical conditions and standards of organizations).

2. Environmental standards and regulations shall determine the rules for establishing (calculating) permissible environmental impact norms; the rules for establishing (calculating) environmental quality standards and environmental quality standards, except for those determined by hygienic standards; other requirements in the field of environmental protection.

3. Environmental norms and regulations cannot establish requirements and rules in the field of architectural, urban planning and construction activities, as well as requirements for products; processes for their development, production, operation (use), storage, transportation, realization and disposal, or for the performance of works (delivery of services), maintenance and operation of capital structures (buildings, facilities), isolated premises and other facilities belonging to legal entities and individual entrepreneurs.

4. Environmental norms and regulations shall be approved by the Ministry of Natural Resources and Environmental Protection.

5. Technical normative legal acts in the field of environmental protection specified in paragraph three of paragraph 1 of this Article shall be approved by the Council of Ministers of the Republic of Belarus, the Ministry of Natural Resources and Environmental Protection, the State Committee for Standardization in accordance with legislation on technical rate setting and standardization.

Article 4. Main Principles of Environmental Protection

Regulation of relations in the field of environmental protection shall be based on the following principles:

securing a right of citizens to the enabling environment and compensation for harm caused by a violation of such a right;

ensuring the environmental quality favourable for the life and health of individuals;

scientifically based combination of environmental, economic and social interests of individuals, society and the state for the purpose of ensuring a favourable environment;

protection, rational (sustainable) use of natural resources and their reproduction as requisite conditions for ensuring a favourable environment and environmental safety;

precautionary measures for the protection of the environment and the prevention of causing harm to the environment;

state regulation of environmental protection and nature management;

payment for special nature management and compensation for harm caused to the environment;

economic incentives for the rational (sustainable) use of natural resources;

economic incentives for a low-carbon economy;

independent control in the field of environmental protection and the rational (sustainable) use of natural resources;

accountability of natural and socio-economic features of territories, including a regime for the protection and use of specially protected natural areas, natural areas subject to special protection, and biosphere reserves, biological diversity, economic evaluation results on ecosystem services in planning and carrying out economic and other activities;

priority of the conservation of natural ecological systems, typical and rare natural landscapes, biotopes, and natural complexes;

environmental impact assessment in making decisions on the implementation of economic and other activities in relation to objects for which, in accordance with legislation in the field of state environmental expertise, a strategic environmental assessment and an environmental impact assessment, such an assessment is mandatory;

admissibility of an impact of economic and other activities on the natural environment, taking into account requirements in the field of environmental protection;

mandatory participation in environmental protection activities of state bodies, non-governmental organisations, bodies of territorial public self-government, other legal entities, individuals, including individual entrepreneurs;

establishing requirements in the field of environmental protection for legal entities and individuals, including individual entrepreneurs, carrying out or planning to carry out economic and other activities;

presumption of an environmental hazard of planned economic and other activities;

mitigation of a harmful impact of economic and other activities on the environment based on the use of best available technical methods ensuring the implementation of requirements in the field of environmental protection, taking into account economic and social factors;

prohibition of economic and other activities, which may cause the degradation of natural ecological systems, change in or the destruction of the gene pool of plant and animal kingdom objects, the exhaustion of natural resources, and other negative environmental changes;

ecosystem approach as an integrated approach for the purposes of preserving the sustainable functioning of natural ecological systems;

publicity in the work of state bodies, other government organizations, non-governmental organizations on environmental protection issues and ensuring the right of legal entities and individuals, including individual entrepreneurs, to access complete, reliable and timely environmental information;

financing by legal entities and individual entrepreneurs involved in economic and/or other activities that lead or may lead to a harmful impact on the environment, of measures for preventing and mitigating a harmful impact on the environment, eliminating the consequences of such an impact in accordance with legislation on environmental protection and the rational use of natural resources, unless otherwise provided for by legislative acts;

liability for a violation of legislation on environmental protection and the rational use of natural resources;

awareness raising in the field of environmental protection and nature management, the formation of ecological culture;

international cooperation of the Republic of Belarus in the field of environmental protection and the rational (sustainable) use of natural resources.

Article 5. Objects of Relation in the Field of Environmental Protection

Objects of relations in the field of environmental protection shall be the Earth (including soils), bowels, waters, atmospheric air, the ozone layer, forests, swamps, the Plant and Animal Kingdom in its species diversity, microorganisms, specially protected natural areas, natural areas subject to special protection, a national ecological network, biosphere reserves, natural landscapes and biotopes, natural ecosystems, climate, as well as the right to nature management.

Article 6. Subjects of Relation in the Field of Environmental Protection

1. Subjects of relations in the field of environmental protection shall be as follows:

the State;

the President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, the specially authorized republican bodies of the state administration in the field of environmental protection, local Councils of Deputies, local executive and administrative bodies, other state bodies, bodies of territorial public self-government within the scope of their competence;

non-governmental organizations, other legal entities;

individuals, including individual entrepreneurs.

2. The rules established by this Law shall apply to relations with the involvement of foreign and international organizations that are not legal entities, foreign states, their administrative-territorial (state-territorial) formations, which, in accordance with the legislation of those states, are the participants of relations in the field of environmental protection, unless otherwise established by the Constitution of the Republic of Belarus and the international treaties of the Republic of Belarus.

Article 7. Main Objectives in the Field of Environmental Protection and Directions of the State Policy of the Republic of Belarus in the Field of Environmental Protection

The main objectives in the field of environmental protection and directions of the state policy of the Republic of Belarus in the field of environmental protection shall be as follows:

improvement of state regulation in the field of environmental protection;

strengthening of law and order in the field of environmental protection and ensuring environmental safety;

ensuring environmental foundations for the sustainable development of the Republic of Belarus;

scientific support of environmental protection and the rational (sustainable) use of natural resources;

development of legal and economic mechanisms stimulating the rational (sustainable) use of natural resources;

rational (sustainable) use of natural resources;

improvement of the system of environmental protection and nature management;

formation and maintenance of the functioning of the system of specially protected natural areas, natural areas subject to special protection, a national ecological network and biosphere reserves;

ensuring the conservation, restoration and sustainable functioning of natural ecosystems, biological and landscape diversity;

identification, classification and economic evaluation of ecosystem services;

stimulating the use of the best available technical methods, resource-saving technologies and practices, transition to a “green” economy, a low-carbon economy;

restriction during the production of the products of use of substances and materials for which there is no further possibility of their use as secondary material resources in the territory of the Republic of Belarus and that are potential sources of a harmful impact on the environment and the health of individuals;

formation and implementation in the territory of the Republic of Belarus of a unified state policy to respond to climate change;

ensuring the continuous functioning of the National Environmental Monitoring System in the Republic of Belarus;

conducting state environmental expertise, a strategic environmental assessment, an environmental impact assessment;

provision and dissemination of environmental information;

providing assistance to non-governmental organizations carrying out activities in the field of environmental protection;

involvement of individuals, non-governmental organizations in environmental protection;

ensuring international cooperation of the Republic of Belarus in the field of environmental protection, rational (sustainable) use of natural resources, mitigation of climate change.

CHAPTER 2

STATE REGULATION IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 8. State Bodies (Officials) Exercising State Regulation in the Field of Environmental Protection

1. State regulation in the field of environmental protection shall be exercised by the President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, the Ministry of Natural Resources and Environmental Protection and its territorial bodies, other specially authorized republican bodies of the state administration and their territorial bodies, local Councils of Deputies, local executive and regulatory bodies within the scope of their competence.

2. Other specially authorized republican bodies of the state administration shall include the Ministry of Health, the Ministry for Emergency Situations, the Ministry of Forestry, the State

Property Committee and other republican bodies of the state administration within the scope of their competence, in accordance with this Law and other legislative acts.

Article 9. Powers of the President of the Republic of Belarus in the Field of Environmental Protection

The President of the Republic of Belarus in the field of environmental protection shall:

define a unified state policy;

establish a procedure for providing natural resources for use and make decisions about providing them for use in cases stipulated by laws;

make decisions on the announcement, transformation and termination of the functioning of nature reserves, national parks;

declare ecological disaster zones;

establish a term for suspending the work of industrial and other facilities located in the ecological disaster zone;

exercise other powers in accordance with the Constitution of the Republic of Belarus, this Law and other laws.

Article 10. Powers of the Council of Ministers of the Republic of Belarus on Environmental Protection

The Council of Ministers of the Republic of Belarus in the field of environmental protection shall:

ensure the implementation of a unified state policy;

approve state programs for the rational (sustainable) use of natural resources and environmental protection;

determine measures for environmental protection, scientifically based use of natural resources and improvement of environmental quality;

establish a procedure for the use of natural resources, unless otherwise provided for by legislative acts;

submit proposals to the President of the Republic of Belarus for establishing perks to certain categories of legal entities and individuals, including individual entrepreneurs;

establish a procedure for maintaining State Natural Resources and Environmental Impacts Cadastres, unless otherwise provided for by legislative acts;

establish a list of measures for the rational (sustainable) use of natural resources and environmental protection financed out of the funds of republican and local budgets;

establish a procedure and terms for issuing permits for the withdrawal of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus from their habitat, unless otherwise provided for by legislative acts;

establish a procedure for the formation and maintenance of the State Environmental Information Register on the environmental state and an impact on it;

make decisions on the announcement, transformation and termination of the functioning of the Reserves of republican significance;

establish a procedure for issuing comprehensive environmental permits;

establish a procedure for the development, harmonization, approval, registration of environmental norms and rules;

establish a standard list of regional measures for restoring order on Earth and criteria for restoring order on Earth;

carry out international cooperation in the field of environmental protection;

exercise other powers in accordance with this Law, other laws and the acts of the President of the Republic of Belarus.

Article 11. Powers of the Ministry of Natural Resources and Environmental Protection in the Field of Environmental Protection

1. The Ministry of Natural Resources and Environmental Protection in the field of environmental protection shall:

implement a unified state policy;

participate in technical rate setting and standardization, in accordance with legislation on technical rate setting and standardization;

develop, approve (put into effect) technical normative legal acts in the field of environmental protection within the scope of its competence;

participate in the state regulation of certification activity in the field of environmental protection (hereinafter referred to as “environmental certification”);

ensure, within the scope of its competence, the uniformity of measurements in the field of environmental protection in accordance with legislation providing for the uniformity of measurements;

coordinate the activity of the republican bodies of the state administration in the field of environmental protection and the rational (sustainable) use of natural resources;

exercise control in the form of inspections in the areas of the safeguarding, protection, reproduction, and use of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus; woody and shrubby vegetation and other wild plants within the boundaries of settlements; wild animals that are not hunting and fishing objects; the protection and use of bowels; the protection of atmospheric air and the ozone layer; the use and protection of waters; waste management and other forms of control provided for by legislation on control (supervisory) activities;

reveal the facts of a violation of legislation on environmental protection and the rational use of natural resources, including offenses against environmental safety, the environment, and the procedure for nature management;

make claims to legal entities and individuals, including individual entrepreneurs, that have caused harm to the environment, and claims to the court to compensate for harm caused to the environment, the cost of illegally obtained products; assert claims to court to compensate for harm caused to the environment in accordance with summary proceedings, other claims (applications,

demands) in cases provided for by this Law and other legislative acts;

obtain for the purpose of exercising control in the field of environmental protection, rational (sustainable) use of natural resources, conducting an administrative process on a gratuitous basis from information resources (systems) of government bodies and other organizations information, as well as personal data without consent of individuals, except for the data constituting state secrets, on the basis of requests, agreements (contracts) for information exchange, including the organization of remote access limited in accordance with the tasks and functions assigned to it, including using a national automated information system;

obtain, on a gratuitous basis, from state bodies, legal entities, and individual entrepreneurs information required to perform the tasks assigned to it;

organize the inventoring and assessment of natural resources;

maintain, together with related state bodies, State Natural Resources and Environmental Impacts Cadastres and coordinate the activity of those bodies on their maintenance;

organize the maintenance of the National Environmental Monitoring System in the Republic of Belarus and the exchange of environmental information within it;

prepare, subject to agreement with the National Academy of Sciences of Belarus, the state bodies concerned and other legal entities, proposals for declaring biosphere reserves and terminating their functioning;

issue permits for the removal of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus from their habitats;

make decisions about declaring, transforming, and terminating the functioning of natural monuments of republican significance;

provide and disseminate environmental information in accordance with this Law, other acts of legislation on environmental protection, as well as with the international treaties of the Republic of Belarus;

inform the republican bodies of state administration, other legal entities, individuals, including individual entrepreneurs, about the state of the environment and measures for its protection;

liaise with non-governmental organizations carrying out activities in the field of environmental protection and nature management; organize a network of public ecologists;

ensure the conduct of state environmental expertise through subordinate organizations;

provide training for specialists carrying out strategic environmental assessment, environmental impact assessment, as well as environmental protection specialists and other employees vested with responsibilities in environmental protection and carrying out production observations in the field of environmental protection;

carry out international cooperation in the field of environmental protection and rational (sustainable) use of natural resources;

study, generalize, and disseminate the experience of foreign states in the field of environmental protection and rational (sustainable) use of natural resources;

coordinate the implementation of the international treaties of the Republic of Belarus in the field of environmental protection and rational (sustainable) use of natural resources;

exercise other powers in accordance with this Law and other legislative acts.

2. The Ministry of Natural Resources and Environmental Protection shall exercise the powers assigned to it directly and through its territorial bodies, subordinate organizations.

Article 12. Powers of Local Councils of Deputies, Local Executive and Regulatory Bodies in the Field of Environmental Protection

1. Local Councils of Deputies in the field of environmental protection shall:

approve regional sets of measures that ensure the implementation of state programs for the rational (sustainable) use of natural resources and environmental protection providing for financing out of the funds of local budgets (hereinafter referred to as “regional sets of measures”);

manage natural resources in the territory under their jurisdiction in cases and in the manner stipulated by legislation on environmental protection and the rational use of natural resources;

cancel decisions of corresponding local executive and regulatory bodies on natural resources management that do not comply with legislation on environmental protection and the rational use of natural resources;

exercise other powers in accordance with this Law and other legislative acts.

2. Local executive and regulatory bodies in the field of environmental protection shall:

develop and submit for approval regional sets of activities to the Local Councils of Deputies and adopt measures for their implementation;

adopt measures for the protection of rights and legitimate interests of individuals in the field of environmental protection;

exercise state control over the use and protection of lands in accordance with legislation on control (supervisory) activities, on the protection and use of lands;

manage natural resources in the territory under their jurisdiction in cases and in the manner prescribed by legislation on environmental protection and rational use of natural resources;

make decisions on the reservation of territories that are planned to be declared specially protected natural areas;

make decisions on declaring, transforming, and terminating the functioning of reserves and natural monuments of local importance;

make decisions on declaring and terminating the functioning of biosphere reserves;

organize, within the territory of a related administrative and territorial unit, work on the management of municipal waste, as well as waste with no owner or whose owner is unknown;

make claims to legal entities and individuals, including individual entrepreneurs, who have caused harm to the environment, and bring claims to the court to compensate for harm caused to the environment;

take part in the formation of environmental culture;

study the proposals of legal entities and individuals, including individual entrepreneurs, for the issues related to environmental protection and the rational (sustainable) use of natural resources;

inform individuals about a possible impact on the environment of the planned economic and

other activities and an adopted decision about the planned economic and other activities;

organize and conduct, together with customers planning to carry out economic and other activities with the involvement of the developers of urban planning projects, pre-project (pre-investment) and project documentation, public discussions about environmental impact assessment reports, environmental reports on the strategic environmental assessment;

exercise other powers in accordance with this Law and other legislative acts.

CHAPTER 3

RIGHTS AND OBLIGATIONS OF INDIVIDUALS, NON-GOVERNMENTAL ORGANISATIONS, OTHER LEGAL ENTITIES, INDIVIDUAL ENTREPRENEURS, PUBLIC ENVIRONMENTAL EXPERTS IN THE FIELD OF ENVIRONMENTAL PROTECTION. PUBLIC DEBATES

Article 13. Rights and Obligations of Individuals in the Field of Environmental Protection

1. Everyone has the right to an enabling environment and compensation for harm caused by a violation of this right, as well as to obtain, store and disseminate complete, reliable, and timely environmental information.

