



Attention!

Changes introduced by the Law of the Kyrgyz Republic of July 8, 2019 N 83, enter into force one year after the date of official publication of the said Law



LAW OF THE KYRGYZ REPUBLIC

dated December 31, 2008 No. 283

About renewable energy

*(As amended by the Laws of the Kyrgyz Republic of October 10, 2011 No. 167 , August 3, 2012 No. 148 ,
October 10, 2012 No. 170 , July 25, 2016 No. 136 , July 8, 2019 No. 83 , July 24, 2019 No. 99)*

This Law establishes the legal, organizational, economic and financial foundations, mechanisms for regulating relations between the state, producers, suppliers and consumers of renewable energy sources, equipment for production, installations for the use of renewable energy sources.

Chapter 1 General Provisions

Section 1. Purpose of this Law

The purpose of this Law is the development and use of renewable energy sources, improving the energy structure, diversifying energy resources, improving the social status of the population, ensuring the energy security of the Kyrgyz Republic, environmental protection and sustainable economic development.

Article 2. Objects of regulation of this Law

The objects of regulation of this Law are the production, consumption and marketing of heat, electric energy and fuel using renewable energy sources, as well as the production and supply of equipment and technologies in the field of renewable energy sources in the Kyrgyz Republic.

The provisions of this Law, which provide for tariff preferences, apply to new facilities using renewable energy sources.

(As amended by the Law of the Kyrgyz Republic of July 24, 2019 N 99)

Article 3. Basic concepts and terms

The following basic concepts are used in this Law:

biomass - the total mass of plant and animal organisms present in the biogeocenosis at the time of observation;

renewable energy - clean energy obtained through the use of renewable energy sources, including from renewable fuels;

renewable energy sources - sources of continuously renewable types of energy:

- solar, Earth's energy, vacuum energy, wind energy, water energy;

- energy sources of non-fossil and non-carbon origin, the energy of decomposition (fermentation) of the biomass of any organic waste and / or materials;

- energy of secondary heat (cooling towers, transformer substations, other industrial installations and units, as a result of which secondary heat is released);

renewable fuel - fuel derived from renewable sources, biomass and any organic or natural raw materials and / or source;

the use of renewable energy sources - a set of actions aimed at the conversion, accumulation, distribution and consumption of renewable energy, as well as the material and technical support of these actions;

solar energy - energy derived from the use of solar radiation;

network (electric and / or thermal, gas) - a set of technical means for transportation and / or distribution and redistribution of electric and thermal energy;

biogas plant - a system of equipment for anaerobic digestion of organic waste and effluent to produce gas, secondary heat and produce organic fertilizers;

electric energy produced from renewable energy sources - electric energy obtained exclusively from renewable energy sources;

wind energy - energy received from the energy potential of the wind;

hydropower - energy produced by hydropower units using water energy;

traditional energy - energy obtained from non-renewable resources, in particular from hydrocarbons (coal, oil, gas), and hydroelectric power plants with an installed capacity of 30 or more megawatts;

solar installation - a system of equipment for converting solar energy into thermal or electrical energy;

certificate of conformity - a document issued on the basis of certification rules and demonstrating with certainty that renewable energy and fuel sources are properly identified, comply with a standard or other regulatory document;

Renewable energy consumer - a legal entity or an individual who uses technical means and devices that operate on the basis of energy obtained through the development of renewable sources;

preferences in the design, production, installation and operation of renewable energy sources - providing legal and physical persons involved in the field of renewable energy sources with benefits in the form of tax cuts, exemption from customs duties, payments, provision of beneficial loans from the state and of a targeted nature;

diversification of renewable energy sources - expansion of activities in the production of renewable energy sources through the development of its new types;

(paragraph 22 has lost force in accordance with the Law of the Kyrgyz Republic of July 25, 2016 N 136)

grace period - the statutory deadline for the tariff for installations using renewable energy sources, using increasing factors;

quoting of renewable energy capacities - the establishment by the authorized state body of the total electric capacity of installations by region and by type of renewable energy for a certain period of time.

The list of listed sources of renewable energy and equipment is not exhaustive and may expand with the development of science and technology in the field of renewable energy and energy efficiency.

(As amended by the Laws of the Kyrgyz Republic of October 10, 2011 No. 167 , July 25, 2016 No. 136 , July 24, 2019 N 99)

Article 4. Legislation of the Kyrgyz Republic on Renewable Energy Sources

The legislation of the Kyrgyz Republic on renewable energy sources (hereinafter - RES) consists of this Law, other laws and other regulatory legal acts, as well as relevant international treaties that have entered into force in the manner established by the legislation of the Kyrgyz Republic.

