

Comparative Analysis of Kyrgyzstan Legal Framework and ADB Safeguard Policy Statement

| (A) ADB Safeguard Policy Statement | (B) Corresponding Legal Provisions of the draft of the Law on EIA ¹ | (C) Extent of Equivalence ² | (D) Recommended Gap-filling Measures |
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| <p>Policy Principle 1: Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.</p> | | | |
| <p>Key element (1) Use a screening process to determine the appropriate extent and type of environmental assessment</p> | <p>The Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991 provide a screening list of projects subject to an EIA without threshold values (Annexes 2 and 3) by transposing it from the 1991 EIA Espoo Convention. Annex 2 lists the projects subject to EIA, while Annex 3 lists projects that are not subject to EIA.</p> <p>The guidelines are established under the provisions of the Law of Environment Protection and hence are to be considered a mandatory requirement. The Guidelines are also registered with the Ministry of Justice</p> | <p>Partial equivalence.</p> <p>While there is a list of activities that are subject to EIA, there are no threshold values assigned to these activities. This leaves unanswered the question of how non-listed activities would be screened.</p> | <p>For full equivalence, screening lists should define the types of projects by reference to threshold values that require full EIA and those subject to an audit, SEE at different administrative levels, environmental audit or integrated pollution prevention and control.</p> |
| <p>Policy Principle 2: Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project's area of influence. Assess potential trans-boundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.</p> | | | |

¹ There are relevant provisions of the Law on Environment Protection No 53 of 1991 (and amendments of 2002, 2003, 2004, 2005 and 2009); Law on Ecological Expertise of 1999 (and amendments of 2003 and 2007); Guidelines for Assessment of Planned Activities on EIA (1997) mandated under the Law of Environment Protection; Resolution of Issues of Ministry of Environment 1997 and registered with Ministry of Justice

² "Full Equivalence" denotes that the Kyrgyzstan legal requirement(s) are in complete harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element thereof. "Partial Equivalence" denotes that the Kyrgyzstan legal requirement is in partial harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element; and "No Equivalence" denotes that no Kyrgyzstan legal requirement can be found that corresponds to the particular ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element.

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| Key element (1) Identify indirect as well as direct impacts | <p>The Guidelines for Assessment of Planned Activities on EIA, issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991, defines the types and nature of impacts to be assessed;</p> <p>Section 5: Steps in EIA Procedures:</p> <p>Step 2: Determination of Effects on Environment: defines the main characteristic of the impacts to include the following:</p> <p>c) types of effects:</p> <ul style="list-style-type: none"> • Straight (possibly meaning direct impacts) • Indirect • Description of the impact on human, flora, fauna and soil, water, air, climate, landscape, material assets and cultural heritage, the relationship of these factors • Quantitative and qualitative impact indicators <p>a) the intensity of the impact (of pollutants in unit of time);</p> <p>b) power density exposure (delivery polluting substances per unit area);</p> <p>c) the frequency of exposure (discrete, continuous, one-time);</p> <p>d) duration (year, month)</p> <p>d) the spatial boundaries of exposure (depth, size, shape footprint).</p> <p>Types significant effect: selected from an initial list of impact action with the greatest intensity, duration, significant area of impact and those that act on areas of particular sensitivity protected areas);</p> | Full equivalence. | None required. |
| Key element (2) Identify cumulative impacts | <p>The Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991</p> <p>Section 7: APPLICATION OF EIA: to policies, plans, programs, policies, plans, programs means an approach to the main directions of development that requires in (Item 8) under Documentation and Information Documentation should contain the</p> | Full equivalence. | None required. |

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| | <p>standard elements of the EIA, including:d) analysis of environmental information, including consideration of cumulative and synergistic effects and any kind of cross-border impact;</p> <p>Annex 7 defines the cumulative impact as the: a) the sum of all portions of one factor with increased general influence, but with preservation of the nature of the impact; b) change the nature of the impact factor due to its quality as a result of changes in governmental quantitative increase; c) the increasing impact of chemicals or other active agent, related to their accumulation in the individual, the food chain, or a combination of the ecosystem.</p> | | |
| Key element (3) Identify induced impacts | <p>Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991 Section 7: APPLICATION OF EIA: (Item 8) under Documentation and Information Documentation should contain the standard elements of the EIA, including: harmful and beneficial impacts of the proposal and its alternative options on the environment, including the risks to the surrounding environment and changes in behavior, and their relative importance.</p> <p>The Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991 defines the types and nature of impacts to be assessed;</p> <p>Section 5: Steps in EIA Procedures:</p> <p>Step 2: Determination of Effects on Environment: defines the main characteristic of the impacts to include the following:</p> <p>c) types of effects:</p> <ul style="list-style-type: none"> • Straight (possibly meaning direct impacts) • Indirect • Description of the impact on human, flora, fauna and soil, water, air, climate, landscape, material assets and cultural heritage, the relationship of these factors • Quantitative and qualitative impact indicators | Full equivalence. | None required. |

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| | <p>a) the intensity of the impact (of pollutants in unit of time); b) power density exposure (delivery polluting substances per unit area); c) the frequency of exposure (discrete, continuous, one-time); d) duration (year, month) d) the spatial boundaries of exposure (depth, size, shape footprint). Types significant effect: selected from an initial list of impact action with the greatest intensity, duration, significant area of impact and those that act on areas of particular sensitivity protected areas);</p> | | |
| Key element (4) Identify physical impacts | <p>The Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991 defines the types and nature of impacts to be assessed;</p> <p>Section 5: Steps in EIA Procedures:</p> <p>Step 2: Determination of Effects on Environment: requires the the current state of the environment in the territory in placement of the planned facility. The degree of completeness and adequacy of information on the nature of natural conditions of a territory considered from the standpoint of ...of sensitivity to the effects, including information on the types and nature of the intended impact. The information should include the following components:</p> <p>a) land; b) climatic factors; c) soil factors; g) geological, hydrogeological factors; g) geomorphological factors; e) hydrological factors;</p> <p>Step 2 also defines the main characteristic of the impacts to include the following:</p> <p>c) types of effects:</p> <ul style="list-style-type: none"> • Description of the impact on .soil, water, air, landscape, | Full equivalence. | None required. |