2. Individuals shall have the right to:

establish, in accordance with legislation on public associations, public associations carrying out activities in the field of environmental protection;

take part in public discussions of draft environmentally significant decisions, environmental impact assessment reports, environmental reports on the strategic environmental assessment;

initiate public environmental expertise and take part in its conduct in accordance with Article 39 of this Law;

provide assistance to state bodies in addressing environmental protection issues;

access environmental information in accordance with this Law and other legislative acts, as well as with the international treaties of the Republic of Belarus;

apply to state bodies, other legal entities, individual entrepreneurs on environmental protection issues in writing, electronically or verbally and obtain responses;

bring claims to court to compensate for harm caused to their life, health, and property as a result of adverse effects on the environment and to terminate (prohibit) economic and other activities that produce a harmful impact on the environment, including if, as a result such activities, there is a violation of requirements in the field of environmental protection, harm to the environment is caused, or there is a risk of causing harm to the environment in future.

Individuals may also have other rights in the field of environmental protection determined by legislative acts.

3. Individuals shall be obliged to:

comply with legislation on environmental protection, including legislation on waste management;

enhance an environmental culture, promote the upbringing of the younger generation in this

area;

preserve and protect the natural environment and use natural resources rationally, including carrying out activities for environmental protection, rational (sustainable) use of natural resources;

observe recreational fishing regulations;

observe hunting regulations;

carry out, within the boundaries of the land lots provided to them (owned by them), work to regulate the distribution and abundance of plant species the distribution and abundance of which shall be subject to regulation in accordance with legislation on the protection and use of the Plant Kingdom;

comply with the requirements (orders) of state bodies and officials exercising control in the field of environmental protection, rational (sustainable) use of natural resources;

Consultant Plus: comment.

A provision on the procedure for calculating the amount of compensation for harm caused to the environment and drawing up an act on establishing the fact of causing harm to the environment was approved by the Resolution of the Council of Ministers of the Republic of Belarus of April 4, 2022, No. 219.

compensate for harm caused to the environment by their actions.

Article 14. Ensuring the Right of Individuals to a Favorable Environment

The right of individuals to a favorable environment shall be ensured through:

planning and standardizing the environmental quality; implementing measures to prevent harmful effects on the environment and restore it; to prevent and eliminate the consequences of emergency situations;

compensation for harm caused to the life, health, and property of individuals as a result of harmful effects on the environment;

appealing decisions and actions (inaction) of state bodies, other legal entities, their officials;

judicial protection, self-defense, and obtaining qualified legal assistance;

activities of non-governmental organisations;

control in the field of environmental protection, rational (sustainable) use of natural resources;

the obligation of environmental information owners to provide and disseminate such information in accordance with this Law and other legislative acts, as well as with the international treaties of the Republic of Belarus;

implementing other measures provided for by this Law and other legislative acts.

Article 15. Protection of the Right to a Favorable Environment

1. The right to a favorable environment shall belong to an individual from birth and shall be subject to protection as a personal non-property right, not related to property, in the manner prescribed by civil law.

2. A moral injury caused to an individual by a violation of his/her right to a favorable environment shall be subject to compensation in accordance with civil law.

Article 16. Rights and Obligations of Non-Governmental Organizations Exercising Activity in the Field of Environmental Protection, Other Legal Entities, Individual Entrepreneurs

1. Non-governmental organizations carrying out activities in the field of environmental protection shall have the right to:

Develop, promote and implement programs for the rational (sustainable) use of natural resources and environmental protection; protect the rights and legitimate interests of individuals in the field of environmental protection; involve individuals, on a voluntary basis, in the implementation of activities in the field of environmental protection;

Take part in the development of draft state and other programs for the rational (sustainable) use of natural resources and environmental protection, regional sets of measures and contribute to their implementation;

Using own and attracted funds, carry out activities on the restoration of the natural environment and ensuring environmental safety;

Submit to state bodies and direct to officials proposals for the issues related to environmental protection and rational (sustainable) use of natural resources;

Take part in the public discussions of draft environmentally significant decisions, environmental impact assessment reports, and environmental reports on the strategic environmental assessment;

Provide assistance to state bodies in addressing environmental issues;

Access to environmental information in accordance with this Law and other legislative acts, as well as the international treaties of the Republic of Belarus;

Apply to state bodies, other legal entities, individual entrepreneurs in writing, electronically or verbally with environmental protection issues and receive answers;

Bring claims to court on the compensation for harm caused to the life, health, and property of its members (participants) as a result of harmful effects on the environment, and on the suspension (prohibition) of economic and other activities that have a harmful impact on the environment, including if, as a result of such activities, requirements in the field of environmental protection are violated, harm is caused to the environment, or there is a danger of causing harm to the environment in the future;

Speak in the mass media on environmental protection issues;

Initiate and conduct, in accordance with Article 39 of this Law, public environmental expertise.

2. Non-governmental organizations exercising activities in the field of environmental

protection shall carry out work on awareness raising and fostering a caring attitude in individuals to natural resources, enhancing an environmental culture; inform the territorial bodies of the Ministry of Natural Resources and Environmental Protection, local executive and regulatory bodies about the identified cases of the irrational use of natural resources, a violation of legislation on environmental protection, as well as accidents and other emergencies, the disruption to technological processes, as a result of which environmental pollution or other harmful effects on the environment have occurred or may occur.

3. Other legal entities, individual entrepreneurs shall have the rights specified in paragraphs two to eleven of paragraph 1 of this Article.

4. None-governmental organizations carrying out activities in the field of environmental protection, other legal entities and individual entrepreneurs shall be obliged to comply with the requirements in the field of environmental protection.

5. Legislative acts may also define other rights of non-governmental organizations carrying out activities in the field of environmental protection, other legal entities, and individual entrepreneurs.

Article 17. Public Ecologists. Their Rights and Obligations

1. Legally capable physical persons permanently residing in the territory of the Republic of Belarus who, voluntarily or on a gratuitous basis, have expressed their wish to assist the Ministry of Natural Resources and Environmental Protection and its territorial bodies in the implementation of measures for environmental protection and the rational (sustainable) use of natural resources may be public ecologists.

2. Public ecologists shall have the right to:

Assist the Ministry of Natural Resources and Environmental Protection and its territorial bodies in carrying out environmental protection measures;

Take part in the dissemination of environmental information;

Assist the Ministry of Natural Resources and Environmental Protection and its territorial bodies in awareness raising in the field of environmental protection and fostering a caring attitude in individuals to natural resources, enhancing environmental culture.

Legislative acts may establish other rights of public ecologists.

3. Public ecologists shall be obliged to:

Know legislation on environmental protection and the rational use of natural resources and comply with it;

Report the cases of violations of legislation on environmental protection and the rational use of natural resources to the Ministry of Natural Resources and Environmental Protection or its territorial bodies;

Report on the work done to the territorial bodies of the Ministry of Natural Resources and Environmental Protection.

4. The Ministry of Natural Resources and Environmental Protection and its territorial bodies shall:

Organize work of public ecologists;

Organize work on public ecologists' training;

Provide public environmentalists with environmental information;

Coordinate the activities of public ecologists, evaluate their work and develop measures to improve its effectiveness;

Ensure the safety of public ecologists during the performance of environmental protection measures.

5. A procedure for the activities of public ecologists shall be established by the Council of Ministers of the Republic of Belarus.

Article 18. Public Debates

1. Public discussions shall be held in relation to the following draft environmentally significant solutions, unless otherwise provided for by paragraph 3 of this Article:

Concepts, programs, plans, strategies, schemes, and regional sets of measures the implementation of which has an impact on the environment and/or is related to the use of natural resources, as well as changes and additions to them that are not of a technical nature;

Normative legal acts in part of provisions aiming to regulate relations associated with the implementation of economic and other activities referred to environmentally hazardous, in accordance with the criteria for classifying economic and other activities that produce a harmful effect on the environment as environmentally hazardous activities established by the President of the Republic Belarus;

Decisions on issuing a permit for the removal of Plant Kingdom objects, a permit for the transplantation of Plant Kingdom objects issued for the removal, transplantation of Plant Kingdom objects in settlements, unless otherwise provided for by legislation on the protection and use of the Plant Kingdom.

2. If in accordance with legislation in the field of state environmental expertise, the strategic environmental assessment and the environmental impact assessment, the environmental impact assessment, the strategic environmental assessment are carried out for the objects, then environmental impact assessment reports, environmental reports on the strategic environmental assessment shall also be subject to public discussion.

3. Public discussions of draft environmentally sound solutions, environmental impact assessment reports, environmental reports on the strategic environmental assessment containing information classified in accordance with the Law as state secrets and restricted access information (with the restrictive mark "For official use") shall be carried out taking into account legislation on state secrets and legislation on information, informatization and protection of information respectively.

4. Public discussions of draft environmentally sounds solutions specified in paragraphs two and four of paragraph 1 of this Article shall be organized and held by the state body making such solutions, or by an organization determined by it.

5. Public discussions of draft environmentally sound solutions specified in paragraph three of paragraph 1 of this Article shall be organized and held by the subject of the rule-making initiative that has prepared the draft normative legal act, unless otherwise established by legislative acts.

6. Public discussions of environmental impact assessment reports, environmental reports on the strategic environmental assessment specified in paragraph 2 of this Article shall be organized

and held by local executive and administrative bodies together with customers planning to carry out economic and other activities, with participation of the developers of urban development projects, pre-project (pre-investment), and project documentation.

7. Comments and proposals received during public discussions of draft environmentally sound solutions shall be considered when finalizing corresponding draft decisions.

8. Information on the results of public discussions of draft environmentally sound solutions, environmental impact assessment reports, and environmental reports on the strategic environmental assessment shall be made public in the manner established by the Council of Ministers of the Republic of Belarus.

9. Environmentally sound solutions made by the state body shall be published in official periodicals, the mass media or be posted in the public domain on the official websites of state bodies over the global computer network Internet or on other state information resources of the global computer network Internet, except for regulatory legal acts, which are subject to official publication in accordance with legislation on regulatory legal acts.

10. A procedure for organizing and holding public discussions on draft environmentally sound solutions, environmental impact assessment reports, environmental reports on the strategic environmental assessment, taking into account environmentally sound solutions adopted; participation of legal entities and individuals, including individual entrepreneurs, in them shall be established by the Council Ministers of the Republic of Belarus.

Consultant Plus: comment.

Starting from July 23, 2024, the Code of the Republic of Belarus of July 17, 2023, No. 289-3 “The Code of the Republic of Belarus on Architectural, Urban Planning, and Construction Activities” shall come into force.

11. Public discussions of urban planning projects and other documentation in the field of architectural, urban planning and construction activities shall be carried out in the manner prescribed by legislation on architectural, urban planning, and construction activities.

CHAPTER 4 ENVIRONMENTAL INFORMATION

Article 19. State Register of Environmental Information on the Environmental State and an Impact on It

1. The State Register of Environmental Information on the Environmental State and an Impact on It is a list of environmental information generated as a result of the implementation by the owners of environmental information of the activities specified in paragraph 2 of Article 20 of this Law and accumulated at the Ministry of Natural Resources and Environmental Protection, other state bodies and other legal entities by virtue of duties assigned to them by legislative acts.

2. The Ministry of Natural Resources and Environmental Protection, other state bodies and other legal entities that accumulate environmental information generated as a result of the implementation by the owners of environmental information of the activities specified in paragraph 2 of Article 20 of this Law shall maintain Registers of Environmental Information on the Environmental State and an Impact on It.

3. Maintaining the State Register of Environmental Information on the Environmental State

and an Impact on it shall be provided by the Ministry of Natural Resources and Environmental Protection.

4. The State Register of Environmental Information on the Environmental State and an Impact on it, as well as the Registers of Environmental Information on the Environmental State and an Impact on It specified in paragraph 2 of this Article shall be posted by the Ministry of Natural Resources and Environmental Protection, other state bodies and other legal entities maintaining specified Registers in an accessible place (on information boards, scoreboards) and on their official websites over the global computer network Internet.

5. The provision and dissemination of information included in the Registers of Environmental Information on the Environmental State and an Impact on it shall be carried out in accordance with Articles 20-26 of this Law.

Article 20. Composition, Sources and Types of Environmental Information, the Forms of its Provision and Dissemination

1. Environmental information shall include the following data:

On the state of the environment, including atmospheric air, waters, lands (including soils), Animal and Plant Kingdoms in their biological diversity, natural landscapes, biotopes, other natural objects, and on the interaction between these objects;

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

On decisions of state bodies about economic and other activities of legal entities and individual entrepreneurs related to harmful effects on the environment or its protection;

On legislative acts, on programmes and measures for the rational (sustainable) use of natural resources and environmental protection; concepts, strategies, schemes, plans, programmes, and activities the implementation of which has or may have an impact on the environment, as well as justifications for the need to adopt them, including financial and economic justifications;

On the state of health and safety of individuals, on their living conditions, on the state of the objects of cultural infrastructure, buildings, and structures to the extent they are affected or may be affected by the environment or through environmental factors, activities, and measures specified in paragraphs three-five of this paragraph;

On ecosystem services;

Other data determined by other legislative acts and the international treaties of the Republic of Belarus.

2. Environmental information provided or disseminated by the owners of environmental information in accordance with this Law shall be formed as a result of:

Conducting environmental monitoring;

Sampling and measurements in the field of environmental protection;

Keeping records of the natural resources used and environmental impacts;

Maintaining the State Register of Environmental Information on the Environmental State and an Impact on It, including the Environmental Information Registers of Environmental Information Owners, State Cadastres of Natural Resources and Environmental Impacts and/or their constituent

parts (registers, rosters);

Granting licenses for carrying out activities related to an environmental impact, amending them; suspending, renewing, terminating these licenses; issuing other permits on the basis of which nature management is carried out; amending these permits; extending their validity; suspending, renewing, terminating or cancelling these permits;

Conducting an environmental impact assessment and a strategic environmental assessment;

Carrying out environmental expertise;

Exercising control in the field of environmental protection, the rational (sustainable) use of natural resources;

Conducting an environmental audit;

Carrying out environmental certification;

Setting standards in the field of environmental protection;

Developing and implementing programmes and activities for the rational (sustainable) use of natural resources and environmental protection;

Implementing projects for water protection zones and coastal strips, river basin management plans.

3. Environmental information generated as a result of carrying out activities not specified in paragraph 2 of this Article shall be provided and disseminated in accordance with legislation on the financial and credit system, on state statistics, on healthcare, on safety in genetic engineering activity, on hydrometeorological activities, on the state system for the prevention and liquidation of emergency situations, on radiation safety, in the field of sanitary and epidemiological welfare of the population, on historical and cultural heritage, on information, informatization and protection of information, and other legislative acts.

4. Environmental information shall be provided and disseminated verbally, in writing; in electronic, audiovisual or any other form.

5. Environmental information owners shall be obliged to provide and disseminate it in accordance with this Law and other legislative acts, as well as with the international treaties of the Republic of Belarus.

6. Environmental information generated as a result of the activities specified in paragraph 2 of this Article shall be subdivided into general-purpose environmental information and specialized environmental information.

7. Referring environmental information related to the fact of harm caused to the environment to specialized environmental information shall not be allowed.

Article 21. Access to Environmental Information

1. Access of state bodies, other legal entities, individuals, including individual entrepreneurs, to the environmental information of general-purpose shall be provided through furnishing or disseminating such information by environmental information owners.

2. Access of state bodies, other legal entities, individuals, including individual entrepreneurs, to specialized environmental information shall be provided through furnishing it on the basis of an agreement for the provision of specialized environmental information concluded with

environmental information owners.

3. Environmental information shall not be subject to mandatory provision or dissemination in the cases as follows:

such information is classified as state secrets in accordance with legislation on state secrets, as well as it is classified as information the distribution and/or provision of which is restricted in accordance with legislative acts;

the disclosure of such information will lead to a violation of the rules for the administration of justice, the conduct of a preliminary investigation, the conduct of an administrative process;

other cases provided for by legislative acts, the international treaties of the Republic of Belarus in the interests of national security; the protection of the rights and freedoms of individuals, the rights of legal entities.

