



## **Environmental Code of the Republic of Kazakhstan**

### *Unofficial translation*

Code of the Republic of Kazakhstan dated 9 January, 2007 No.212.

#### *Unofficial translation*

#### Unofficial translation

Footnote. Throughout the text, the words "plant and animal" shall be supplemented by the words "plant and animal" by the Law of the Republic of Kazakhstan dated 25.01.2012 No 548 - IV (shall be enforced after ten calendar days after its first official publication.)

The words "for the study and use of mineral resources" are replaced by the words "for the study of mineral resources" in accordance with the Law of the Republic of Kazakhstan dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication);

the words "the authorized state authority in the field of sanitary and epidemiological welfare of the population", "by the authorized state authority in the field of sanitary and epidemiological welfare of the population", "the authorized authority in the field of sanitary and epidemiological welfare of the population", "by the authorized state authorities in the field of environmental protection and sanitary -epidemiological welfare of the population", "by the state authority in the field of sanitary and epidemiological welfare of the population", "of the state authority in the field of sanitary and epidemiological welfare of the population" and "the state authority in the field of sanitary and epidemiological welfare of the population" replaced respectively by the words

"the state authority in the field of sanitary and epidemiological welfare of the population", "by the state authority in the field of sanitary and epidemiological welfare of the population",

"the authorized authority in the field of environmental protection and the state authority in the field of sanitary and epidemiological welfare of the population", "by the state authority in the field of sanitary and epidemiological welfare of the population", "of the state authority in the field of sanitary and epidemiological welfare of the population" and "the state authority in the field of sanitary -epidemiological welfare of the population" in accordance with the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **GENERAL PART**

### **SECTION 1. GENERAL PROVISIONS**

#### **Chapter 1. BASIC PROVISIONS**

## **Article 1. Basic definitions used in this Code**

The following definitions shall be used in this Code:

1) mobile source of releasing pollutants into the atmosphere – transport vehicles, machinery and other mobile facilities fitted with internal combustion (ID) engines running on different kind of fuels;

2) an observation point - fixed or moving point of observation of meteorological, agro-meteorological and hydrological characteristics of the environment;

3) an assigned amount - the total amount of greenhouse gas emissions including absorptions of greenhouse gases, stipulated in the framework of the obligations under the international treaties of the Republic of Kazakhstan;

4) an assigned amount unit –a carbon unit that is used to determine the volume of greenhouse gas emissions for the Republic of Kazakhstan in accordance with the international treaties of the Republic of Kazakhstan in the scope of climate change;

5) a biodiversity - the variety of flora and fauna objects within the framework of one specie, between species and in the ecological systems;

6) biological resources - genetic resources, organisms or their parts, populations or any other biotic component of ecosystems with actual or potential use or value for humanity;

7) a joint use mechanism - the procedure, provided by international treaties of the Republic of Kazakhstan on the implementation of investment projects of joint use mechanism , allowing transfer of carbon units between entities of countries which have quantified liabilities on limitation and (or) reduction of greenhouse gas emission;

8) a validation - confirmation by an accredited body for validation and verification of compliance of the plan for monitoring greenhouse gases emissions, as well as design solutions and documentation in the framework of projects development to reduce emissions and absorption of greenhouse gases with the requirements, established by international treaties, ratified by the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan;

9) a verification - confirmation by an accredited body on validation and verification of reliability of installations operators' data in the installation's passport and on the amounts of greenhouse gases emissions, contained in their reports on greenhouse gases inventory for the reporting year and on implementation of projects to reduce emissions and increase of greenhouse gases absorption, carried out in accordance with the legislation of the Republic of Kazakhstan;

10) genetically modified organisms – organisms, capable to reproduce or transfer of hereditary genetic material, different from natural organisms, obtained by using of genetic engineering methods and containing genetically engineered material (genes, fragments thereof, or combinations of genes);

11) genetically modified products - plant products and (or) ingredients of animal origin, made by using genetic engineering methods, containing nonliving genetically modified organisms or their components;

11-1) hydrological monitoring - a system of regular and (or) periodic observations of water objects' state and an integral part of the system of state monitoring of water objects in order to obtain operational and predictive information on the state of water objects;

11-2) dispersants - a mixture of surface active substances and solvents, that allow the oil slick to break into small droplets that can more effectively mix with water, remaining in its thickness until destruction by natural processes;

12) the best available technologies - used and planned industry technologies, machinery and equipment, ensuring organizational and management measures, aimed at reducing the negative impact of economic activities on the environment to ensure the objectives of environmental quality;

12-1) environmental expertise of projects - expert evaluation of design solutions and calculations on environmental safety and engineering protection issues, which is a part of the project:

complex non-departmental expertise of projects (feasibility studies and design and estimate documentation) intended for construction of new or reconstruction (expansion, technical re-equipment, modernization) and overhaul of existing buildings and structures, their complexes, engineering and transport communications;

complex town-planning expertise on projects of town-planning planning of territories, projects of general plans of cities of republican importance, capital and cities of regional importance with estimated population over hundred thousand inhabitants, subject to approval by the Government of the Republic of Kazakhstan or maslikhats of regions, cities of republican importance and capital;

13) persistent organic pollutants - the most dangerous organic compounds that are resistant to degradation, described by bioaccumulation and being the objects of transboundary transfer over the air, water and migratory species, as well as precipitating far from the emission point, accumulating in terrestrial and aquatic ecosystems, causing destruction of the immune and endocrine systems of living organisms and a variety of diseases, including oncologic;

14) the unit of quota – a carbon unit, used for the calculation of the volume of quota;

15) city wastes – a waste of consumption, produced in the communities, particularly as a result of human activity, as well as industrial waste that are close to them on their composition and character education;

15-1) separate collection of household wastes - a process in which household wastes are collected separately, depending on the type and composition of the wastes to ensure subsequent utilization, processing and disposal;

16) Is excluded by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

17) the carbon unit –an accounting unit equivalents to one metric ton of carbon dioxide;

18) the operator of state registry of carbon units - an organization carried out a maintenance of state registry of carbon units;

19) a secondary turnover of carbon units - the relationships arising between the agents on the market of greenhouse gas emissions during the transfer, sale and other circulation of carbon units;

20) the state registry of carbon units - a system of accounting for transactions, related to the issuance, holding, transfer, acquisition, reservation, cancellation, withdrawal from circulation of carbon credits;

20-1) secondary raw materials – materials, obtained in the process of separate collection, sorting, grinding, pressing or other methods of influence on consumption wastes, and (or) consumption wastes, prepared for utilization and (or) processing for obtaining the product;

21) an accounting of waste – the system of collection and provision of the data about the quantity and quality of waste and methods of treatment;

21-1) the fee for organizing collection, transportation, processing, disinfection, use and ( or) utilization of waste - a charge to the operator of the extended obligations of producers ( importers), carried out by the producer (importer) for organizing collection, transportation, processing, disinfection, use and ( or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to the extended obligations of producers (importers), and its (their) packaging;

22) disposal of wastes – an operation of ground disposal and waste destruction;

23) a waste control – a reduction or elimination of hazardous properties of waste by mechanical, physical, chemical or biological treatment;

24) a waste utilization - the use of waste as a secondary material or energy resources;

25) a disposal of waste – a waste storage in the place, specifically stipulated for their safe storage for an unlimited period of time;

26) a type of waste – a group of waste with common features in accordance with their origin, properties and handling technology, determined on the basis of the waste classifier;

27) a placement of waste - storage or ground disposal of production waste and consumption waste;

28) a waste conversion - physical, chemical or biological processes, including sorting, focused on extracting from the waste of materials and (or) other materials, used in the production (manufacture) of goods or other products in the future, as well as on modification the properties of waste in aid of facility of handling, reducing its volume or hazardous properties;

29) a waste storage – decommissioning wastes in specially designated locations for the following utilization, recycling, and (or) discharge;

30) a waste classifying - the order of waste attribution to reference levels according to their threat to the environment and human health;

30-1) temporary storage of wastes - storekeeping of production and consumption wastes by persons, as a result of their activity, which are formed, in places of temporary storage and for the periods, defined by the project documentation (but not more than six months), for their further transfer to organizations, carrying out operations on utilization, processing, as well as disposal of wastes, that cannot be recycled or utilized;

31) a waste management – types of activities, related with wastes, including the prevention and minimization of waste production, accounting and control, accumulation of waste, and the collection, processing, utilization, disposal, transportation, storage (warehousing) and discharge of waste;

32) a waste classifier - a background paper applied nature, which contains the results of the classification of waste;

33) non-hazardous waste - waste that do not have hazardous properties;

34) hazardous wastes – wastes, that contain harmful substances with one or more hazardous properties (toxicity, explosiveness, radioactivity, fire risk, high reactivity) and may represent immediate or potential danger to the environment and human health on their own or upon coming into contact with other substances;

35) a hazardous waste certificate - a document, containing a standardized description of the processes of waste at the place of their origin, their quantity and quality factors, the rules for handling with them, their methods of control, types of adverse effects of waste to the environment, human health, and (or) property, information about waste generators, and other persons having them in the property;

36) dangerous chemicals - substances with properties that may have a direct or potential harmful effects on human health and the environment;

37) a favorable environment - the environment, the state which provides environmental safety and public health, biodiversity conservation, pollution prevention, sustainable functioning of ecological systems, reproduction and rational use of natural resources;

38) an installation - a stationary source of greenhouse gases emissions or a group of stationary sources of greenhouse gases emissions, linked together by a single technological process and located on the same industrial site;

39) an installation operator - an individual or a legal entity in whose ownership or other legal use the installation is located;

40) an installation passport - a document, containing information on characteristics of the technology used, geographical location of the facility and the activities of its operator;

41) the environment - a set of natural and cultural objects, including open air, the ozone layer of the Earth, surface and underground water, land, minerals, flora and fauna, as well as the climate in their interaction;

42) environmental damage - pollution of the environment or the harvesting of natural resources over the established limits, causing or inducing the degradation and depletion of natural resources, or the death of living organisms;

43) emissions to the environment - emissions, discharges of pollutants, disposal of production and consumption wastes into the environment, disposal and storage of sulfur in the environment in an open form;

44) limits on emissions into the environment - the regulatory scope of emissions into the environment, determined on a fixed term;

45) the quota for emissions into the environment - part of the limit on emissions into the environment, perceptible to the concrete nature user for a certain period of time;

45-1) automated system of monitoring of emissions into the environment - a system of industrial environmental control over emissions into the environment at sources of pollution, which has an online connection with the information system of the authorized body in the field of environmental protection to transfer data in real time;

46) an environment protection - a system of government and public measures, aimed at the preservation and restoration of the environment, prevention of adverse effects of economic and other activities on the environment and the elimination of its consequences;

47) the authorized body in the scope of environment protection - the central executive body, realizing management and cross-sector coordination in the development and implementation of state policy in the scope of environment protection and natural resources, as well as its regional bodies;

48) pollution of environment - entry of polluting substances, radioactive materials, waste production and consumption into the environment, as well as the environmental impact of noise, vibration, magnetic fields and other physical hazards;

49) an accidental pollution of the environment - a sudden unintended environmental pollution, caused by the accident, which occurred in the exercise of environmentally hazardous business and other activities of individuals and (or) legal entities, and presenting a release to the atmosphere and (or) the discharge of harmful substances into the water or dispersal of solid, liquid or gaseous pollutants on the earth's surface or in the interior of the formation of odors, noise, vibration, radiation, or electromagnetic, temperature, light, or other physical, chemical, biological harmful exposure over time for a given acceptable level;

50) the areas of environmental pollution - limited areas of the earth's land surface and water bodies, contaminated with hazardous chemicals above the determinate standards, apart from the objects, appointed and designated to contain waste disposal and discharge of wastes preclusive the contamination of the Earth's surface, subsurface and groundwater;

51) a quality of the environment - characteristics of the state of the environment;

52) the environmental quality standards –indicators, characterizing the state of environment and natural resources, favorable to life and human health;

53) target values of the environment quality - indicators of the ultimate level of the environment normalized parameters for a certain period of time, taking into account the need to gradually enhancement of the environment;

54) environmental conditions (habitat)- the type of locality or place of the natural habitat of a particular organism or population;

55) State observation network - a system of stationary and mobile observation points, laboratories and centers for observation of the physical and chemical processes, occurring in the environment, determine its weather, climate, upper air, water, heliogeophysical, agro-meteorological characteristics;

56) State ecological control - the activity of the authorized body within its competence, focused on securing compliance with the requirements of the Laws of the Republic of Kazakhstan, the decrees of the President of the Republic of Kazakhstan and decrees of the Government of the Republic of Kazakhstan in the scope of environment protection by individual and legal entities;

56-1) limit-exceeding emissions - emissions into the environment above those, established by an environmental permit;

57) an ozone depleter - a chemical that exists independently or in combination, is used in business and other activities, or is the product of these activities and can have a harmful effect on the ozone layer;

58) a disinfection of ozone depleters - the elimination of hazards through the destruction of ozone depleters, leading them to the constant transformation or decomposition into components which have no harmful effects on the environment, including the ozone layer;

59) an utilization of ozone depletes- a set of measures, focused on the collection and storage of ozone depleters, derived from the mechanism, equipment, containers, and other facilities during their servicing or before the decommissioning, in order to re-use or disposal of ozone depleters which are not subject to recovery;

59-1) extended obligations of producers (importers) - obligations of individuals and legal entities, carrying out production on the territory of the Republic of Kazakhstan and (or) importation of products (goods) into the territory of the Republic of Kazakhstan, to ensure collection, transportation, processing, disinfection, use and ( or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to the extended obligations of producers (importers), and its (their) packaging;

59-2) an agreement on organization of collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products ( goods), which is (are) subject to the extended obligations of producers (importers), and its ( their) packaging, - an agreement, concluded between the operator of extended obligations of producers (importers) and the producer (importer) on the basis of a model agreement on

organization of collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to the extended obligations of producers (importers) and its (their) packaging;

59-3) a model agreement on organization of collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to the extended obligations of producers (importers), and its (their) packaging, - an agreement, approved by the operator of extended obligations of producers (importers), regulating the legal relationship between the operator of extended obligations of producers (importers) and producers (importers) of products (goods), which is (are) subject to the extended obligations of producers (importers) and its (their) packaging;

59-4) an operator of extended obligations of producers (importers) - a legal entity, determined by the Government of the Republic of Kazakhstan, carrying out organization of collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to the extended obligations of producers (importers), and its (their) packaging;

60) waste material – residues of raw materials and other products and the products, formed during the manufacturing process and bereft the original usability fully or partially;

61) stable model of production and consumption - the social and economic model, characterized by increased production while reducing the use of non-renewable resources, renewable resources recovery and reducing anthropogenic pollution of the environment;

61-1) unauthorized emissions - emissions to the environment, carried out without environmental permission, except for emissions from mobile sources;

62) greenhouse gases - gaseous components of the atmosphere of the natural and (or) human origin, absorbing thermal infrared waves and (or) are its source;

63) unit of greenhouse gases adsorbing- the carbon unit, used to calculate the adsorbing of greenhouse gases;

64) inventory of greenhouse gas emissions – the determination of emissions volume and adsorbing of greenhouse gases;

65) the public cadastre of emission sources and adsorbing of greenhouse gases - the accounting system of sources of greenhouse gas emissions, emissions, produced by them, as well as the number of adsorbings of greenhouse gases within the boundaries, established for the facility operator;

65-1) greenhouse gases emissions monitoring plan - a document, developed by an installation operator for the period of validity of the National plan on allocation of quotas for greenhouse gases emissions, approved for the relevant period or for the period of implementation of projects and programs to reduce emissions and increase the absorption of greenhouse gases;