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| | <p>material assets[and], the relationship of these factors</p> <p>d) the spatial boundaries of exposure (depth, size, shape of footprint).</p> <p>Types [of] significant effect: selected from an initial list of impact action with the greatest intensity, duration, significant area of impact and those that act on areas of particular sensitivity protected areas);</p> | | |
| Key element (5) Identify biological impacts | <p>Section 3 of the Law on Environment Protection Basic Principles of Environmental Protection mentions that the basic principles of environmental protection are the following:</p> <ul style="list-style-type: none"> the preservation of the stability and normal functioning of the biosphere and its ecological systems; <p>The Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991 defines the types and nature of impacts to be assessed;</p> <p>Section 5: Steps in EIA Procedures:</p> <p>Step 2: Determination of Effects on Environment: defines the main characteristic of the impacts to include the following:</p> <p>the current state of the environment in the territory in placement of the planned facility. The degree of completeness and adequacy of information on the nature of natural conditions of a territory considered from the standpoint of its... sensitivity to the effects, including information on the types and nature of the intended impact. The information should include the following components:</p> <p>g) biological factors (flora and fauna); h) the background values of contaminants in natural components;</p> <p>As well as the types of impacts</p> <p>c) types of effects:</p> <ul style="list-style-type: none"> Description of the impact on human, flora, fauna and | Full equivalence. | None required. |

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| | <p>soil, water, air, climate, landscape, material assets and cultural heritage, the relationship of these factors</p> <ul style="list-style-type: none"> Quantitative and qualitative impact indicators | | |
| <p>Key element (6) Identify socioeconomic impacts (including on livelihood through environmental health and safety, vulnerable groups, and gender issues)</p> | <p>The Law of Ecological Expertise recognizes its goal as follow:</p> <ul style="list-style-type: none"> Prevention of negative impacts from realization of planned management, economic or other activities on human health and the environment; <p>The Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991 defines the types and nature of impacts to be assessed;</p> <p>Section 5: Steps in EIA Procedures:</p> <p>Step 2: Determination of Effects on Environment: defines the main characteristic of the impacts to include the following:</p> <p>. The information should include the following components:</p> <p>Socio-economic and business aspects of the considered, information about:</p> <ol style="list-style-type: none"> demographics; the economy; employment; land use; historical and archaeological sites; infrastructure; transport; public organizations; <ul style="list-style-type: none"> <p>The calculation of the economic calculation under the EIA carried out in the following order:</p> <ul style="list-style-type: none"> Calculation of the total social costs of proposed options, | <p>Partial Equivalence.</p> <p>While there is requirement to assess impacts on socio-economic and calculation of total social costs, it is unclear if it also explicitly addresses issues of livelihood impact, vulnerable groups and gender issues.</p> | <p>To attain full equivalence, the legal framework and/or guidelines should explicitly require assessment of impacts of loss of livelihoods and impacts on vulnerable groups and gender issues.</p> |

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| | taking into account all identified impacts | | |
| Key element (7) Identify impacts on physical cultural resources | <p>The Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991 defines the types and nature of impacts to be assessed;</p> <p>Section 5: Steps in EIA Procedures:</p> <p>Step 2: Determination of Effects on Environment: requires the assessment of the following characteristic of the impacts to include the following:</p> <p>c) types of effects:</p> <ul style="list-style-type: none"> • On material assets and cultural heritage • Quantitative and qualitative impacts | Full equivalence. | None required. |
| Key element (8) Identify impacts in the context of the project's area of influence | <p>The Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991</p> <p>Section 5. Stages of the EIA procedure</p> <p>Step 2 - Determination of the effects on the environment: This phase includes, among others, the::</p> <ul style="list-style-type: none"> • definition of the zone of influence of the expected impact <p>The information should also include the following components:</p> <p>d) the spatial boundaries of exposure (depth, size, shape footprint).</p> | Full equivalence. | None required. |
| Key element (9) Assess potential trans-boundary impacts | <p>Implied under Sections 3, 4, 7, 41 and 42 of Law on Environment Protection and Clause 24 of the Law on Ecological Expertise.</p> <p>The Law on Ecological Expertise provides participation in international environmental expertise, issues of activity on transboundary territories are examined, issues of participation of international experts are solved, cooperation with public community, their participation in making decision and reporting. Questions of international norms on this issue are priority issues</p> | <p>Partial Equivalence.</p> <p>The Law on Environment Protection and Law on Ecological Expertise provides the basis for conduct of EIA, but includes no explicit emphasis on assessment of transboundary project impacts.</p> | To attain full equivalence, the legal framework and/or guidelines should explicitly require that transboundary impacts be identified, assessed and mitigated. |

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| | <p>related to the national legal framework and implementation of the ratified Conventions are guaranteed.³</p> <p>Annex 7 of the Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991 defines the impact of cross-border as the impact exerted by objects of economic and other activities of the state (region oblast) on the territory of another state (region, area).</p> | | |
| <p>Key element (10) Assess potential global impacts, including climate change</p> | <p>The Law on Environment Protection, Section 32. Protection of Atmosphere, Climate, and Ozone Layer requires that the protection of the atmosphere, climate, and ozone layer of the earth from ecologically dangerous changes will be secured by the following:</p> <ul style="list-style-type: none"> • the organization of a network for the observation, calculation, and monitoring of changes in the chemical composition of the atmosphere, climate, and ozone layer under the influence of economic activity and other processes; • the establishment and observance of standard limits on the dumping and emission of harmful substances and of physical and other influences affecting the chemical composition of the atmosphere, climate, and ozone layer of the earth; • the reduction and complete cessation of the production and use, in the national economy and the home, of chemical substances harming the ozone layer of the earth; • the reduction of emissions of gases creating the greenhouse effect; • the assignment of responsibility for violations of requirements for the protection of the atmosphere, climate, and ozone layer of the earth. | <p>Full equivalence.</p> | <p>None required.</p> |

³ The Kyrgyz Republic has “Acceptance” status to ESPOO Convention on transboundary EIA, it has not ratified the treaty