If an international agreement that has entered into force in the manner prescribed by the legislation of the Kyrgyz Republic establishes rules other than those provided for by this Law, then the norms of the international agreement shall apply.

Section 5. Scope of this Law

The scope of this Law is the regulation of relations in the Kyrgyz Republic related to the use of renewable energy, including:

- to study the potential of renewable energy;
- on economic incentives for the use of renewable energy;
- on the development, production, import and use of power plants, machinery, equipment and products for the production, transportation, transformation, storage and use of renewable energy;
- on the production of energy and mechanical energy through the use of renewable resources;
- on the implementation of organizational, research, design, expert, design, construction and regulatory activities aimed at increasing the use of renewable energy.

Chapter 2

Fundamentals of Public Administration in the Field of RES

Article 6. Basic principles of state policy in the field of renewable energy

State policy in the field of renewable energy is based on the following principles:

- The objectives of state policy in the field of renewable energy are to strengthen energy security through increasing the share of renewable energy, developing competitive energy systems and ensuring environmental protection;
- State policy in the field of renewable energy is implemented in the framework of national and regional programs;
- ensuring environmental protection and rational use of natural resources, protecting public health and labor protection when implementing measures aimed at developing the renewable energy sector;
- state support for the use of renewable energy;
- Creation of a system of legal and financial and economic mechanisms ensuring the economic interest of renewable energy producers (consumers) in order to include renewable energy in the fuel and energy balance;
- attracting investment and supporting entrepreneurship;
- guarantees for the sale of renewable energy;
- ensuring the competitiveness of systems using renewable energy sources, excluding the conditions for creating an artificial monopoly in the field of renewable energy and renewable fuels;
- information support of technical and technological achievements in the field of renewable energy;
- wide involvement of the public and scientific and technological potential in the process of RES development;

- Encouragement of cooperation between subjects of the electric power industry and renewable energy producers (consumers) in order to supply energy or replace traditional energy;
- encouragement of activities aimed at decentralized and autonomous generation of electric and thermal energy;
- involving the population in the use and production of renewable energy equipment;
- ensuring interdepartmental and intersectoral cooperation in the field of renewable energy.

Article 7. Promotion of the use of renewable energy sources

The Government of the Kyrgyz Republic promotes the use of renewable energy through:

- determining priorities in the development of renewable energy;
- the guaranteed functioning of economic mechanisms and incentive measures provided for by the legislation on the development and implementation of environmentally friendly technologies or technologies with a low and safe level of waste in the development of renewable energy, including wells, the evacuation of substances that pollute the environment during production, and the use of renewable fuels;
- supporting the construction of independent renewable energy systems in cities as well as in rural areas to provide energy services and the functioning of local production, as well as the livelihoods of the population;
- encouraging the installation and use of equipment for solar energy systems for hot water supply, heating, cooling and power generation;
- encouraging the installation and creation of a network of biogas plants for the rational use of organic waste from agricultural production and the processing industry;
- support for the establishment of service centers that ensure the stable production of installations for the use of renewable energy sources, repair and maintenance of the created systems.

Article 8. Public administration in the field of renewable energy

Public administration in the field of renewable energy is carried out by the Government of the Kyrgyz Republic and authorized state bodies in accordance with their functions and through:

- adoption of relevant regulatory legal acts;
- development, implementation and implementation of national programs in the field of renewable energy sources, providing for internal and external sources of financing;
- reforming the energy industry, taking into account the use of renewable energy potential;
- development and implementation of legal mechanisms, as well as regulatory documentation, contributing to the development of the use of renewable energy sources and the production of renewable energy equipment;
- assessment of the potential and use of renewable energy;
- development and approval of capacity quotas;
- determination of conditions for the placement of facilities for the use of renewable energy;
- ensuring the assessment and statistical accounting of renewable energy resources and the maintenance of a register of entities engaged in activities in the field of renewable energy and fuel;
- the organization of training and the promotion of scientific and technological progress in the field of RES development;
- ensuring international scientific and technical cooperation, participation in international programs for the use and development of renewable energy;
- facilitating the involvement of public and scientific-technical organizations in the process of RES development;
- the establishment of the grace period for renewable energy projects for a period of not more than 10 years;
- establishing the period of validity of the payback period for installations using renewable energy sources built outside the framework of quotas for capacities whose owners do not claim

tariff preference for a grace period.