65-2) redemption of quotas for greenhouse gases emissions - annual withdrawal (writing-off) of carbon units of the National plan on allocation of quotas for greenhouse gases



emissions, approved for the relevant period in accordance with the report on the inventory of greenhouse gases emissions for the reporting year, carried out in the State register of carbon units ;

65-3) a stationary source of greenhouse gases emissions - an immovable source of greenhouse gases emissions or a movable source of greenhouse gases emissions, requiring a fixed position for its operation;

65-4) specific greenhouse gases emissions factor - the ratio of greenhouse gases emissions per unit of output;

66) an atomic waste – waste, containing radioactive substances in quantities and concentrations that exceed regulated for radioactivity values, established by the legislation of the Republic of Kazakhstan in the scope of atomic energy;

67) implementation of the subject of review- the beginning and the progress of building work, operation and liquidation of industrial and other facilities, services, entry into the utility turnover of products and technologies in accordance with the decisions, provided for pre-planning, design and project documentation, as well as the enforcement of the regulatory legal act, other actual implementation of the subject of review;

68) waste water – water, used for production or daily living needs and received additional impurities (dirt) herewith that changed their original composite or physical properties. Water flowing from the territory of settlements and industrial enterprises at the time of rainfall patterns, watering the streets or after, and the water, formed during the extraction of minerals, are also considered waste;

69) water bodies - water, concentrated in the relief of the land surface and the depths of the earth, having boundaries, the volume and the hydroregime;

70) a liquid effluent - any waste in liquid form, except for aqueous wastes;

71) a nature user – an individual or legal entity, carrying out the use of natural resources, and (or) emissions into the environment;

72) natural objects - natural objects with boundaries, volume and mode of existence;

73) natural resources - natural objects with customer value: land, minerals, water, flora and fauna;

74) protection of natural resources - a system of government and public measures, focused on protecting the natural resources of each type of irrational use, destruction, degradation, leading to the loss of their consumer properties;

75) the depletion of natural resources - partial or complete loss of quantity and quality of natural resources;

76) Clean Development Mechanism - a mechanism to limit the implementation of projects on limitation and (or) the reduction of greenhouse gas emissions on the territory of countries that do not have quantified liabilities on limitation and (or) the reduction of greenhouse gas emissions, funded by legal entities of countries with quantified liabilities on limitation and ( or) the reduction of greenhouse gas emissions;

77) an independent provider of information – the legal entity, exercising professional activities for accounting, monitoring and implementation of the project-based mechanisms in the sphere of regulation of emissions and removals of greenhouse gases;

78) hard domestic waste –city waste in the solid form;

79) consumption residue - the remnants of products, goods and other substances, formed in the course of their consumption or use, as well as goods (products) that have lost the original consumer properties fully or partially;

80) environmentally hazardous kind of economic and other activities –the activity of individuals and (or) legal entities, which can cause an accidental pollution of the environment ;

81) an emission trading - purchase and sale of emission quotas for greenhouse gas under the market mechanism to reduce emissions and adsorbing of greenhouse gases;

82) emission reduction unit –the carbon unit, derived in consequence of execution of a project, implemented under the mechanism of the joint implementation mechanism;

83) a unit of certified emission reduction – a carbon unit, derived in consequence of execution of a project, implemented under the Clean Development Mechanism;

84) a unit of inner emission reductions –a carbon unit, used to determine the amount of emission reductions and (or) adsorbing of greenhouse gas emissions, achieved as a result of inner emission reduction projects, and (or) the adsorbing of greenhouse gases;

85) an environmental education –dissemination of environmental knowledge and information on the state of the environment, natural resources, environmental safety, in order to create a culture of environmental foundations of society;

86) an environmental audit - an independent audit of business and other activities of the audited entities, focused on the identification and assessment of environmental risks and the development of recommendations to improve the environmental safety of their activities;

87) an environmental education - a continuous process of education, training, self-education and personal development, focused on the creation of a system of knowledge and skills, value system, moral and aesthetic relationships that ensure the individual's responsibility for the environment;

88) environmental (green) investments - investment of funds, received from the transfer of assigned amount units, by the management of reserve quotas of the National allocation blueprint for greenhouse gas emissions in projects, programs and activities, designed to reduce emissions or increase the adsorbing of greenhouse gases;

89) an ecological system (ecosystem) - an interconnected set of organisms and non-living environment of their habitat, interacting as a functional unit;

90) an ecological hazard - a condition, characterized by the presence or probability of ablation, the environmental changes under the influence of natural and anthropogenic influences, particularly resulting from disasters and catastrophes, including natural, threatening the vital interests of the individual and society;

91) ecological safety - the security of vital interests and rights of the individual, society and the state from threats arising as a result of anthropogenous and natural impacts on the environment;

92) ecologically destructive object - the economic and other entities, the building and operation of which may cause or causes adverse effects on human health and the environment ;

93) ecologically destructive machinery and equipment - machinery, machines, appliances, instruments, used in economic or other activities, and dangerous to the environment;

94) ecologically destructive technologies - a combination of the processing methods, manufacturing, reduction, properties, shape of the raw products, material or semi-finished product, implemented in the production process and are hazardous to the environment;

95) ecological management - administration management of environment protection, which includes organizational structure, planning, responsibilities, practices, procedures, processes and resources for the development, implementation, execution, analysis and maintenance of the environmental policy of the company;

96) ecological monitoring - systematic monitoring and assessment of the environment and level of effects on it;

97) ecological regulation - a system of rules (standards) and contained there quantitative and qualitative indicators (standards) in the environment and the impact on it;

98) environmental permission - a document, certifying the right of individuals and legal entities in the implementation of emissions into the environment;

99) environmental impact assessment – the matching of planned economic and other activities with environmental quality standards and environmental requirements, as well as determination of the admissibility of environmental impact assessment in order to prevent the possible adverse effects of these activities on the environment and related with it social consequences;

100) the mark of ecologically clean production—the registered mark, confirming compliance of the labeled products with the standards of environmentally clean products;

101) environmental requirements - limitations and restrictions of economic and other activities which have an adverse effect on the environment and human health, contained in this Code and other regulatory legal acts and normative technical documents of the Republic of Kazakhstan;

102) ecological marking - assignment of the mark of environmentally friendly products to the products, that have passed the confirmation of conformity in the manner, established by the legislation of the Republic of Kazakhstan in the field of technical regulation;

103) ecological risk - the possibility of adverse movement in the environment and (or) natural objects due to the influence of certain factors;

104) the technical specific standards of emissions- the value of emissions into the environment per unit of time or per unit of output product, or in other terms, determined on

the base of the possibility to provide specific technology in case of an acceptable cost to the economy of expense country;

105) emission standards - allowable emission standards, which provide compliance with environmental quality standards.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 17.11.2015 № 407-V (shall be enforced from 01.01.2016); dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); dated 27.02.2017 No. 49-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.04.2017 No. 56-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

## **Article 2. Environmental legislation of the Republic of Kazakhstan**

1. The environmental legislation of the Republic of Kazakhstan is based on the Constitution of the Republic of Kazakhstan and consists of this Code and other legal acts of the Republic of Kazakhstan.

2. If the other rules were established by the international treaty, ratified by the Republic of Kazakhstan, than those which were contained in this Code, shall be applied the international treaty rules.

3. The provisions of this Code shall be applied in the event of a conflict between this Code and other Laws of the Republic of Kazakhstan, contained provisions regulating relations in the sphere of environment protection.

4. Relations in the scope of protection and usage of the environment objects and natural areas of preferential protection shall be regulated by special laws of the Republic of Kazakhstan in the not regulated part by this Code.

## **Article 3. Relations, regulated by this Code**

1. This Code shall regulate relations in the scope of environment protection, reclamation and conservation of the environment, the natural resources utilization and restoration of natural resources in the implementation of business and other activities, related to the natural resources utilization and the environmental modification, within the territory of the Republic of Kazakhstan.

2. Participants in relations, regulated by this Code shall be individuals or legal entities, the state and government bodies, responsible for state regulation in the scope of environment protection and governance of natural resources.

#### **Article 4. Ecological basis of sustainable development of the Republic of Kazakhstan**

The ecological basis of sustainable development of the Republic of Kazakhstan are:

- 1) objectives achieving to provide a supportive environment for human life and health by government;
- 2) environment protection and conservation of biodiversity;
- 3) provision and implementation of the right of the Republic of Kazakhstan for the development of its natural resources and the assertion of national interests in the natural resources utilization and the environmental modification;
- 4) equitable repletion of needs of present and future generations;
- 5) development of sustainable production and consumption;
- 6) compliance with the environmental regulation conditions of social and economic development in view of the environment;
- 7) the loyalty of every individual to have access to environmental information and the full participation of the public in matters of environment protection and sustainable development;
- 8) the ensuring of transparency of measures, taken in the scope of environment protection;
- 9) a global partnership in aid of conservation, protection and rehabilitation the health and integrity of the Earth's ecosystem;
- 10) the promotion of development of international Law, relating to liability for environmental damage;
- 11) an inhibition, prevention the transfer and transfer to other States of any activities and substances that cause severe damage to the environment or to be harmful to human health, as well as precautions in cases, where there are threats of serious or irreversible damage to the environment.

#### **Article 5. The basic principles of environmental legislation of the Republic of Kazakhstan**

The basic principles of the environmental legislation of the Republic of Kazakhstan are:

- 1) ensuring of sustainable development of the Republic of Kazakhstan;
- 2) ensuring of environmental safety;
- 3) the ecosystem approach to the regulation of environmental relations;
- 4) government regulation in the scope of environment protection and governance of natural resources;
- 5) mandatory preventive measures to prevent pollution of the environment and causing her injury in any other forms;
- 6) the inevitability of punishment for violation of environmental Laws of the Republic of Kazakhstan;
- 7) mandatory compensation for damage, caused to the environment;
- 8) payment and authorization procedure of environmental impact;

- 9) application of best of clean and resource-saving technologies in the natural resources utilization and the environmental modification;
- 10) cooperation, coordination and transparency of the activities of the government bodies for the environment protection;
- 11) nature users stimulation to prevent, reduce and eliminate pollution of the environment, waste reduction;
- 11-1) priority of use of production and consumption wastes as secondary resources;
- 12) the availability of environmental information;
- 13) ensuring of the national interests in the natural resources utilization and the environmental modification;
- 14) harmonization of environmental legislation of the Republic of Kazakhstan with the principles and norms of international Law;
- 15) the presumption of environmental hazards of economic and other activities, and mandatory assessment of the environmental modification and human health for the taking the decision on its implementation.

**Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).**

**Article 6. The main provisions of state regulation in the scope of the environment protection and public administration of the natural resources utilization**

1. State regulation in the scope of environment protection shall include:
  - 1) the licensing of activities in the scope of environment protection;
  - 2) environmental regulation;
  - 3) technical regulations for the environment protection;
  - 4) Environment Impact Assessment;
  - 5) the issuance of environmental permissions;
  - 6) State ecological control;
  - 7) a system of economic regulation of the environment protection, promotion of implementation of the best ecologically clean technologies, the finance system of environmental actions;
    - 7-1) assignment of quotas for greenhouse gas emissions;
    - 7-2) an inventory of greenhouse gas emissions;
    - 7-3) the establishment of market mechanisms to reduce emissions and adsorbing of greenhouse gases;
    - 7-4) a system of monitoring of actual emissions and adsorbing of greenhouse gases;
  - 8) state environmental monitoring;
  - 9) public accounting of nature users, sources and environmental contaminated areas;
  - 10) environmental education and awareness.
2. State management in the scope of natural resources utilization shall include:

- 1) state planning in the natural resources utilization;
- 2) state control over the protection, utilization and restoration of natural resources
- 3) the issuance of licenses, permissions and contracts (contracts) for the natural resources utilization;
- 4) organization of restoration and reproduction of natural resources, introduction of resource-saving technologies;
- 5) maintenance of monitoring and natural resources inventory;
- 6) the establishment of limits and allocation of quotas for the natural resources utilization;
- 7) a management of public legal entities, engaged in the utilization, recovery, and restoration of natural resources;
- 8) the organization of the environment protection.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)**

#### **Article 7. The objects of environment protection**

1. The land, mineral resources, surface and ground water, air, forests and other vegetation, animal life, the gene pool of living organisms, natural ecological systems, climate and the ozone layer are subject to protection from destruction, degradation, damage, pollution and other adverse effects.

2. Natural area of preferential protection and objects of the state nature reserve fund are subject to special protection.

#### **Article 8. State nature reserve fund**

1. State natural reserve fund - a set taken under state protection of the environment, which have particular ecological, scientific, historical, cultural and recreational value as a natural standards, uniques and relics, a genetic reserve, the subject of scientific research, enlightenment, education, tourism and recreation.

2. Objects of the state nature reserve fund, established by the Law of the Republic of Kazakhstan "On Natural Areas of preferential protection."

3. Protection of the state nature reserve fund shall be ensured through the establishment of protected areas, as well as prohibitions and restrictions in the use of environmental objects that have special ecological, scientific, historical, cultural and recreational value.

#### **Article 9. Natural area of preferential protection**

1. Natural area of preferential protection– the areas of land, water bodies and the air space above them with natural complexes and objects of state natural reserve fund, for which was established a regime of special protection.

2. Types of natural areas of preferential protection, the order of creation, type of the security arrangement, and the features of natural areas of preferential protection organization shall be established by the Law of the Republic of Kazakhstan "On Natural Areas of preferential protection."

## **Article 10. Concept and types of natural management**

1. The nature management is the natural resources utilization and (or) the environmental modification in everyday life, in business and other activities of individuals and legal entities.

2. The nature management is divided into general and special.

3. The general nature management is constant and free of charge to meet the vital needs of the population and without providing for the natural resources utilization.

The limitation of general nature shall be allowed if it is provided by the Laws of the Republic of Kazakhstan.

4. The special nature management- an activity of individual and (or) legal entity, carrying on a paid basis of the natural resources utilization, and (or) emissions into the environment in the manner, prescribed by this Code and other Laws of the Republic of Kazakhstan.

5. The types of nature management shall include:

1) land-tenure;

2) water management;

3) forest use;

4) subsurface resources management;

5) The use of wildlife;

6) The plant life use;

7) emissions into the environment;

8) other types of nature management, established by the Laws of the Republic of Kazakhstan.

6. Features of origin of special nature management Law by a special type of nature management shall be determined by the Laws of the Republic of Kazakhstan.

7. Special nature management may include one or a few species of wildlife in their entirety.

## **Article 11. Users of natural resources (Nature users)**

1. The users of natural resources may be individual or legal persons are permanently or temporarily residing in the territory of the Republic of Kazakhstan.

2. The users of natural resources may be:

1) permanent (the right of nature management is in unlimited duration) and temporary (the right of nature management is limited to a certain period);

2) primary (right of nature management is received from the state or from other primary users of natural resources in the order of the alienation of rights or universal succession) and secondary (right of temporary nature is received under a contract from the primary nature user, keeping the status of this).

3. The users of natural resources must comply with the requirements, established by this Code and other regulatory legal acts of the Republic of Kazakhstan.

## **Article 12. The grounds and conditions of rights of special nature management implementation**



1. The right of a special nature management shall arise on the basis of:

1) licenses and (or) the authorization of the use and removal of natural resources and the implementation of certain activities in the scope of environment protection;

2) the decision of the Government of the Republic of Kazakhstan and local executive bodies to provide natural resources in nature management in the manner, prescribed by the Laws of the Republic of Kazakhstan;

3) agreements (contracts) for environmental management, concluded in accordance with the Laws of the Republic of Kazakhstan.