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| Key element (11) Use strategic environmental assessment | <p>The Law on Environment Protection Section 12. Planning of Environmental Protection Measures requires that Environmental protection measures will be envisaged in inter republic, republic, sectorial, and territorial programs and plans for the development and distribution of productive forces, regional plans, plans for the use of natural resources, short- and long-range plans for the production and financial activities of enterprises, and special ecological programs.</p> <p>The Law of Ecological Expertise, CLAUSE 10. ECOLOGICAL ASSESSMENT and The Guidelines for Assessment of Planned Activities on EIA states that ecological assessment be conducted on the following:</p> <ul style="list-style-type: none"> • Concepts, programs and plans of sectoral and territorial socioeconomic development; • Plans of integrated usage and protection of natural resources; • Master plans of cities and settlements as well as other town-building documentation; • New construction, reconstruction, expansion and re-equipment of operative economic and other town building activities | Full equivalence. | None required. |
| Policy Principle 3: Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no-project alternative. | | | |
| Key element (1) Examine alternatives to the project's location, design, technology. | <p>The Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991 require the assessment of alternatives:</p> <p>Clause 3.6. Comparison of alternatives:</p> <ul style="list-style-type: none"> • Alternatives to choose the site of placement • Technology alternatives • Collect the necessary information on alternatives, particularly on ecological and socio-economic | Full equivalence. | None required. |

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| | <p>comparison</p> <ul style="list-style-type: none"> • <p>Step 2 – Determination of the effects on the environment including:</p> <ul style="list-style-type: none"> • Analysis of technological solutions, including alternative variants • Social, ecological and economic analysis of the proposed technological and environmental-economic analysis of alternative solutions and justification of their findings • Resource availability on the main alternative to the project | | |
| Key element (2) Consider the no-project alternative | <p>The Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991 require the assessment of alternatives:</p> <p>Clause 3.6. Comparison of alternatives:</p> <ul style="list-style-type: none"> • Bringing the “zero option” | Full equivalence. | None required. |
| <p>Policy Principle 4: Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.</p> | | | |
| Key element (1) Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management | <p>The Guidelines for Assessment of Planned Activities on EIA issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991</p> <p>Section 7: APPLICATION OF EIA: to policies, plans, programs, policies, plans, programs means an approach to the main directions of development that requires in (Item 8) under Documentation and Information Documentation should contain the standard elements of the EIA, including:</p> <p>g) the ability to prevent, reduce, limit and mitigate possible adverse effects on the environment and, where appropriate, compensation</p> | <p>Partial equivalence.</p> <p>There is no explicit requirement in the legal framework to enhancing positive impacts.</p> | To achieve full equivalence the legal framework and/or guidelines should entail explicit requirement for enhancing positive impacts. |
| Key element (2) | The Guidelines for Assessment of Planned Activities on EIA | Partial equivalence. | For full equivalence, the guidelines should |

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| Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators | <p>issued by the Ministry of Environment in 1997 in accordance with the Law of Environment Protection 1991</p> <p>Section 3.5. Mitigation (change or compensation) recognizes the following:</p> <ul style="list-style-type: none"> • technical approaches: Equipment cleaning systems, the use of low-waste and non-waste technology, etc. • management approaches - is the environmental regulatory constraints <p>Step 1 – Notice on Intent seeks to establish: mitigation measures and monitoring program for the entire period of the project.</p> <p>The REQUIREMENTS FOR EXECUTIVE SUMMARY EIA calls for: 1. 6. Description of mitigation measures to minimize the impact on the environment. 7. The monitoring program of the project and analysis</p> | While there is requirement for a mitigation plan, the guidelines are not explicit in terms of the nature and scope of the mitigation plan. | specify the content of the mitigation plan, including the nature of reporting requirements, institutional and organization arrangements, budget, capacity development plans and schedule, costs and performance indicators for the mitigation plan. |
| Key Element (3) Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle. | <p>Law on Environmental Protection</p> <p>Section 11. Economic Mechanism of Environmental Protection The economic mechanism of environmental protection will envisage the following: -the economically sound division of regional and sectorial interests in the ownership, use, and disposition of natural resources; -the establishment of standard payments for the use of natural resources, the dumping and emission of pollutants, physical and other harmful influences, and the disposal of waste in the environment;</p> <p>Section 40. Liability for Violations of Environmental Laws Disciplinary, civil, administrative, and criminal liability in accordance with the laws of the Republic of Kyrgyzstan will be borne by individuals guilty of the following offenses: the Violation of ecological requirements during the planning, location, design, construction, remodeling, startup,</p> | Full Equivalence. | None required. |

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| | <ul style="list-style-type: none"> -the dumping of polluted sewage or emission of pollutants into the environment and the unauthorized disposal of waste with harmful physical and other effects on the environment in cases in which disposal permits are required by law; -the failure to observe limits on pollution, the dumping or emission of pollutants in the environment, and physical and other harmful effects on the environment; -the failure to take measures to eliminate the after-effects of harmful influences on the environment; the nonuse or misuse of installations, equipment, instruments, and tools for environmental protection purposes; | | |
| <p>Policy Principle 5: Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women's participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.</p> | | | |
| <p>Key element (1) Carry out meaningful consultation with affected people and facilitate their informed participation</p> | <p>The Law of Environment Protection Sections 33 – 36 provides for citizens to their participation in environmental protection</p> <p>Section 33. Covers the Right of Citizens to a Favorable Environment in that each citizen will have the right to an environment beneficial to his own life and the health of future generations.</p> <p>Section 34. Rights and Obligations of Citizens in the Sphere of Environmental Protection in that Citizens will have the rights, including in particular:</p> <ul style="list-style-type: none"> -to conduct public ecological appraisals; -to participate in environmental protection measures and - - <p>Section 35. Prerogatives of Public Organizations Public organizations and associations will have rights, including the following::</p> <ul style="list-style-type: none"> -.... to take part in the work of the expert groups or conduct independent ecological appraisals with the aid of specialists, including foreign experts; | <p>Full equivalence.</p> | <p>None required.</p> |

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| | <p>Section 36. Guarantees of Rights of Citizens and Public Organizations in the Sphere of Environmental Protection. The state will guarantee citizens and public organizations taking action to protect the environment the opportunity to exercise the rights granted to them by existing environmental laws of people's deputies, state environmental protection agencies, and other state agencies must give citizens and public organizations all-round assistance in their conservation activity, consider their proposals on the improvement of the environment and the intelligent use of natural resources, and invite citizens and public organizations to participate in the resolution of environmental issues.</p> <p>Law on Ecological Expertise</p> <p>CLAUSE 14. PERFORMANCE OF PUBLIC ECOLOGICAL EXPERTISE</p> <p>Public ecological expertise is organized and conducted by an initiative of citizens, local administrations and public associations, registered according to a procedure established by Kyrgyz legal framework. Public ecological expertise may be organized independently from the state ecological expertise. Initiators of the public ecological expertise have to notify in advance in written local administrations and local councils about performance of the public ecological expertise..</p> <p>CLAUSE 17. STATEMENT OF PUBLIC ECOLOGICAL EXPERTISE</p> <p>Statement of public ecological expertise is directed to the body conducting state ecological expertise, and also body making a decision about execution of project under expertise.</p> <p>Statement of public ecological expertise is recommendatory. It can be published in mass media, passed to local state administrations and local councils, project initiators, designers and other</p> | | |

