

THE LAW OF THE REPUBLIC OF TAJIKISTAN ON THE USE OF RENEWABLE ENERGY SOURCES

This Law shall regulate legal relations that occur between the public authorities, individuals and legal persons in the area of priority and effective use of renewable sources of energy, and shall define legal and economic grounds improving power saving level, reduction of manmade impact on environment and climate, conservation and preservation of non-renewable sources of energy for future generations.

CHAPTER 1. GENERAL PROVISIONS

Article 1. General Provisions

The following concepts shall be used in this Law:

- **renewable sources of energy** – other than fossil fuel, sources of constant or periodical flows of sun, wind, geothermal waters, biomass, and rivers;
- **use of renewable sources of energy** – the aggregate of actions aimed at transformation, accumulation, allocation, and consumption of renewable energy, as well as materiel and technical support of these actions;
- **traditional energy** – energy received from renewable sources, in particular, from hydro power plants and hydrocarbon material (coal, oil, gas) with the installed capacity of 30 and more megawatt;
- **small energy** – micro, mini and small power plants with the capacity of up to 100 kW, from 101 kW to 1,000 kW, and from 1,001 kW to 30,000 kW accordingly;
- **producers of power from renewable energy sources** – individuals and legal entities operating installations for the use of renewable energy sources to supply power for operation, as well as power production using such installations with a view of further sale through the power network;
- **consumers of power produced from renewable energy sources** – individuals, legal entities, and persons purchasing power produced through installations for the use of renewable energy sources for internal needs, or individuals and legal entities purchasing such power for further sale through the energy network;
- **certificate of compliance** – a document issued in accordance with the legislation of the Republic of Tajikistan confirming that power produced through installations for the use of renewable energy sources complies with the technical regulations, standards and other technical requirements set in the normative acts;
- **installation for the use of renewable energy sources** – fabrication facilities or outfit of fabrication facilities for production, transformation, accumulation, and transmission of power produced from renewable energy sources;

- **power produced from renewable energy sources** – electric, thermal and/or mechanical power produced through the installations for the use of renewable energy sources;
- **biomass** – biodegradable fraction of products, waste and remnants of agriculture and forestry, or allied industrial sectors, including phytogenic and zoogenic material, as well as manufacturing and municipal waste;
- **power network operator** – a legal entity providing transmission and distribution services;
- **power network** – technical means for transmission and distribution of electric and thermal power.

Article 2. Legislation of the Republic of Tajikistan on the Use of Renewable Energy Sources

The legislation of the Republic of Tajikistan on the use of renewable energy sources shall be based on the Constitution of the Republic of Tajikistan and comprise this Law, other normative legal acts of the Republic of Tajikistan, and international legal acts recognized by Tajikistan.

Article 3. Purview of this Law

This Law shall regulate operations in the area of renewable energy sources in the Republic of Tajikistan, including:

- setting government policy principles and goals pertaining to the development of renewable energy sources;
- identifying ways for integration of renewable energy sources in the national power system;
- implement administrative, research, design, expert, engineering, regulatory activities aimed at increasing the use of renewable energy sources;
- envisage correlation (interrelation) of operations in production, accounting, transportation, distribution, and use of power from renewable energy sources;
- define economic and administrative measures aimed at encouraging production and use of renewable energy sources.

CHAPTER 2. ORGANIZATIONAL LEGAL FRAMEWORK FOR THE USE OF RENEWABLE ENERGY SOURCES

Article 4. Renewable Energy Sources

The following shall comprise renewable energy sources, in accordance with the legislation of the Republic of Tajikistan:

- solar power;
- wind power;
- power of natural and synthetic stream flows and reservoirs;
- geothermal power;

- refuse wood, biomass as manufacturing, agricultural, forestry, and municipal and household waste.