2. The right of a special nature management may be based on one, two or all of the acts, referred to in paragraph 1 of this Article, in accordance with legal acts of the Republic of Kazakhstan.

3. Exercise of the right of a special nature management of natural resources, implementing emissions into the environment is subject to the availability of environmental permissions, with the exception of emissions from mobile sources.

4. The right to use the natural resources are available to individuals and (or) legal entities in accordance with the legislative acts of the Republic of Kazakhstan.

5. Individuals and legal entities that qualify for special nature management may not dispose of it, except in cases, provided by the Laws of the Republic of Kazakhstan.

6. The right of a special nature management may be restricted or prohibited under the Laws of the Republic of Kazakhstan in order to ensure national security and environment protection.

**Footnote. Article 12, as amended by the Law of the Republic of Kazakhstan dated 16.11.2009 No 200-IV (shall be enforced from 01.01.2010).**

## **Chapter 2. RIGHTS AND OBLIGATIONS OF INDIVIDUALS, COMMUNITY ASSOCIATIONS AND BODIES OF LOCAL GOVERNMENT**

### **Article 13. The rights and obligations of individuals in the scope of environment protection.**

1. Individuals have a right:

1) on favorable environment for their lives and health;

2) to implement measures to protect and improve the environment;

3) to form associations and environment protection funds;

4) to participate in decision-making by government bodies on issues, related to the environment, in accordance with the Laws of the Republic of Kazakhstan;

5) to participate in meetings, rallies, pickets, marches and demonstrations, referenda in the scope of environment protection in accordance with the Laws of the Republic of Kazakhstan;

6) apply to the state bodies with letters, complaints, applications, requests and proposals on environmental protection issues and demand their consideration;

7) to receive from government bodies and organizations with well-timed, complete and reliable environmental information;

8) to participate in the discussion of draft Laws and regulations on the protection of the environment during their training and provide comments to the developers;

9) to participate in the preparation of plans and programs, relating to the environment;

10) to submit proposals for public environmental expert review and take part in it;

11) to demand the abolition of the administrative or judicial decisions on the siting, construction, reconstruction and commissioning of enterprises, buildings and other environmentally hazardous facilities, as well as on the limitation and termination of business and other activities of individuals and legal entities that have an adverse impact on the environment and human health;

12) to bring a case before a court for damages, caused to their health and property as a result of violation of environmental legislation of the Republic of Kazakhstan.

2. Individuals shall:

1) conserve the environment, treat with due care for natural resources;

2) promote the implementation of measures, aimed at the rational use of nature, environment protection and ecological safety;

3) prevent threats to environmental security, which may occur through their own fault;

4) carry out its activities in accordance with environmental Laws of the Republic of Kazakhstan.

3. Individuals have certain rights and responsibilities, established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 16.11.2015 № 404-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 14. The rights and obligations of public associations in the scope of environment protection**

1. Associations in carrying out its activities in the scope of environment protection have a right to:

1) develop and promote environmental programs to protect the rights and interests of citizens, to bring them to volunteer to be active in the scope of environment protection;

1-1) apply to the court to protect the rights, freedoms and legitimate interests of individuals and legal entities, including in the interests of an indefinite number of persons on environmental protection issues and use of natural resources;

2) perform work on the protection of the environment and its rehabilitation, sound management and restoration of natural resources, participate in the protection of the environment, with special ecological, scientific, historical, cultural and recreational value in the activities of natural areas of preferential protection;

3) participate in decision-making by government bodies on issues, related to the environment in accordance with the Laws of the Republic of Kazakhstan;

4) perform work on environmental education and enlightenment, conduct scientific research in the scope of environment protection;

5) initiate and organize the public environmental expert review and public consultations;

6) carry out a public ecological monitoring;

7) receive from government bodies and organizations with well-timed, complete and reliable environmental information;

8) cooperate and collaborate in the scope of environment protection with government bodies and international organizations to conclude agreements with them, for them to carry out certain works on contracts under the Laws of the Republic of Kazakhstan;

9) participate in the discussion of draft Laws and regulations on the protection of the environment during their training and provide comments to the developers;

10) participate in the preparation of plans and programs, relating to the environment;

11) raise questions about the prosecution of individuals and (or) legal entities present in court for compensation for damage to health and (or) property of citizens as a result of violation of environmental legislation of the Republic of Kazakhstan;

12) demand the abolition of the administrative or judicial decisions on the siting, construction, reconstruction and commissioning of enterprises, buildings and other environmentally hazardous facilities, as well as a decision on the limitation, suspension or termination of business and other activities of individuals and legal entities that have an adverse effect on the environment and human health;

13) establish environmental protection funds.

2. Associations on conducting its activities in the scope of environment protection shall:

1) be promotive of the implementation of measures, aimed at the sound management of natural resources, environment protection and ecological safety;

2) carry out its activities in accordance with the Laws of the Republic of Kazakhstan.

3. Public associations have other rights and responsibilities, established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 15. The powers of local government in the scope of environment protection and natural management**

The powers of local governments in the scope of environment protection and nature management are:

1) organization of work on redevelopment and amenity planting of settlements;

2) organization of work on providing the sanitation of settlements;

3) the content of the storage and production waste burial and consumption places.

4) making suggestions to the local executive bodies, authorized government body for the protection and use of historical and cultural heritage to declare natural and other objects that have environmental, scientific, historical, cultural and recreational value, the monuments of history or culture.

### **Chapter 3. THE COMPETENCE OF STATE BODIES IN THE FIELD OF ENVIRONMENT PROTECTION AND NATURAL MANAGEMENT**

#### **Article 16. Competence of the Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan in the scope of environment protection and natural management shall:

1) develop the main directions of the state policy in the scope of environment protection and natural management, waste management, strategic measures for their implementation;

1-1) implement public policies to meet the obligations under the international treaties of the Republic of Kazakhstan in the scope of climate change;

2) is excluded by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV ( shall be enforced after ten calendar days after its first official publication);

3) Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

4) decide on the provision of natural resources in the nature management in the manner, prescribed by the Laws of the Republic of Kazakhstan;

4-1) determine the operator of extended obligations of producers (importers), as well as have the right to participate in creation of the operator of extended obligations of producers ( importers) as a shareholder (founder), buy out shares (shares in the authorized capital) of the operator of extended obligations of producers (importers);

4-2) approve the rules for implementation of extended obligations of producers (importers );

5) Is excluded by the Law, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

6) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

7) approve:

National plan on allocation of quotas for greenhouse gases emissions;

rules for economic evaluation of damage from environmental pollution;

rules for maintaining the State environmental information Fund;

rules for the development of National Report on the state of the environment and on the use of natural resources of the Republic of Kazakhstan;

8) determine the list of environmental protection objects of particular ecological, scientific and cultural importance;

9) establish:

borders of the state protected zone in the northern part of the Caspian Sea;

the order of import, export and transit of wastes;

the procedure for allocating quotas for greenhouse gases emissions and forming reserves of the assigned amount and volume of quotas of the National plan on allocation of quotas for greenhouse gases emissions;

the procedure for consideration, approval and implementation of projects, aimed at reducing and absorption of greenhouse gases emissions;

10) carries out an international cooperation;

11) announces the territory as a zone of ecological emergency and takes a decision on the termination of the legal regime of the zone of ecological emergency;

11-1) takes the decision to restrict the transfer of the units to reduce emissions and adsorbing of greenhouse gases, produced by the implementation of projects in the registries of other countries and (or) their transfer to the reserve or reserves set number of National allocation of quotas blueprint for greenhouse gas emissions;

12) performs other functions, assigned to it by the Constitution and the Laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

**Footnote. Article 16, as amended by the Laws of the Republic of Kazakhstan dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009) dated 05.07.2011 No 452-IV ( shall be enforced from 13.10.2011) dated 22.07.2011 No 479 -IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 03.12.2011 No 505-IV ( shall be enforced upon expiry often calendar days after its first official publication); dated 21.06.2013 No 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 17.11.2015 № 407-V (shall be enforced from 01.01.2016); dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 17. The competence of the authorized body in the scope of the environment protection**

An authorized body in the scope of the environment protection shall:

1) conduct a unified state policy in the scope of environment protection;

1-1) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

1-2) implement a state policy in the scope of environment protection;

1-3) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

1-4) develop and approve a normative-technical documentation in the scope of municipal waste management within its competence;

1-5) organize methodological support in the scope of municipal waste management;

1-6) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

1-7) develop and approve model rules for calculating the norms of formation and accumulation of household wastes;

1-8) develop and approve, within the limits of its competence, normative and technical documents in the field of environmental protection;

1-9) develop and approve, within the limits of its competence, methodological recommendations in the field of environmental protection;

2) coordinate activities within the competence of the central and local executive bodies in the exercise of the environment protection;

3) carry out the government management in the scope of climate and ozone layer of the Earth;

4) carry out within its jurisdiction the coordination of individuals and legal entities in the scope of climate change and the ozone layer, biodiversity, desertification and land degradation;

5) approve, within their competence or coordinate environmental regulations and environmental requirements of economic and other activities;

6) develop the program targets of the environmental quality;

7) Is excluded by the Law of the republic of Kazakhstan, dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

8) issue environmental permissions within its competence, set limits on their emissions into the environment;

8-1) is excluded by the Law of the Republic of Kazakhstan dated 27.04.2012 No 15-V ( shall be enforced after ten calendar days after its first official publication);

8-2) exercise control over the activities of local executive bodies on providing public services in the field of environmental protection;

8-3) controls the activities of individuals and legal entities carrying out environmental impact assessment of projects as part of a comprehensive non-departmental assessment;

9) carry out the state environmental control;

9-1) exercise state control over the implementation of the extended obligations of producers (importers);

9-2) submit an application to the Government of the Republic of Kazakhstan to determine the operator of the extended obligations of producers (importers);

10) carry out licenses for works and services in the scope of environment protection;

11) bring licenses into accord, permissions, agreements (contracts) in the natural resources utilization within its jurisdiction;

11-1) agrees on environmental protection measures plans;

12) carries out the state environmental expertise within the limits of its competence established by this article and other legislation of the Republic of Kazakhstan, as well as



coordinates the activities of environmental expertise in the Republic of Kazakhstan and carries out its methodological management;

12-1) conducts state environmental impact assessment of projects on objects of Category I as part of a comprehensive non-departmental expertise of construction projects or comprehensive urban planning expertise of urban development projects in the manner prescribed by the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities;

13) is excluded by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV ( shall be enforced after ten calendar days after its first publication);

14) decide to hold a mandatory environmental audit and approve the form conclusions about the mandatory environmental audit;

15) organize the state monitoring of the environment and of certain special types of monitoring and coordinating the conduct of a single state system of monitoring the environment and natural resources;

16) organize the Unified inventories of natural resources;

17) organize the State cadastre of waste production and consumption;

18) organize the State cadastre of burials of harmful substances, radioactive waste and waste water into the subsoil and approve instructions and guidance documents for the maintenance;

19) organize maintenance of public accounting of polluted areas;

20) organize the State cadastre of ozone depletes;

20-1) organize public registry of carbon units;

20-2) organize the state cadastre of emissions and removals of greenhouse gases;

20-3) define the list of measures to encourage waste utilization and densification of their formation;

20-4) maintain the State register of pollutant release and transfer;

21) carry out the licensing of import to the territory of the Republic of Kazakhstan from countries that are not members of the Eurasian economic union, and export of ozone-depleting substances and product, containing them from the territory of the Republic of Kazakhstan to these countries;

21-1) issue a permit for the production of works with use of ozone-depleting substances, repair, installation, maintenance of equipment, containing ozone-depleting substances;

21-2) issue a statement for the transboundary refuse transport through the territory of the Republic of Kazakhstan;

22) is excluded by the Law of the Republic of Kazakhstan dated 29.03.2016 № 479-V ( shall be enforced upon expiry of twenty - one calendar days after its first official publication);

23) organize the State Fund of environmental information, establish a schedule and procedure for access to environmental information, relating to the procedure for assessing the

impact on the environment and the decision-making process on planned economic and other activities;

24) develop lists of best available technologies and arrange for keeping their registry;

24-1) maintain a register of environmentally dangerous technologies, machinery and equipment;

24-2) approve the list of dispersants for liquidation of accidental oil spills in the sea and inland waters of the Republic of Kazakhstan;

25) define the lists of wastes in landfills to accommodate the different classes;

26) prepare technical regulations in the scope of environment protection;

26-1) develop the rules for implementation of extended obligations of producers (importers);

26-2) carries out consideration of draft documents on standardization within the competence, as well as preparation of proposals for the development, modification, revision and cancellation of national, interstate standards, national classifiers of technical and economic information and recommendations for standardization for submission to the authorized body in the field of standardization;

26-3) develops and approves technical specific emission standards, including those for mobile sources of pollutant emissions into the atmosphere;

27) develop and approve the form of documents, relating to the organization and conduct of the state environmental control;

27-1) develop and approve a list of specific greenhouse gases emissions factors;

28) develop and approve instructions and guidance documents on assessment of impacts on the environment and the state environmental review, including the procedure for the conduct of the state environment impact assessment;

28-1) is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No 188-IV (the order of enforcement See Art. 2);

28-2) develop the procedure for monitoring and controlling inventory of greenhouse gas emissions;

28-3) develop the procedure for the implementation of project-based mechanisms in the regulation of emissions and removals of greenhouse gases;

28-4) develop a national plan for the allocation of quotas for greenhouse gas emissions;

28-5) develop a procedure for allocation of quotas for greenhouse gases emissions and formation of reserves of the established number and amount of quotas of the National plan for allocation of quotas for greenhouse gases emissions;

28-6) develop the procedure for developing waste management programs;

28-7) develop the rules for the organization and conduct of industrial environmental monitoring during petroleum operations in the Kazakh sector of the Caspian Sea;

28-8) develop the rules for the organization and conduct baseline environmental studies in conducting petroleum operations in the Kazakh sector of the Caspian Sea;



28-9) approve the method of determination of the danger level and coding of wastes;

28-10) organize the development of the National report on the state of the environment and use of natural resources of the Republic of Kazakhstan;

28-11) develop the rules of the State environmental information fund;

28-12) define the organization, maintaining the information system for tracking the movement of vehicles, specializing in the removal of wastes according to the data of satellite navigation systems;

28-13) develop and approve the rules for compensation to producers of socially significant food products for expenses related to payment for organization of collection, transportation, processing, neutralization, use and (or) recycling of wastes by producers (importers) of polymeric, glass, paper, cardboard and (or) metal packages, packaging made of combined materials used for packaging of socially significant food products;

29) approves:

Methodology for determining the standards of emissions into the environment;

methodology for determining dispersants to be included in the list of dispersants for oil spill response in the sea and inland waters of the Republic of Kazakhstan;

Hazardous waste report form;

procedure for inclusion of environmental conditions in permits for emissions into the environment, forms of documents for issuing permits for emissions into the environment and the procedure for filling them in;

Standard list of environmental protection measures;

methodology for calculating payments for emissions into the environment;

form of conclusion of the state environmental expertise;

Composition and regulation of the expert council in the field of technical regulation;

Composition and regulation of the expert council in the field of technical regulation;

lists, forms and terms of information exchange on the Unified State Environmental and Natural Resources Monitoring System maintenance;

the procedure for converting units of project mechanisms in the area of regulation of greenhouse gas emissions and removals into quota units;

the procedure for the development of internal projects to reduce greenhouse gas emissions and the list of sectors and sectors of the economy in which they can be implemented;

the procedure for mutual recognition of quota units and other carbon units on the basis of international treaties of the Republic of Kazakhstan;

the procedure for trading in greenhouse gas emissions and carbon units;

the procedure for monitoring, accounting and reporting on carbon units of greenhouse gas emissions for trading purposes;