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| | <p>stakeholders.</p> <p>The Guidelines for Assessment of Planned Activities on EIA</p> <p>Section 5. Stages of the EIA procedure: Stage 3: Identification of environmental impacts requires the developer to:</p> <ul style="list-style-type: none"> • Organize public hearings on the EIS • Processing the results of public hearing <p>The purpose of this step is to identify the environmental, social, economic and other, related, consequences of intention of the activity in the area at a specific time. Identify of the consequences by means of public hearings EIS.</p> <p>-Public participation is to seek the views of various groups about the project on the basis of their full project information and research results.</p> <p>-Public hearings and discussion (depending on the importance of project) are organized and conducted at the national and local levels</p> <p>-Public hearings begin with the official announcement of the Nations planned activity, date and place of the public hearing.</p> <p>-Public hearings may be carried out through meetings, seminars, , public opinion polls, the release of information sheets, papers set out in the press and on television.</p> <p>The Initiator of the project, together with the developer of the EIA carried out society governmental hearings in order to:</p> <ul style="list-style-type: none"> -Identifying and fixing of all possible adverse environmental effects of the project -Finding mutually acceptable solutions to all public positions about preventing or reducing the adverse effects -Informing interested parties about the merits and importance of the project <p>The outcome of such a hearing should be a document (Protocol), on the basis of which is an adjustment of the project with carrying</p> | | |

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| | <p>out additional research. General criteria for the definition of social impacts can be public health and safety, possible relocation to other areas, changes in usual living conditions, changing the traditional forms of pro- employment, proximity to recreational areas, nature reserves, Archaeological , ethnic, historical monuments. On the basis of this information is determined by the degree of concern population. This information is subject to mandatory inclusion in the EIA materials.</p> | | |
| Key element (2) Ensure women's participation in consultation | There is no explicit reference in the legal framework and/or guidelines to ensure women's participation, although it is implicit in recognition of participation of the public in environmental protection | No equivalence. | For full equivalence, the legal framework and/or guidelines should explicitly require that women's participation and consultation. |
| Key element (3) Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process. | <p>The Law of Environment Protection Sections 33 – 36 provides for citizens to their participation in environmental protection</p> <p>Section 34. Rights and Obligations of Citizens in the Sphere of Environmental Protection in that Citizens will have the rights, including in particular:</p> <ul style="list-style-type: none"> -to conduct public ecological appraisals; -to participate in environmental protection measures and <p>Section 35. Prerogatives of Public Organizations Public organizations and associations will have rights, including the following::</p> <ul style="list-style-type: none"> -to request and receive timely, complete, and accurate information about the state of the environment and protection measures; <p>The Guidelines fo-to obtain current, complete, and accurate information about the state of the environment, sources of pollution, and basic guidelines, programs, and measures for environmental protection;</p> <p>r Assessment of Planned Activities on EIA</p> <p>Section 5. Stages of the EIA procedure:</p> | <p>Partial equivalence.</p> <p>While citizens have right to the right to request and receive" timely", information about the state of the environment and protection measures and there are provisions for public hearings on the EIS, it is unclear how early in the project preparation process the stakeholders are to be consulted</p> | To attain full equivalence, the legal framework and/or guidelines should explicitly specify when stakeholders should be consulted, and this should be before the EIS is prepared. |

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| | <p>Stage 3: Identification of environmental impacts requires the developer to:</p> <ul style="list-style-type: none"> -Public participation is to seek the views of various groups about the project on the basis of their full project information and research results. -Public hearings and discussion (depending on the importance of project) are organized and conducted at the national and local levels -Public hearings begin with the official announcement of the Nations planned activity, date and place of the public hearing. -Public hearings may be carried out through meetings, seminars, , public opinion polls, the release of information sheets, papers set out in the press and on television. | | |
| Key element (4) Establish a grievance redress mechanism | <p>The Law of Environment Protection Sections 33 – 36 provides for citizens to their participation in environmental protection</p> <p>Section 35. Prerogatives of Public Organizations -to petition courts or arbitration boards for compensation for damages to nature and to the health and property of citizens and the property of public organizations resulting from violations of environmental laws.</p> <p>, Section 39 Procedure for Settling Disputes in the Sphere of Environmental Protection refers to settlement of disputes: Disputes concerning environmental issues and property disputes connected with violations of environmental laws will be settled by local representatives of people's deputies, specially authorized state environmental protection agencies, a state arbitration board, or a court in accordance with their jurisdiction. Disputes not within their jurisdiction will be settled by the Cabinet of Ministers of the Republic.</p> <p>The disputes of enterprises of the Republic of Kyrgyzstan with enterprises in another union republic in connection with environmental issues will be investigated by a commission made up of equal numbers of representatives from the union republics concerned. If the commission cannot agree on a</p> | <p>Partial equivalence</p> <p>While there is a recognized process for settlement of disputes, there is no explicit requirement for establishment of project-specific grievance redress systems.</p> | <p>To attain full equivalence, the legal framework and/or guidelines should specifically require the establishment of project-specific grievance redress mechanisms for settling disputes.</p> |

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| | <p>ruling, the dispute will be investigated according to the procedure established in the union treaty.</p> <p>The Law of Ecological Expertise: Clause 20: RESOLVING DISAGREEMENTS IN THE FIELD OF ECOLOGICAL EXPERTISE refers to the following:</p> <p>Disagreement is considered to be the difference of opinions between project initiator/designer with actions, methods or conclusions of state ecological expertise.</p> <p>Claims on discords are submitted to a chief of republican state body on environmental protection in Kyrgyz Republic.</p> <p>Originating recorded disagreements between bodies providing state ecological expertise and project initiators are considered by republican state body for environment protection of Kyrgyz Republic.</p> <p>Period of consideration should not exceed one month from submission of required documents.</p> <p>Decision of disagreements may be appealed.</p> <p>Statement of the ecological expertise may be nullified in case if during its preparation the following mistakes were made:</p> <ul style="list-style-type: none"> • Violation of due procedure of ecological expertise; • Non-observance or perversion of ecological standards or rules, requirements of ecological safety, environment protection, and overexploitation; • Violation of civil rights for the environment congenial to life, other ecological rights and interests of people as well as rights of participants of expertise. | | |
| <p>Policy Principle 6: Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.</p> | | | |