The information specified in part one of this paragraph may be provided in the manner prescribed by this Law, other legislative acts in the field of environmental protection on information, informatization and protection of information, on state secrets and other legislative acts.

4. The provision of environmental information may be rejected:

if the state body, other legal entity, individual entrepreneur is not the owner of the environmental information requested;

if an application for the provision of environmental information concerns documents that relate to the internal correspondence of the environmental information owner;

in cases provided for by paragraph 3 of this Article.

5. In the case provided for by paragraph three of paragraph 4 of this Article, the owner of environmental information shall be obliged, if possible, to separate, without prejudice to confidentiality, the environmental information contained in these documents and provide it to an applicant.

6. The restriction of access to the following environmental information shall not be allowed:

on the environmental state or harm caused to it;

on the emissions of pollutants into the atmospheric air and discharges of wastewaters into surface water bodies in excess of the standards for permissible environmental impact or in the absence of such standards, provided that their establishment is required by legislation on the protection of atmospheric air, on the protection and use of waters;

on the introduction of chemical and other substances into the soil (ground), which has led to the deterioration of its quality or the quality of ground waters;

on ionizing and electromagnetic radiation, noise or any other physical impact in excess of the standards established by technical regulatory legal acts that are binding on legal entities and individual entrepreneurs.

Article 22. Providing Environmental Information to State Authorities

1. Environmental information of general-purpose shall be provided by the owners of environmental information to state bodies in accordance with Articles 20 and 21 of this Law upon their request by exchanging such information or distributing it.

2. Environmental information of general-purpose and specialized environmental information shall be provided to state bodies free of charge.

Article 23. Providing Environmental Information to Individuals, Including Individual Entrepreneurs, and Legal Entities That are Not State Authorities

1. The environmental information of general-purpose shall be provided by the owner of environmental information upon request of an individual, including an individual entrepreneur, a legal entity that is not a state body (hereinafter referred to as “the applicant” for the purposes of this Chapter) free of charge.

2. The environmental information of general-purpose shall be provided by the owner of environmental information to the applicant within fifteen days from the day following the date of registration of an application for its provision, except for the cases provided for in paragraphs 5, 7, 8, and 10 of this Article.

If the last day of the period for consideration of an application for the provision of environmental information falls on a non-working day, then the date of the expiry of the period shall be considered the first business day following it.

3. If an application for the provision of environmental information of general-purpose does not comply with the requirements of Article 25 of this Law, the owner of environmental information shall, within five working days from the date of receipt of an application, be obliged to notify the applicant in writing about this, indicating the missing information in the application.

4. Environmental information of general-purpose shall be provided in the form, volume and composition specified in the application for the provision of environmental information of general-purpose, and if the owner of environmental information has no technical ability to provide it in the requested form and volume, then in the available form and volume specifying the reasons.

5. If an application for the provision of environmental information of general-purpose concerns environmental information that is in the process of preparation and must be provided or distributed within the time limits established by legislation after the completion of its preparation, the owner of environmental information shall, within five working days from the date of receipt of an application, be obliged to notify the applicant about it in writing and indicate the time and manner of the possible receipt of such information by him/her.

6. Applications for the provision of environmental information of general-purpose shall be submitted to state bodies, other legal entities, their officials, individual entrepreneurs who are the owners of the environmental information requested.

7. State bodies, other legal entities, their officials, and individual entrepreneurs, upon receipt of an application for the provision of environmental information of general-purpose they are not the owners of, shall, within five working days from the date of receipt of such an application, be obliged to redirect it to the owner of the environmental information requested, notifying the applicant of this within the same period of time, or within the same period of time, reject to provide environmental information specifying the reason for the refusal and explaining the procedure and terms for appealing a decision.

8. If the requested environmental information refers to specialized environmental information, then the owner of environmental information shall, within five working days from the date of receipt of an application for the provision of environmental information, be obliged to suggest to the applicant that they conclude an agreement for the provision of specialized environmental information and communicate the essential terms of such an agreement.

9. The applicant shall not be obliged to explain the reasons for his/her interest in obtaining environmental information.

10. The refusal of the owner of environmental information to provide it, as well as the form of provision and the composition of environmental information of general-purpose, may be appealed to a higher state body or any other state organization (superior official) and/or to the court.

Article 24. Procedure for Providing Specialized Environmental Information

Specialized environmental information shall be provided to the applicant for a fee within the time limit and under the terms specified in the agreement for the provision of specialized environmental information. The amount of a fee charged for the provision of such information cannot exceed the economically justified costs associated with the collection, processing and analysis of specialized environmental information.

Article 25. Application for Providing Environmental Information

1. An application for providing environmental information shall indicate:

data on the owner of environmental information (name of the state body or any other legal entity; last name, first name, patronymic (if any) of an official or an individual entrepreneur);

data on an applicant (last name, first name, patronymic (if any) and the place of residence of an individual; last name, first name, patronymic (if any) and the place of residence of an individual entrepreneur, his registration number and the name of a registering authority; name and location of a legal entity);

description of the environmental information requested, allowing to determine its scope and composition;

form of providing environmental information.

2. An application for the provision of environmental information shall be registered by the owner of environmental information on the date of its receipt.

Article 26. Dissemination of General-Purpose Environmental Information

1. General-purpose environmental information shall be distributed by the owners of environmental information by way of posting it in printed publications, the mass media, on their official websites over the global computer network Internet or by other public means in accordance with this Law and other acts of legislation on environmental protection; legislation on information, informatization and information protection.

2. The composition of general-purpose environmental information subject to mandatory dissemination, the owners of such information who are obliged to disseminate it, and the frequency of its dissemination shall be determined by the Council of Ministers of the Republic of Belarus.

CHAPTER 5

STANDARD SETTING IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 27. Bases for Standard Setting in the Field of Environmental Protection

1. Standard setting in the field of environmental protection shall be carried out for the purposes of state regulation of an impact of economic and any other activity on the environment guaranteeing the preservation of a favorable environment and ensuring environmental safety.

2. Standard setting in the field of environmental protection shall include the development, approval and introducing of standards in the field of environmental protection, as well as the setting of such standards in authorization documents.

3. The main requirements for the development of standards in the field of environmental protection shall be as follows:

carrying out scientific research work on their substantiation, taking into account international rules and standards in the field of environmental protection;

assessing and forecasting environmental, economic and social implications of their use;

other requirements established by legislation on environmental protection and the rational use of natural resources and other legislative acts.

Article 28. Standards in the Field of Environmental Protection

1. Standards in the field of environmental protection shall include:

environmental quality standards;

standards for a permissible environmental impact;

nature management limits.

2. Environmental quality standards shall be set at the level that ensures environmental safety and shall be used for the evaluation of the environmental state and standard setting of a permissible impact on it.

Environmental quality standards shall include:

standards for maximum permissible concentrations of chemical and other substances;

standards for maximum permissible physical impacts;

standards for maximum permissible concentrations of microorganisms;

differentiated standards for the content of chemicals in soils;

other environmental quality standards.

In specially protected natural areas, natural areas subject to special protection, and the territories of biosphere reserves, more stringent environmental quality standards than those in force in other territories can be set.

Environmental quality standards shall be determined by environmental standards and rules approved in accordance with this Law, hygiene standards approved in accordance with legislation on the sanitary and epidemiological welfare of the population, construction rules and regulations approved in accordance with legislation on architectural, urban planning and construction activities.

Standards for maximum permissible concentrations of chemicals and other substances shall be determined in accordance with indicators for the maximum permissible content of chemicals and other substances in the environment.

Standards for maximum permissible physical impacts shall be determined in accordance with indicators for the maximum permissible environmental impact of heat, noise, vibration, ionizing radiation, electromagnetic fields and other physical impacts.

Standards for maximum permissible concentrations of microorganisms shall be determined in accordance with indicators for the maximum permissible content of microorganisms in the environment.

Differentiated standards for the content of chemicals in soils shall be determined in accordance with indicators for the maximum permissible concentrations of chemicals in soils.

3. Standards for a permissible environmental impact shall be established for the purposes of preventing harmful effects on the environment of economic and any other activity for legal entities, individual entrepreneurs and for specific territories.

The standards of a permissible environmental impact shall include:

standards for a permissible anthropogenic load on the environment;

standards for permissible emissions and discharges of chemical and other substances;

standards for permissible physical impacts;

production waste generation standards;

standards for the permissible withdrawal (extraction) of natural resources;

allowable load standards for specially protected natural areas;

standards for any other permissible impact on the environment in the course of economic and other activities.

Permissible environmental impact standards must ensure compliance with environmental quality standards taking into account the natural features of territories.

The standards of a permissible anthropogenic load on the environment shall be established for the purposes of regulating a cumulative impact of all sources of impacts on the environment and/or individual components of the natural environment within specific territories, the compliance of which ensures the sustainable functioning of natural ecological systems and the conservation of biological diversity.

The standards of a permissible anthropogenic load on the environment shall be established in relation to each type of impact of economic and any other activity on the environment and/or the total impact of all sources located in the respective territory in accordance with legislation on the protection of atmospheric air, on the protection and use of waters.

The standards of a permissible anthropogenic load on the environment shall include:

maximum allowable (critical) load of an impact on atmospheric air (emission standard);

threshold limit values of indicators and concentrations of pollutants in the composition of wastewaters;

other indicators of a permissible anthropogenic load on the environment.

The standards for permissible emissions and discharges of chemicals and other substances shall include:

standards for permissible emissions of pollutants into the atmospheric air;

standards for permissible discharges of chemical and other substances as part of waste waters.

Standards for permissible emissions of pollutants into the atmospheric air shall be set for stationary sources of emissions and/or an aggregate of stationary sources of emissions for the purposes of ensuring environmental quality standards, and provided that such sources do not exceed the standards for emissions of one or more pollutants into the atmospheric air in accordance with legislation on the atmospheric air protection.

Standards for permissible discharges of chemicals and other substances in wastewaters shall be set for each wastewater outlet for the purposes of ensuring environmental quality standards in the control section, and provided that the threshold limit values of indicators and concentrations of pollutants in waste waters are complied with in accordance with legislation on the protection and use of waters.

In the case where it is impossible to comply with the standards for permissible emissions of pollutants into the atmospheric air and discharges of chemicals and other substances in the composition of waste waters, temporary standards for such emissions and discharges may be set in permits issued by Regional, Minsk city Committees for Natural Resources and Environmental Protection and valid as long as measures for environmental protection, integration of technologies ensuring compliance with environmental protection requirements are carried out simultaneously, and/or other environmental measures are carried out taking into account the gradual achievement of established standards for permissible emissions and discharges of chemical and other substances.

Standards for permissible physical impacts shall be set in accordance with legislation in the field of sanitary and epidemiological welfare of the population.

Standards for the generation of production wastes shall be developed and approved for the purposes of preventing their harmful effects on the environment, as well as establishing limits for the storage and disposal of production wastes in accordance with legislation on waste management.

Standards for permissible withdrawal (extraction) of natural resources shall be set in accordance with the restrictions on the volume of their withdrawal (extraction) for the purpose of preserving natural and natural-anthropogenic objects, ensuring the sustainable functioning of natural ecological systems and preventing their degradation (depletion) in accordance with legislation on the protection and use of bowels, on the protection and use of the Animal Kingdom, on the protection and use of the Plant Kingdom.

Permissible load standards for specially protected natural areas shall be set by the Ministry of Natural Resources and Environmental Protection in accordance with legislation on specially protected natural areas for the purposes of regulating of impacts of tourism, recreation and health activities on these areas.

4. Nature management limits are the volumes of maximum use (withdrawal, extraction) of natural resources, storage and burial of production wastes and other types of harmful effects on the environment established for the users of natural resources for a certain period of time.

Nature management limits shall be established in accordance with legislation on waste management, on the protection and use of the Animal Kingdom.

CHAPTER 6 NATURE MANAGEMENT

Article 29. Right to Nature Management

1. Natural resources may be provided for use in accordance with the procedure established by legislation on the protection and use of lands; on the protection and use of waters; on the use, safeguarding, protection and reproduction of forests; on the protection and use of bowels; on the protection and use of the Animal Kingdom; on the protection and use of the Plant Kingdom and other legislative acts.

2. Individuals shall be guaranteed the right to the general use of natural resources to meet their needs on a gratuitous basis, without reserving these resources for them and without obtaining authorization documents, except for the cases provided for by legislative acts (general nature management).

3. Carrying out nature management in the course of economic and other activities shall be allowed for legal entities and individual entrepreneurs for a fee, unless otherwise provided for by legislative acts, on the basis of decisions of state bodies whose competence includes making such decisions, a lease agreement, an integrated environmental permit and other permits provided for by legislative acts, issued in cases provided for by legislation on environmental protection and rational use of natural resources, on licensing (special nature management).

Legislative acts in the field of the rational use of natural resources may provide for cases where legal entities and individual entrepreneurs exercise the general use of natural resources (free of charge and without obtaining permits).

Article 30. Complex Impact on the Environment

1. Legal entities and individual entrepreneurs may carry out activities related to the operation of facilities that have a complex impact on the environment only if they have an integrated environmental permit.

2. Cases where legal entities and individual entrepreneurs are obliged or entitled to obtain integrated environmental permits, as well as a list of facilities that produce a complex impact on the environment, shall be determined by the President of the Republic of Belarus.

3. An integrated environmental permit, taking into account possible introduction of the best available technical methods, shall establish the following:

standards for a permissible environmental impact;

conditions for the implementation of economic and other activities in terms of the use of natural resources and/or producing an impact on the environment;

measures for integrating the best available technical methods, rational (sustainable) use of natural resources and environmental protection, including requirements for the decommissioning of facilities.

4. Carrying out activities related to the operation of facilities that have a complex impact on the environment, in excess of the standards set for a permissible environmental impact and/or a violation of terms of the implementation of economic and other activities in terms of the use of natural resources and/or producing an impact on the environment established in integrated environmental permits, shall not be allowed.

5. Validity of an integrated environmental permit may be terminated completely or in relation

to one or more facilities of an environmental impact specified in it in the manner established by the Council of Ministers of the Republic of Belarus when carrying out activities in excess of the standards set for a permissible environmental impact and/or a violation of conditions for carrying out of economic and other activities in terms of the use of natural resources and/or producing an impact on the environment established in integrated environmental permits.

6. Integrated environmental permits shall be issued in accordance with legislation on administrative procedures.

Article 31. Licensing of Environmental Impact Related Activities

Licensing of environmental impact related activities shall be carried out by the Ministry of Natural Resources and Environmental Protection in accordance with licensing legislation.

Article 32. The Most Advanced Available Technical Methods

1. When carrying out economic and other activities that have a complex impact on the environment, the integration of the best available technical methods must be carried out.

2. The integration of the best available technical method by legal entities or individual entrepreneurs shall be recognized as a time-limited process of designing and reconstructing of facilities that produce a complex impact on the environment; organizing the production of products and energy, performing of works (providing of services).

3. A procedure for collecting, accumulating and disseminating information about the best available technical methods shall be established by the Ministry of Natural Resources and Environmental Protection.

4. Organizational and methodological support for the integration of the best available technical methods shall be provided by the Centre for the Best Available Technical Methods of the Ministry of Natural Resources and Environmental Protection.

CHAPTER 7 ECOLOGICAL CERTIFICATION AND ECOLOGICAL AUDIT

Article 33. Ecological Certification

1. The objects of environmental certification shall be as follows:

environmental management system;

products (except for the products of plant, animal and microbiological origin intended for human consumption or use as animal feed);

performance of works on reducing greenhouse gas emissions from sources and increasing their absorption by sinks;

competence of personnel during the performance of works (provision of services) in the field of environmental protection;

performance of works (provision of services) in the field of environmental protection;

other facilities in relation to which technical requirements are established, including facilities associated with climate change.

2. Ecological certification shall be carried out by the certification bodies accredited with the National Accreditation System of the Republic of Belarus.

