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Citation: **garant 12011447**

*GARANT 12011447, \**

ECONOMIC LAW OF RUSSIA  
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GARANT 12011447

NAME: Federal Law No. 71-FZ of May 6, 1998 on Pay for the Use of Water Facilities (with the Amendments and Additions of March 30, 1999)

TYPE: FEDERAL LAW

CLASS: GENERAL POINTS OF ECONOMIC AND ENTREPRENEURIAL ACTIVITY/QUESTIONS OF PRICES AND TARIFFS FORMATION/RATES FOR COMMUNAL SERVICES AND DWELLING PAYMENT

ISSUED BY: BODIES OF LEGISLATIVE POWER OF RUSSIA AND THE USSR/FEDERAL ASSEMBLY/FEDERATION COUNCIL OF THE FEDERAL ASSEMBLY, BODIES OF LEGISLATIVE POWER OF RUSSIA AND THE USSR/FEDERAL ASSEMBLY/STATE DUMA OF THE FEDERAL ASSEMBLY

FIRST-ACTION: April 15, 1998

LAST-ACTION: May 6, 1998

/ELE/EEE FEDERAL LAW NO. 71-FZ OF MAY 6, 1998 ON PAY FOR THE USE OF WATER FACILITIES (with the Amendments and Additions of March 30, 1999)

Adopted by the State Duma April 15, 1998

Approved by the Federation Council April 22, 1998

[\*1]

Article 1. Payers

The payers of pay for the use of water facilities (hereinafter referred to as "payers") shall be deemed the organizations and entrepreneurs which directly pursue the use of water facilities with the use of structures, technical means or devices, such a use being subject to licensing in accordance with the procedure established under the legislation of the Russian Federation.

Pay for the use water facilities (hereinafter referred to as "pay") for the purposes of performing the intake of water (recovery of water) from underground sources shall be made in compliance with the legislation on mineral resources of the Russian Federation.

BEGIN COMMENTARY:

See the ♦ [Law 1992 on Mineral Resources \(in the wording of March 3, 1995\)](#)

END COMMENTARY

[\*2]

## Article 2. The Object of Pay

1. The object of pay is recognized to be the use of water facilities with the use of structures, technical means or devices as specified under Article 1

performing water intake from water facilities;

meeting the need of hydraulic power sector for water;

using the area of water facilities for timber floating performed without the use of tugs (in the form of rafts and in nets) as well as for the recovery of mineral resources, organized recreation, deployment of floating vehicles, communications, buildings, structures, plants and equipment, conducting boring, construction and other works;

performing the dumping of waste water into water facilities.

2. The use of water facilities for the following purposes is not recognized as the object of pay:

water intake for the purpose of eliminating the aftermath of natural disasters and accidents;

water intake by agricultural enterprises and/or peasant (farmer) farms for irrigating agricultural-purpose lands, centralized water supply to animal farms and animal complexes including poultry farms and poultry factories as well as fruit gardening and vegetable gardening associations of citizens, The present regulations shall be effective until January 1, 2003;

water intake for fishery and reproduction of aquatic biological resources;

deployment of floating vehicles, communications, buildings, structures, plants and equipment for the pursuance of activities relating to the protection of waters and aquatic biological resources, environment protection from harmful effect of waters except as otherwise provided in the legislation of the Russian Federation;

the conduct of state monitoring of water facilities and other natural resources as well as state scientific research, geodetic, topographic, hydrographic as well as prospecting and surveying works;

the pursuance of recreational activities without the use of structures, sports hunting and amateur fishing;

the pursuance of organized recreational activities by health and rehabilitation institutions in state and municipal ownership as well as the institutions and organizations intended for upkeep and servicing disabled persons, veterans and children funded out of the resources of respective budgets or of trade unions;

water intake for sanitary, ecological and navigation drawdowns;

the conduct of bed-digging and other works related to the operation of navigable waterways and hydraulic engineering structures;

the use of water facilities for the deployment and building of stand-alone hydraulic engineering structures for hydraulic power, land reclamation, fishery, water transportation, water supply and sewerage purposes;

the construction (renovation) of drainage systems in marshland areas (water marshland

areas);

dumping of drain water, mining and quarry waters unless hazardous substance concentration in them exceeds the concentration thereof in the receptacle body of water.

[\*3]

#### Article 3. Pay Base

Depending on the kind of use of a water facility pay base shall be determined as:

the volume of water taken out of the water facility;

the volume of output products (works, services) produced (performed, provided) while using the water facility without taking water out;

the area of the water facility in use;

the volume of waste water dumped in the water facility.

[\*4]

#### Article 4. Pay Rates

[\*41]

1. The minimum and maximum pay rates shall be set as follows:

1) 30.0 - 170.0 roubles per 1,000 cubic m of water taken from a surface water facilities within established limits - for the payers performing the intake of water;

2) 0.8 - 3.3 roubles per 1,000 cubic m of water taken from the territorial sea and an inland water body - for the payers performing the intake of water;

3) 0.5 - 5.0 roubles per 1,000 kW/hr of electric energy produced for the payers performing the operation of hydraulic power plants;

4) 320.0 - 665.0 roubles per 1,000 cubic m of timber floated without tugs (in rafts and nets) for each 100 km of floating - for the payers performing timber floating;

5) 1.3 - 7.3 thousand roubles a year per square km of the used area of a water body - for the payers performing the recovery of mineral resources, deployment of organized recreational facilities, floating vehicles, communications, buildings, structures, plants and equipment as well as conducting boring, building and other works;

6) 3.2 - 27.0 roubles per 1,000 cubic meters of waste water - for the payers dumping waste waters into water facilities within established limits.