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| <p>Key element (1) Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place.</p> | <p>The Law of Environment Protection Sections 33 – 36 provides for citizens to their participation in environmental protection</p> <p>Section 34. Rights and Obligations of Citizens in the Sphere of Environmental Protection in that Citizens will have the rights, including in particular:</p> <ul style="list-style-type: none"> - about the state of the environment and protection measures; <p>Law on Ecological Expertise</p> <p>CLAUSE 15. RIGHTS OF PUBLIC ASSOCIATIONS IN THE FIELD OF ECOLOGICAL EXPERTISE</p> <p>Public associations and citizens carrying out public ecological expertise in established by this law order have the right to:</p> <ul style="list-style-type: none"> • Receive from the project initiator documents subject to ecological expertise in full; • Familiarization with reference documentation establishing requirements to performance of the state ecological expertise; • Publishing results of the public ecological expertise in mass media. <p>The Guidelines for Assessment of Planned Activities on EIA</p> <p>Section 5. Stages of the EIA procedure: Stage 3: Identification of environmental impacts requires the developer to:</p> <ul style="list-style-type: none"> -Public hearings begin with the official announcement of the planned activity, date and place of the public hearing. -Public hearings may be carried out..., the release of information sheets, papers set out in the press and on television. | <p>Partial equivalence.</p> <p>There is no explicit mention of timing and accessibility of notification of location of the draft EIA and EMP.</p> | <p>For full equivalence, the legal framework and/or guidelines should explicitly specify that the EIS/EMP must be disclosed at an accessible location and in a language that the stakeholders can understand.</p> |

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| <p>Key element (2) Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders</p> | <p>The Guidelines for Assessment of Planned Activities on EIA</p> <p>Following Stage 3 of the EIA Process, Stage 5 requires the preparation of the final document of EPZs, after consultation with stakeholders and which includes:</p> <ul style="list-style-type: none"> • the main results of studies conducted in the EIA process and conclusions • significant effects on the environment and their effects on public health and conditions of its life • commitments and guarantees of the project to ensure environmental security for the entire period of the project <p>Environmental Protection Statements are required to be transmitted by the proponent to all interested parties. The EPS is viewed as a report of the developer of project materials, including the work done by the EIA and submitted by the proponent (see Appendix 5).</p> <p>Appendix 5 REGISTRATION EPS (Environmental Statement) should include 1. Cover Sheet. 2. The list of organizations and specific with the instructions of EIA directions of their activities, responsibility for work performed. 3. The main results of research carried out at all stages of the EIA. 4. The conclusions drawn on the basis of research and public hearings. 5. Environmental consequences of impacts on the environment, health and conditions of his life...</p> | <p>Full equivalence.</p> | <p>None required.</p> |
| <p>Policy Principle 7: Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.</p> | | | |
| <p>Key element (1) Implement the EMP and monitor its effectiveness.</p> | <p>The Law on Ecological Expertise: CLAUSE 19. DUTIES OF INITIATORS AND DESIGNERS OF PROJECT AND OTHER DOCUMENTATION requires Initiators and developers of the project and other documentation is liable for:</p> <ul style="list-style-type: none"> • Submitting documentation for the state ecological | <p>Full equivalence.</p> | <p>None required.</p> |

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| | <p>expertise in accordance with requirements of the current law;</p> <ul style="list-style-type: none"> • Covering costs of realization of the state ecological expertise; • Providing supplementary materials on objects under expertise for bodies organizing ecological expertise; • Carrying out planned activity in accordance with documentation, which received positive opinion of a state ecological expertise. <p>The Guidelines for Assessment of Planned Activities on EIA</p> <p>Appendix 5 REGISTRATION EPS (Environmental Statement) should include:</p> <p>6. Commitments and guarantees of the project to implement the measures outlined in the draft, and environmental security for the whole period of "life cycle" of the enterprise.</p> | | |
| <p>Key element (2) Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.</p> | <p>The Guidelines for Assessment of Planned Activities on EIA, Section 6 POST-ANALYSIS AND CONTROL requires post-project analysis to include:</p> <ul style="list-style-type: none"> • comparison of the effects of the forecast and regulations; and • monitoring and evaluation of data collected in the monitoring process <p>These actions are carried out at all stages of construction, ex-operation and termination of activities of the facility. To conduct post-project analysis is determined by the commission, includes representatives of the initiators of the project, contractors, developers, experts and the public.</p> | <p>Partial equivalence. Although there is a required for monitoring results, there is no explicit requirement corrective actions or disclosure of monitoring reports.</p> | <p>For full equivalence, the legal framework and/or guidelines should have explicit provisions for ensuring corrective actions and disclosure of monitoring results.</p> |

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| <p>Policy Principle 8: Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources</p> | | | |
| <p>Key Element (1) Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized, endangered or critically endangered species, and (iii) any lesser impacts are mitigated.</p> | <p>The Law on Biosphere territories (1999) lays out the principles for defining conservation aspects:</p> <p>Article 5. Zones and a mode of wildlife management of biosphere territories defines the zonation of such territories and the nature of permissible activities in the different zones.</p> <ul style="list-style-type: none"> - A core zone - a site of territory on which all natural complex is strictly protected, where monitoring behind changes in ecological systems, scientific researches and other activities which are not breaking natural development of natural processes are carried out; In this zone any economic activities are forbidden - The buffer zone - a site of territory which usually surrounds or borders a core zone and is used for traditional kinds of activity with extensive forms of managing, including regulated use of agricultural areas, ecological tourism, and also for carrying out of various scientific researches; - A transitive zone - a site of territory, which is used for conducting ecologically focused economic activities; - A zone of sanitation - the site of territory demanding reclaiming and regenerative measures. <p>The law on Fauna (2003), Article 20. Protection of objects of fauna in specially protected natural territories states that in territories of the state natural reserves, national parks and other specially protected natural territories, protection of objects of fauna is carried out according to special protection regime of the given territories, which is established by the Law of the Kyrgyz Republic “on specially protected natural territories”, and other normative legal acts of the Kyrgyz Republic.</p> | <p>Partial equivalence.</p> <p>There is no explicit requirement for defining critical habitats (outside designated protected areas). However, there is explicit recognition of need to mitigate any impacts ensure no conversion of designated protected areas, but no explicit reference to cost-benefit assessment of environmental costs and enhancement of conservation values.</p> | <p>For full equivalence, the legal framework should provide clear guidance on defining critical habitats and prohibit activities that could impair habitat function, reduce populations of recognized, endangered or critical endangered species;; and mitigate lesser impacts on such habitats.</p> |