3. When conducting the ecological certification of environmental management systems, an assessment of compliance by legal entities and individual entrepreneurs involved in economic and other activities with the requirements of technical normative legal acts in the field of environmental protection and interstate standards put into effect in the territory of the Republic of Belarus shall be performed.

Other objects of ecological certification shall be assessed for compliance with the technical requirements contained in technical normative legal acts in the field of technical standard setting and standardization and interstate standards put into effect in the territory of the Republic of Belarus.

4. Ecological certification shall be carried out in accordance with the procedure established by legislation on conformity assessment with technical requirements and accreditation of conformity assessment bodies, on environmental protection.

Article 34. Environmental Audit

1. An environmental audit shall be carried out for the purposes of environmental safety, determining ways and means of reducing the risk of harmful effects on the environment of economic and other activities through an independent assessment of such activities for compliance with environmental protection requirements.

2. An environmental audit shall be carried out by subordinate organizations authorized by the Ministry of Natural Resources and Environmental Protection, as well as other legal entities or individual entrepreneurs. A procedure for conducting an environmental audit shall be established by the Council of Ministers of the Republic of Belarus.

The persons specified in part one of this paragraph may provide services in developing solutions to improve the environmental safety of production at the facilities inspected.

3. An environmental audit of economic and other activities of legal entities or individual entrepreneurs may be carried out on a voluntary or mandatory basis out of own funds of these legal entities or individual entrepreneurs.

4. An environmental audit shall be carried out on a mandatory basis during the privatization of enterprises as property complexes of state unitary enterprises, as well as in other cases provided for by this Law and other legislative acts.

CHAPTER 8 ENVIRONMENTAL IMPACT ASSESSMENT, STRATEGIC ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL EXPERTISE

Article 35. Environmental Impact Assessment

An environmental impact assessment shall be carried out for the facilities a list of which is established by legislation in the field of state environmental expertise, a strategic environmental assessment and an environmental impact assessment.

Article 36. Strategic Environmental Assessment

A strategic environmental assessment shall be carried out for the facilities a list of which is established by legislation in the field of state environmental expertise, a strategic environmental

assessment and an environmental impact assessment.

Article 37. Objectives and Types of Environmental Expertise

1. Environmental expertise shall be carried out for the purposes of establishing compliance of planned design and other solutions contained in urban planning projects; pre-project (pre-investment), design and/or other documentation with the requirements of legislation on environmental protection and the rational use of natural resources; and design solutions contained in urban planning projects, pre-project (pre-investment) documentation – also with urban planning regulations.

2. In the Republic of Belarus, state environmental expertise and public environmental expertise shall be carried out.

Article 38. State Environmental Expertise

1. State environmental expertise shall be carried out for the facilities a list of which is established by legislation in the field of state environmental expertise, a strategic environmental assessment and an environmental impact assessment.

2. A procedure for conducting state environmental expertise, including requirements for the conclusions of state environmental expertise, a procedure for its approval and/or termination, special terms of the implementation of design and other solutions, as well as requirements for specialists carrying out state environmental expertise, shall be established by the Council Ministers of the Republic of Belarus.

3. A conclusion of state environmental expertise shall be recognized as a final decision about the planned economic and other activities in terms of a permissible impact of such activities on the environment and the use of natural resources for the implementation of such activities.

Article 39. Public Environmental Expertise

1. Public environmental expertise shall be organized and carried out at the initiative of individuals and public associations by independent specialists with special knowledge in the field of environmental protection and the rational (sustainable) use of natural resources, as well as in certain areas of science, technology and other fields of activity.

The independent specialists referred to in part one of this paragraph shall have the right to obtain from the customer, planning the implementation of economic and other activities, documentation subject to public environmental expertise, including materials on an environmental impact assessment, as well as other materials required for conducting public environmental expertise, in the same composition as for the state environmental expertise, except for information the distribution and/or provision of which is restricted or prohibited by legislation.

2. A conclusion of public environmental expertise shall be directed to its initiators, a customer planning the implementation of economic and other activities, organizations that conduct state environmental expertise, local executive and administrative bodies and is advisory in nature. Copies of a conclusion of public environmental expertise may be directed to other stakeholders.

3. Financing of public environmental expertise shall be carried out at the expense of its initiators.

4. A procedure for organizing and conducting public environmental expertise shall be established by the Council of Ministers of the Republic of Belarus.

CHAPTER 9
ECONOMIC MECHANISM
FOR ENVIRONMENTAL PROTECTION AND NATURE MANAGEMENT.
“GREEN” ECONOMY

Article 40. Elements of an Economic Mechanism for Environmental Protection and Nature Management

An economic mechanism for environmental protection and nature management shall include the elements as follows:

development of state forecasts and programs for the socio-economic development of the Republic of Belarus in terms of the rational (sustainable) use of natural resources and environmental protection;

financing of programs and activities for the rational (sustainable) use of natural resources and environmental protection;

establishing payments for nature management;

economic evaluation of ecosystem services;

establishing economic incentive measures in the field of environmental protection, including the use of the best available technical methods, resource-saving technologies and practices, and “green” procurement;

On rates for establishing the extent of harm caused to the environment and the procedure for calculating it, refer to the Resolution of the Council of Ministers of the Republic of Belarus of April 11, 2022, No. 219.

compensation for harm caused to the environment in accordance with the established procedure;

compensation payments of the cost of removed flora objects; compensation payments for harmful effects on Animal Kingdom objects and/or their habitat;

compensation for losses in agricultural and forestry production;

environmental insurance;

other economic measures aimed at protecting the environment and the rational (sustainable) use of natural resources.

Article 41. Programmes and Activities on the Rational (Sustainable) Use of Natural Resources and Environmental Protection

1. The development of programs for the rational (sustainable) use of natural resources and environmental protection shall be carried out to ensure a favorable environment based on a scientifically grounded combination of environmental, economic and social interests; the choice of methods of nature management that ensure the lowest possible level of harmful effects on the environment, prevention and reduction of a harmful impact on the environment of economic and other activities, as well as the conservation and reproduction of natural resources.

2. State programs for the rational (sustainable) use of natural resources and environmental

protection shall be developed by the Ministry of Natural Resources and Environmental Protection together with the state bodies (state organizations) concerned and shall be approved by the Council of Ministers of the Republic of Belarus.

3. Regional sets of measures shall be formed by local executive and administrative bodies in accordance with state programs for the socio-economic development of the Republic of Belarus, state programs for the rational (sustainable) use of natural resources and environmental protection and/or the international treaties of the Republic of Belarus in agreement with the territorial bodies of the Ministry Natural Resources and Environmental Protection and shall be approved by the local Councils of Deputies.

4. Legal entities and individual entrepreneurs involved in economic and other activities that have a harmful impact on the environment shall be obliged to plan, develop and implement measures for environmental protection, the rational (sustainable) use of natural resources.

Article 42. Financing of Programmes and Activities on the Rational (Sustainable) Use of Natural Resources and Environmental Protection

Financing of programs and activities for the rational (sustainable) use of natural resources and environmental protection shall be provided out of:

the funds of republican and/or local budgets;

the funds of state off-budget funds;

own funds of legal entities and individuals, including individual entrepreneurs;

bank loans;

other non-budgetary sources attracted for the implementation of these programs and activities not prohibited by legislation.

Article 43. Economic Incentives for Environmental Protection

1. Economic incentives for environmental protection may be carried out on the basis of:

establishing by the President of the Republic of Belarus and/or laws of perks for certain categories of legal entities and individuals, including individual entrepreneurs upon their compliance with the regimes for the safeguarding and use of specially protected natural areas, natural areas subject to special protection, and the rational (sustainable) use of natural resources by them in the territory of transition zones of biosphere reserves, as well as the introduction by legal entities and individuals, including individual entrepreneurs, of the best available technical methods, low-waste, energy- and resource-saving technologies, special equipment reducing a harmful impact on the environment, the use of wastes as secondary material resources and the implementation of other nature protection activities;

accelerated depreciation of equipment and other objects destined for the protection and restoration of the environment.

2. Legislative acts may establish other types of economic incentives in the field of environmental protection.

Article 44. Economic Evaluation of Ecosystem Services

1. The objects of economic evaluation of ecosystem services shall be natural ecological systems and ecosystem services provided by them that ensure obtaining of benefits by society in environmental, economic and social spheres.

2. The procedure and terms of the economic evaluation of ecosystem services shall be established by the Council of Ministers of the Republic of Belarus.

Article 45. Nature Management Payments

1. General nature management shall be free; special nature management shall be fee-based unless otherwise established by legislative acts.

2. Payments for special nature management shall be collected in accordance with legislative acts in the form of taxes, dues (duties), other obligatory payments and a rental charge.

3. The amount of a rental fee for the use of natural resources; the procedure, conditions and terms of its payment shall be established in a lease agreement in accordance with legislation on environmental protection and the rational use of natural resources and civil legislation.

The Council of Ministers of the Republic of Belarus may, in accordance with legislative acts, establish minimum rental fees for the use of certain natural resources.

4. Making payments for special nature management shall not release the user of natural resources from implementing measures for protecting the environment and compensation for harm caused to the environment as a result of the illegal use (withdrawal, extraction) of natural resources, any other harmful effect on the environment.

Article 46. Environmental Insurance

1. “Environmental insurance” means the civil liability insurance of legal entities and individual entrepreneurs to protect the property interests of legal entities and individuals, including individual entrepreneurs, as well as the Republic of Belarus and its administrative and territorial units in the case of environmental harm.

2. Environmental insurance shall be carried out in accordance with insurance legislation.

Article 47. “Green” Economy

1. The development of a “green” economy in the Republic of Belarus shall be ensured through:

the implementation of measures for the transition to a circular economy (an economic organizational model focused on a closed material cycle of resource provision, the reduced consumption of all types of raw and fuel and energy resources and the maximal use of wastes);

introduction of innovations aimed at increasing the efficient use of existing natural resources; reducing the level of a negative impact on the environment; increasing energy efficiency, energy saving; mitigating the effects of climate change and adapting to climate change;

expanding the scope of “green” financing (applying the forms and tools of financing used for the development of a “green” economy); “green” procurement (ensuring that environmental requirements are taken into account when placing orders for the supply of goods, performance of works, and the provision of services for public needs);

taking into account economic evaluation results on ecosystem services when making decisions on environmental protection and the rational (sustainable) use of natural resources by state bodies, other legal entities, and their officials;

organizing the production and circulation of organic products;

promoting ecological tourism and agroecotourism;

increasing the number of electric transport and improving urban infrastructure;

implementing measures for mitigating the effects of climate change and adapting to climate change, including through greenhouse gas emissions trading;

conservation and sustainable use of biological and landscape diversity;

scientific support for the transition to a “green” economy;

implementing other measures aimed at the development of a “green” economy.

2. The implementation of measures specified in paragraph 1 of this Article shall be carried out by state bodies and other legal entities in accordance with the National Action Plan for the Development of a “Green” Economy in the Republic of Belarus approved by the Council of Ministers of the Republic of Belarus.

3. The implementation of the National Action Plan for the Development of a “Green” Economy in the Republic of Belarus shall be coordinated by the Ministry of Natural Resources and Environmental Protection.

CHAPTER 10 ENVIRONMENTAL MONITORING

Article 48. National Environmental Monitoring System of the Republic of Belarus

1. In order to ensure the interaction of monitoring systems for the environmental state; assess and forecast changes in the environmental state under the influence of natural and anthropogenic factors; obtain and provide complete, reliable and timely environmental information, the National Environmental Monitoring System shall operate in the Republic of Belarus.

2. A procedure for maintaining the National Environmental Monitoring System in the Republic of Belarus shall be established by the Council of Ministers of the Republic of Belarus.

3. The coordination of the maintenance of the National Environmental Monitoring System in the Republic of Belarus shall be exercised by the Ministry of Natural Resources and Environmental Protection.

Article 49. Environmental Monitoring

1. Environmental monitoring shall be carried out for the purposes of observing the environmental state (including the environmental state in the areas where the sources of harmful effects are located and the impacts of these sources on the environment); providing complete, reliable, and timely information to:

state bodies for their management and control in the field of environmental protection, the rational (sustainable) use of natural resources;

other legal entities, individuals, including individual entrepreneurs.

2. Environmental monitoring shall be carried out by the Ministry of Natural Resources and Environmental Protection, the Ministry of Forestry, the State Property Committee, other Republican Bodies of the State Administration, the National Academy of Sciences of Belarus and the users of natural resources.

Environmental monitoring shall be performed by the Ministry of Forestry, the State Property Committee, other Republican Bodies of the State Administration, the National Academy of Sciences of Belarus in agreement with the Ministry of Natural Resources and Environmental Protection.

3. The Republican Bodies of the State Administration and other users of natural resources shall, in accordance with the procedure established by legislation on environmental protection and the rational use of natural resources, transfer to the Ministry of Natural Resources and Environmental Protection, its territorial bodies and/or subordinate organizations authorized by the Ministry of Natural Resources and Environmental Protection observation materials on the environmental state on a gratuitous basis.

4. The Republican bodies of the State Administration, local executive and administrative bodies, other legal entities and individual entrepreneurs must, when elaborating the forecasts of socio-economic development and making corresponding decisions; developing programs and activities for the rational (sustainable) use of natural resources and environmental protection; placing the objects of economic and other activities, take into account environmental monitoring data, as well as use them to inform legal entities and individuals, including individual entrepreneurs, about the state of the environment and measures to protect it.

5. The procedure for conducting and using environmental monitoring data shall be established by the Council of Ministers of the Republic of Belarus.

CHAPTER 11 INVENTORYING IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 50. Inventorying of Utilized Natural Resources and a Harmful Impact on the Environment

1. Legal entities and individual entrepreneurs shall be obliged, during the implementation of economic and other activities, to inventory withdrawn (extracted) natural resources, emissions of pollutants into the atmosphere, discharges of wastewaters into the environment, wastes (except for the cases provided for by legislation on waste management), as well as inventory other types of harmful effects on the environment in the manner prescribed by the Ministry of Natural Resources and Environmental Protection.

2. Inventorying greenhouse gas emissions from sources and their absorption by sinks shall be carried out in accordance with Article 78 of this Law.

3. Data on withdrawn (extracted) natural resources, emissions of pollutants into the atmosphere, discharges of wastewaters into the environment, waste, as well as other types of harmful effects on the environment shall be subject to registration in the ecological passport of an enterprise in the manner established by the Ministry of Natural Resources and environmental protection.

Article 51. State Cadastres of Natural Resources and Environmental Impacts

1. The following State Cadastres of Natural Resources and Environmental Impacts shall be maintained in the Republic of Belarus:

State Land Cadastre (in terms of the land resources' register of the Republic of Belarus);

State Forest Cadastre;

State Bowels Cadastre;

State Water Cadastre;

State Plant Kingdom Cadastre;

State Animal Kingdom Cadastre;

State Atmospheric Air Cadastre;

State Cadastre of Anthropogenic Emissions from Sources and the Absorption of Greenhouse Gases by Sinks;

State Cadastre of Renewable Energy Sources;

State Climate Cadastre;

State Waste Cadastre.

2. The State Cadastres of Natural Resources and Environmental Impacts and/or their constituent parts (registers, logs) shall be maintained to systematize inventory data on quantitative and/or qualitative characteristics of natural resources, their economic evaluation and use, as well as environmental impacts.

3. Legislative acts may provide for the maintenance of other State Cadastres in the field of environmental protection and the rational (sustainable) use of natural resources, their components (registers, logs).

4. Maintaining the State Cadastres of Natural Resources and Environmental Impacts specified in paragraphs four to twelve of paragraph 1 of this Article shall be carried out by the Ministry of Natural Resources and Environmental Protection. Maintenance of other State Cadastres of Natural Resources and Environmental Impacts shall be carried out by specially authorized Republican Bodies of the State Administration within the scope of their competence.

5. Coordination of the maintenance of the State Cadastres of Natural Resources and Environmental Impacts specified in paragraph 1 of this Article shall be carried out by the Ministry of Natural Resources and Environmental Protection.