Installation passport form;

form of greenhouse gas inventory report;

procedure for standardization of measurement and accounting of greenhouse gas emissions;

Methods of calculation of emissions, reduction of emissions and absorption of greenhouse gases;

rules for handling persistent organic pollutants and wastes containing them;

the procedure for maintaining the state register of carbon units;

lists of the best available technologies;

list of pollutants and types of waste for which emission standards are established;

the procedure for trade in quotas and commitments to reduce emissions into the environment;

qualification requirements to the licensed type of activity in the field of environmental protection;

technical regulations in the field of environmental protection;

the procedure for maintaining the state register of pollution sites;

the procedure for monitoring and control of greenhouse gas inventory;

the procedure for the implementation of project mechanisms in the field of regulation of greenhouse gas emissions and removals;

rules for developing a waste management program;

rules for organizing and conducting industrial environmental monitoring during oil operations in the Kazakhstan sector of the Caspian Sea;

list of products (goods) subject to extended obligations of producers (importers);

Methodology for calculation of fees for organization of collection, transportation, processing, neutralization, use and (or) disposal of waste;

rules for stimulating the production in the Republic of Kazakhstan of environmentally friendly motor vehicles (corresponding to environmental class 4 and above; with electric motors) and their components, as well as self-propelled agricultural machinery, corresponding to environmental requirements defined by technical regulations, together with the authorized body in the field of state support of industrial and innovative activities;

rules for stimulating the production of cable-conductor products in the Republic of Kazakhstan: ecologically safe (non-combustible and (or) with reduced fire hazard and small smoke and gas emission); waste of which is processed on the territory of the Republic of Kazakhstan, together with the authorized body in the field of state support of industrial and innovative activity;

form of greenhouse gas emission monitoring plan;

Rules for maintaining the State Register of Pollutant Release and Transfer;

Methodology for the distribution of quotas from the quota reserve of the National Plan for the distribution of quotas on greenhouse gas emissions;

List of economic activities, the projects of which are subject to public hearings;

forms of providing information on:

revenues to the budget from payments for emissions into the environment;  
revenues to the budget from the collection of damage caused to the environment;  
revenues to the budget from fines for violation of environmental legislation of the Republic of Kazakhstan;  
budget expenditures for environmental protection measures;  
rules for determination of optimal methods of liquidation of emergency oil spills at sea, inland water bodies and in the protection zone of the Republic of Kazakhstan;  
Waste inventory report form and instructions on how to fill it in;  
The form of filling in cadastre files on objects of waste disposal;  
Methodology of tariff calculation for collection, removal, utilization, processing and burial of solid domestic waste;  
rules for organizing and conducting baseline environmental studies during oil operations in the Kazakhstan sector of the Caspian Sea;

30) establish:

- the procedure for holding public hearings;
- quotas of greenhouse gases emissions for the entities of market mechanism on reducing greenhouse gases emissions and absorption;
- requirements for reporting on the results of industrial environmental control;
- the procedure for determining environmental quality targets;
- the procedure for the issuance of integrated environmental permits and a list of types of industrial facilities for which it is possible to obtain comprehensive environmental permits instead of permits for emissions into the environment;
- the procedure for issuing work permits, using ozone-depleting substances, repair, installation, maintenance of equipment, containing ozone-depleting substances;
- the procedure for recording the consumption of ozone-depleting substances;
- criteria for assessing ecological situation of the territories;
- environmental criteria for assessing lands;
- the list of greenhouse gases, subject to state regulation;
- the procedure for creation and circulation of parts of the established amount, emissions reduction units, certified emissions reduction units, greenhouse gases absorption units and other derivatives, provided for by international treaties of the Republic of Kazakhstan;
- the procedure for issuing, amending and redemption of quotas on greenhouse gases emissions;
- the procedure for implementation of environmental (green) investments;

31) perfect the activity of laboratory services and analytical control in the system of environmental impact assessment;

32) involve in agreeing of basin scheme of complex use and protection of water bodies, the preparation of basin agreements, the development of government (regional and basin) programs on the use, reproduction and protection of water bodies, as well as in the

implementation of the principle of basin water resources management within their competence;

33) carry out international cooperation in the scope of environment protection;

34) conclude agreements and memoranda in the scope of environment protection;

35) Is excluded by the Law of the Republic of Kazakhstan, dated 13.01.2014 No 159-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

36) Is excluded by the Law of the Republic of Kazakhstan, dated 13.01.2014 No 159-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

36-1) carry out the international treaties of the Republic of Kazakhstan in the scope of climate change;

36-2) specify the operating body for the implementation of international treaties of the Republic of Kazakhstan in the scope of climate change;

36-3) approve projects to reduce emissions and adsorbing of greenhouse gases, sold in the territory of the Republic of Kazakhstan;

36-4) is excluded by the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

37) is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 No 452-IV ( shall be enforced from 13.10.2011);

38) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V ( shall be enforced from 01.01.2015);

38-1) coordinate the activities of the central executive bodies on the implementation of international treaties of the Republic of Kazakhstan for the conservation of natural and cultural heritage;

38-2) organize the implementation of international treaties of the Republic of Kazakhstan on Persistent Organic Pollutants;

38-3) perform the functions of the national body for the implementation of international treaties of the Republic of Kazakhstan on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;

38-4) argue instructional guidance documents for conducting of meteorological and hydrological monitoring;

38-5) argue instructional guidance documents for the calculation of emissions into the environment, coordinate the use of software systems for the calculation of emission standards in the environment;

38-6) carry out state management of hazardous chemicals, including persistent organic pollutants in the performance of the obligations of international treaties of the Republic of Kazakhstan on Persistent Organic Pollutants on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in international Trade;

38-7) determine, within its competence, the procedure for maintaining state records, state inventories and state monitoring of natural resources;

38-8) determine:

the list of environmentally hazardous types of economic and other activities;

the procedure for holding open competitions for the projects in the field of environmental protection;

the order of management of ownerless hazardous wastes, recognized by the court decision as having been transferred to the republican property;

the procedure for formation of liquidation funds for wastes disposal sites;

39) carry out other powers, provided by this Code and other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan;

38-9) creates an appeal commission;

38-10) approves the rules, regulations and composition of the Appellate Commission;

Footnote. Article 17, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement See Art. 2) dated 10.12.2008 No 101-IV ( shall be enforced from 01.01.2009) dated 23.06.2009 No 164-IV (the order of enforcement see Art. 2), dated 17.07.2009 No 188-IV (the order of enforcement see Art. 2) dated 19.03.2010 No 258-IV; dated 06.01.2011 No 378-IV (shall be enforced after ten calendar days after its first official publication), dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011) dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first publication), dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 27.04.2012 No 15-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 No 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 17.11.2015 № 407-V (shall be enforced from 01.01.2016); dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty-one calendar day after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after its first

official publication); dated 05.04.2017 № 56-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2017 № 124-VI (shall be enforced from 01.01.2018); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication); dated 05.10.2018 № 184-VI (procedure for enactment see Art. 2); dated 02.04.2019 № 241-VI (shall be enforced dated 01.01.2019).

**Article 17-1. The competence of the authorized body in the scope of the community facilities**

Footnote. Article 17-1 is excluded by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 17-2. Competence of the authorized authority in the fields of industry and industrial and innovative development**

The authorized authority in the fields of industry and industrial and innovative development regulates the collection (procurement), storage, processing and sale of scrap and waste of non-ferrous and ferrous metals by:

1) establishing requirements for the activities of legal entities that collect (procure), store, process and sell scrap and waste of non-ferrous and ferrous metals;

2) determining the form and deadline for reporting on the purchased and sold scrap and waste of non-ferrous and ferrous metals by legal entities carrying out activities for the collection (procurement), storage, processing and sale of scrap and waste of non-ferrous and ferrous metals.

Footnote. Chapter 3 is supplemented by Article 17-2 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 No. 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Article 18. The competence of the specially authorized government bodies**

1. Specially authorized government bodies in the scope of environment protection, reproduction and natural resources utilization are:

- 1) the authorized government body in the scope of use and protection of water resources;
- 2) the central competent authority for land management;
- 3) the authorized government body in the scope of forest husbandry;
- 4) the authorized government body in the scope of protection, reproduction and use of wild animals;
- 5) the authorized government body in the scope of natural areas of preferential protection;
- 6) an authorized state body for subsoil studies;
- 7) the authorized government body in the scope of natural and anthropogenic disasters;
- 8) state authority in the field of sanitary and epidemiological welfare of the population;
- 9) the authorized government body in the scope of veterinary medicine;
- 10) the authorized government body in the scope of protection and plant quarantine;

11) the authorized government body in the scope of nuclear energy.

2. The competence of the specially authorized government bodies, established by the Land, Water and Forest Codes of the Republic of Kazakhstan, as well as the Laws of the Republic of Kazakhstan on Subsoil and Subsoil Use, oil, protection, reproduction and use of wild animals, natural areas of preferential protection, the protection of public health and, emergency situations of natural and sanitary and epidemiological welfare of the population, natural and emergency situations, industrial safety of hazardous production facilities, veterinary, plant protection and quarantine, nuclear energy and radiation safety.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan, dated 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 No 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 19. The competence of local representative bodies of regions, cities of republican status, capital in the scope of environment protection**

Footnote. Title of Article 19, as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Local representative bodies of regions, cities of republican status, capital (hereinafter - the local representative bodies) in the scope of environment protection shall:

1) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

2) approve within its jurisdiction waste management programs;

3) approve within its competence targets for environmental quality within the administrative-territorial units;

3-1) approve state program for the development of territories and projects to reduce emissions and adsorbing of greenhouse gases;

4) hear reports of the heads of local executive bodies and legal entities on the state of the environment and natural resources;

5) adopt rules within the limits of their competence of natural resources utilization, for violations which provides for administrative liability;

6) is excluded by the Law of the Republic of Kazakhstan dated 10.12.2008 No 101-IV ( shall be enforced from 01.01.2009);

6-1) approve rates of formation and accumulation of municipal waste;

7) carry out the other powers to safeguard the rights and interests of citizens in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 19, as amended by the Laws of the Republic of Kazakhstan dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009) dated 05.07.2011 No 452-IV ( shall be enforced from 13.10.2011) dated 22.07.2011 No 479 -IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 03.12.2011 No 505-IV (



shall be enforced after ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 19-1. The competence of local representative bodies of districts, cities of regional significance, cities of republican significance, the capital city in the field of municipal economy**

Local representative bodies of districts, cities of regional significance, cities of republican significance, the capital city in the field of municipal economy shall:

- 1) approve the norms of formation and accumulation of household wastes;
- 2) approve the tariffs for collection, export, utilization, processing and burial of solid household wastes;
- 3) approve the management rules of ownerless wastes, recognized by the court decision as having entered into the municipal property;
- 4) exercise other powers to ensure the rights and legitimate interests of citizens in accordance with the legislation of the Republic of Kazakhstan.

Footnote. The Code shall be supplemented by Article 19-1 in accordance with the Law of the Republic of Kazakhstan dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication.); is in the wording of the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).

**Article 20. Jurisdiction of local executive bodies of oblasts, cities of republican status, capital in the scope of environment protection**

Footnote. Title of Article 20, as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Local executive bodies of oblasts, cities of republican status, capital (hereinafter - the local executive bodies) in the scope of environment protection shall:

- 1) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar after its first official publication);
  - 1-1) implement the state policy in the scope of environment protection;
  - 1-2) conclude agreements and memorandums in the scope of environment protection within its competence;
- 2) on the basis of conclusion of a comprehensive non-departmental expertise of the project for construction of facilities, within its competence, shall prohibit or permit the construction of new or change (reconstruction, expansion, technical re-equipment, modernization and major repair) of existing facilities;
- 3) organize and conduct, within the limits of their competence, state ecological expertise of economic activity objects, with the exception of organizing and conducting an environmental impact assessment of projects;



- 3-1) issue permissions for emissions into the environment, set limits on emissions into the environment within its jurisdiction;
- 4) organize a public hearing on the conducting of environment impact assessment;
- 5) make proposals for the development of instruments for the protection of the environment, refer initiative projects of such documents to the authorized body in the scope of environment protection;
- 6) draw for the expert work of external experts (individuals and businesses), carrying out works and rendering of services in the scope of environment protection;
- 7) develop, within its competence targets for environmental quality;
- 8) organize the development of programs for waste management and ensure their implementation;
- 8-1) develop and submit the rules of formation and accumulation of municipal waste by the local representative bodies for approval;
- 9) allocate land for the construction of facilities for disposal of waste production and consumption;
- 10) provide the construction of facilities for disposal and waste disposal;
- 11) provide compliance with the environmental requirements for handling municipal waste;
- 12) carry out the control of the amount of waste and develop measures and economic incentives related to reduce waste generation, increasing their re-use or alternative uses and reducing the amount of waste to be disposed;
- 13) decide whether to provide the natural resources of nature in the manner, prescribed by the Laws of the Republic of Kazakhstan;
- 14) carry out provision of information to the public on the state of natural objects in the relevant territory;
- 15) carry out the registration of public ecological expert review;
- 16) develop and submit projects in the scope of environment protection to the authorized body in the scope of environmental investment;
- 17) carry out in the interests of local government the other powers, delegated to local executive bodies by the legislation of the Republic of Kazakhstan.
- 17-1) agree on environmental action plans within their competence;
- 17-2) organize the conduct of applied research and development works in the field of household wastes management;
- 17-3) approve the rules for calculating the norms of formation and accumulation of household wastes;
- 18) develop and coordinate the development ground program and projects to reduce emissions and adsorbing of greenhouse gases with the authorized body in the scope of environment protection.

Footnote. Article 20, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement see Article 2) dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011) dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 03.12.2011 No 505 - IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon publication of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 20-1. The competence of local executive bodies of districts, cities of regional significance, cities of republican significance, the capital city in the field of municipal economy**

Local executive bodies of districts, cities of regional significance, cities of republican significance, the capital city in the field of municipal economy shall:

- 1) implement the state policy in the field of household wastes management;
- 2) develop and submit for approval to local representative bodies of districts, cities of regional significance, cities of republican significance, the capital city the norms of formation and accumulation of household wastes;
- 3) jointly with the operator of extended obligations of producers (importers), develop and submit for approval to local representative bodies of districts, cities of regional significance, cities of republican significance, the capital city, the tariffs for collection, removal, utilization, processing and burial of solid domestic wastes, calculated in accordance with the methodology, developed and approved by the authorized body in the field of environmental protection;
- 4) jointly with the operator of extended obligations of producers (importers) determine the size and order of distribution of tariffs between the entities, engaged in collection, removal, utilization, processing and disposal of solid domestic wastes;
- 5) develop and submit for approval to local representative bodies of districts and cities of regional significance the rules for management of ownerless wastes, recognized as communal property by the court decision;
- 6) carry out in the interests of local government other powers, vested on local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Chapter 3 is supplemented by Article 20-1, in accordance with the Law dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); is in the wording of the Law of the Republic of Kazakhstan dated

28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).

## **SECTION 2. LICENSING IN THE FIELD OF ENVIRONMENT PROTECTION, ECOLOGICAL RATIONING, TECHNICAL REGULATION IN THE FIELD OF ENVIRONMENT PROTECTION, IMPACT ASSESMENT ON THE ENVIRONMENT, IMPACT STATEMENT, ENVIROMENTAL PERMIT AND ENVIRONMENTAL AUDIT**

### **Article 21. Licensing of activities in the scope of environment protection**

1. The activities of individuals and legal entities on environmental design, regulation and environmental audit for Category I of economic and other activities in accordance with Article 40 of this Code is based on the license to perform work and services in the scope of environment protection.