Competitive selection by the authorized state body is allowed only if there is a designated land plot and a preliminary feasibility study prepared by the authorized state body for the construction project of an electric power plant using renewable energy sources.

(As amended by the Law of the Kyrgyz Republic of July 24, 2019 N 99)

Section 8-1. Competence of the authorized body for the development and support of the use of renewable energy sources

Authorized body:

- implements state policy in the field of support for the use of renewable energy;
- develops programs for the development and use of renewable energy;
- the right to conclude an agreement of intent to invest in the construction of a facility for the use of renewable energy;
- the right to reserve land for the construction of facilities for the use of renewable energy;
- the right to initiate the work of the land commission, is involved in considering the provision of land for the construction of facilities for the use of renewable energy;
- the right to declare a competitive selection for the construction of power plants for the use of renewable energy;
- exercises control over compliance with guarantee obligations by investors during the tender for the construction of facilities for the use of renewable energy;
- interacts with the state water administration and other authorized bodies on issues of monitoring and control over the targeted use of land allocated for the construction of facilities for the use of renewable energy;
- the right to initiate the procedure for termination (cancellation) of the rights to use the land in cases of using the land in violation of its intended purpose or non-use of the land provided for the construction of the facility for the use of RES within 3 years;
- the right to provide legal and organizational assistance to investors during the procedure for approval by state bodies of projects for the construction of facilities for the use of renewable energy;
- monitors and controls the connection of renewable energy facilities to the electric and (or) heat networks of energy transmission organizations in accordance with legislation in the field of energy;
- monitors the use of renewable energy in the manner prescribed by the Government of the Kyrgyz Republic, by taking into account and analyzing the energy potential of renewable energy, the level of their development and the share of electricity and heat production in the total energy production in the Kyrgyz Republic; determination of compliance of electric energy production with the use of renewable energy targets;
- carries out international cooperation in the field of renewable energy use.

(As amended by the Law of the Kyrgyz Republic of July 24, 2019 N 99)

Article 9. Licensing of renewable energy activities

(Repealed in accordance with the Law of the Kyrgyz Republic of October 10, 2012 No. 170)

Chapter 3

Economic and organizational-legal mechanisms in the field of renewable energy

Article 10. Creation, acquisition and operation of renewable energy plants

The creation, acquisition and operation of installations for the use of renewable energy can be carried out by any legal entity or individual subject to the requirements of laws and technical regulations in force in the Kyrgyz Republic.

Building design organizations are encouraged to provide for the development of projects using solar energy or other sources of renewable energy.

Article 11. Financing of renewable energy programs and projects

Funding for scientific and technical research aimed at the development and use of renewable energy sources is carried out at the expense of the republican budget within the limits of the funds provided for by the law of the Kyrgyz Republic on the republican budget for the corresponding year.

Article 12. Economic and organizational-legal mechanisms for stimulating the use of renewable energy sources

Manufacturers of electric and thermal energy generated using renewable energy sources, and consumers of such energy have the following preferences:

- for individuals and legal entities that manufacture or re-equip technical equipment and devices operating on the basis of renewable energy sources, preferences are provided;
- tax and customs benefits provided for in tax and customs legislation for producers of electric and thermal energy generated using renewable energy sources;
- all electricity generated using renewable energy sources, not consumed by the owner of the installation for their own needs and not sold to other consumers on a contractual basis, should be acquired by the largest distribution company in the administrative-territorial formation in which the installation for using renewable energy sources is located, regardless of , to the networks of which electricity company this installation for the use of renewable energy is connected;
- gas and renewable fuel in a gaseous state that meet the standards and requirements for gas and heat networks should be included in the system of organizations working with gas and heat networks;
- liquid biofuels in accordance with the national standard should be included in the fuel sales system to organizations;
- the supply and payment of electric energy generated using RES is carried out in priority order in accordance with the contract for the supply of electric energy, concluded for the duration of the grace period. The standard form of the supply contract is approved by the Government of the Kyrgyz Republic;
- during the payback period for renewable energy installations built outside the framework of capacity quotas, the tariff for electricity generated by them is set at the level of the maximum tariff for end consumers, minus the cost of the transit service of the electricity company;
- during the grace period, the tariff for electricity generated by renewable energy plants built in the framework of capacity quotas is established by multiplying the maximum tariff for end users by the appropriate coefficient for each type of renewable energy installation, determined by paragraphs eleventh to fifteenth of this article;
- coefficients for the maximum electricity tariff for the end user for each type of installation using renewable energy sources, if they are built as part of the quotas for capacities, are set during the grace period in the following sizes:
 - for installations using water energy, the coefficient is 1.3;
 - for installations using solar energy, the coefficient is 1.3;
 - for plants using biomass energy, the coefficient is 1.3;
 - for installations using wind energy, the coefficient is 1.3;
 - for installations using the energy of the earth, the coefficient is 1.3;
- the value of the maximum electricity tariff for end consumers varies depending on the tariff policy for electric energy;
- upon the expiration of the payback period or grace period, the tariff for electricity generated using renewable energy sources is set by the authorized state body for regulating the fuel and energy complex for each station individually based on calculations that take into account reasonable costs for electricity generation and the element of fair profit;
- Compensation of additional costs of distribution enterprises for the purchase of electricity generated using renewable energy sources is taken into account when calculating and establishing a nationwide electricity tariff for end consumers;
- all costs for the construction of power lines to the point of connection to the grid of the electric power company are borne by the owner of the RES installation;