CHAPTER 12

EDUCATION, AWARENESS RAISING AND SCIENTIFIC STUDIES IN THE FIELD OF ENVIRONMENTAL PROTECTION AND NATURE MANAGEMENT

Article 52. Education in the Field of Environmental Protection and Nature Management

1. Education in the field of environmental protection and nature management shall be provided by including basic knowledge in the field of environmental protection and nature management in the content of the educational program of preschool education; educational programs of general secondary, professional-technical, secondary special, special education and educational programs of additional education for children and youth, additional education for adults.

2. Training of specialists with scientifically oriented higher education in the field of environmental protection and nature management shall be carried out in accordance with

legislation on education.

Article 53. Requirements for Employees, Specialists, and Heads Whose Activities are Related to the Utilization of Genetic Resources and an Environmental Impact

1. Employees whose activities are related to the use of natural resources and an impact on the environment are required to have knowledge in the field of environmental protection and nature management and improve it regularly. When appointing officials and specialists, during their certification and recertification, their knowledge in the field of environmental protection and nature management must be taken into account.

2. Specialists in environmental protection, other employees who have been vested with responsibilities on environmental protection and carrying out production observations in the field of environmental protection, rational (sustainable) use of natural resources, as well as managers of the environmental protection service, shall undergo advanced training in accordance with the procedure established by legislation on education.

3. The Ministry of Natural Resources and Environmental Protection shall provide advanced training to persons referred to in paragraph 2 of this Article.

Article 54. Awareness Raising in the Field of Environmental Protection and Nature Management

1. In order to build an ecological culture, foster a caring attitude to natural resources, awareness raising in the field of environmental protection and nature management shall be carried out through the dissemination of environmental information, including information on environmental safety.

2. Awareness raising in the field of environmental protection and nature management shall be implemented by the Ministry of Natural Resources and Environmental Protection and its territorial bodies, other Republican Bodies of the State Administration, local Councils of Deputies, local executive and regulatory bodies, as well as non-governmental organizations, the bodies of territorial public self-government, other legal entities, and the mass media of the Republic of Belarus.

Article 55. Scientific Study in the Field of Environmental Protection and Nature Management

1. Scientific study in the field of environmental protection and nature management shall be carried out for the purposes as follows:

improvement of legislation on environmental protection and the rational use of natural resources;

development of strategies, schemes, concepts, scientific forecasts, programs and activities for the rational (sustainable) use of natural resources and environmental protection;

development of programs for the rehabilitation of environmental risk areas, environmental crisis zones, environmental disaster zones improving methods and techniques for restoring environmentally unfavorable territories;

development of technologies in the field of environmental protection and the rational (sustainable) use of natural resources;

development of requirements in the field of environmental protection;
other purposes in the field of environmental protection.

2. Scientific research in the field of environmental protection and nature management shall be carried out in the manner established by legislation on scientific activity.

CHAPTER 13 REQUIREMENTS IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 56. General Requirements in the Field of Environmental Protection When Exercising Economic and Other Activities

1. Economic and other activities that are associated with the use of natural resources and/or have or may have an impact on the environment shall be carried out in accordance with the requirements in the field of environmental protection.

2. When planning and/or carrying out the activities specified in paragraph 1 of this Article, legal entities and individual entrepreneurs shall be obliged to ensure the development and implementation of measures for environmental protection, the rational (sustainable) use of natural resources; the application of the best available technical methods and low-waste (non-waste), energy- and resource-saving technologies; ensuring environmental safety; preventing harmful effects on the environment; and eliminating the consequences of such activities.

Article 57. Requirements in the Field of Environmental Protection During the Development of Pre-Project (Pre-Investment), Project and/or Other Documentation for the Objects of Economic and Other Activities

1. When developing pre-project (pre-investment), project documentation for the objects of economic and other activities, an environmental impact assessment shall be carried out in cases provided for by legislation in the field of state environmental expertise, a strategic environmental assessment and an environmental impact assessment.

2. When developing design and/or other documentation for the objects of economic and other activities, standards for a permissible environmental impact must be provided; measures for environmental protection, the rational (sustainable) use of natural resources must be stipulated; the best available technical methods and low-waste (non-waste), energy and resource-saving technologies that contribute to the restoration of the natural environment, to ensuring environmental safety, and preventing harmful effects on the environment must be applied.

3. Pre-project (pre-investment), design and/or other documentation shall be subject to approval after receiving a positive conclusion of state environmental expertise in cases where an obligation to have such a conclusion is provided for by legislation in the field of state environmental expertise, a strategic environmental assessment and an environmental impact assessment.

4. The implementation of design and/or other solutions of planned economic and other activities, subject to state environmental expertise, without a positive conclusion of state environmental expertise on pre-project (pre-investment), design and/or other documentation, including with introduced amendments and/or additions where an obligation to have such a conclusion is provided for by legislation in the field of state environmental expertise, a strategic environmental assessment and an environmental impact assessment, as well as non-compliance with the terms of a conclusion of state environmental expertise shall be prohibited.

Article 58. Requirements in the Field of Environmental Protection During the Construction, Reconstruction, Modernization, Technical Modernization, Repair and Restoration Works, Capital Repairs, Demolition of Objects of Economic and Other Activities

Erection, reconstruction, modernization, technical modernization, repair and restoration works, capital repairs, demolition of objects of economic and other activities must be carried out in accordance with legislation on architectural, urban planning and construction activities in compliance with the requirements of Article 56 of this Law, as well as technical normative legal acts mandatory for compliance in the field of environmental protection.

Article 59. Requirements in the Field of Environmental Protection During the Acceptance of Objects of Economic and Other Activities into Service

1. The acceptance of objects of economic and other activities into service, subject to acceptance into service in accordance with legislation on architectural, urban planning and construction activity, shall be carried out in the case of the full implementation of environmental protection measures stipulated by approved project documentation, including the provision of technical means and facilities for the treatment, neutralization of atmospheric pollutant emissions; discharges of wastewaters into the environment, including automatic ones; means of inventory and control; as well as a set of measures for waste management, restoration of natural environment, land reclamation, environmental rehabilitation of polluted territories, gardening, and landscaping; compensatory and other measures ensuring environmental safety.

2. The acceptance of objects of economic and other activities into service, subject to acceptance into service in accordance with legislation on architectural, urban planning and construction activity, shall be allowed only in the case of established compliance of the construction object, subject to acceptance into service, with authorization and design documentation (in terms of environmental safety).

3. Heads and members of commissions for the acceptance of objects of economic and other activities into service, subject to acceptance into service in accordance with legislation on architectural, urban planning and construction activity, shall hold responsibility for the acceptance into service of the objects of economic and any other activity that fail to meet the requirements in the field of environmental protection.

Article 60. Requirements in the Field of Environmental Protection During the Operation, Decommissioning, Conservation of the Unfinished Facility of Economic and Other Activities, the Liquidation of a Legal Entity or the Termination of an Individual Entrepreneur

1. The operation of facilities of economic and other activities shall be carried out in accordance with requirements in the field of environmental protection, as well as measures shall be implemented for the preservation and restoration of natural environment, the rational (sustainable) use of natural resources, ensuring environmental safety, preventing harmful effects on the environment, land reclamation, the ecological rehabilitation of polluted territories, and landscaping.

2. The operation of facilities of economic and other activities shall be carried out, provided that permissible environmental impact standards are complied with, taking into account the application of best available technical methods; low-waste (waste-free), energy and resource-saving technologies.

3. During the operation of facilities of economic and other activities, legal entities and individual entrepreneurs shall be obliged to maintain environmental passports of enterprises in

accordance with the procedure prescribed by the Ministry of Natural Resources and Environmental Protection.

An environmental passport of an enterprise shall include data on the use of natural and secondary material resources by a legal entity or an individual entrepreneur involved in economic and other activities and the determination of an impact of this activity on the environment.

4. Legal entities and individual entrepreneurs shall implement activities related to the operation of facilities that have a complex impact on the environment in accordance with the requirements of Article 30 of this Law.

5. During the decommissioning, the conservation of unfinished construction facilities of economic and other activities, environmental protection measures must be developed and implemented, including, if necessary, measures for the restoration of the natural environment, land reclamation, environmental rehabilitation of contaminated areas in accordance with legislation on environmental protection and the rational use of natural resources.

6. In the event of the liquidation of a legal entity or the termination of an individual entrepreneur involved in the activities related to an environmental impact prior to their exclusion from the Unified State Register of Legal Entities and Individual Entrepreneurs, on a mandatory basis, an environmental audit and the estimation of harm caused to the environment as a result of the activity of such a legal entity or an individual entrepreneur shall be carried out; measures shall be implemented to compensate for harm caused to the environment; as well as measures to restore the environment shall be developed and implemented in accordance with legislation on environmental protection and the rational use of natural resources, including measures for liquidating environmental impact sources.

Article 61. Requirements in the Field of Environmental Protection During the Placement, Design, Erection, Reconstruction, Putting (Accepting) into Operation, Operation and Decommissioning of Energy and Nuclear Facilities

1. When placing, designing, erecting, reconstructing, accepting into operation and operating energy and heat power facilities, requirements of Articles 56-60 of this Law must be observed, including equipping such objects with treatment facilities for pollutant emissions into the atmospheric air, discharges of wastewaters into the environment ensuring compliance with the requirements in the field of environmental protection, the safe disposal of production wastes must be provided; and measures for reducing the formation and emissions of gases into the environment must be implemented, including those that affect the climate and compliance with the temperature regime for surface water bodies.

2. When placing, designing, erecting, reconstructing, accepting into operation and operating hydroelectric facilities, the requirements of Articles 56-60 of this Law must be observed; terrain features must be taken into account; measures for the conservation of surface water bodies and their watersheds, aquatic biological resources, lands (including soils), forests, swamps, settlements, natural ecological systems, biological and landscape diversity must be stipulated; the functioning of specially protected natural areas, natural areas subject to special protection and biosphere reserves must be provided; as well as measures for the timely harvesting and haulage of timber; the removal, conservation and use of the fertile soil layer when clearing and flooding the bed of reservoirs and other measures required to prevent negative changes to the natural environment, to preserve the hydrological regime that ensures the maintenance of surface water bodies in proper condition for the purposes of creating favorable conditions for the reproduction of aquatic biological resources must be implemented.

3. When placing, designing, erecting, reconstructing, putting (accepting) into operation and

operating nuclear facilities, the requirements of Articles 56-60 of this Law, paragraphs 4 and 5 of this Article, as well as legislation on nuclear and radiation safety must be complied with in accordance with generally accepted principles and norms of international law.

4. The placement of nuclear facilities shall be carried out upon availability, according to the pre-project (pre-investment), project documentation, of positive conclusions of state ecological expertise in accordance with legislation in the field of state ecological expertise, a strategic environmental assessment and an environmental impact assessment.

5. Pre-project (pre-investment) design documentation for nuclear facilities must contain solutions ensuring their safe decommissioning and safe radioactive waste management.

Article 62. Requirements in the Field of Environmental Protection During the Placement, Design, Erection, Reconstruction, Repair, Acceptance into Operation, Operation, Demolition, Conservation and Liquidation of Military and Defense Facilities, Weapons and Military Equipment

Requirements in the field of environmental protection during the placement, design, erection, reconstruction, repair, acceptance into operation, operation, demolition, conservation and liquidation of buildings, facilities and other objects shall fully apply to military and defense facilities, weapons and military equipment unless otherwise established by legislative acts.

Article 63. Requirements in the Field of Environmental Protection During the Operation of Agricultural Facilities

Legal entities and individuals, including individual entrepreneurs carrying out the operation of agricultural facilities, including the production, procurement and processing of agricultural products, the maintenance and repair of agricultural machinery, the storage of fuel and lubricants, organic and mineral fertilizers, plant protection agents shall be obliged to implement measures for the protection of lands (including soils), bowels, waters, atmospheric air, forests, swamps, Plant and Animal Kingdom objects, as well as observe a regime for the protection and use of specially protected natural areas, natural areas subject to special protection, and biosphere reserves.

Article 64. Requirements in the Field of Environmental Protection During Land Reclamation, Placement, Design, Erection, Reconstruction, Putting (Accepting) into Operation, Repair and Operation of Reclamation Systems and Separately Located Hydraulic Facilities

1. The reclamation of lands regardless of their intended use, as well as the placement, design, erection, reconstruction, putting (accepting) into operation, repair and operation of reclamation systems and separately located hydraulic facilities must be carried out without deteriorating the environmental state and disrupting the sustainable functioning of natural ecological systems.

2. When carrying out the activities specified in paragraph 1 of this Article, measures for protecting the environment, including for ensuring the water management balance and the rational (sustainable) use of waters; the protection of lands (including soils), forests and swamps; the conservation of biological and landscape diversity; compliance with the regime for the protection and use of specially protected natural areas, natural areas subject to special protection, and biosphere reserves, as well as the prevention of other harmful effects on the environment during land reclamation activities.

Article 65. Requirements in the Field of Environmental Protection During the Urban (Territorial) Planning of Territories

1. The urban (territorial) planning of territories shall be carried out in accordance with the requirements in the field of environmental protection ensuring a favorable environment, environmental safety, the prevention of harmful effects on the environment, taking into account immediate and long-term environmental, economic, demographic and other implications; adherence to the priority of the conservation of natural ecological systems, biological and landscape diversity.

2. During the urban (territorial) planning of territories, measures for landscaping and other handling of Plant Kingdom objects, including in terms of providing the population with green areas for common use, must be stipulated.

3. During the urban (territorial) planning of territories, the green zones of cities surrounding them, including both forest fund lands and the lands of other categories, must be stipulated.

Article 66. Requirements in the Field of Environmental Protection During the Placement, Design, Erection, Reconstruction, Acceptance into Operation, Operation, Repair and Liquidation of Facilities for the Extraction, Refining, Transportation, Storage and Realization of Oil and Gas and Their Refinery Products

1. The placement, design, erection, reconstruction, acceptance into operation, operation, repair and liquidation of facilities for the extraction, refining, transportation, storage and sale of oil, gas and their refinery must be carried out in accordance with the requirements in the field of environmental protection in compliance with a regime for the protection and use of specially protected natural areas, natural areas subject to special protection, and biosphere reserves, as well as measures for organizing production waste management, the collection of oil (associated) gas and associated waters, land reclamation and reducing a harmful impact on the environment must be stipulated.

2. The erection, reconstruction and operation of facilities for the extraction, refining, transportation, storage and realization of oil, gas and their refinery products (including those located in surface water bodies) shall be allowed upon availability of design solutions for the environmental rehabilitation of contaminated areas in the project documentation approved.

Article 67. Requirements in the Field of Environmental Protection During the Use of Chemical Substances

1. Legal entities and individuals, including individual entrepreneurs, shall be obliged to comply with the requirements for the use in the environment, the transportation and storage of chemical plant protection products and other chemicals established by legislation on environmental protection and the rational use of natural resources, on plant protection, on the sanitary and epidemiological well-being of the population.

2. Neutralization of chemicals generated in the course of economic and other activities and not having an intended purpose at the place of their formation or those that have lost their consumer properties in full or in part shall be carried out in accordance with legislation on waste management.

Article 68. Requirements in the Field of Environmental Protection for Waste Management, the Facilities Associated with Waste Management, As Well As Mobile Units for the Use and/or Disposal of Wastes

1. Legal entities and individuals, including individual entrepreneurs, whose economic and other activities are related to waste management, shall be obliged to comply with the requirements

in the field of environmental protection, including waste management legislation, as well as technical normative legal acts that are mandatory for compliance.

2. A mobile unit for the use and/or neutralization of wastes should be understood as a unit (equipment) of a complete factory supply destined for the use and/or neutralization of wastes and stipulating the autonomy of operation and the possibility of movement.

The acceptance of waste from other legal entities and individuals, including individual entrepreneurs, for their use and/or neutralization at mobile units for the use and/or neutralization of waste shall be prohibited unless the requirements of paragraph 3 of this Article are met.

3. When developing pre-project (pre-investment), project documentation for the facilities for the storage, use, neutralization and disposal of waste, as well as other facilities where, in accordance with this Law, the operation of mobile units for the use and/or neutralization of waste is allowed, the requirements of Articles 56-60 of this Law, as well as mandatory technical normative legal acts in the field of environmental protection must be observed.