2. Licensing of activities for works and services in the field of environmental protection shall be carried out by the authorized body in the field of environmental protection in accordance with the legislation of the Republic of Kazakhstan on permits and notifications.

3. Qualification requirements for the licensed activity in the field of environmental protection shall be approved by the authorized body in the field of environmental protection.

Footnote. Article 21, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 10.07.2012 No 36-V (shall be enforced after ten calendar days after its first official publication); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 4. ECOLOGICAL REGULATION**

### **Article 22. The purpose of the ecological regulation**

1. The purpose of ecological regulation is to regulate the quality of the environment and to establish the permissible impact on it, providing environmental safety, conservation of ecosystems and biodiversity.

2. The standards for environmental quality standards and emission standards for the use and protection of natural resources shall be established in the process of ecological regulation.

3. Emissions, resulting from application of liquidation methods of accidentally oil spill shall not be subject to regulation.

Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 23. Environmental quality standards and the order of their establishment**

1. The quality standards of the environment shall include:

1) the standards, established in accordance with the chemical characteristics of the environment, including standards for the maximum permissible concentrations, including radioactive substances, approximate safe levels of chemicals;

2) the standards, established in accordance with the physical attributes of the environment, including the maximum permissible levels of noise, vibration, magnetic fields, radioactivity, heat, and other physical effects;

3) the standards, established in accordance with the biological indicators of environmental conditions, including the species and groups of plants, animals and other organisms, used as indicators of environmental quality, as well as standards for the maximum permissible concentrations of microorganisms, which are regulated by the sanitary-epidemiological rules and norms, hygienic standards:

soil fertility, humus content, indicators of water and wind erosion, soil waterlogging, salinization, alkalination and other soil characteristics of land;

forestation and reforestation areas, clutter forests, forest health, and other quantitative and qualitative indicators of individual sections of the forest fund;

water quality standards to be used for drinking and other purposes;

other norms of natural resources under the Laws of the Republic of Kazakhstan;

4) other environmental quality standards, stipulated by the legislation of the Republic of Kazakhstan.

2. In order to establish standards for maximum permissible concentrations, the state authority in the field of sanitary and epidemiological welfare of the population maintains state registration of potentially hazardous chemicals, including the classification of harmful substances depending on the degree of their danger. On the territory of the Republic of Kazakhstan, the use of chemicals that have passed state registration shall be allowed.

3. Procedure for the establishment of the maximum permissible concentrations and approximate safe levels of substances shall be determined by the Laws of the Republic of Kazakhstan on the sanitary-epidemiological welfare of the population, protection, reproduction and use of wildlife, land legislation of the Republic of Kazakhstan.

4. Standards of natural resources shall be established in accordance with the Laws of the Republic of Kazakhstan for each type of resource.

## **Article 24. Target values of environmental quality**

1. For individual areas shall be established target values of environmental quality.

2. Target values of environmental quality shall control limit of normalized parameters of the environment for a certain period of time, taking into account the need to gradually improve the quality of the environment.

3. Different target values of environmental quality shall be established for:

1) resident areas;

- 2) protected areas;
- 3) recreational areas;
- 4) desert and semi-desert areas;
- 5) water bodies.

4. Target values of environmental quality shall be established by appropriate programs for the protection of the environment, developed by local executive bodies of the regions (cities of republican status, capital) and approved at the local level by local representative bodies at the national level and the Protected Areas - Government of the Republic of Kazakhstan.

5. The target value establishment of environmental quality should ensure:

- 1) gradual achievement of environmental quality standards throughout the Republic of Kazakhstan;
- 2) environmental safety and reduce risks to public health;
- 3) regulation of the quality of the environment, taking into account the socio-economic conditions, plans and programs of economic development of the Republic of Kazakhstan and its regions, as well as the need to protect ecosystems, genetic fund of flora and fauna.

6. The procedure for determining environmental quality targets shall be established by the authorized body in the field of environmental protection.

**Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 25. Emission standards**

1. The standards of emissions include:

- 1) the specific standards of technical issues;
- 2) the emission limit values of emissions and discharges of pollutants;
- 3) standards for waste disposal of production and consumption;
- 4) **is excluded by the Law of the Republic of Kazakhstan dated 25.04.2016 № 505-V ( shall be enforced upon expiry of ten calendar days after its first official publication);**
- 5) the standards of accommodation sulfur in the environment in the plain sight.

2. Emission Standards must ensure compliance with environmental quality standards, taking into account the natural features of the territories and waters and shall be calculated on the basis of maximum allowable concentrations, or the targets of environmental quality.

3. The values of emission standards are the basis for the issuance of environmental permissions and making decisions about the need for technical measures to reduce the negative impact of economic and other activities on the environment and human health.

**Footnote. Article 25, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 26. Technical specific emission standards**

1. Technical specific emission standards shall be established for specific processes and industries through the implementation of best available technologies.

2. technical specific emission standards are approved by the authorized body in the field of environmental protection and are the basis for complex environmental permits.

3. Technical specific emission standards for mobile sources of pollutant emissions into the atmosphere are approved by the authorized body in the field of environmental protection.

**Footnote. Article 26, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.); No. 241-VI dated 02.04.2019 (shall be enforced dated 01.01.2019).**

## **Article 27. Maximum allowable emissions and discharges of pollutants, standards of production and consumption waste disposal, standards of open sulphur disposal**

1. Maximum permissible emission standards, except for greenhouse gas emissions and discharges of pollutants, production and consumption waste disposal standards, and open sulphur disposal standards are emission importances that are established on the basis of calculations for each stationary emission source and the enterprise as a whole with such a condition as to ensure the achievement of environmental quality standards.

2. Maximum allowable emissions and discharges of pollutants, standards of production and consumption waste disposal, standards of open sulphur disposal are used when issuing permits for emissions into the environment as part of projects containing calculated importances of standards, set importances of technical specific emission standards for stationary and mobile emission sources, technological processes and equipment. Term of validity of the established norms of maximum allowable emissions and discharges of polluting substances, norms of placing of a waste of manufacture and consumption, norms of placing of sulphur in an open kind for objects of I, II and III categories is established according to the application of the nature user, but no more than ten calendar years, for objects of IV category - according to the application of the nature user or for the termless period if in the application the requested term is not specified.

**Footnote. Article 27 of the Law of the Republic of Kazakhstan dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication).**

## **Article 28. The procedure for determining emission standards**

1. Emissions standards to the environment are justified as part of the environmental impact assessment of planned economic and other activities or in the form of separate documents (draft emission standards) for existing enterprises.

2. The development of emission standards for Category I of economic and other activities in accordance with Article 40 of this Code shall be carried out by individuals and legal entities that are licensed to perform work and services in the scope of environment protection.

3. Emissions standards for individual sources shall be established equal to the technical specific emissions standards or shall be determined by calculation and (or) instrumental way, based on the objectives of achieving environmental quality standards at the border of sanitary protection zone and in nearby residential areas.

4. Methods of determining the emission standards by calculation, approved by the authorized body in the scope of environment protection.

5. When setting emission standards, quantitative and/or qualitative characteristics of emissions and existing environmental pollution are taken into account. Data on background concentrations of environmental quality parameters are provided by the national hydrometeorological service under the contract with the project customer or the project organization. Presentation of data on background concentrations of environmental quality parameters refers to activities technologically related to environmental monitoring.

6. Standards of emissions from mobile sources of emissions of pollutants into the atmosphere shall not be established. Limit concentrations of the main air pollutants in the exhaust gases shall be determined by the legislation of the Republic of Kazakhstan in the field of technical regulation.

**Footnote. Article 28, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon the expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.07.2012 No 34-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 25.04.2016 № 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 No. 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication).**

#### **Article 29. Other standards of natural resources**

1. Standards of natural resources shall be established for the purpose of natural resources protection and restoration.

2. Standards of natural resources and the order of their establishment shall be determined by legislation of the Republic of Kazakhstan on subsoil and subsoil use in the protection, reproduction and use of wildlife, land, water, forest legislation of the Republic of Kazakhstan.

## **Chapter 5. TECHNICAL REGULATION IN THE FIELD OF ENVIRONMENT PROTECTION**

### **Article 30. Facilities and conformity procedure of compliance in the field of environmental protection.**

The objects and conformity procedure of compliance in the field of environmental protection shall be determined by the legislation of the Republic of Kazakhstan in the field of technical regulation.



Footnote. Article 30 is in the wording of the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016).

**Article 31. Standards for confirmation procedure of compliance in order to ensure environmental safety**

A footnote. Article 31 is excluded by the Law of the Republic of Kazakhstan dated 05.10.2018 No. 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

**Article 32. Ecolabeling**

1. The objectives of eco-labeling are:

- 1) protection of consumers from buying (use) of products, which are dangerous for the environment;
- 2) prevention of pollution of the environment during production, use and elimination (recycling, recycling) of all types of products;
- 3) ensuring of environmental safety equipment, processes, industries and products;
- 4) implementation of environmentally friendly production processes, equipment and facilities;
- 5) prevention of import of environmentally hazardous products and technologies;
- 6) export promotion and competitiveness of domestic products.

2. The ecolabeling object is the production in the manufacture of which is the least harmful or beneficial effects on the environment, human health and biological resources. The object of eco-labeling shall involve the process of production and applied technology.

2-1. Manufacturers of agricultural products, aquaculture and fishery products, products from wild plants and products of their processing, including food products, carry out environmental labeling on a voluntary basis in accordance with the Law of the Republic of Kazakhstan "On production of organic products."

3. Manufacturers, except for those specified in Paragraph 2-1 of this Article, mark their products with the sign of environmentally friendly products on a voluntary basis after confirmation of compliance. Environmental labeling of products shall be carried out by a non-profit organization in the relevant industry in the manner prescribed by the Legislation of the Republic of Kazakhstan in the field of technical regulation.

4. Standards of ecologically clean products, the form and technical requirements to the mark of ecologically clean products are established by the non-commercial organization accredited in accordance with the Law of the Republic of Kazakhstan "On accreditation in the field of conformity assessment".

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).



### **Article 33. Expert advisory body on technical regulation**

Expert advisory body on technical regulation of the authorized body in the scope of environment protection shall develop draft technical regulations, as well as propose for the development and application of technical regulations in the scope of environment protection.

### **Article 34. Introduction and application of international standards**

**A footnote. Title of Article 34 in the wording of the Law of RK dated 05.10.2018 № 184-VI (to be effective six months after the day of its first official publication).**

1. The implementation of natural resources of the system of international standards for environmental management shall be stimulated by:

- 1) spreading of information on international standards;
- 2) reduction of the frequency of state environmental control by the authorized body in the field of environmental protection for nature users who have implemented international standards of environmental management system and have a document confirming such implementation;
- 3) usage of economic regulation mechanisms of environment protection.

1-1. Introduction and application of international standards are carried out in accordance with the legislation of the Republic of Kazakhstan in the field of standardization.

2. Measures to promote the implementation of international standards shall be carried out in accordance with the Laws of the Republic of Kazakhstan.

**Footnote. Article 34 as amended by the laws of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); 05.10.2018 No. 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication).**

### **Article 34-1. International standards and national standards on greenhouse gas emissions and removals**

**A footnote. Title of Article 34-1 in the wording of the Law of the Republic of Kazakhstan dated 05.10.2018 № 184-VI (to come into force six months after the day of its first official publication).**

1. The authorized body in the field of environmental protection develops and approves, in coordination with the authorized body in the field of standardization, the rules and criteria for recognition and acceptability of international standards and national standards of the Republic of Kazakhstan used in the implementation of project mechanisms in the field of regulation of emissions and removals of greenhouse gases, inventory of greenhouse gases, verification and validation.

2. Subjects of state regulation in the sphere of emissions and absorption of greenhouse gases in their activities are guided by international standards and national standards recognized and allowed by the authorized body in the field of environmental protection.

**Footnote. The Code is supplemented by Article 34-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 № 505-IV (shall be enforced upon expiry of ten**

calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

## **Chapter 6. IMPACT ASSESSMENT ON THE ENVIRONMENT**

### **Article 35. Environmental impact assessment**

Environmental impact assessment is a procedure that evaluates the possible consequences of planned economic and other activities for the environment and human health, develops measures to prevent adverse effects (destruction, degradation, damage and depletion of natural ecological systems and natural resources), and improves the environment, taking into account the requirements of environmental legislation of the Republic of Kazakhstan.

**Footnote. Article 35 of the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).**

### **Article 36. The Impact Assessment obligatoriness on the environment**

1. The impact assessment on the environment is obligatory for all types of business and other activities that may have a direct or indirect impact on the environment and human health

2. The development and implementation of projects of economic and other activities, affecting the environment without assessing the impact on it shall be prohibited. The results of the impact assessment are an integral part of pre-planning, planning, pre-designed and project documentation.

3. The impact assessment on the environment is subject to prospective activities of designed facilities in accordance with the requirements of this Code.

4. The customer (initiator) and project developer must take into account the results of the assessment of environmental impact and ensure the application of such an option that causes the least harm to the environment and human health.

**Footnote. Article 36, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).**

### **Article 37. Stages of the impact assessment on the environment**

1. The impact assessment on the environment shall be carried out with the planning and construction stages of the design, provided by the legislation of the Republic of Kazakhstan.

2. Environmental impact assessment shall include the following stages:

1) preliminary environmental impact assessment, except for the objects of category IV (stage 1);

2) impact assessment, carried out for the purpose of a full and comprehensive analysis of possible effects of the project realization or further implementation of economic and other activities, substantiation of alternative options and development of an environmental protection management plan (program), except for the existing objects of category IV (stage 2 );

3) section " Protection of Environment" as part of the working draft, containing technical solutions on prevention adverse effects on the environment, except for the objects of category IV (stage 3).

3. On the impact assessment stages 2 or 3 on the environment shall be developed emission standards to the environment in accordance with the Chapter 4 of this Code.

**Footnote. Article 37 is in the wording of the Law dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication); as amended by the law of the Republic of Kazakhstan dated 02.07.2014 № 225-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 38. The procedure of impact assessment on the environment**

1. The impact assessment on the environment for Category I of economic and other activities in accordance with Article 40 of this Code shall be carried out by individuals and legal entities that have obtained a license to perform work and services in the scope of environment protection.

2. Organization and financing of the assessment of the effects on the environment shall provide the client (initiator) of the proposed activity.

3. Individuals and legal entities, engaged in developing an assessment of the environmental impact, shall be liable to the customer for the accuracy, completeness or quality of the results of the impact assessment on the environment in accordance with the contract.

Customer is responsible for the accuracy of submitted materials for environment impact assessment in accordance with the Laws of the Republic of Kazakhstan.

4. Monitoring of compliance with the environmental legislation of the Republic of Kazakhstan in the performance evaluation procedures of environmental impact shall supervise the authorized body in the scope of environment protection.

**Footnote. Article 38, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication).**

#### **Article 39. Types of actions to be taken into account in the procedure of impact assessment on the environment**

1. The procedure of impact assessment on the environment shall be accounted for:

1) direct effects - impacts that are directly provided by the main and related types of planned activities in the area of the object;

2) side effects - the impact on the environment, that are caused by indirect (secondary) factors, arising as a result of the project;

3) The cumulative effects – impacts, resulting from the ever-increasing changes, caused by past, present or reasonably foreseeable actions that accompany the implementation of the project.