Article 5. Areas for the Use of Renewable Energy Sources

1. Solar power may be used for the following purposes:
 - receiving thermal power through the application of solar collecting panels or passive heating systems;
 - obtaining electric power through application of thermodynamic conversion cycle;
 - obtaining electric energy through the use of systems with direct power conversion methods (photoelectrical, thermo electrical, thermo photoelectrical, etc.);
 - obtaining electrical, thermal power through the use of combined systems with various conversion methods;
 - obtaining hydrogen as the power vector through the use of photolysis and photoelectrolysis methods;
 - separate technology processes (in drying devices, distillers, helioglass ouses, and other devices).
2. Wind power may be used for obtaining:
 - electric power applying wind-electric devices;
 - mechanical power applying wind-mechanical and wind-hydrodynamic devices.
3. Power of water streams and water reservoirs may be used for obtaining:
 - electric power through the use of damless micro hydropower plants (diversion, pontoon, and free stream);
 - electric power through the use of micro hydropower plants with low-head dams (on water reservoirs and ponds, or specially constructed);
 - electric power through the use of micro hydropower plants on synthetic pressure water streams (in canals and pipelines);
 - mechanical power through the use of physical characteristics of water and water reservoir level difference.
4. Geothermal power may be used for the purpose of obtaining:
 - thermal power using geothermal water heat carrier, geothermal steam, or geothermal combustion gas;
 - electric power through the use of turbines using high temperature geothermal water-steam mixture or medium capacity geothermal heat carrier.
5. Refuse wood power (wood chips), lignine, biomass as manufacturing, agricultural, forestry, municipal, household waste, may be used for the purpose of obtaining:
 - thermal and electric power in thermal power plants and boiler-houses through direct incineration;

- biogas with following burning in thermal power plants or boiler houses and simultaneous obtaining of fertilizers using biochemical conversion devices;
- gas fuel using gas generating thermo chemical conversion devices;
- liquid hydrocarbon fuel using devices for condensing organic residue.

6. Renewable energy sources may also be used for other purposes in accordance with the legislation of the Republic of Tajikistan.

Article 6. Priority Objects for the Use of Renewable Energy Sources

1. Priority objects for the use of renewable energy sources shall be the following:

- zones of decentralized power supply, where due to low population density construction of traditional power plants and high voltage power transmission lines is not profitable or impractical;

- zones of centralized power supply, where frequent power outages are caused due to unsatisfactory state of power networks or capacity/power deficit, which cause significant economic losses and negative social impact;

- settlements and public entertainment places with complicated environmental situation caused by pollutant emission of industrial and urban boiler-houses based on organic fuel;

- settlements, holiday homes and places of temporary stay with heating, electricity supply and hot water supply problems.

2. For the power supply to production and household needs in nurseries and natural areas for preferential protection, renewable energy sources may be the priority pursuant to the legislation of the Republic of Tajikistan.

Article 7. Requirements on the Use of Renewable Energy Sources

Activities pertaining to the use of renewable energy sources, including scientific research, design works, exploration, commissioning, projection, production, construction-erection and operation works shall be performed on the basis of the legislation of the Republic of Tajikistan on nature protection and sanitary and epidemiology, requirements on safe works, standards on efficient use of natural resources, town planning and architectural rules, requirements on the most effective use of power.

Article 8. Devices for the Use of Renewable Energy Sources and Requirements

1. Capacity of devices for the use of renewable energy sources in production, conversion, accumulation, and transmission of power generated from the renewable energy sources, shall be confirmed by the document of the producer authorized by the government agency.

2. The owner shall have the right to reequip any fabrication facility, or a set of fabrication facility for its operation based on the renewable energy sources in

accordance with the legislation, technical regulations, and technical requirements of the Republic of Tajikistan.

3. Conversion of fabrication facilities, or a complex of fabrication facilities with the purpose of using renewable energy sources, shall be confirmed by documents issued by the organization on conversion, as well as by the authorized government body, when it is envisaged in the legislation of the Republic of Tajikistan.

4. Operational requirements of the devices for the use of renewable energy sources shall include:

- compliance with the technical regulations, standards, and other technical normative legal acts of the republic of Tajikistan, which set requirements on production, conversion, accumulation, and transmission of power produced from renewable energy sources;

- public supervision over operation of devices for the use of renewable energy sources;

- ensure compliance of the cost-performance ratio of the devices for the use of renewable energy sources with the requirements of international legal acts recognized by Tajikistan.

5. In production and operation of devices for the use of renewable energy sources, conditions shall be ensured to prevent incurring harm to individuals and legal entities, and environment.

Article 9. Accounting of Renewable Energy Sources and Devices for the Use of Renewable Energy Sources

1. With the purpose of efficient use of renewable energy sources for the resolution of energy and social-economic objectives, renewable energy sources located in the territory of the country, as well as devices for the use of renewable energy sources, shall be accounted in accordance with the Republic of Tajikistan.

2. To ensure accounting of renewable energy sources, cadastres shall be developed by types containing information on the checklist defined pursuant to the legislation of the Republic of Tajikistan.

3. To ensure accounting of devices for the use of renewable energy sources, a catalogue of devices for the use of renewable energy sources, as well as the mode of application for power generation, shall be developed.

4. Accounting of renewable energy sources, devices for the use of such sources, shall be financed pursuant to the legislation from the budget funds, funds of legal entities and individuals, as well as other sources not prohibited by the legislation of the Republic of Tajikistan.