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| | <p>The Forest Code (1999), Article 30. Identifies special Forest Protection Categories</p> <ol style="list-style-type: none"> 1. water protecting forests (prohibiting forest lines along rivers, lakes, reservoirs and other sources of water); 2. protecting forests (anti-erosion forests, protecting forest lines along roads and railways, forests in desert and mountainous areas with poor vegetation, which play an important role in protection of environment); 3. sanitary and health supporting forests (city forests, parks, forests of "green zones" around settlements, forests of first and second sanitary zones for protection of water supply sources, forests of sanitary zones around health resorts); 4. forests of specially protected nature territories (national parks, reserves, sanctuaries, forests of special value, forests of scientific value, including genetic reservations and natural monuments, walnut-fruit forests). | | |
| <p>Key Element (2) If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area</p> | <p>The Law on Biosphere territories (1999) lays out the principles for defining conservation aspects:</p> <p>Article 5. Zones and a mode of wildlife management of biosphere territories defines the zonation of such territories and the nature of permissible activities in the different zones.</p> <ul style="list-style-type: none"> - A core zone - a site of territory on which all natural complex is strictly protected, where monitoring behind changes in ecological systems, scientific researches and other activities which are not breaking natural development of natural processes are carried out; In this zone any economic activities are forbidden - The buffer zone - a site of territory which usually surrounds or borders a core zone and is used for traditional kinds of activity with extensive forms of managing, including regulated use of agricultural areas, ecological tourism, and also for carrying out of various scientific researches; - A transitive zone - a site of territory, which is used for conducting ecologically focused economic activities; - A zone of sanitation - the site of territory demanding | Full Equivalence. | None required. |

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| | <p>reclaiming and regenerative measures.</p> <p>The law on Fauna (2003), Article 20. Protection of objects of fauna in specially protected natural territories states that in territories of the state natural reserves, national parks and other specially protected natural territories, protection of objects of fauna is carried out according to special protection regime of the given territories, which is established by the Law of the Kyrgyz Republic “on specially protected natural territories”, and other normative legal acts of the Kyrgyz Republic.</p> <p>The Forest Code (1999), Article 30. Identifies special Forest Protection Categories</p> <ol style="list-style-type: none"> 1. water protecting forests (prohibiting forest lines along rivers, lakes, reservoirs and other sources of water); 2. protecting forests (anti-erosion forests, protecting forest lines along roads and railways, forests in desert and mountainous areas with poor vegetation, which play an important role in protection of environment); 3. sanitary and health supporting forests (city forests, parks, forests of "green zones" around settlements, forests of first and second sanitary zones for protection of water supply sources, forests of sanitary zones around health resorts); 4. forests of specially protected nature territories (national parks, reserves, sanctuaries, forests of special value, forests of scientific value, including genetic reservations and natural monuments, walnut-fruit forests). | | |
| <p>Key Element (3)</p> <p>In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project</p> | | <p>No Equivalence.</p> <p>There are apparent legally restrictions on activities in natural habitats outside of legally protected or otherwise designated areas.</p> | <p>For full equivalence legal instruments need to restrict or otherwise provide conditions for conservation of natural habitats that are not identified as critical habitat or protected areas.</p> |

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| substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. | | | |
| Key Element (4) Use a precautionary approach to the use, development, and management of renewable natural resources | | No Equivalence. | The legal framework should specify a precautionary approach to the use, development, and management of renewable natural resources. |
| <p>Policy Principle 9: Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phaseouts. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.</p> | | | |
| Key element (1) Apply pollution prevention and control technologies and practices consistent with international good practices such as the World Bank Group's Environmental, Health and Safety Guidelines | Law on Environmental Protection, Section 1. Recognizes the relations in the sphere of environmental protection and the intelligent use of natural resources will be regulated by this law and by other statutes of the Republic of Kyrgyzstan enacted in accordance with this law and will represent a constituent and prominent element of republic policy on national economic management. | Partial equivalence. The legal framework is lacking explicit reference to establishing standards for pollution prevention and control technologies and practices consistent with international good practices. | To attain full equivalence, the legal framework should include explicit reference to international standards and good practices for pollution prevention. |

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| Key Element (2) Adopt cleaner production processes and good energy efficiency practices | | No Equivalence. The legal framework is lacking explicit reference and adoption of cleaner production processes and energy efficiency practices. | To attain full equivalence the legal framework should include explicit requirements for and adoption of cleaner production processes and energy efficiency practices |
| Key Element (3) Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage | <p>Law on Environmental Protection</p> <p>Section 32. Protection of Atmosphere, Climate, and Ozone Layer -the organization of a network for the observation, calculation, and monitoring of changes in the chemical composition of the atmosphere, [and] climate ...under the influence of economic activity and other processes; -the establishment and observance of standard limits on the dumping and emission of harmful substances and of physical and other influences affecting the chemical composition of the atmosphere, [and] climate,...of the earth; --the reduction of emissions of gases creating the greenhouse effect; -the assignment of responsibility for violations of requirements for the protection of the atmosphere, [and] climate.... The list of chemical substances and industrial waste with a harmful effect on the atmosphere and ozone layer will be approved by the Cabinet of Ministers of the Republic of Kyrgyzstan</p> <p>Section 20. Protection of the Environment From Pollution by Industrial, Household, and Other Waste Ministries, departments, enterprises, and citizens must take effective measures to reduce the formation, decontaminate, process, utilize, and dispose of industrial, household, and other waste. The indiscriminate disposal of waste in natural surroundings will be prohibited.</p> <p>Section 17. Ecological Requirements Governing the Handling of Radioactive and Hazardous Chemical Substances Enterprises and citizens must observe ecological requirements in the production, storage, shipment, use, decontamination, and burial</p> | Full Equivalence. | None required. |