2. In the procedure of impact assessment on the environment shall be carried out the assessment on:

- 1) air, with the exception of the impact of greenhouse gas emissions;
- 2) surface water and groundwater;
- 3) The bottom surface of the water;
- 4) landscapes;
- 5) land and soil cover;
- 6) the plant life;
- 7) wild animals;
- 8) condition of ecological systems;
- 9) health status of the population;
- 10) social services (employment, education, transport infrastructure).

3. Negative and positive effects of the impact on the environment and human health shall be accounted in the procedure of impact assessment.

**Footnote. Article 39, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)**

#### **Article 40. Object classification of impact assessment on the environment on the importance and completeness evaluation**

1. The economic and other activities for which the environmental impact assessment is carried out are divided into 4 categories in terms of significance and completeness of the assessment - I, II, III, IV.

Category I includes the types of activities related to the 1st and 2nd hazard classes according to the sanitary classification of production facilities, wastewater discharge (into water bodies, terrain, storage ponds and (or) evaporation ponds, treatment facilities) from the activities of the above hazard classes, as well as exploration and extraction of minerals, except for common ones.

Category II includes the types of activities related to the 3rd class of hazard according to the sanitary classification of production facilities, extraction of commonly occurring minerals.

Category III includes types of activities related to the 4th class of hazard according to the sanitary classification of production facilities.

Category IV includes the types of activities related to the 5th class of hazard according to the sanitary classification of production facilities.

1-1. Activities, not belonging to the hazard classes according to sanitary classification of production facilities shall be classified as objects of category IV.

2. Differentiated requirements for the impact assessment on the environment of different categories objects shall be established by the instruction on the impact assessment on the environment.

Footnote. Article 40, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication); dated 02.04.2019 № 241-VI (effective from 01.01.2019).

#### **Article 41. Documentation of the impact assessment on the environment**

1. Documentation on the impact assessment on the environment shall include:

- 1) the details of the customer's business and other activities;
- 2) the application (application) on the need for the proposed activity, feasibility study, feasibility study (draft), approved part of the project of an explanatory note;
- 3) description of the components of the environment prior to the implementation of either at the moment;
- 4) a description of the project, including:
  - objective and quantitative characteristics of the project and the requirements for placement on the area during the construction and operational phases;
  - the main characteristics of the production processes, including the type and quantity of materials and equipment with an indication of the potential impact of a proposed activity on the elements of the environment, and with the amount of ingredient composition of emissions into the environment, consumption of raw materials and divert resources;
- 5) an analysis of the used technology for compliance with the best available technologies and specific technological standards as well as compliance with technical regulations and environmental requirements to technology, techniques and equipment;
- 6) information on alternatives and an indication of the main reasons for the choice of design options;
- 7) a description of the possible impacts on the environment, public health and socio-economic conditions;
- 8) blear impacts of projected economic and other activities on the environment;
- 9) an assessment of the environmental risks and risks to public health;
- 10) a description of the measures, envisaged to prevent, reduce environmental impact, including proposals for environmental monitoring;
- 11) design standard environmental emissions standards and extraction of natural resources

;

- 11-1) justification of the environment protection action plan;
- 11-2) justification of a waste management program
- 12) the rationale for the program of self-control;
- 13) environmental and economic assessment of the project in view of the possible risks and damage compensation;
- 14) materials on account of public opinion, and issuing reports, containing the findings and the results of the public discussion of environmental aspects of the proposed activity;
- 15) an indication of any difficulties and a lack of information in the assessment of the environmental impact;
- 16) the main findings on results of the impact assessment on the environment.

2. An application on the ecological consequences of the planned or conducted activity, which is the basis for the preparation of the decision on the admissibility of its implementation, based on an assessment of the impact assessment on the environment by customer (initiator) of the proposed activity.

3. The completeness of the content of the documentation for each stage of the impact assessment on the environment shall be determined by the instruction on the impact assessment on the environment.

**Footnote. Article 41, as amended by the Laws of the Republic of Kazakhstan dated 23.06.2009 No 164-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV ( shall be enforced after ten calendar days after the first official publication); dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication ).**

#### **Article 42. Methodical provision of the realization of the impact assessment on the environment**

1. The impact assessment on the environment shall be carried out in accordance with the instructions and guidance documents on impact assessment on the environment, approved by the authorized body in the scope of environment protection.

2. The authorized body in the scope of environment protection, within its competence, shall monitor compliance with the requirements of methodical documents on the realization of the impact assessment on the environment in the development process of the impact assessment on the environment by the associated physical and juridical persons.

#### **Article 43. Features of the impact assessment on the environment of objects with transboundary impacts**

Features of the impact assessment on the environment of objects with transboundary effects shall be determined by international treaties, ratified by the Republic of Kazakhstan.

#### **Article 44. Features of the impact assessment on the environment for current objects**

**Footnote. Article 44 is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).**



## Chapter 7. ENVIRONMENTAL IMPACT ASSESSMENT

### Article 45. Types of environmental impact assessment

The following types of environmental expertise are carried out in the Republic of Kazakhstan:

- 1) State environmental expertise;
- 2) Public environmental expertise;
- 3) environmental impact assessment of projects.

**Footnote. Article 45 of the Law of the Republic of Kazakhstan dated 27.12.2017 No. 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication).**

### Article 46. The objectives of the environmental impact assessment

Environmental impact assessment shall be carried out in order to:

- 1) define and limit the possible negative effects of the proposed administrative, economic, investment, rule-making and other activities on the environment and public health;
- 2) balance the interests of economic development and environment protection, as well as preventing damage to third parties in the course of nature.

### Article 47. Objects of the Environmental impact assessment

1. A mandatory environmental impact assessment shall include:

1) pre-project and project documentation of planned activities that impact on the environment, with its accompanying materials evaluation of the environmental impact in accordance with the stages, determined by Article 37 of this Code;

**2) Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);**

3) projects of emission standards in the environment;

4) The draft of regulatory legal acts of the Republic of Kazakhstan, regulatory, technical and methodological, documents, implementation of which may lead to negative impacts on the environment;

**5) is excluded by the Law of the Republic of Kazakhstan dated 02.07.2014 № 225-V ( shall be enforced upon expiry of ten calendar days after its first official publication);**

5-1) materials on possibility of destruction of the goods, placed under customs procedure of destruction, providing possibility of burial, disinfection, utilization or destruction of goods by other method, and also the wastes, formed as a result of destruction of goods with indication of the method and the place of destruction;

6) science projects and feasibility studies for the establishment and expansion of protected areas, the abolition of state nature reserves and state conservation areas of national importance and a decrease in their territory;

7) biological studies on the production and use of resources, flora and fauna;

8) is excluded by the Law of the Republic of Kazakhstan dated 27.12.2017 № 126-VI (to be put into effect six months after the day of its first official publication);

9) survey data areas, justifying the assignment of these areas to areas of ecological disaster or environmental emergency;

10) projects of economic activity, which may have an impact on the environment of neighboring countries or for which you want to use in common with the neighboring states of natural objects, or which affect the interests of neighboring states, including the complex " Baikonur" as defined by international treaties of the Republic of Kazakhstan;

11) is excluded by the Law of the Republic of Kazakhstan dated 02.07.2014 № 225-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

1-1. Project documents in the field of subsoil use, which in accordance with the Code of the Republic of Kazakhstan "On Subsoil and Subsoil Use" are agreed with the authorized body in the field of environmental protection, are not subject to mandatory state environmental impact assessment.

2. Excluded by the Law of the RK dated 24.05.2018 № 156-VI (to be put into effect after ten calendar days after the day of its first official publication).

3. The objects of the state ecological expertise, specified in subparagraphs 1) and 3) of paragraph 1 of this Article shall be divided into categories I, II, III, IV according to the classification of objects, given in Article 40 of this Code.

Drafts of normative legal acts of the Republic of Kazakhstan, normative-technical and instructive-methodical documents, which implementation may lead to negative environmental impacts, developed by central state bodies, shall belong to the category I.

Drafts of normative legal acts of the Republic of Kazakhstan, normative-technical and instructive-methodical documents, developed by local state bodies, shall belong to the category II.

The objects of state ecological expertise, specified in subparagraphs 6) - 10) of paragraph 1 of this Article shall belong to the category I.

The objects of state ecological expertise, specified in subparagraph 5-1) of paragraph 1 of this Article shall belong to the category III.

The pre-project and project documentation of the planned activity, having an impact on the environment, specified in subparagraph 1) of paragraph 1 of this Article and classified according to the classification of objects, given in Article 40 of this Code shall belong to the category IV.

Footnote. Article 47, as amended by the Laws of the Republic of Kazakhstan dated 23.06.2009 No 164-IV (the order of enforcement See Art. 2) dated 15.07.2011 No 461-IV ( shall be enforced upon expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.07.2014 № 225-V (shall be enforced



upon expiry of ten calendar days after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2017 № 124-VI (shall be enforced from 01.01.2018); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).

#### **Article 48. Bodies, exercising the environmental impact assessment**

1. The environmental impact assessment shall be carried out by the authorized body in the scope of environment protection and local executive bodies within their competence.

2. State environmental expertise of objects of Category I, subject to state environmental expertise, is conducted by the authorized body in the field of environmental protection, II, III and IV categories - by local executive bodies of regions (cities of national importance, the capital).

3. Distribution of objects of the state environmental expertise of the Category I, subject to the state environmental expertise, between the authorized body in the field of environmental protection and its territorial subdivisions is established by the authorized body in the field of environmental protection.

4. On projects (feasibility studies and design and estimate documentation) of construction and operation of facilities of the Category I of economic activity the state environmental expertise is carried out by the authorized body in the field of environmental protection.

5. Requirements of point 4 of the present article do not extend on projects (feasibility studies and the design-budget documentation) of building and operation of objects of II, III and IV categories which building is planned in territory of operating objects of Category I.

**Footnote.** Article 48, as amended by the Law of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement see Art.2); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

#### **Article 49. The procedure of the environmental impact assessment**

1. Documentation for the State Environmental Expertise is submitted in electronic form:

1) the customer (investor) of the planned administrative, economic, investment and other activities;

2) the head of the government body, which develops the draft legislation, plans and programs subject to the environmental impact assessment.

2. The procedure for conducting a state environmental impact assessment of the objects specified in paragraph 1 of Article 47 of this Code shall be determined by the authorized body in the field of environmental protection, except as provided by paragraph 3 of this Article.

The objects specified in subparagraphs 1), 3) and 10) of paragraph 1 of Article 47 of the present Code shall be issued the conclusion of the state environmental expertise simultaneously with the permit for emissions into the environment.

3. Under projects (feasibility studies and design and estimate documentation) of construction and operation of objects of Category I of economic activity the state ecological expertise is carried out as a part of complex non-departmental expertise of construction projects in an order established by the legislation of the Republic of Kazakhstan on architectural, town-planning and construction activity. The conclusion of the state environmental expertise is issued simultaneously with the permit for emissions into the environment.

4. In case of issuance of the negative conclusion of the complex non-departmental expertise of construction projects the permit for emissions into the environment is not issued.

**Footnote. Article 49 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 27.02.2017 № 49-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).**

#### **Article 49-1. Procedure of ecological expertise of construction projects as a part of complex non-departmental expertise of projects for objects of II, III and IV categories**

1. According to the projects (feasibility studies and design and estimate documentation) of the construction of II, III and IV categories of environmental impact assessment of projects is carried out by experts certified in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities.

Environmental expertise of projects is a part of the complex non-departmental expertise of construction projects.

2. Conclusion of the complex non-departmental expertise of construction projects contains emission standards for the period of construction and economic activity of natural resources users.

3. During the period of complex non-departmental expertise of projects (feasibility studies and design and estimate documentation) of the construction of II, III and IV categories of objects, the section of complex non-departmental expertise containing emission standards is sent to the local executive authorities in the field of environmental protection for recording in the state register of natural resources and sources of environmental pollution.

4. Local executive bodies in the field of environmental protection in terms and order, which are established by the legislation of the Republic of Kazakhstan on architectural, town-planning and construction activities, send permits for emissions into the environment to the bodies of complex non-departmental expertise.

5. In case of issuance of the negative conclusion of the complex non-departmental expertise of projects the permit for emissions into the environment is not issued. Repeated receipt of permits for emissions into the environment is carried out in the manner prescribed for the projects submitted for a comprehensive non-departmental expertise.

**Footnote. Chapter 7 was supplemented by Article 49-1 in accordance with the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).**

#### **Article 50. Terms of the state ecological expertise**

1. The State Environmental Expertise is carried out during:  
Forty-five working days for the objects of Category I;  
Thirty working days for objects of Category II;  
fifteen working days for objects of III and IV categories, from the moment of submission by the persons specified in point 1 of article 49 of the present Code, the package of documents defined by the order of carrying out the state ecological expertise.

2. The body issuing the conclusion of the state environmental expertise shall consider the documents for completeness within no more than five working days from the date of registration - for the objects of the state environmental expertise of Category I, no more than three working days from the date of registration - for the objects of the state environmental expertise of II, III and IV categories. In case of submission of incomplete package of documents, the documents shall be returned to the person who submitted them.

3. If there are any comments on the drafts and attached materials submitted for the State Environmental Expertise, the experts shall send such comments to the person who submitted them within a period of time:

Twenty-five working days - for the objects of Category I, which are removed by the customer within ten working days from the date of issuance of comments;

fifteen working days - for objects of Category II, which are eliminated by the customer within five working days from the date of issuance of comments;

seven working days - for the objects of III and IV categories, which are removed by the customer within three working days from the date of issuance of comments.

In case of failure to eliminate the comments, the negative conclusion of the state environmental expertise shall be issued within the terms determined by paragraph 1 of this article.

In case of elimination of previously sent comments, a positive conclusion of the state environmental expertise shall be issued.

4. The state environmental expertise, carried out on projects as part of the complex non-departmental expertise of construction projects or complex town-planning expertise of urban development projects, is carried out in the order and timing determined by the legislation of the Republic of Kazakhstan on architectural, town-planning and construction activities.

Footnote. Article 50 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); as amended by the Law of the Republic of Kazakhstan dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).

#### **Article 51. The opinion of environmental impact assessment**

1. The conclusion of the State Environmental Expertise is issued based on the results of its implementation.

The State Environmental Expert Review shall be mandatory and shall precede the adoption of legal, organizational and economic decisions regarding environmental management and impact on the environment and public health.

2. The positive opinion of the environmental impact assessment shall include findings on the admissibility and the possibility of making a decision on the realization of the environmental impact assessment.

3. Excluded by the Law of the RK dated 24.05.2018 No. 156-VI (to be put into effect ten calendar days after the day of its first official publication).

4. Financing the implementation of projects of economic and other activities, which are subject to state ecological expertise by the banks and other financial institutions shall be prohibited without a positive conclusion of the state ecological expertise.

5. The conclusion of the state environmental expertise shall be signed by the heads of expert departments of the authorized body in the field of environmental protection, territorial departments of the authorized body in the field of environmental protection in the relevant territory or by the head of the expert department of local executive bodies of regions, cities of national importance and the capital within their competence.

6. The positive conclusion of the state ecological expertise to the project documentation shall be valid for the objects of categories I, II and III during the period of validity of the established standards of emissions into the environment, for the objects of category IV – indefinitely.

7. Deprivation (revocation) of the positive conclusion of the state environmental expertise shall be carried out by the body that issued it, on the basis of a written request or consent of the natural resource user.

In case of revealing the violation of the requirements of the environmental legislation of the Republic of Kazakhstan, deprivation (revocation) of the positive conclusion of the state environmental expertise is carried out in court.