- in the case of expansion and reconstruction of existing electric and heating networks, which are on the balance of distribution companies, for connecting facilities using renewable energy sources, distribution companies reimburse owners of installations for the use of renewable energy resources material costs for the acquisition of materials, installation and repair of energy equipment;

- all electricity companies must ensure non-discriminatory access to their networks of electricity producers using renewable energy sources for supplying the electricity generated by them to the network, provided that it complies with established standards;

- the installation of a facility using renewable energy sources should be connected to the networks of that electric power company, the costs of connecting to the networks of which will be the smallest;

- national electric grids and distribution companies ensure unhindered transit of electric energy generated using renewable energy sources from producers to consumers;

- in the formation of dispatch schedules for deliveries - consumption of electric energy in electric networks of the unified electric power system of the Kyrgyz Republic, deliveries from facilities using renewable energy sources are included in them as a priority.

(As amended by the Law of the Kyrgyz Republic of July 24, 2019 N 99)

Article 13. Information support of renewable energy activities

Information support of renewable energy activities is carried out by state energy management bodies through:

- a broad discussion of national and regional renewable energy programs;

- coordination of work on the creation of demonstration projects in the field of renewable energy;

- Creation in the territory of the administrative-territorial units of zones with predominant use of renewable energy sources;

- organization of exhibitions of technologies and equipment in the field of renewable energy;

- providing consumers and renewable energy producers with information on their production and use;

- propaganda of the production and use of renewable energy sources through the media.

Section 14. Scientific Support for Renewable Energy Activities

The National Academy of Sciences of the Kyrgyz Republic provides scientific activity in the field of renewable energy, including:

- develops international scientific and scientific-technical programs in the field of RES development, as well as mechanisms for their implementation and supervision;

- organizes competitions for research and innovation projects financed from the state budget;

- Introduces scientific and innovative achievements in the field of renewable energy development;

- considers reports regarding the implementation of state programs, research projects and evaluates the scientific level of research, testing and verification carried out in the field of renewable energy;

- Creation of new materials, equipment and technologies in the field of renewable energy;

- annually submits to the Government of the Kyrgyz Republic information on the progress of the deployment and implementation of programs in this area.

(As amended by the Law of the Kyrgyz Republic of October 10, 2011 No. 167)

Article 15. State Register of Energy Resources and Statistics

Information on extracted, produced, imported, processed, converted, transported, stored and consumed energy sources of renewable energy is subject to registration by the state body in the field of official statistics.

(As amended by the Law of the Kyrgyz Republic of July 8, 2019 N 83)

Section 16. Responsibility for Violation of this Law

Persons guilty of violation of this Law are liable in accordance with the legislation of the Kyrgyz Republic.

Energy companies that do not fulfill the obligations laid down by law will reimburse compensation in the amount of the lost profit of renewable energy producers.

(As amended by the Law of the Kyrgyz Republic of October 10, 2011 No. 167)

Chapter 4 Final Provisions

Section 17. Entry into Force of this Law

This Law shall enter into force on the day of its signing.

The Government of the Kyrgyz Republic, within three months from the date of entry into force of this Law, shall bring its normative legal acts into compliance with this Law.

**The president
Kyrgyz Republic**

K. Bakiev