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| | <p>of radioactive and hazardous chemical substances, observe the standards governing their use, and take measures to prevent and eliminate the harmful effects of their use on the environment.</p> <p>The storage and burial of unutilized toxic and radioactive waste in the Republic of Kyrgyzstan and the transport of this waste to the Republic of Kyrgyzstan from other parts of the USSR and from abroad for the purpose of its storage or burial in the republic will be prohibited</p> <p>Law No. 89 on Industrial and Consumer Waste, 2001 [abstract⁴]</p> <p>This Law shall determine the state policy in the sphere of industrial and consumer waste and is aimed at the prevention of negative impact upon environment and human health in the process of waste management, and the efficient use of recycled waste. It regulates relations originating in the process of waste generation, collection, storage, recycling, transportation and burial. This Law shall not be applicable to radioactive waste. The Act consists of seven Sections divided into 24 articles: (1) general provisions; (2) plenary powers of the state institutions in the sphere of waste management; (3) requirements for waste management; (4) control over waste management; (5) rate setting, state registration and economic regulation in the process of waste management; (6) liability; and (7) conclusive provisions. The basic principles of the state policy in the sphere of waste management shall be: (a) priority of ecofriendly processes; (b) use of economic incentives for recycling; (c) liability for the infringement of environmental and sanitary legal framework; (d) compulsory environmental audit; and (e) free access to information on waste management.</p> <p>Import of waste for waste disposal on the territory of</p> | | |

⁴ FAOLEX text available in Russian.

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| | Kyrgyzstan shall be prohibited | | |
| Key Element (4) Avoid the use of hazardous materials subject to international bans or phaseouts | <p>Law on Environmental Protection,</p> <p>Section 2. Environmental Objects of Protection The..., the ozone layer will be protected from pollution, damage, depletion, destruction, elimination, and other negative effects.</p> <p>Section 32. Protection of Atmosphere, Climate, and Ozone Layer</p> <ul style="list-style-type: none"> - The list of chemical substances and industrial waste with a harmful effect on the ozone layer will be approved by the Cabinet of Ministers of the Republic of Kyrgyzstan - the assignment of responsibility for violations of requirements for the protection of the ozone layer | <p>Full Equivalence.</p> <p>Kyrgyzstan acceded to the Vienna Convention and the Montreal Protocol (2000) and has ratified all of its subsequent amendments</p> <p>The Law on Environmental Protection states that the the ozone layer will be protected from..., depletion, destruction, elimination, and other negative effects through the reduction and complete cessation of the production and use, in the national economy of chemical substances harming the ozone layer ...[and]</p> <ul style="list-style-type: none"> - the assignment of responsibility for violations of requirements for the protection of the ...ozone layer... <p>- Kyrgyzstan ratified the Stockholm Convention on Persistent Organic Pollutants in 2006 and submitted a plan for its implementation in 2009. ⁵ The law provides for a list of [banned] chemical substances and industrial waste to be approved by the Cabinet of Ministers.</p> | None required. |
| Key Element (5) Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides. | <p>The Law On Application of Chemicals and Crop Protection (1997) Article 6 sets out the provisions of chemical application and crop protection, and includes:</p> <ul style="list-style-type: none"> - prevention of mass emergence of pests, diseases and weeds of crops and their eradication; - provision of agrochemical and phytosanitary supervision of soil, crop produce, plants, import of chemicals, meeting the requirements of handling, storage and transportation of chemicals, export and import of chemicals to the Kyrgyz Republic; - conducting of agrochemical and phytosanitary tests for trading of crop products, analysis of soil and water for irrigation, checking the conformity of chemicals to state standards, technological and other requirements; | <p>Partial Equivalence.</p> <p>The application of IPM approaches in agriculture may be considered implicit in the legal framework on application of chemicals and crop protection.</p> | To attain full equivalence, the legal framework should include explicit reference to efficiency practices, as well as use of integrated pest management approaches. |

⁵ To date, Kyrgyzstan has not submitted a national report pursuant to Article 15 of the Convention.

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| | <p>- organization and implementation of measures for crop protection against pests, diseases and weeds as well as in case of emergency;</p> <p>- investigation of the dynamics of pests, diseases and weeds emergence and spread, drawing up of forecasts of their possible emergence, plans and systems for prevention and elimination of crops pests, diseases and weeds as well as plans of likely changes in agrochemical situation of soil and plants;</p> <p>- practical implementation of phytosanitary and agrochemical procedures. Scientific achievements and advanced experience, dissemination of the necessary information</p> <p>Decree implementing Government Decree No. 467 on licensing of activity on production and sale of chemicals (in agrochemical part) (No. 173 of 1997).</p> <p>Art. 2. The head of the Department of Chemical and Plant Protection shall:</p> <p>- prepare and submit to Custom's Inspectorate under the Government of Kyrgyz Republic a list of plant growth regulators allowed to use in the Kyrgyz Republic.</p> <p>- identify business entities, physical and legal persons engaged in production, sale and application of chemical and biological plant control agents for ...agricultural crops and inform them in written about the necessity to receive a license ...</p> <p>- -.... prepare and submit to the Government for consideration Draft Law "On Chemical Supply and Plant Protection in the Kyrgyz Republic";</p> <p>- to organise training courses for physical and legal persons on self-supporting basis devoted to the rules of safety use, storage and application of chemicals and issue of corresponding certificate after courses</p> | | |

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| | <p>Regulations regarding registration tests and registration of pesticides in the Kyrgyz Republic</p> <p>Art. 3.4. There will be prohibited an advertisement of non-registered pesticides and also [restrictions on their] use not corresponding to the "List".</p> <p>3.5. Registration may be limited or stopped prior to the five-year term if new data on the danger of pesticides unknown before, changes in the recipe or technology of pesticide manufacture are received. In spite of this information on the pesticide ban is stated in annual supplements to the "List".</p> <p>Table 1. Recommendations on Pesticide Use</p> <p>Appendix 7 Toxicological and Hygienic characteristics</p> <p>Appendix 10 Ecological and Toxicological Evaluation of Pesticides</p> <p>Appendix 11 Methodical Instructions for Determining Residual Quantities of Pesticides</p> <p>Appendix 12 Recommendations on Pesticide Use</p> <p>Appendix 14 Packing Labels</p> | | |
| <p>Policy Principle 10: Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.</p> | | | |
| <p>Key Element (1)</p> <p>Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease.</p> | <p>The Labour Code 2004 Section VI Health and Safety has extensive provisions for ensuring the health and safety of workers in the work place, preventive and emergency actions and avoidance and compensation as depicted in the Articles of the Code:</p> <p>Article 209: deals with concepts and definitions related to Section</p> | <p>Full equivalence.</p> | <p>None required.</p> |