5. Arrangement of accounting renewable energy sources, devices for the use of renewable energy sources shall be imposed on the authorized body in charge of power related issues.

6. The procedure of providing information from cadastres and catalogues shall be established by the legislation of the Republic of Tajikistan.

Article 10. Quality of Power Produced from Renewable Sources of Energy

1. Quality of power produced from renewable sources of energy shall be ensured through setting and applying a set of general indicators of technology process, distribution and consumption of power, as well as indicators of environmental safety, population health protection, and occupational safety in the process of using renewable energy sources.

2. Quality indicators of power produced from renewable energy sources shall in accordance with the technical regulations and standards of the Republic of Tajikistan.

Article 11. Relationships of Persons Producing Power from Renewable Sources of Energy with the Power Network Operators and Wholesale Consumers

1. Relationships between producers of power from renewable sources of energy and power network operators, as well as legal entities and individuals purchasing such power for further sale through the connected power network to wholesale consumers shall be defined in accordance with the legislation of the Republic of Tajikistan and agreements signed between these parties.

2. Power network operators shall connect power producers using renewable sources of energy to the power network (integrate in the power system) on the basis of an agreement, provided that this does not affect reliability of power networks and systems.

3. Producers of power using renewable energy sources shall be connected to the power network on easy terms in accordance with the legislation of the Republic of Tajikistan.

4. Power network operators and wholesale consumers shall be obliged to purchase power produced from renewable energy sources based on the agreement given maintained balance of production volumes and quality of power from renewable energy sources.

5. Deviations in supplies of power produced from renewable energy sources due to naturalness of these sources cannot justify producers' failure to fulfill commitments, when power is produced from renewable energy sources.

Article 12. Supplying Consumers with Power from Renewable Energy Sources.

1. Power from renewable energy sources shall be supplied to consumers in accordance with the legislation of the Republic of Tajikistan on contractual basis.

2. Power produced from renewable energy sources shall be sold in accordance with the following requirements and conditions:

- availability of a compliance certificate for the power produced;
- sale of power on contractual or competitive basis at regulated tariffs;
- to the authorized body in charge of power related issues.

CHAPTER 3. STATE REGULATION AND MANAGEMENT IN THE AREA OF USING RENEWABLE ENERGY SOURCES

Article 13. State Regulation and Management in the Area of Using Renewable Energy Sources

1. State regulation in the area of using renewable energy sources shall cover the following:

- identification and implementation of a single government policy in the area of using renewable energy sources;
- creation and application (operation) of effective technologies and devices on the use of renewable energy sources;
- establishment of the system of financial-economic mechanisms that ensure economic interest of individuals and legal entities in production and use of renewable energy sources;
- support development of the scientific-technical framework for production and use of renewable energy sources, advocacy of scientific-technical achievements in this area;
- ensure accounting, supervision and control, including for confirmation of the origin of power from renewable sources;
- setting rules for receiving power produced from renewable energy sources to the power system and sale of power to consumers;
- international cooperation.

2. Government regulation in the area of using renewable sources of energy shall be implemented by the authorized government bodies, local authorities, and local governance bodies in settlements and villages.

Article 14. Government Support in the Area of Using Renewable Energy Sources

1. Government shall provide support in using renewable sources of energy in order to create favorable conditions for the production of electric and/or thermal power using renewable sources of energy to reduce energy-output ratio and impact the sector producing electric and thermal energy on environment, and increase the share of renewable sources of energy in production of electric and/or thermal power.

2. Government support in the area of using renewable energy sources shall include:

- development of effective pricing policy regarding energy produced from renewable sources of energy to enhance production and procurement;
- protection of producers of power from renewable sources against unfair competition by organizations dominating in production and use of power;

- recognition of the use of renewable sources of energy as nature protection and/or power saving activity setting relevant privileges for individuals and legal entities working in the area of using renewable sources of energy;
- based on the volume of financing and production capacity, legal entities and individuals involved in production of power from renewable sources shall be granted exemptions pursuant to the Tax Code of the Republic of Tajikistan;
- regulation of tariffs on power to be supplied to consumers, operation of devices for using renewable sources of energy, including through subsidies from sources defined by the legislation for production of such power;
- defining accelerated depreciation of devices for using renewable sources of energy;
- ensure unimpeded access to individuals and legal entities using renewable sources of energy for internal power supply to the resources of these energy sources through simplifying procedure of transferring ownership rights on natural and other resources;
- guaranteed connection of producers of power from renewable energy sources to power networks;
- facilitate investment activities and introduce modern technologies of using renewable energy sources, including favorable conditions to national and foreign investors;
- support scientific-technical provision and introduction of devices for the use of renewable energy sources.