[\*42]

2. The minimum and maximum pay rates as determined under Item 1 the present Article by the basins of rivers, lakes, seas and economic areas shall be set by the Government of the Russian Federation.

BEGIN COMMENTARY:

◆ [Decision 1998 approved the Minimum and Maximum Rates of Charge for the Use of the Water Facilities of River Basins, Lakes, Seas and Economic Regions](#)

## END COMMENTARY

[\*43]

3. The pay rates by the category of payers depending on the kind of use of water facilities, the condition of water facilities and with due regard to the local conditions for water supply to the public and economic facilities shall be established by the legislative (representative) bodies of the subjects of the Russian Federation.

The pay rates for the use of water facilities relating to water intake for the purposes of providing water supply to public shall be set at the minimal rates in accordance with the requirements set forth under

Item 2 facilities shall not exceed 30.0 roubles per 1,000 cubic m of water taken from a water facility. The present provision shall be effective until January 1, 2003.

## BEGIN COMMENTARY:

◆ [Federal Law of this Federal Law with the following paragraph](#)

## END COMMENTARY

Until the approval by the legislative (representative) bodies of the subjects of the Russian Federation of the payment rates by the payer category there shall be applicable the minimum payment rates set by the Government of the Russian Federation in compliance with the requirements set forth under Item 2

4. The pay rates for the use of water facilities for water intake for technological purposes and waste water dumping within established limits for the payers operating thermal power and atomic power facilities with the use of a direct-flow water supply system and the recovery of precious metals shall be set at 30 per cent of the rates set under Item 1 of the present Article. The present provision shall be effective until January 1, 2003.

5. If water is taken or dumped in excess of established limits (monthly and annual) the pay rates for a payer insofar as such an excess is concerned shall be increased five-fold as compared with the rates set under Item 1

6. If the use of water facilities is done without an appropriate license (permission) the pay rates shall be increased five-fold as compared with the pay rates normally set in respect to such a use under a license (permission).

The present provision may not serve as ground for a payer pursuing the use of water facilities without an appropriate license (permission) being released from accountability under the legislation of the Russian Federation.

[\*5]

## Article 5. Payment Exemptions

The legislative (representative) bodies of the subjects of the Russian Federation are entitled to establish exemptions from payment for specific categories of payers within the pay amount coming to the budget of a respective subject of the Russian Federation.

[\*6]

## Article 6. Determining Pay Sum. Procedure and Term of Payment

1. A payer shall determine the pay sum on his own.

2. The pay sum according to the results of each accounting period shall be determined proceeding from respective pay rate and pay base determined in accordance with Articles 3 and 4 with due regard to the exemptions provided under Article 5 Federal Law.

[\*603]

3. The payer shall pay according to the results of each accounting period not later than 20 calendar days after the expiration of the period. In such a case the payer within the same term shall submit to the tax body at the location of registration a tax return the format of which is elaborated in due course by the State Tax Service of the Russian Federation and a copy of the tax return at the location of the water facility being used.

4. The accounting period shall be set:

for entrepreneurs, small businesses and payers using a water facility area - each calendar quarter;

for the rest of payers - each calendar month.

[\*7]

#### Article 7. Posting of Pay Sum

The pay sum shall be posted to the cost of products (works, services).

[\*8]

#### Article 8. Procedure for Entering the Pay

1. The pay sums shall be entered in the federal budget and the budgets of the subjects of the Russian Federation as per the following ratio: 40 per cent going to the federal budget, 60 per cent to the budgets of the subjects of the Russian Federation.

When water facilities located on the territories of two or more subjects of the Russian Federation are being used the said pay sums shall be entered in the budget of the subject of the Russian Federation at the location of the payer's registration with subsequent distribution thereof among the budgets of the subjects of the Russian Federation on whose territories the water facilities are located. In such a case the share of revenue coming to the budget of a respective subject of the Russian Federation shall be governed by the basin agreements between the subjects of the Russian Federation.

At least 50 per cent of the pay sum revenue shall be used to implement the activities aimed at the restoration and preservation of water facilities.

2. The legislative (representative) bodies of the subjects of the Russian Federation shall have the right to adopt a decision to enter in local budgets the whole pay sum or part thereof coming to their budgets.

[\*9]

#### Article 9. Instructions on the Procedure for Collecting and Paying the Pay

Instructions on the procedure for collecting and paying the pay shall be issued by the State Tax Service of the Russian Federation as approved by the Ministry of Finance of the Russian Federation.

BEGIN COMMENTARY:

See ♦ [Instructions 46 of August 12, 1998 on the Procedure for Computing and Remitting](#)

[to Budget the Payment for the Use of Water Facilities](#)

END COMMENTARY

[\*10]

Article 10. Special Clause

It is hereby established that by the virtue of the present Federal Law the tariff rates for water supply and water sewer services for public shall not be increased by over 4 per cent.

[\*999999]

Article 11. The Procedure for the Present Federal Law Coming Into Force

1. The present Federal Law shall come into force from the date of the ♦ [official publication](#)
2. The President of the Russian Federation is hereby proposed and the Government of the Russian Federation is hereby instructed to bring their regulatory legal acts in conformity with the present Federal Law.

President of the Russian Federation B.Yeltsin

Moscow, the Kremlin

HISTORY: 4/15/1998, 5/6/1998

[\*RELATED] REFERENCES: GARANT ♦ [12111447](#)

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