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| | VI of the Labour Code Article 210: State Regulation related to labour protection Article 211: Duties of the Employer to ensure the safety of labour Article 212: Duties of the worker in the field of occupational safety and health Article 213: Compliance requirement of production facilities and production labour protection requirements Article 214: Provision of personnel protection equipment and hygiene Article 215: Guarantees of employees rights to health and safety Article 216: Training and Instructing employees on labour protection Article 217: The protection of Sanitary and health care worker Article 218: Limitations of heavy work and work in harmful and dangerous conditions Article 220: Medical examination of certain categories of workers Article 221. Transportation to medical institutions employees who become ill in the production Article 222: Labour protection service Article 224: Benefits and Compensation Article 225: Employees liability Article 231: Types of redress Articles 233 through 272 deals with compensation and settlement of disputes regarding labour health and safety | | |
| Key Element (2) Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and | Law No. 202 of 16 November 2013 providing the Technical Regulations for Industrial Safety. ⁶ Chapter I: General Provisions Chapter II: Principles of Industrial Safety Chapter III: Assessment of the Conformity of the Processes of Design, Construction, Exploitation, Expansion, Reconstruction, Technical Modernization, Preservation and Liquidation of Hazardous Materials Production Sites Chapter IV: Final and Transitional Provisions | Full Equivalence. | None required. |

⁶ Source, ILO, NATLEX, full text in Russian only: http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=96287&p_classification=14

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| safety of local communities | | | |
| Policy Principle 11: Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation. | | | |
| Key element (1) Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. | <p>The Guidelines for Assessment of Planned Activities on EIA has provisions for the identification and assessment of impacts and mitigation on physical cultural resources:</p> <p>Section 5 Step 3 states that the degree of completeness and adequacy of information on the nature of natural conditions of a territory considered from the standpoint of its studied of sensitivity to the effects. Enough research determined at the stage of selecting the area (site) and implies information on the types and nature of the intended impact.</p> <p>The information should include the following socio-economic and business aspects of the considered site, including information about:</p> <ul style="list-style-type: none"> d) historical and archaeological sites; and the main characteristics of the impact to be determined are:: a) the sources of exposure (name); b) the spatial arrangement; c) types of impacts <p>General criteria for the definition of social impacts can be public health and safety, possible relocation to other areas, changes in usual living conditions, changing the traditional forms of pro-employment, proximity to recreational areas, nature reserves, Archaeological, ethnic, historical monuments.</p> <p>The Law on the Protection and Use of Historical-Cultural Heritage (1999) Article 5 deals with the Protection, Preservation and Use of historical-cultural heritage, including in particular the following measures:</p> | <p>Partial equivalence.</p> <p>The legal framework is not clear about the use of field based surveys and employment of experienced experts in the environmental assessment process</p> | <p>For full equivalence, the legal framework should require the explicit use of field based surveys and qualified experts in the environment process.</p> |

| (A) ADB Safeguard Policy Statement | (B) Corresponding Legal Provisions of the draft of the Law on EIA ¹ | (C) Extent of Equivalence ² | (D) Recommended Gap-filling Measures |
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| | <p>- To identify, study and promotion of historical records - cultural heritage;</p> <p>- Assignment to the historical - cultural values of the status of monuments history and culture;</p> <p>- To protect the monuments from destruction, acts of vandalism, falsification, mystification, distortions, making unfounded changes, withdrawals from the historical context;</p> <p>- The preservation and revitalization of the monuments through conservation, restoration, regeneration;</p> <p>- The maintenance of monuments in accordance with the rules, ensure their safety;</p> <p>- The use of monuments in the process of revival ethno-cultural environment, as well as in scientific, educational and tourist purposes.</p> <p>Provided for a system of measures applicable to all the historical - cultural values of the Kyrgyz Republic recognized monuments, regardless of the type, the degree of safety and in whose property they are.</p> <p>Article 11. Participation of research institutions, educational institutions and museums, public organizations and associations, businesses and citizens in the protection and use of historical - cultural heritage</p> <p>The National Academy of Sciences of the Kyrgyz Republic, scientific institutions, educational institutions and museums at their own expense, at the expense of raised funds to carry out scientific - research works on objects historical - cultural heritage, served as an expert on object the establishment of the scientific value of monuments, provide a his plans of scientific research and training programs and study teaching of the protection and use of historical - cultural Heritage.</p> <p>Article 20. Financing of the protection and use of historical - cultural heritage</p> <p>Protection of historical - cultural heritage, received legal status in the prescribed manner, at the expense of state budget, financial contributions organizations, operating sites, voluntary donations public organizations, individuals and assistance of the international</p> | | |

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| | <p>community in the face of World Heritage Committee of UNESCO... When the public authority for the protection of monuments, local authorities or independently can be created national and local funds to assist program support in the promotion, protection, restoration and use of objects of historical - cultural heritage.</p> <p>Article 34. The procedure for restoration , conservation , regeneration and repair of historical - cultural heritage Restoration , conservation , regeneration and repair of historical - cultural heritage are carried out only with the permission government agency for the protection of monuments Restoration , conservation , regeneration and repair of historical - cultural heritage by the power financing as defined in Article 20 of this Law , as well as the users or owners of monuments . These works are carried out by specialized scientific - restoration organizations and other organizations or citizens by special permission of the state body for the protection of Monuments , which is issued for each particular monument after approval of a public authority provided by the project documentation of the work produced .</p> | | |

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| Key element (2) Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation | <p>The Law on the Protection and Use of Historical-Cultural Heritage (1999) Article 32.</p> <p>-Public Authority for the Protection of Monuments in agreement with the local authorities have the right to suspend or prohibit all species chores in case of the process of this work threatens to the preservation of historical - cultural heritage or violation of the rules for their protection .</p> <p>-Organizations leading all types of construction, road works or development of virgin lands, in the case of archaeological and other objects, treasures, burials, having historical, scientific, artistic or cultural value are obliged to suspend continuing maintenance work , immediately report the discovery of local authorities and the public authority for the protection of monuments and take all measures to ensure the conservation of the historical – cultural Heritage</p> | Full equivalence. | None required. |