Article 15. Programs on the Use of Renewable Sources of Energy

1. Interstate, state, sector, and regional scientific-technical programs to promote the use of renewable energy sources for medium and long term may be approved to manage processes of developing energy based on renewable energy sources.
2. Measures for implementation of the indicated programs shall be planned in coordination with the power saving measures in remote districts with no regular power supply, protection of environment, housing construction.
3. Measures for implementation of these programs shall be financed from the state budget funds and non-budgetary sources.

Article 16. Financing of Programs and Projects on the Use of Renewable Sources of Energy

1. Programs and projects to promote use of renewable energy sources shall be financed in accordance with the legislation of the Republic of Tajikistan from the state budget funds, funds of legal entities and individuals, as well as other sources not prohibited by the legislation.
2. State budget funds may be used to finance:
 - drafting and implementation of target programs to promote the use of renewable energy sources;

- scientific-technical provision for the development and installation of devices for the use of renewable energy sources;
 - involvement in the work of international (regional) organizations on the use of renewable sources of energy;
 - other measures aimed at promotion of the use of renewable sources of energy.
3. The procedure of financing these expenditures shall be set in accordance with the legislation of the Republic of Tajikistan.

Article 17. Pricing in the Area of Production of Power from Renewable Sources of Energy

1. Prices (tariffs) on power produced from renewable energy sources shall be set by the bodies in charge of regulating activities of natural monopolies taking into account costs of produced power and facilitation of the use of renewable sources of energy for sale to natural monopoly subjects.

2. Power from renewable sources of energy shall be sold by the natural monopoly subjects at prices set for the natural monopoly products, and the price difference shall be covered by the tariffs set for the products of the natural monopoly subjects, including anticipated losses.

Article 18. Standardization and Certification in the Area of Using Renewable Energy Sources

1. Standardization in the area of using renewable energy sources shall be implemented as follows:

- efficiency of renewable sources of energy shall be included in the technical regulations, standards, and other technical requirements of the Republic of Tajikistan;

- introduce technical regulations, standards, and other technical requirements of the Republic of Tajikistan that define methodology, organizational and technical framework for efficient use of renewable energy sources;

- standard parameters for power produced from renewable sources of energy, which are brought in compliance with international standards recognized by the Republic of Tajikistan, shall be included in technical regulations;

- indicators of energy efficiency shall be included in the technical standard regulations and other technical requirements of the Republic of Tajikistan in the area of construction, materials, structures, transport means, devices and installations for economic purposes, as well as other types of goods and services consuming power from renewable sources of energy;

- mandatory certification of power and products from renewable sources of energy.

2. Devices for the use of renewable sources of energy shall be subject to evaluation in accordance with the technical regulations, standards, and other technical requirements of the Republic of Tajikistan.

Article 19. Scientific and Technical Provision in the Area of Using Renewable Sources of Energy

Scientific and technical provision for the development and installation of devices for the use of renewable energy sources, as well as development of these sources of energy, including design, construction, and operation of such installations shall be implemented under the interstate, state, sector, regional, and application programs, innovation projects, scientific research, development and technological works, which are financed in accordance with the legislation.

Article 20. Information Support in the Area of Using Renewable Energy Sources

Public authorities in charge of energy related issues shall arrange information support aimed at promotion of the use of renewable energy sources through:

- arranging seminars, exhibitions of equipment and technologies applied when using renewable energy sources;
- publication of information on the use of renewable energy sources;
- advocacy of the use of renewable energy sources through mass media;
- drafting proposals to include materials on efficient use of renewable energy sources in educational programs in general and vocational education;
- training technical specialists and managers in the area of using renewable energy sources;
- arranging the system of improving qualification and retraining of specialists on the use of renewable energy sources.

CHAPTER 4. FINAL PROVISIONS

Article 21. International Cooperation in the Area of Using Renewable Energy Sources

1. International cooperation in the area of using renewable energy sources shall be implemented in accordance with the legislation of the Republic of Tajikistan and international legal acts recognized by Tajikistan.

2. The main areas of international cooperation in the area of using renewable energy sources shall be:

- mutually beneficial exchange of scientific achievements and technologies with international and foreign organizations;
- participation in international projects;
- sharing experience of efficient use of renewable energy sources;
- training and retraining of personnel based on cooperation agreements;
- participation in international conferences, symposiums, seminars.

Article 22. Responsibility for the Violation of this Law

Individuals and legal entities, regardless of the ownership form, shall bear responsibility for the violation of this Law as set in the legislation of the Republic of Tajikistan.

Article 23. The Procedure of Enacting this Law

This Law shall be in effect after its official publication.

**President
Republic of Tajikistan**

Emomali Rahmon

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