When developing pre-project (pre-investment), project documentation for the facilities for the use and/or neutralization of waste, as well as for other facilities where, in accordance with this Law, the operation of mobile units for the use and/or neutralization of waste is allowed, design solutions on the arrangement of sites (warehouses) for the storage of wastes and products, engineering and transport communications and other facilities aimed at preventing environmental pollution and ensuring permissible environmental impact standards must be stipulated.

When developing documentation for mobile units for the use and/or neutralization of wastes, environmental protection measures must be stipulated.

Consultant Plus: comment.

A provision on the procedure for registering commissioned waste management facilities and the procedure for inventorying commissioned waste storage, burial and disposal facilities was approved by the Resolution of the Council of Ministers of the Republic of Belarus of November 28, 2019, No. 818.

4. The operation of mobile units for waste neutralization shall be allowed only at waste disposal facilities included in the register of such facilities in the manner established by the Council of Ministers of the Republic of Belarus.

5. The operation of mobile units for the use of waste shall be carried out at waste disposal facilities included in the register of such facilities in the manner established by the Council of Ministers of the Republic of Belarus, except for the cases provided for in part two of this paragraph.

The operation of mobile units for the use of waste may be carried out outside the territory of the waste disposal facility:

at operational municipal solid waste landfills, except for the use of waste for energy generating purposes;

at construction sites in places determined by the project documentation;

to eliminate the consequences of emergency situations;

for the use of wood waste during logging, removal of trees, shrubs outside settlements.

6. The operation of facilities for the storage, use, neutralization, burial of waste, as well as mobile units for the use and/or neutralization of waste without a positive conclusion of state environmental expertise on project and/or other documentation shall not be allowed.

Article 69. Requirements in the Field of Environmental Protection in the Case of Ionizing Radiation Sources Use

1. Legal entities and individual entrepreneurs performing works related to the manufacture (production), realization, operation, storage, transportation, processing and burial of ionizing radiation sources and/or providing services to the users of ionizing radiation sources that may affect radiation safety shall be obliged to carry out measures for environmental protection and environmental safety.

2. Import into the Republic of Belarus and/or export from the Republic of Belarus of ionizing radiation sources shall be carried out in accordance with legislation on nuclear and radiation safety, on foreign economic activity, on customs regulation, the international treaties of the Republic of Belarus and international legal acts constituting the Law of the Eurasian Economic Union.

3. Radioactive waste management shall be carried out in accordance with legislation on nuclear and radiation safety.

4. When placing, designing, erecting, reconstructing, accepting into operation and operating radioactive waste facilities, the requirements of Articles 56-60 of this Law must be observed.

Article 70. Requirements in the Field of Environmental Protection for the Activity that Causes or May Cause a Harmful Biological Impact on the Environment

1. The introduction, acclimatization, growing, breeding and use of plants, animals, microorganisms that are not common to natural ecological systems, as well as those developed artificially, without the development of measures for preventing their harmful effects on natural ecological systems, without obtaining positive conclusions from corresponding expertise and/or permits in cases provided for by legislative acts shall not be allowed.

2. When placing, designing, reconstructing, accepting into operation, operating and liquidating facilities using technologies associated with the harmful effects of microorganisms on the environment, the requirements in the field of environmental protection must be observed.

3. Legal entities and individual entrepreneurs involved in the activities associated with possible harmful effects of microorganisms on the environment during the production, transportation, use, storage, placement and neutralization of microorganisms shall be obliged to carry out activities for preventing and eliminating the consequences of the harmful effects of microorganisms on the environment.

Article 71. Requirements in the Field of Environmental Protection for the Sources Producing a Physical Effect

1. Legal entities and individuals, including individual entrepreneurs, whose activities are related to the use of sources that produce a physical effect, as well as local executive and administrative bodies shall be obliged to adopt corresponding measures for preventing and eliminating the harmful effects of noise, vibration, electrical, electromagnetic, magnetic fields and any other harmful physical effect on the environment, including in settlements, industrial, public and residential premises, recreation areas and other public places, habitats of wild animals and their breeding grounds, on natural ecological systems and typical and rare natural landscapes and biotopes.

2. For the purposes specified in paragraph 1 of this Article, the following must be carried out:
introduction of low-noise technological processes;

improving the design of automobile, railway, air, sea and river vehicles; agricultural, road and construction equipment; other mobile vehicles and installations equipped with internal combustion engines and their operation methods, as well as the quality of maintenance of railway and tram tracks, roads and a street and road network.

3. Placement and operation of equipment, buildings, facilities and other objects of economic and other activities that have sources producing a physical effect that exceeds the standards for permissible physical effects shall not be allowed.

Article 72. Requirements in the Field of Environmental Protection During the Establishment of Protection (Buffer) Zones

1. In order to ensure the sustainable functioning of natural ecological systems, protect natural complexes, natural landscapes, biotopes and specially protected natural areas from pollution and another harmful effect of economic and other activities, protection (buffer) zones may be established.

2. The procedure for establishing protection (buffer) zones, their legal regime shall be determined by legislation on the protection and use of waters, on specially protected natural areas, on the protection and use of peatlands.

Article 73. Requirements in the Field of Environmental Protection During the Privatization of Enterprises as Asset Complexes of State Unitary Enterprises

1. When privatizing enterprises that produce a harmful effect on the environment as property complexes of state unitary enterprises, measures for environmental protection and the rational (sustainable) use of natural resources and compensation for harm caused to the environment shall be provided.

2. When privatizing enterprises as property complexes of state unitary enterprises, installations and equipment intended for environmental protection shall be recognized an indivisible whole with the object of privatization.

Article 74. Requirements in the Field of Environmental Protection When Holding Sporting, Mass Sporting, Cultural and Entertainment, and Other Mass Events; Making Tourist Trips

1. Holding of sporting, mass sporting, cultural and entertainment, other mass events; making tourist trips, including using mechanical and other vehicles, self-propelled vehicles in places not specially designated for these purposes, located in natural ecological systems (forest, meadow, marsh, water etc.) shall not be allowed if as a result of their implementation (accomplishment), a harmful impact on natural complexes and objects will be produced or there is a threat of such an impact.

2. Provision of Forest Fund plots for forest management for the purposes of holding cultural and recreational, tourist, other recreational and/or mass sporting, health and fitness and sporting events shall be implemented in accordance with legislation on the use, safeguarding, protection and reproduction of forests. In this case, the prevention of a harmful effect on natural complexes and objects shall be ensured by compliance with the lease agreement terms of the Forest Fund.

CHAPTER 14
OZONE LAYER PROTECTION. CLIMATE IMPACT REGULATION.
ACCOUNTING OF GREENHOUSE GAS EMISSIONS FROM SOURCES AND THEIR
ABSORPTION BY SINKS

Article 75. Ozone Layer Protection

1. For the purposes of protecting the life and health of individuals, the environment from adverse effects caused by the destruction of the ozone layer as a result of exposure to ozone-depleting substances, the protection of the ozone layer shall be implemented.

2. The ozone layer protection shall be ensured by:

development and implementation of state and other programs for the ozone layer protection;

reduced consumption of ozone-depleting substances and a reduction (a cessation of) in their use in accordance with the international treaties of the Republic of Belarus;

imposing restrictions and prohibitions in handling of ozone-depleting substances, prohibiting the production of ozone-depleting substances;

establishing requirements in the field of the ozone layer protection in the course of economic and any other activity, including the introduction of technologies that involve the use of substances producing a minimal climate impact;

economic incentives in the field of the ozone layer protection;

monitoring the ozone layer;

exercising control over the ozone layer protection;

implementing liability measures for a violation of legislation on the ozone layer protection;

adopting other measures in accordance with legislation on the ozone layer protection.

Article 76. Obligations of Legal Entities and Individual Entrepreneurs Involved in Economic and Other Activities Related to Greenhouse Gas Emissions into Atmospheric Air

Legal entities and individual entrepreneurs involved in economic and other activities related to the emissions of greenhouse gases into atmospheric air shall be obliged to reduce the volume of emissions of those gases and/or substances causing their formation, the accumulation of which in the atmosphere may lead to climate change, by introducing the best available technical methods.

Article 77. Environmental Impact Regulation

1. For the purposes of preventing climate change and protecting the life and health of individuals, the environment from climate change implications, the climate impact shall be regulated.

2. When carrying out economic and other activities, measures for preventing climate change must be implemented to achieve balance between greenhouse gas emissions from sources and their absorption by sinks, as well as measures for adapting to climate change based on the principle of economic incentives for the rational (sustainable) use of natural resources.

3. Measures for preventing climate change, including a reduction in greenhouse gas emissions; measures for adapting to climate change must be carried out in compliance with

legislation on environmental protection and the rational use of natural resources.

4. A reduction in greenhouse gas emissions from sources shall be ensured by limiting them for the purpose of the state regulation of an impact of economic and other activities on climate, taking into account the obligations of the Republic of Belarus under international treaties establishing quantitative commitments to reducing greenhouse gas emissions.

5. The procedure and conditions for limiting greenhouse gas emissions from sources and/or the use of substances causing their formation shall be established by the Council of Ministers of the Republic of Belarus.

Article 78. Accounting of Greenhouse Gas Emissions from Sources and Their Absorption by Sinks

1. Accounting of greenhouse gas emissions from sources and their absorption by sinks shall be carried out for the purposes of the state regulation of activities related to greenhouse gas emissions from sources and their absorption by sinks; planning of measures for reducing the harmful effects of economic and other activities on climate; adapting to its changes in the short, medium and long term.

2. Accounting of greenhouse gas emissions from sources and their removals by sinks shall fall into state and production.

3. The state accounting of greenhouse gas emissions from sources and their absorption by sinks shall include the operation of the National Greenhouse Gas Inventorying System and the maintenance of the State Cadastre of Anthropogenic Emissions from sources and the absorption by greenhouse gas sinks.

4. The state accounting of greenhouse gas emissions from sources and their absorption by sinks shall be maintained by the Ministry of Natural Resources and Environmental Protection.

5. The production accounting of greenhouse gas emissions from sources and their absorption by sinks shall be carried out by legal entities and individual entrepreneurs.

6. The procedure for maintaining state and production accounting of greenhouse gas emissions from sources and their absorption by sinks shall be established by the Council of Ministers of the Republic of Belarus.

CHAPTER 15 NATURAL COMPLEXES AND OBJECTS SUBJECT TO EXCLUSIVE OR SPECIAL PROTECTION. NATIONAL ECOLOGICAL NETWORK. BIOSPHERE RESERVES

Consultant Plus: comment.

Information on specially protected natural areas shall be placed on the official website of the Ministry of Natural Resources and Environmental Protection at <http://www.minpriroda.gov.by/ru/>.

Article 79. Specially Protected Natural Areas

1. Valuable natural complexes and objects shall be subject to special protection. For the protection of valuable natural complexes and objects, specially protected natural areas shall be declared.

2. Declaring, transforming and terminating specially protected natural areas shall be carried

out in accordance with legislation on specially protected natural areas.

Article 80. Natural Areas Subject to Special Protection

1. For the purposes of preserving beneficial properties of the environment in the Republic of Belarus, the following natural territories subject to special protection shall be delineated:

Health-resort zones, resorts;

recreation areas;

parks, squares and boulevards;

water protection zones and coastal strips;

sanitary protection zones of drinking water supply sources for the centralized systems of drinking water supply;

recreational and protective forests;

typical and rare natural landscapes and biotopes;

natural swamps and their hydrological buffer zones;

habitats of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus;

natural areas important for the reproduction, fattening, wintering and/or migration of wild animals;

protective zones of specially protected natural areas;

other territories for which a special protection and use regime is established.

2. In natural areas subject to special protection, restrictions and prohibitions may be established on the implementation of certain types of economic and other activities specified in the documentation certifying the rights to the use of a land lot, a Forest Fund plot, a water body (its part), a subsoil plot, hunting and/or fishing grounds. Such restrictions and prohibitions shall be taken into consideration during the development and implementation of the following:

land management projects and schemes;

urban planning projects;

sectoral schemes for the placement and development of production and transport and engineering infrastructure objects;

land reclamation projects;

projects on water protection zones and coastal strips;

the republican list of fishing grounds suitable for fishery management, and the republican list of ponds and flooded quarries suitable for fish farming;

biological and economic substantiations for fishery management;

fish breeding and biological substantiations for fishery management;

forest management projects;

game management projects;
biological and economic substantiations for hunting grounds;
pre-project (pre-investment) documentation;
project documentation.

3. A legal regime for the special protection of territories specified in paragraph 1 of this Article shall be established by this Law; legislation in the field of architectural, urban planning and construction activities; in the field of drinking water supply; on the protection and use of the Plant Kingdom; on the protection and use of waters; on the use, safeguarding, protection and reproduction of forests; on the protection and use of peatlands; on the protection and use of wildlife; on specially protected natural areas and other legislative acts.

Article 81. National Ecological Network

1. The formation and functioning of the National Ecological Network shall be implemented taking into account watersheds, requirements for the formation and functioning of Ecological Networks established by the international treaties of the Republic of Belarus and in accordance with the National Ecological Network scheme.

2. Requirements for the content of the National Ecological Network's scheme and criteria for selecting territories for including in the National Ecological Network shall be established by the Council of Ministers of the Republic of Belarus.

3. The draft scheme of the National Ecological Network shall be developed by the Ministry of Natural Resources and Environmental Protection jointly with the National Academy of Sciences of Belarus, Regional Executive Committees, other state bodies concerned and other legal entities.

4. The National Ecological Network's scheme shall be approved by the President of the Republic of Belarus.

5. The approved scheme of the National Ecological Network shall be taken into consideration during the development and implementation of a scheme for the rational allocation of the specially protected natural areas of republican significance, regional schemes for the rational allocation of the specially protected natural areas of local importance, land management projects and schemes, urban planning projects, sectoral schemes for the placement and development of production and transport and engineering infrastructure facilities, land reclamation projects, projects for water protection zones and coastal strips, a republican list of fishing grounds suitable for fishing, forest management projects and game management projects.

Article 82. National Ecological Network Elements

1. The National Ecological Network shall include core zones, ecological corridors and protective zones.

2. Core zones shall include individual specially protected natural areas (their parts) and/or natural areas subject to special protection (their parts) ensuring the preservation of natural ecological systems, biological and landscape diversity.

3. Ecological corridors shall include individual natural areas subject to special protection (their parts) not included in core zones, providing a link between the core zones. Ecological corridors may also include separate specially protected natural areas (their parts), provided they are important for the settlement and/or migration of wild animals.

4. Protection zones shall include individual natural areas subject to special protection not included in core zones and ecological corridors, ensuring the prevention or mitigation of harmful impacts on natural complexes and objects located in core zones and ecological corridors.

5. A protection and usage regime shall be in force in the specially protected natural areas subject to special protection included in the National Ecological Network, established for such areas when declaring (delineating) or transforming them.

Article 83. Biosphere Reserves

1. The announcement of a biosphere reserve shall be carried out by decision of the Regional Executive Committee whose region's territories are planned to be included in the composition of the biosphere reserve based on the proposal of the Ministry of Natural Resources and Environmental Protection harmonized with the National Academy of Sciences of Belarus, the state bodies concerned, other state organizations. In the case where it is planned to include the territories of two or more regions in the composition of the biosphere reserve, the announcement of the biosphere reserve shall be carried out by a joint decision of corresponding Regional Executive Committees. The decision (joint decision) on the announcement of the biosphere reserve shall also establish the boundaries, area and composition of biosphere reserve lands, its zones and a provision on the biosphere reserve.

2. A provision on the biosphere reserve shall determine a regime for the protection and use of the biosphere reserve. In the specially protected natural areas and the natural areas subject to special protection included in the composition of the biosphere reserve, the protection and usage regime established for these territories during their announcement (delineation) or transformation shall be in effect.