Footnote. Article 51, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV ( shall be enforced upon expiry of ten calendar days after the first official publication ); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

#### **Article 52. Rights of examination divisions heads, carrying out the environmental impact assessment**

1. An examination division heads, carrying out the environmental impact assessment shall have the right to:

1) create in the established order the expert committees, groups for carrying out of the environmental impact assessment to be involved in the work of domestic and foreign experts, as well as legal entities;

2) carry out the control for activities of examination divisions of committees and groups;

3) lead expert advice to the environmental impact assessment, organize their activities;

4) determine the methods of the environmental impact assessment;

5) reject the submitted materials for the environmental impact assessment that do not meet the requirements of the environmental legislation of the Republic of Kazakhstan;

6) return to refine the documents and materials, containing calculation errors and other irregularities, the correction of which requires further research, exploration or additional funds;

7) sign the environmental impact assessment;

8) is excluded by the Law of the Republic of Kazakhstan dated 25.04.2016 № 505-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

9) request necessary for the additional materials for the environmental impact assessment.

10) submit to the banks and other financial organizations information about the objects of examination, which were not received a positive opinion of the environmental impact assessment:

11) prepare and send appropriate materials to Law enforcement and other bodies to address the issues of bringing to justice the persons, who are guilty of violating the Laws of the Republic of Kazakhstan.



2. Is excluded by the Law of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement see Article 2).

3. The organization and conducting of the environmental impact assessment of the heads of departments are independent and act in accordance with environmental Laws of the Republic of Kazakhstan.

The independence of the examination division shall be ensured by provisions for them to be approved by the authorized body in the scope of environment protection and local bodies, which include the procedure for their appointment and dismissal of other conditions, not inconsistent with the Laws of the Republic of Kazakhstan.

**Footnote. Article 52, as amended by the Law of the Republic of Kazakhstan, dated 04.12.2008 No 97-IV (the order of enforcement see Article 2); dated 25.04.2016 № 505-V ( shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 53. An Expert of environmental impact assessment**

1. An Expert of environmental impact assessment is the person who has a special knowledge and enough experience, necessary to carry out an environmental impact assessment, and an acquired in an established order by the body of the environmental impact assessment to conduct a state environmental assessment.

An expert of ecological expertise of construction projects shall be an individual, certified in the manner, established by the legislation of the Republic of Kazakhstan on architectural, town- planning and construction activities, for the implementation of expert works on a certain section (part) of the projects, being in the staff of one of the expert organizations.

2. An Expert of environmental impact assessment may not be a representative of the customer documentation, entitled to the environmental review, or the developer of the object of environmental impact assessment, as well as natural and legal persons, composed of labor and contractual relationship with the customer or developer.

3. An Expert of environmental impact assessment is liable for the fulfilled examination in accordance with the Laws of the Republic of Kazakhstan.

4. The interference of government bodies, individuals, legal entities and officials is prohibited in the activities of the expert, associated with the conduct of the environmental impact assessment.

5. Violated rights of the expert of environmental impact assessment shall be protected in judicial and administrative proceedings, and the persons responsible for such violation shall be liable in accordance with the Laws of the Republic of Kazakhstan.

6. An Expert of environmental impact assessment shall have the right:

1) require the submission of additional materials relevant to comprehensive and objective assessment of the object of the state environmental expertise within the term, established in Article 50 of this Code;

2) to involve the specialists additionally for the conduct of environmental impact assessment;

3) to make suggestions on the improvement of the organization of expertise, methodologies, procedures and principles of its implementation;

4) to form a separate opinion on the project of the environmental impact assessment, which is attached to the conclusion of the environmental impact assessment.

7. An Expert of environmental impact assessment shall be obliged:

1) to provide a comprehensive, objective and qualitative conduct of environmental impact assessment;

2) to comply with the environmental Laws of the Republic of Kazakhstan;

3) to conduct an environmental impact assessment on the basis of the existing rules and regulations;

4) to comply with the established period and the procedure for the execution of the environmental impact assessment;

5) to prepare the argued conclusion of the environmental impact assessment and transfer then timely to their bodies that decide on the implementation of the object examination and customers;

6) by rejecting expertized objects from further consideration or return of materials justifying them for revision to objectively assess and to convincingly justify the environmental impact assessment;

7) to ensure the safety of materials and coordinate their actions with respect to confidential documents with their owner, to prevent the disclosure of information, entrusted to him.

**Footnote. Article 53 as amended by the laws of the Republic of Kazakhstan dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 54. Use of external experts in the environmental impact assessment**

If the state environmental expertise requires the involvement of external experts, the state environmental expertise bodies have the right to apply for expert opinions to other state bodies, other organizations, as well as to individual specialists. Involvement of external experts is carried out by the authorized body in the field of environmental protection, local executive bodies of regions, cities of national importance, the capital in accordance with the legislation of the Republic of Kazakhstan on public procurement.

**Footnote. Article 54, as amended by the Law of 04.12.2008 No 97-IV (the order of enforcement, see Article 2); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).**

#### **Article 55. Registry of draft regulations passed the environmental impact assessment**

**Footnote. Article 55 is excluded by the Law of the Republic of Kazakhstan dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).**



## **Article 56. Expert councils of environmental impact assessment.**

1. Expert councils of the environmental impact assessment, which are advisory bodies and acting in accordance with the regulations on them are created under the authorized body in the scope of environment protection.

2. Regulations on expert councils of the state environmental expertise of the authorized body in the field of environmental protection, their personnel shall be approved by the heads of the authorized body in the field of environmental protection and its territorial bodies.

3. Members of the Expert councils of the environmental impact assessment may be officials of government bodies whose functions are related to the environment protection, the scientists of research institutions, universities, practitioners and members of the public.

4. The jurisdiction of the advisory councils of the environmental impact assessment shall include:

1) a discussion of the complex issues of environmental security, environment protection, use and reproduction of natural resources in the environmental impact assessment.

2) consideration of the environmental impact assessment on objects with high environmental risk.

**Footnote. Article 56 as amended by the Law of the Republic of Kazakhstan dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 57. Publicity of the state ecological expertise**

1. Publicity of state environmental expertise and public participation in decision-making on the issues of environmental protection and use of natural resources shall be ensured through public hearings.

2. All interested citizens and public associations shall be given an opportunity to express their opinion during the conduct of state ecological expertise.

3. The conclusion of the state environmental expertise shall be sent by the nature user to be posted on the Internet resource of the local executive body in the field of environmental protection within five working days after its receipt by the nature user.

4. Individuals and legal entities shall have the right to call down the conclusion of the state ecological expertise in the manner, established by the legislation of the Republic of Kazakhstan.

5. After taking the decision on conclusion of the state ecological expertise, all interested persons shall be given an opportunity to obtain information on the object of expertise in the manner, prescribed by this Code.

**Footnote. Article 57 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 57-1 Public participation in decision-making on the issues of environment protection**

Public participation in decision-making on the issues of environment protection shall be carried out through:

holding public hearings;

conducting public ecological expertise;

conducting public environmental control;

submitting comments and proposals to the state bodies during the state environmental expertise;

participation in public councils under the state bodies;

submitting comments and proposals for the drafts of normative legal acts on environmental protection issues, including draft documents of the State planning system.

**Footnote. Chapter 7 is supplemented by Article 57-1 in accordance with the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 57-2 Holding public hearings**

1. Holding public hearings shall be obligatory for the projects:

1) in the spheres of agriculture and forestry, mining and manufacturing, construction, transport, electricity, heat supply, water supply, sanitation, wastes management and other sectors of economy in accordance with the list, determined by the authorized body in the field of environmental protection;

2) providing for the placement of objects in water protection zones and belts and zones of sanitary protection of water supply sources;

3) providing for the placement of objects on the lands of the state forest fund;

4) providing for the cutting of forests on the lands of the state forest fund, including greenery plantations within the boundaries of settlements;

5) providing for the activities of a nature user on specially protected natural areas and on the territory of former Semipalatinsk nuclear testing site;

6) being objects of state ecological expertise, specified in subparagraphs 6), 8), 9) and 10) of paragraph 1 of Article 47 of this Code.

2. The customer (initiator) of the proposed activity shall be entitled, on a contractual basis, to involve public associations for carrying out measures to inform the public about participation in public hearings.

3. Twenty days before the public hearings, local executive bodies provide open access to environmental information, related to the environmental impact assessment procedure of the proposed economic and other activities and the decision-making process on these activities through the Internet resource, as well as using other means of informing.

4. The procedure for holding public hearings shall be determined by the authorized body in the field of environmental protection.

**Footnote. Chapter 7 is supplemented by Article 57-2 in accordance with the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten**

calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 05.04.2017 № 56-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 58. Method of dealing with differences in the exercise of environmental impact assessment**

1. Disagreements in the implementation of the environmental impact assessment are considered by negotiations or through the courts.

2. Differences through negotiations on the environmental impact assessment are considered by the authorized body in the scope of environment protection on the treatment of any of the interested parties, including the customer's planned activities and the local executive body.

In this case, the subject of controversy cannot be a negative conclusion of the environmental impact assessment.

#### **Article 59. Funding for the environmental impact assessment**

Funding for the environmental impact assessment shall be carried out at the expense of budget funds and funds of customers.

#### **Article 60. Public environmental impact assessment**

1. Public environmental impact assessment – a type of activity, carried out on a voluntary basis by expert commissions, established by public associations.

2. Public environmental impact assessment shall consider any economic and other activities for compliance with the public interest to preserve favorable for the life and health of the environment.

Emissions of greenhouse gases are not subject to public environmental impact assessment, with the exception of emissions of substances provided by the Tax Code of the Republic of Kazakhstan, as pollutants.

3. The initiator of public environmental impact assessment can serve individuals or associations whose interests are affected in the case of the object of public environmental impact assessment.

**Footnote. Article 60, as amended by the Laws of the Republic of Kazakhstan from 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 27.04.2012 No 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 61. The organizer of public environmental impact assessment**

1. The organizer of public environmental impact assessment, associations on whose behalf the application is submitted for public environmental impact assessment and action is being taken to organize the activities of the expert committee.

2. The organizer of public ecological examination shall have the right to:

1) request the customer object of public environmental impact assessment environmental documents and materials, necessary for the public environmental impact assessment;

2) create a commission of experts to conduct the examination;  
3) submit a conclusion of public environmental impact assessment to the local executive bodies and financial institutions.

3. Organizer of public environmental impact assessment shall:

1) organize a public environmental impact assessment in accordance with the requirements set out in this Code;

2) provide information to the public about the progress and results of the public environmental impact assessment and consideration of public opinion in the formulation of conclusion of the public environmental impact assessment;

3) ensure the openness of conclusion of the public environmental impact assessment to all interested parties.

### **Article 62. Experts of Public environmental impact assessment**

1. An expert of environmental impact assessment is an individual who possesses the scientific and (or) a working knowledge of the subject matter and is engaged by the organizer of public environmental expertise to conduct public environmental impact assessment.

2. An expert of public environmental impact assessment may not be:

1) The representative of the customer of the object of public environmental impact assessment;

2) A representative of the developer of the object of public environmental impact assessment;

3) a natural person who is composed in labor or other contractual relationship with specified customer, or by the developer of the object of public environmental impact assessment;

4) a representative of a legal entity, which consists in a contractual relationship with the customer or with the developer of the object of public environmental review.

3. The expert of public environmental review is involved in its conduct in accordance with the Laws of the Republic of Kazakhstan and the assignment, issued by the organizer of the public environmental review.

4. The expert of public environmental review under the implementation of public environmental review has the right to express a dissenting opinion on the object of public environmental review, which is attached to the conclusion of public environmental review.

5. The expert of public environmental review shall:

1) comply with the requirements of environmental legislation of the Republic of Kazakhstan;

2) ensure the objectivity and validity of the conclusions of its opinion on the object of environmental review and consideration of comments and proposals, submitted to the public environmental review from concerned individuals and voluntary associations;

3) ensure the safety and confidentiality of materials, submitted to the public environmental review, and the protection of intellectual property.

### **Article 63. The rights and obligations of the customer of the object of Public Environmental Review**

1. The customer of the object of the public environmental review is a natural or legal person of the planned administrative, economic, investment and other activities.

2. The customer of the object of public environmental review shall have the right for:

1) protection of legally protected confidential information, contained in the documentation for the proposed activity;

2) to obtain information and to have an access to information about the progress and results of the public environmental review;

3) to participate in the public hearings and other events, held in the Public Environmental Review;

4) to submit their explanations and comments to the conclusion of a public environmental review to the body, realizing the environmental environment impact assessment, local executive bodies.

3. The customer of the object of public environmental review shall:

1) provide required documents and materials for public environmental review;

2) submit a written response to the recommendations, set out in the conclusion of public environmental review to the authority in the scope of public environmental review.

### **Article 64. Funding of public environmental review**

Funding of public environmental review shall be carried out by:

1) own funds of public associations, organizing and conducting a public environmental review;

2) donations, grants, provided without compensation;

3) other sources not prohibited by the Laws of the Republic of Kazakhstan.

### **Article 65. Procedure for registration of public environmental review**

1. Public environmental review is subject to the registration statement of the organizer of the review on its conduct.

2. The statement for registration of public environmental review shall be organized by its organizer to the local bodies, on territory of which, the activity of area under review is planned.

3. The statement on realization of public environmental review shall include:

1) the name, legal address of the organizer of public environmental review;

2) the nature of the activity, stipulated in the charter of organizer of public environmental review;

3) information on the category of the expert committee of public environmental review;

4) information about the object of public environmental review, the duration of realization of public environmental review.

4. Local executive bodies within ten business days from the filing date of the public environmental review are obliged to register or refuse a registration of it.

Statement on public environmental review, the registration of which has not been denied in the indicated period, deemed to be registered.

5. In the registration of statement on the organization of public environmental review may be refused if:

- 1) public environmental review has previously been held twice in respect of the object;
- 2) the object of public environmental review contains information that constitutes state, commercial and other secrets, protected by Law;
- 3) the charter of organizer of public environmental review does not include the activities of the public association for the public environmental review;
- 4) State environmental review of the alleged object of public environmental review is completed.

6. In case of refusal of registration of the statement on realization of the public environmental review, the local agency shall notify the initiator and organizer of public environmental review, a reasoned justification of the reasons for refusal in writing.

#### **Article 66. The conclusion of the public environmental review**

1. The results of the public environmental review are issued in the form of a conclusion of the public environmental review, which is a recommendation.

2. The conclusion of the public environmental review shall include:

- 1) the name and legal address of the organizer of the environmental review;
- 2) the name, first name or full name of the customer, the name and location of the object of public environmental review;
- 3) information on the registration of the statement on realization of the public environmental review in the local executive body;
- 4) Terms of realization of the public environmental review;
- 5) the composition of the documentation, held at public environmental review, transfer of other documents, used in the process of public environmental review;
- 6) a group of members of the expert committee of public environmental review;
- 7) A summary of the assessment results;
- 8) job description on realization of the public environmental review, certain organizer of public environmental review;
- 9) A description of the process of public environmental review, including the interaction with the public, customers and other stakeholders;
- 10) The conclusion of the public environmental review.

3. Conclusions of the public environmental review shall include:

- 1) opinion on the conformity of the object of public environmental review to the requirements of the environmental legislation of the Republic of Kazakhstan;
- 2) characteristics of completeness, quality and credibility of customer impact assessment conducted on the environment;

3) description of the positions of various groups of the public in relation to the proposed activities, review of proposals and comments from the public;

4) experts' opinion on the environmental and social acceptability of the object of public environmental review;

5) The suggestions and recommendations to the authority conducting the environmental impact assessment to the customer, government bodies and corporate decision-makers, associated with the implementation of the expert review object.

4. The conclusion of the public environmental review shall be signed by an authorized representative of the organizer of public environmental review, the chairman and members of the expert committee.