3. The functioning of the biosphere reserve shall be terminated by decision of the Regional Executive Committee, which has adopted a decision on its announcement. In the case where the territories of two or more regions are included in the biosphere reserve, the functioning of the biosphere reserve shall be terminated by a joint decision of the Regional Executive Committees that have adopted a decision on its announcement.

4. Biosphere reserves may be included in the UNESCO World Network of Biosphere Reserves in accordance with the international treaties of the Republic of Belarus.

Article 84. Biosphere Reserve Structure

1. Within the boundaries of the biosphere reserve, the main, buffer and transition zones shall be delineated.

2. The main zone shall include individual specially protected natural areas (their parts) and/or the natural areas subject to special protection (their parts), which ensure the preservation of natural ecological systems, biological and landscape diversity.

3. The buffer zone shall include individual specially protected natural areas (their parts) and/or the natural areas subject to special protection (their parts) not included in the main zone, ensuring the prevention or mitigation of harmful impacts on the main zone. The buffer zone shall be located around the main zone or be adjacent to it.

4. The transition zone shall include the territories that are not included in the main and buffer zones, where the rational (sustainable) use of natural resources is intentionally stimulated through the application of elements of the economic mechanism for environmental protection and nature management provided for in Chapter 9 of this Law to ensure reforestation and afforestation, the protection of waters and Animal and Plant Kingdom objects, the use of renewable energy sources in

economic and other activities, the use of other best available technical methods, the development of ecological tourism and agroecotourism, the use of crop rotation schemes in agriculture that exclude the need for the use of chemical fertilizers and means of plant protection, as well as for other purposes aimed at ensuring environmental safety, the conservation and restoration of biological diversity, natural resources and objects.

5. Each of the zones of the biosphere reserve may be territorially dispersed and consist of several sites located in different parts of the biosphere reserve.

Article 85. Biosphere Reserve Management

1. For biosphere reserve management, the Coordination Board for Biosphere Reserve Management shall be established by decision of the Regional Executive Committee that has made a decision on its announcement. In the case where the territories of two or more regions are included in the biosphere reserve, the corresponding Regional Executive Committees shall make a joint decision on the establishment of the Coordination Board for Biosphere Reserve Management. A decision (joint decision) on the establishment of the Coordination Board for Biosphere Reserve Management shall also approve a provision on this Board and its personnel composition.

2. The composition of the Coordination Board for Biosphere Reserve Management shall include the representatives of state bodies, other state organizations the specially protected natural areas have been transferred under the management of and other state authorities concerned, other state organizations.

Article 86. Typical and Rare Natural Landscapes and Biotopes and Their Protection

1. Typical and rare natural landscapes and biotopes shall include natural landscapes and biotopes determined in accordance with the rules for identifying typical and rare natural landscapes and biotopes approved by the Ministry of Natural Resources and Environmental Protection.

2. In order to protect typical and rare natural landscapes and biotopes, the Ministry of Natural Resources and Environmental Protection shall organize work on their identification and inventorying.

3. Local executive and regulatory bodies shall, upon the submission of the corresponding territorial body of the Ministry of Natural Resources and Environmental Protection harmonized with the National Academy of Sciences of Belarus, make decisions about the transfer of typical and/or rare natural landscapes and biotopes to the users of land lots and/or water objects under protection.

4. The procedure for the transfer of typical and/or rare natural landscapes and biotopes to the users of land lots and/or water bodies under protection, the forms of passports for typical and/or rare natural landscapes and biotopes shall be established by the Council of Ministers of the Republic of Belarus.

5. Where it is necessary to implement measures for restoring typical and/or rare natural landscapes and biotopes, the Ministry of Natural Resources and Environmental Protection shall ensure the development, approve and organize the implementation of management plans for typical and/or rare natural landscapes and biotopes, and also exercise control over their implementation.

Article 87. Natural Complexes and Objects of International Importance

1. Natural complexes and objects of the Republic of Belarus may be included in the UNESCO World Network of Biosphere Reserves, the lists of UNESCO World Heritage Sites, the wetlands of international importance, the Emerald Network of Europe and/or other lists (enumerations) of natural complexes and objects of international importance in accordance with the international treaties of the Republic of Belarus.

2. The preparation and submission to international organizations of proposals for the inclusion of natural complexes and objects of the Republic of Belarus in the UNESCO World Network of Biosphere Reserves, the lists of UNESCO World Heritage Sites, the wetlands of international importance, the Emerald Network of Europe and/or other lists (enumerations) of natural complexes and objects of international importance shall be carried out by the Ministry of Natural Resources and Environmental Protection, other state body (state organization) in liaison with the National Academy of Sciences of Belarus in accordance with the international treaties of the Republic of Belarus.

3. Natural complexes and objects included in the lists (enumerations) of natural complexes and objects of international importance in accordance with the international treaties of the Republic of Belarus (natural complexes and objects of international importance) shall be subject to protection.

4. The protection and use of natural complexes and objects of international importance shall be carried out in accordance with Articles 79-83 of this Law and the international treaties of the Republic of Belarus.

Article 88. Rare and Endangered Species of Wild Animals and Wild Plants in the Territory of the Republic of Belarus. The Red Book of the Republic of Belarus

Consultant Plus: comment.

The State Animal Kingdom Cadastre is posted on the official website at <http://belfauna.by/>.

Consultant Plus: comment.

The State Plant Kingdom Cadastre is posted on the official website at <http://plantcadastre.by/>.

1. The species of wild animals and wild plants with regard to which there are monitoring data of the Animal and Plant Kingdom, the State Animal Kingdom Cadastre and the State Plant Kingdom Cadastre, scientific and other studies indicating at least one of the following grounds shall belong to rare and endangered species of wild animals and wild plants in the territory of the Republic of Belarus:

an annual reduction in their number and/or range for ten years or over three generations (from two cases, the larger value is chosen over the time interval);

adverse changes in the conditions of their habitat;

the limited distribution and the small number of their populations.

2. Rare and endangered species of wild animals and wild plants in the territory of the Republic of Belarus shall be included in the Red Book of the Republic of Belarus. The inclusion of rare and endangered species of wild animals and wild plants in the territory of the Republic of Belarus in the Red Book of the Republic of Belarus and their exclusion from it shall be carried out by the Ministry of Natural Resources and Environmental Protection on the basis of proposals from the National

Academy of Sciences of Belarus.

3. When rare and endangered species of wild animals and wild plants in the territory of the Republic of Belarus are included in the Red Book of the Republic of Belarus, the categories of national environmental significance shall be assigned to them.

4. The categories of national environmental significance and criteria for assigning rare and endangered species of wild animals and wild plants in the territory of the Republic of Belarus to them shall be established by the Ministry of Natural Resources and Environmental Protection.

5. If the grounds specified in paragraph 1 of this Article, which were used for including rare and endangered species of wild animals and wild plants in the territory of the Republic of Belarus in the Red Book of the Republic of Belarus, have disappeared, these species shall be subject to exclusion from the Red Book of the Republic of Belarus.

6. The Red Book of the Republic of Belarus shall contain the names of rare and endangered species of wild animals and wild plants in the territory of the Republic of Belarus; information on distribution, habitats, biology (including a brief description of these species), their number and tendencies to its change; the main threat factors and protection measures; as well as about the categories of national environmental significance. The Red Book of the Republic of Belarus shall be subject to publication at least once every ten years.

Article 89. Protection of Wild Animals and Wild Plants Belonging to the Species Listed in the Red Book of the Republic of Belarus, As Well As to the Species of Wild Animals and Wild Plants Falling Under the Scope of the International Treaties of the Republic of Belarus

1. In order to protect wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus, the Ministry of Natural Resources and Environmental Protection shall organize work on the identification of habitats of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus and maintaining a record of these habitats.

2. Local executive and regulatory bodies shall, upon the submission of the corresponding territorial body of the Ministry of Natural Resources and Environmental Protection harmonized with the National Academy of Sciences of Belarus, make decisions about the transfer of identified habitats of wild animals and/or wild plants belonging to the species included in the Red Book of the Republic of Belarus, to the users of land lots and/or water bodies under protection.

3. The procedure for transferring the habitats of wild animals and/or wild plants belonging to the species included in the Red Book of the Republic of Belarus to the users of land lots and/or water bodies under protection; the forms of passports for the habitats of wild animals and/or wild plants belonging to the species included in the Red Book of the Republic of Belarus shall be established by the Council of Ministers of the Republic of Belarus.

4. The Ministry of Natural Resources and Environmental Protection shall ensure the development and approve management plans for the populations of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus, as well as the species subject to the international treaties of the Republic of Belarus, action plans for the conservation of these species of wild animals and wild plants and other measures for the protection of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus, as well as to the species falling under the scope of the international treaties of the Republic of Belarus. The implementation of these plans, measures and control over their implementation shall be organized by the Ministry of Natural Resources and Environmental Protection.

5. The Ministry of Natural Resources and Environmental Protection may establish restrictions,

prohibitions or other measures in relation to the protection, withdrawal, maintenance, storage, exhibition of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus, their parts and/or derivatives and trade in them; in relation to the conservation, protection and restoration of their habitats; as well as in relation to the implementation of economic and other activities in the course of which they are used as raw materials, for other purposes of consumption or realization.

6. The import into the Republic of Belarus and/or export from the Republic of Belarus of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus, their parts and/or derivatives; the species of animals and plants, their parts and/or derivatives falling under the scope of the international treaties of the Republic of Belarus shall be carried out in accordance with the international treaties of the Republic of Belarus, international legal acts constituting the Law of the Eurasian Economic Union, legislation on customs regulation and on foreign economic activity.

7. This Article shall not apply to cultivated plants and wild animals bred in captivity, belonging to rare or endangered species in the territory of the Republic of Belarus.

Article 90. Removal of Wild Animals and Wild Plants Belonging to the Species Included in the Red Book of the Republic of Belarus, Their Parts and/or Derivatives from Their Habitat

1. Wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus, their parts and/or derivatives may be withdrawn from their habitats in the manner and under the terms established by the Council of Ministers of the Republic Belarus unless otherwise provided for by legislative acts:

on the basis of a permit issued by the Ministry of Natural Resources and Environmental Protection – for scientific purposes, for the purpose of settlement (including resettlement), transplantation, introduction, reintroduction, acclimatization, crossing, keeping and/or breeding in captivity;

without a permit specified in paragraph 2 of this clause – in cases where wild animals are sick, wounded, injured, or they are threatened with death as a result of natural disasters, or they may pose a threat to the life and health of individuals.

2. Unauthorized removal of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus, their parts and/or derivatives from their habitats, their illegal circulation, as well as the commission of other actions, which may lead to their death, a reduction in the number or disturbance of their habitats shall be prohibited.

3. This Article shall not apply to cultivated plants and wild animals bred in captivity, belonging to rare or endangered species in the territory of the Republic of Belarus, their parts and/or derivatives.

CHAPTER 16 ENVIRONMENTALLY DISADVANTAGED TERRITORIES

Article 91. Environmental Risk Zones

1. Separate areas of the territory of the Republic of Belarus where, as a result of economic and other activities, an unfavorable ecological situation has developed, persistent negative environmental changes have begun to occur, threatening the safety of life and health of individuals, natural environment components and natural ecological systems, shall be declared ecological risk zones by the Council of Ministers of the Republic of Belarus.

2. In ecological risk zones, measures for preventing harmful effects on the environment and its restoration shall be implemented.

3. Financing of measures for the rehabilitation of environmental risk zones shall be carried out primarily at the expense of legal entities and individual entrepreneurs whose economic and other activities have resulted in an unfavorable environmental situation, persistent negative environmental changes, as well as out of the sources of the republican and local budgets and other sources not prohibited by legislation.

Article 92. Environmental Crisis Zones

1. Separate areas of the territory of the Republic of Belarus where economic and other activities, accidents, catastrophes, natural disasters or other emergencies, other unforeseen circumstances under the given conditions have resulted in persistent negative environmental changes that threaten the safety of life and health of individuals, natural environment components and natural ecological systems shall be declared environmental crisis zones by the Council of Ministers of the Republic of Belarus.

2. In the environmental crisis zone, for a period established by the Council of Ministers of the Republic of Belarus, the following may take place:

suspension of economic and other activities of legal entities and individual entrepreneurs that have a harmful impact on the environment;

restrained use of certain types of natural resources.

3. Financing of measures for the rehabilitation of environmental crisis zones shall be carried out in the manner established by paragraph 3 of Article 91 of this Law.

Article 93. Ecological Disaster Zones

1. Separate sections of the territory of the Republic of Belarus where, as a result of economic and other activities, irreversible environmental changes have occurred that threaten the safety of life and health of individuals and entail the disturbance of natural balance, the destruction of natural ecological systems, the degradation of natural environment components shall be declared ecological disaster zones by the President of the Republic of Belarus.

2. In the ecological disaster zone:

for a period established by the President of the Republic of Belarus, the operation of objects of economic and other activities shall be suspended (except for the objects related to the servicing of individuals living in this zone);

construction activities shall be prohibited, except for those required as response to an environmental disaster;

nature management shall be limited;

prompt measures for the restoration of the environment shall be implemented.

3. Financing of measures for the rehabilitation of ecological disaster zones shall be carried out in the manner prescribed by paragraph 3 of Article 91 of this Law.

CHAPTER 17
CONTROL IN THE FIELD OF ENVIRONMENTAL PROTECTION, RATIONAL (SUSTAINABLE) USE OF NATURAL RESOURCES. APPEALING DECISIONS OF THE MINISTRY OF NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION AND ITS TERRITORIAL BODIES, ACTIONS (IN ACTION) OF THEIR OFFICIALS. GUARANTEES OF OFFICIALS EXERCISING CONTROL IN THE FIELD OF ENVIRONMENTAL PROTECTION, RATIONAL (SUSTAINABLE) USE OF NATURAL RESOURCES

Article 94. The Main Objectives of Control in the Field of Environmental Protection. Rational (Sustainable) Use of Natural Resources

1. Control in the field of environmental protection, rational (sustainable) use of natural resources shall be carried out for the purpose of ensuring by the republican bodies of the state administration, local executive and administrative bodies, other legal entities, individuals, including individual entrepreneurs, the implementation of legislation on environmental protection and the rational use of natural resources, compliance with the requirements in the field of environmental protection, as well as ensuring environmental safety.

2. Control in the field of environmental protection, the rational (sustainable) use of natural resources shall include a system of measures aimed at preventing, detecting and suppressing violations of legislation on environmental protection and the rational use of natural resources.

Article 95. State Authorities Exercising Control in the Field of Environmental Protection. Rational (Sustainable) Use of Natural Resources

1. Control in the field of environmental protection, rational (sustainable) use of natural resources shall be carried out in the manner prescribed by legislation on control (supervisory) activities and this Law by:

the State Inspectorate for the Protection of Fauna and Flora under the President of the Republic of Belarus in the form of inspections in the areas of protection and use of wild animals related to hunting and fishing objects, lands under wild tree and shrub vegetation (plantations), tree and shrub vegetation that is not included in the Forest Fund, except for the tree and shrub vegetation within the boundaries of settlements and included in the Red Book of the Republic of Belarus, the safeguarding, protection, reproduction and use of the Forest Fund, fishing management and fishing, hunting management and hunting and other forms of control provided for by legislation on control (supervisory) activities, as well as in the form of field events;

the Ministry of Natural Resources and Environmental Protection and its territorial bodies determined by the Council of Ministers of the Republic of Belarus, in the form of inspections in the areas of the safeguarding, protection, reproduction and use of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus, tree and shrub vegetation and other wild plants within the boundaries of settlements, wild animals that are not hunting and fishing objects, the use and protection of bowels, the protection of atmospheric air and the ozone layer, the use and protection of waters, waste management and other forms of control provided for by legislation on control (supervisory) activity;

local executive and regulatory bodies in the form of inspections in the field of land use and protection and other forms of control provided for by legislation on control (supervisory) activities, on the protection and use of lands.

2. A list of officials of the Ministry of Natural Resources and Environmental Protection and its territorial bodies that have the right to exercise control in the field of environmental protection,

rational (sustainable) use of natural resources shall be established by the Council of Ministers of the Republic of Belarus.

Article 96. Rights of Officials of the Ministry of Natural Resources and Environmental Protection and its Territorial Bodies Exercising Control in the Field of Environmental Protection. Rational (Sustainable) Use of Natural Resources

1. When exercising their official duties, the officials of the Ministry of Natural Resources and Environmental Protection and its territorial bodies exercising control in the field of environmental protection, the rational (sustainable) use of natural resources shall be guided by the rights in accordance with legislation on control (supervisory) activities.

2. Legislative acts may define other rights of officials of the Ministry of Natural Resources and Environmental Protection and its territorial bodies exercising control in the field of environmental protection, the rational (sustainable) use of natural resources.

Article 97. Responsibilities of Officials of the Ministry of Natural Resources and Environmental Protection and its Territorial Bodies Exercising Control in the Field of Environmental Protection. Rational (Sustainable) Use of Natural Resources

Officials of the Ministry of Natural Resources and Environmental Protection and its territorial bodies, exercising control in the field of environmental protection, the rational (sustainable) use of natural resources, in the performance of their official duties shall be obliged to:

timely and fully use the powers granted to them to prevent, detect and suppress violations of legislation on environmental protection and the rational use of natural resources;

carry and produce, upon request, an official identification card;

comply with legislation on environmental protection and the rational use of natural resources; prevent unreasonable restrictions of the rights and freedoms of individuals, the commission of actions that degrade their honor and dignity;

fulfill other responsibilities stipulated by legislative acts.

Article 98. Responsibility of the Officials of the Ministry of Natural Resources and Environmental Protection and its Territorial Bodies Exercising Control in the Field of Environmental Protection, the Rational (Sustainable) Use of Natural Resources

Officials of the Ministry of Natural Resources and Environmental Protection and its territorial bodies, exercising control in the field of environmental protection, the rational (sustainable) use of natural resources shall be subject to a disciplinary, administrative and criminal liability for a violation of legislation on control (supervisory) activities and requirements of Article 97 of this Law.

Article 99. Appealing Decisions of the Ministry of Natural Resources and Environmental Protection and its Territorial Bodies, Actions (Inaction) of Their Officials

Decisions of the Ministry of Natural Resources and Environmental Protection and its territorial bodies, including requirements (orders) to eliminate violations, actions (inaction) of their officials may be appealed to a higher authority (the superior official of this authority) and/or to court.

Article 100. Main Guarantees of the Officials of the Ministry of Natural Resources and Environmental Protection and its Territorial Bodies Exercising Control in the Field of Environmental Protection, Rational (Sustainable) Use of Natural Resources

1. The officials of the Ministry of Natural Resources and Environmental Protection and its territorial bodies exercising control in the field of environmental protection, the rational (sustainable) use of natural resources, in the performance of their official duties shall be the representatives of the state power and shall be under the protection of state.

2. Any influence in any form on the officials of the Ministry of Natural Resources and Environmental Protection and its territorial bodies exercising control in the field of environmental protection, the rational (sustainable) use of natural resources, preventing them from performing their official duties, or interference with their activities shall be prohibited.

3. The state protection of the officials of the Ministry of Natural Resources and Environmental Protection and its territorial bodies shall be exercised in accordance with state legislation on state protection and other legislative acts.

CHAPTER 18
PRODUCTION OBSERVATIONS IN THE FIELD OF ENVIRONMENTAL PROTECTION, RATIONAL (SUSTAINABLE) USE OF NATURAL RESOURCES IN CARRYING OUT ECONOMIC AND OTHER ACTIVITIES.
SAMPLING AND MEASUREMENTS IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 101. Production Observations in the Field of Environmental Protection, the Rational (Sustainable) Use of Natural Resources

1. Legal entities and individual entrepreneurs in carrying out economic and other activities that have a harmful effect on the environment shall be obliged to ensure the implementation of production observations in the field of environmental protection, the rational (sustainable) use of natural resources, including the organization of sampling and measurement sites, in accordance with the requirements established by regulatory legal acts, including mandatory technical normative legal acts in the field of environmental protection.

2. Production observations in the field of environmental protection, the rational (sustainable) use of natural resources shall be carried out of own funds and other sources of financing in accordance with the instructions developed and approved by a legal entity or an individual entrepreneur in the manner established by the Ministry of Natural Resources and Environmental Protection.

3. The organization of work on environmental protection in the course of economic and other activities by legal entities and individual entrepreneurs shall be carried out in accordance with Article 102 of this Law.

Article 102. Organization of Work on Environmental Protection and the Implementation of Production Observations in the Field of Environmental Protection, the Rational (Sustainable) Use of Natural Resources in the Implementation of Economic and Other Activities

1. For the organization of work on environmental protection and the implementation of production observations in the field of environmental protection, the rational (sustainable) use of natural resources, a legal entity and an individual entrepreneur (in the case where he has no

knowledge in the field of environmental protection and nature management) whose economic and other activities have a harmful effect on the environment shall establish an environmental protection service, or introduce the staffing position of an environmental specialist, or impose appropriate duties on an employee with knowledge in the field of environmental protection and nature management, unless otherwise provided by paragraph 2 of this Article.

2. A legal entity, carrying out economic and other activities related to environmentally hazardous, shall establish an environmental protection service. The structure of the environmental protection service and its staffing shall be established by a legal entity depending on the number of employees and types of activities. At that, budgetary organizations and other legal entities receiving subsidies from the budget, carrying out economic and other activities related to environmentally hazardous, shall establish an environmental protection service within the established number of employees.

3. The environmental protection service, an environmental specialist, another employee who is entrusted with the duties of environmental protection and carrying out production observations in the field of environmental protection, the rational (sustainable) use of natural resources shall be subordinate to the head of a legal entity or his/her deputy responsible for organizing work on environmental protection and the rational (sustainable) use of natural resources.

4. A model provision on environmental service shall be approved by the Ministry of Natural Resources and Environmental Protection.

Article 103. Sampling and Measurements in the Field of Environmental Protection

1. Sampling and measurements in the field of environmental protection shall be carried out for the purposes as follows:

environmental monitoring;

assessment of compliance with environmental quality standards;

assessment of compliance with permissible environmental impact standards;

assessment of the effectiveness of environmental measures;

assessment of the compliance of the actual parameters of the operation of treatment facilities, machines, mechanisms with the parameters approved in the design documentation;

assessment of compliance with technical requirements for fuel composition;

assessment of the effectiveness of industrial observations in the field of environmental protection, the rational (sustainable) use of natural resources;

assessment of compliance with other requirements and standards in the field of environmental protection.

2. Sampling and measurements in the field of environmental protection shall be carried out on the basis of technical normative legal acts and certified methods (techniques) of measurements by a subordinate organization authorized by the Ministry of Natural Resources and Environmental Protection, as well as other legal entities accredited in the National Accreditation System.

3. Legal entities and individual entrepreneurs in carrying out economic and other activities that have a harmful effect on the environment, in the absence of their own accredited laboratory for the purpose of sampling and taking measurements as part of the implementation of production observations in the field of environmental protection, the rational (sustainable) use of natural

resources shall have the right to engage the legal entities specified in paragraph 2 of this Article, on the basis of contracts concluded with them, in the provision of services for sampling and measurements in the field of environmental protection.

4. The results of sampling and measurements in the field of environmental protection shall be formalized by corresponding acts and protocols according to the forms established by the Ministry of Natural Resources and Environmental Protection. A protocol for carrying out measurements in the field of environmental protection shall be the basis for confirming the fact of compliance or non-compliance by legal entities and individual entrepreneurs with legislation on environmental protection and the rational use of natural resources.

5. The frequency of sampling and measurements in the field of environmental protection shall be established by the Ministry of Natural Resources and Environmental Protection depending on the object of control and its characteristics.

6. The procedure for sampling and measurements in the field of environmental protection shall be established by the Council of Ministers of the Republic of Belarus.

CHAPTER 19

LIABILITY FOR A VIOLATION OF LEGISLATION ON ENVIRONMENTAL PROTECTION. COMPENSATION FOR HARM. SETTLEMENT OF DISPUTES

Article 104. Liability for a Violation of Legislation on Environmental Protection

1. A violation of legislation on environmental protection shall entail liability in accordance with legislative acts.

2. Bringing persons to liability for a violation of legislation on environmental protection shall not exempt them from compensation for damage caused to the environment and taking measures to protect it.

Article 105. Suspension (Prohibition), Other Restrictions on Economic and Other Activities that Have a Harmful Impact on the Environment

1. In the case of a detected violation of legislation on environmental protection and the rational use of natural resources that has posed a threat of causing harm to the environment, the state body exercising control in the field of environmental protection, the rational (sustainable) use of natural resources may take measures aimed at suspending (prohibiting), other restrictions on economic and other activities that produce a harmful effect on the environment in accordance with legislation on control (supervisory) activities, civil legislation, legislation on administrative offenses, as well as procedural legislation.

2. Non-governmental organisations, carrying out activities in the field of environmental protection, and individuals shall have the right to file a lawsuit in court for the suspension (prohibition) of economic and other activities that have a harmful effect on the environment, including if, as a result of such activities, the requirements in the field of environmental protection are violated, environmental harm is caused, or a risk of causing environmental harm in the future is posed.

Article 106. Compensation for Harm Caused to the Environment and Establishing the Fact of its Infliction

1. Harm caused to the environment shall be subject to compensation by a person caused it, voluntarily or on the basis of a court decision, in full, except for the case provided for by paragraph 8 of this Article. In certain cases, a person who has caused harm to the environment may be exempted from compensation for such harm (in whole or in part) by decision of the President of the Republic of Belarus.

2. The costs associated with determining the mass, sampling and measurements in the field of environmental protection shall not be included in the amount of compensation for harm caused to the environment and shall be subject to compensation by a person who has caused it in cases provided for by the Council of Ministers of the Republic of Belarus.

3. A fact of causing harm to the environment shall be recorded by the state body exercising control in the field of environmental protection, the rational (sustainable) use of natural resources, another state organization within the scope of its competence in the act on establishing the fact of causing harm to the environment, which is drawn up in the manner prescribed by the Council of Ministers of the Republic of Belarus.

4. The act on establishing the fact of causing harm to the environment shall indicate:

information about the state body, other state organization (official) that have established the fact of causing harm to the environment (the name and location of the state body, state organization; the position, surname, first name, patronymic (if any) of the official);

time, place, circumstances of causing harm to the environment with reference to normative legal acts, including mandatory technical normative legal acts in the field of environmental protection the norms of which have been violated;

results of measurements in the field of environmental protection (provided they have been performed), confirming the fact of causing harm to the environment;

calculation of the amount of compensation for harm caused to the environment.

5. The act establishing the fact of causing harm to the environment shall be signed by the official who has established this fact.

6. The fact of causing harm to the environment shall not be subject to proof, but evidence may be presented to refute it.

7. The fact of causing harm to the environment may be recorded by the bodies of inquiry, preliminary investigation, prosecutor's office, other state bodies that do not exercise control in the field of environmental protection, the rational (sustainable) use of natural resources in accordance with the criminal procedure legislation, execution procedure legislation on administrative offenses and other legislative acts.

8. Claims to compensate for harm caused to the environment that has manifested itself in its pollution shall not be submitted by the state body exercising control in the field of environmental protection, the rational (sustainable) use of natural resources, other state organization within the scope of its competence, and harm shall not be considered caused in the case where the amount of compensation for such harm does not exceed three basic units.

9. If economic and other activities that have a harmful effect on the environment and cause environmental harm create a risk of causing environmental harm in the future, the court shall have

the right to oblige persons engaged in such activities, in addition to compensation for environmental harm, to suspend, until the identified violation is eliminated, or to prohibit such activities.

10. Legal entities and individual entrepreneurs engaged in environmentally hazardous activities shall be obliged to compensate for harm caused to the environment as a result of the specified activity unless they prove that harm has been caused by force majeure circumstances.

Article 107. Amount, Methods and Terms of Compensation for Harm Caused to the Environment

1. The amount of compensation for harm caused to the environment shall be calculated in the manner and according to the rates determining the amount of compensation for harm caused to the environment established by the Council of Ministers of the Republic of Belarus and in the absence of such rates or the impossibility to apply them – according to the actual costs of the restoration of the disturbed environmental state, as well as taking into account the profits lost.

2. Harm caused to the environment may be compensated by a person who has caused it by restoring the disturbed environmental state at his/her own expense on the basis of a court decision, taking into account the circumstances of the case. At that, the amount of funds allocated for the restoration of the disturbed environment state cannot be less than the amount of compensation for harm calculated according to the rates (if any) determining the amount of compensation for harm caused to the environment.

3. Restoration of the disturbed environmental state at the expense of a person who has caused harm to the environment shall be carried out within the time limits established in the court order and required for carrying out work to restore the disturbed environmental state.

Article 108. Claim to Compensate for Harm Caused to the Environment

1. Prior to applying to the court with a claim to compensate for harm caused to the environment, the state body exercising control in the field of environmental protection, the rational (sustainable) use of natural resources, other state organization shall, within the scope of their competence, present to a person, who has caused harm to the environment, a claim to compensate for harm caused to the environment.

2. A claim to compensate for harm caused to the environment shall include as follows:

information about the state body, any other state organization putting forward a claim (the name and location of the state body, any other state organization);

information about the person who has caused harm (last name, first name, patronymic (if any) and the place of residence of an individual; last name, first name, patronymic (if any) and the place of residence of an individual entrepreneur, his/her registration number and the name of the registration authority; the name and location of a legal entity);

the circumstances on which the state body, any other state organization putting forward a claim base their requirements with reference to normative legal acts, including mandatory technical normative legal acts in the field of environmental protection the norms of which have been violated;

the amount of compensation for harm caused to the environment, the methods and terms of its compensation; bank details the funds to compensate for harm caused to the environment should be transferred into.

3. In the case of compensation for harm in monetary form, the period of its compensation shall not exceed two months from the date of putting forward (submitting) a claim.

4. A claim to compensate for harm caused to the environment must be accompanied by an act establishing the fact of causing harm to the environment.

109. Demands to Compensate for Harm Caused to the Environment

1. In cases of a full or partial refusal to satisfy a compensation claim for harm caused to the environment, no rates to determine the amount of compensation for harm caused to the environment, or the impossibility of applying them, the state body exercising control in the field of environmental protection, the rational (sustainable) use of natural resources, any other state organization within the scope of its competence, or a prosecutor shall file a compensation claim for harm caused to the environment.

2. A limitation period shall not apply to compensation claims for harm caused to the environment. However, claims filed after the expiry of three years from the date establishing the fact of the harm caused shall be satisfied within the period not exceeding three years preceding the filing of a compensation claim for harm caused to the environment.

3. The state body exercising control in the field of environmental protection, the rational (sustainable) use of natural resources, other state organization within the scope of its competence, may file a compensation claim for harm caused to the environment with the court dealing with economic matters in the order of writ proceedings in cases and in the manner prescribed by procedural legislation.

Article 110. Compensation for Harm Caused to the Life, Health, and Property of Individuals, Property of Legal Entities and Property Owned by the State as a Result of the Environmental Impact

1. Harm caused to the life, health and property of individuals, the property of legal entities and the property owned by the state as a result of the environmental impact shall be subject to full compensation by a person who has caused it in accordance with civil law.

2. Compensation for harm caused to the life, health and property of individuals, the property of legal entities and the property owned by the state as a result of the transboundary impact on the environment shall be carried out in accordance with the international treaties of the Republic of Belarus in the field of environmental protection.

Article 111. Compensation for the Environmental Harm by a Person Who Has Insured his Liability

Legal entities and individual entrepreneurs who have insured their civil liability for causing the environmental harm under the environmental insurance procedure in the case where the insurance indemnity is not enough to fully compensate for the harm caused to the environment shall indemnify the difference between the actual amount of harm caused to the environment and the insurance indemnity.

Article 112. Settlement of Disputes in the Field of Environmental Protection

Disputes in the field of environmental protection shall be resolved by the Ministry of Natural Resources and Environmental Protection or its territorial bodies and/or the court in the manner prescribed by legislative acts.

Chairperson of the Supreme Soviet
of the Republic of Belarus

S. Shushkevich