5. The conclusion of public environmental expert review shall be directed to:

1) the local executive body which carried out the registration of the application for public environmental expert review;

2) the body, carrying out the environmental impact assessment of the object;

3) the customer of the planned activities;

4) bodies, which make decisions, associated with the implementation of the object of public environmental expert review;

5) the media.

#### **Article 67. Use of results of the public environmental review**

1. Customer of the proposed activity shall examine the conclusion and recommendations contained therein, within one month from the date of receipt of the opinion of the public environmental review and to send his comments to the body of environmental impact assessment and organizer of public environmental expert review.

2. Conclusion of public environmental expert review should be considered during the environmental impact assessment. Results of the review should be sent to the organizer of public environmental expert review and the authorized body in the scope of environmental protection.

3. The conclusion of public environmental impact assessment can also be taken into account in decision-making by local executive bodies, financial institutions and customer of planned activities.

The results of public ecological expertise can also be taken into account when conducting a comprehensive non-departmental expertise of projects (feasibility studies and design and estimate documentation), intended for the construction of buildings, structures and complexes, engineering and transport communications.

**Footnote. Article 67 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).**

## **Chapter 8. ENVIRONMENTAL PERMITS**



## **Article 68. Types of environmental permits**

Following environmental permits shall be issued to the users of nature in the Republic of Kazakhstan of natural resources:

- 1) permits for emissions into the environment;
- 2) integrated environment permits.

Implementation of emissions into the environment from all stationary sources of emissions without environmental authorization is prohibited.

Emissions of greenhouse gases are not subject to environmental permits, with the exception of emissions of substances, set by the Tax Code of the Republic of Kazakhstan, as pollutants.

**Footnote. Article 68, as amended by the Laws of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication), dated 27.04.2012 No 15-V (shall be enforced after ten calendar days after its first official publication).**

## **Article 69. Permit for emissions into the environment**

1. Users of nature, carrying out environmental emissions are required to obtain a permit for emissions into the environment, with the exception of emissions from mobile sources.

The users of natural resource, being payers of the unified land tax, in accordance with the tax legislation of the Republic of Kazakhstan, shall not receive permission to emissions into the environment for the objects, used in activities, subject to a special tax regime for peasant or farm households.

The permit for emissions into the environment shall be issued to the user of natural resources in accordance with the procedure determined by paragraph 2-1 of this article, or simultaneously with the positive conclusion of the state environmental expertise.

2. Permit for emissions into the environment shall be issued to individuals, legal entities, as well as to the branches and representative offices of foreign legal entities registered in the Republic of Kazakhstan, which carry out emissions into the environment in the Republic of Kazakhstan, according to their applications in the order established by the present Code.

2-1. In the presence of a positive conclusion of the state environmental expertise or the conclusion of a comprehensive non-departmental expertise, the permit for emissions into the environment shall be issued in the manner and within the terms established by Articles 72, 74, 75 and paragraph 1 of Article 77 of this Code.

3. Users of nature are obliged to fulfill conditions, specified in the permit for emissions into the environment, and are responsible for their non-compliance in accordance with the Laws of the Republic of Kazakhstan.

4. Natural users who own production facilities located on the territory:

1) one oblast (cities of republican importance capital), can apply for the permission for emissions into environment both on each object, and on all their aggregate;

2) different oblasts (cities of national importance, the capital city) should submit applications for permits for emissions into the environment at the location of each facility.

5. It is not required to obtain permits for emissions into the environment, if these emissions are in the process of general nature.

Footnote. Article 69, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (order of enforcement See Art. 2) dated 16.11.2009 No 200-IV (shall be enforced from 01.01.2010); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).

#### **Article 70. Permission content for emission into the environment**

1. Permit for the emission into the environment is a set of standard documents, containing:

- 1) information on the users of nature, business and other activities, carried on by him;
- 2) the term of the permit;
- 3) environmental conditions, including emission standards for all of their sources;
- 4) The action plan for the protection of the environment for the duration of the permit;
- 5) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

1-1. Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

2. Blank forms of permits for emissions into the environment, and the order of their filling are approved by the authorized body in the scope of environmental protection.

Footnote. Article 70, as amended by the Law of the Republic of Kazakhstan, dated 03.12.2011 No 505-IV (the order of enforcement, See Art. 2); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

#### **Article 71. Categories of objects that require permits for emissions into the environment**

1. Objects, which are allowed to be used for emission into the environment by the users of nature shall be divided into four categories: I, II, III and IV.

2. Objects of the first and second category of hazard classification according to the sanitary production of industrial objects belong to the first category.

Objects of the third class of hazard classification according to the sanitary production of the industrial objects belong to the second category. Objects of the fourth class of hazard classification according to the sanitary production of the industrial objects belong to the third category. Objects of the fifth class of hazard classification according to the sanitary production of the industrial objects belong to the fourth category.

2-1. Types of activity, that are not classified according to sanitary classification of production objects, belong to the category IV.

3. For the objects of the Category I the natural resources users receive the permissions on emissions into the environment in the authorized body in the field of environmental protection, Category II - in local executive bodies of regions, cities of republican importance, capital, ICategory II - in local executive bodies of regions, cities of republican importance, capital under the simplified scheme, IV category - in local executive bodies of regions, cities of republican importance, capital.

3-1. Permission for emissions into the environment on the objects of II, III and IV categories, located on the territory of objects of Category I, is issued by the local executive body in the field of environmental protection.

4. Distribution of objects of the category I for the issue of permissions to emissions into the environment between the authorized body in the field of environmental protection and its territorial divisions shall be established by the authorized body in the field of environmental protection.

Footnote. Article 71, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 N 97-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV (shall be enforced expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication ); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

#### **Article 72. Materials, submitted for obtaining a permit for emissions into the environment**

1. In order to obtain a permit for emissions into the environment, a natural resource user shall submit to the permitting body the necessary package of documents in electronic form.

2. For the users of natural resources having objects of I, II and III categories, the package of documents for obtaining a permit for emissions into the environment includes:

- 1) application for a permit;
- 2) conclusion of the state environmental expertise or conclusion of the complex non-departmental expertise of construction projects, containing the approved emission standards;

3) Environmental protection action plan.

3. For the users of natural resources, having newly introduced objects of the category IV, the package of documents for obtaining a permit for emissions into the environment shall include:

- 1) an application for a permit;
- 2) standards of emissions into the environment, established and justified by calculation or instrumental way.

4. The application form for obtaining a permit for emissions into the environment shall be approved by the authorized body in the field of environmental protection.

Footnote. Article 72 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); as amended by the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

### **Article 73. Natural management conditions, included a permit for emissions into the environment**

1. In cases where environmental requirements and standards have been adopted for the types of activities carried out by a natural user in the Republic of Kazakhstan, the permit for emissions into the environment may include the conditions for natural resources management that ensure compliance with these requirements and standards.

2. The decision to include the conditions of nature use in the permit for emissions into the environment is taken by the bodies issuing the permit.

3. Introduction to the permit on environmental emissions environmental conditions which are not stipulated by the environmental requirements and standards, set by the environmental legislation of the Republic of Kazakhstan, shall be prohibited.

4. The order of inclusion in the resolution of environmental conditions on emissions into the environment is to be approved by the authorized body in the scope of environmental protection.

5. The user of nature is obliged to submit a quarterly report on the implementation of environmental conditions included in the environmental permit in issuing body.

Footnote. Article 73, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its official publication); No. 156-VI of 24.05.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

### **Article 74. Terms of consideration and issuance of permits for emissions into the environment**

A footnote. Title of Article 74 as amended by Law No. 156-VI of 24.05.2018 (to be effective ten calendar days after the day of its first official publication).

1. excluded by the Law of the RK dated 24.05.2018 № 156-VI (to be put into effect upon expiration of ten calendar days after the day of its first official publication).

2. The issuing authority considers the application for its completeness for facilities of I, II and III categories of economic and other activities within five working days from the date of registration of the application.

Within the established deadline, the application is accepted for consideration or rejected due to the lack of submitted documents.

In case of rejection of the application, the refusal shall be sent to the natural user with a reasoned justification of the reasons for rejection.

3. Accepted applications shall be considered by the authority issuing the permit for facilities:

- 1) Category I of economic and other activities - within no more than fifteen business days from the date of registration of the application;
  - 2) II and III categories of economic and other activities - within no more than ten working days from the date of registration of the application;
  - 3) IV categories of economic and other activities - within no more than five working days from the date of registration of the application.
4. Based on the results of consideration, a permit for emissions into the environment or a reasoned refusal shall be issued.

Footnote. Article 74 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); with changes introduced by the laws of the Republic of Kazakhstan dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

#### **Article 75. Grounds for the issuance of permits for emissions into the environment**

1. The permit for emissions into the environment shall be issued to the user of natural resources for the objects of categories I, II and III under the following conditions:

- 1) necessary documents and materials in accordance with Article 72 of this Code have been submitted;
- 2) the plan of measures on environment protection corresponds to ecological requirements and norms established by the ecological legislation of the Republic of Kazakhstan, and provides achievement of norms of emissions into environment for objects of Category I.

2. The permit for emissions into the environment should be given to the user of natural resources for the object of category IV, if he/she has submitted necessary application and emissions standards into the environment.

Footnote. Article 75 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); with the change introduced by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

#### **Article 76. Terms of validity of permits for emissions into the environment**

1. Permits for emissions into the environment shall be issued for a period prior to the change of the applied technologies and environmental conditions, specified in the current permit, but not more than ten years for the objects of categories I, II and III.

2. The permit for emissions into the environment for the objects of category IV shall be issued on an indefinite basis, except for the cases of changes of the applied technologies and environmental conditions, specified in the current permit.

Footnote. Article 76 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

## **Article 77. Refusal to issue, suspension, revocation, denial of permits for emissions environment**

**Footnote. Title of Article 77, as amended by the Law of the Republic of Kazakhstan dated 27.04.2012 No 15-V (shall be enforced after ten calendar days after its official publication.)**

1. The permitting authority on environmental emissions, refuse to issue a permit in the following cases:

- 1) incomplete and unreliable materials submitted for approval;
- 2) failure of the requested conditions of natural resource requirements specified in Article 73 of this Code;
- 3) Non-compliance of the action plan on environmental protection with the environmental requirements and norms established by the environmental legislation of the Republic of Kazakhstan, ensuring achievement of the standards of emissions into the environment.

2. Disputes and disagreements in connection with the refusal to issue a permit for emissions into the environment are considered in accordance with the Laws of the Republic of Kazakhstan.

3. The suspension of the permit for emissions into the environment shall be carried out in accordance with the Code of the Republic of Kazakhstan on Administrative Offences.

If permission is granted by nature user several production objects, the permit shall be suspended for the project, for which a violation.

4. The permit for emissions into the environment shall be cancelled by the issuing authority from the date of issuance of a new permit or on the basis of a written request of the nature user.

5. Deprivation of a nature user of the permits for emissions into the environment shall be implemented through the courts.

**Footnote. Article 77 is in the wording of the Law dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); with amendments introduced by the Law of the RK dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication).**

## **Article 78. Procedure for renewal of permits for emissions into the environment**

1. Reissuance of permits for emissions into the environment is carried out within fifteen calendar days in cases of change of name, reorganization of the natural resource user, as well as in case of change of the owner of the object(s) in respect of which such permits for emissions have been issued, provided that the reissuance will not result in an increase in the burden on the environment.

2. Re-issuance of permits shall be subject to the following documents:

- 1) the application for renewal of the permit;
- 2) is excluded by the Law of the RK dated 27.12.2017 № 126-VI (entered into force six months after the day of its first official publication);
- 3) is excluded by the Law of the RK from 27.12.2017 № 126-VI (entered into force six



months after the date of its first official publication);

4) Is excluded by Law of the Republic of Kazakhstan dated 19.03.2010 No 258-IV;

5) copy of the document confirming the transfer of ownership of the object(s) of nature use in respect of which the re-issuable emission permit was issued.

Footnote. Article 78 is in the wording of the Law dated 04.12.2008 N 97-IV (the order of enforcement, See Art. 2), as amended by the Laws of the Republic of Kazakhstan dated 19.03.2010 No 258-IV; dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication), dated 24.12.2012 No 60-V (shall be enforced after ten calendar days after its official publication); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).

### **Article 79. Integrated environmental permit**

1. Integrated environmental permit is a single document certifying the right to exercise a nature emission to the environment with the condition of implementation of best available technology and technical compliance of specific emission standards established by the environmental legislation of the Republic of Kazakhstan.

Integrated environmental permits are issued by the authorized body in the scope of environmental protection.

2. The lists of the best available technologies for specific processes and industries shall be developed by the authorized body in the field of environmental protection with participation of the interested central executive bodies, other legal entities and approved by the authorized body in the field of environmental protection.

The users of natural resources may also choose any of the recommended technologies, included into the handbooks of European Bureau for integrated control and prevention of environmental pollution.

3. The list of types of industrial objects for which, it is possible to obtain integrated environmental permits instead of permits for emissions into the environment, and the procedure for their issuance shall be established by the authorized body in the field of environmental protection.

4. Integrated environmental permit, in addition to the information specified in Article 70 of this Code, shall include:

1) the conditions of the economic use of raw materials and energy;

2) waste management system;

3) actions and measures for the operation of the object in situations that are dangerous for the environment;

4) The terms and conditions for the implementation of best available techniques.

5. Integrated environmental authorization is valid until the change of technologies and the environmental conditions, specified in the permit.



6. Suspension and withdrawal of action of integrated environmental permit are carried out in accordance with the Code of the Republic of Kazakhstan on Administrative Offences.

Footnote. Article 79, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 N 97-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after the first official publication ); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 9. ENVIRONMENTAL AUDIT**

### **Article 80. Environmental audit**

1. An individual or legal entity is the audited subject that has concluded a contract with an environmental auditor or environmental audit organization for conducting of the environmental audit.

2. The environmental audit shall be carried out by analyzing the statements of the audited entities on the environment impact.

Emissions of greenhouse gases are not the subject of analysis in conducting of environmental audit.

3. On conducting of environmental audit shall be carried out special research and measurement for the purpose of:

- 1) control the submitted reports validation on the environment impact;
- 2) the conformance evaluation of engineering and manufacturing process with environmental requirements;
- 3) the conformance evaluation of industrial monitoring system and control of environmental requirements;
- 4) assessment of the workers skills.

4. The relationship between environmental auditors, environmental audit organizations and audited entity shall arise from the contract for the environmental audit in accordance with the civil legislation of the Republic of Kazakhstan.

Footnote. Article 80, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

### **Article 81. Types of environmental audit and the basis for its conducting**

1. The types of environmental audit are mandatory audit and initiative audit.
2. The basis for mandatory environmental audit of individuals and legal entities are:
  - 1) significant environmental damage, caused by economic and other activities of individuals and legal entities duly documented;

2) reorganization of the legal entity- nature user which carries out environmentally hazardous economic and other activities, in the form of a merger, separation and isolation;

3) bankruptcy of legal entities -nature users, exercising environmentally hazardous business and other activities.

3. Initiative environmental audit shall be conducted on the initiative of the audited entity or its members, taking into account the specific objectives, the timing and amount of environmental audit under the contract to carry out an environmental audit between the initiator and the environmental auditor or environmental audit organization.

4. Interested individual and (or) legal entities, insurance companies, investors, the authorized body in the scope of environment protection and other government bodies can act as the customers of the environmental audit.

### **Article 82. The conducting of environmental audit**

1. The environmental audit shall be conducted in accordance with the environmental auditing plan, which shall be prepared by auditor according to the requirements of paragraph 2 of this Article, and in agreement with the customer and the audited entity. The parties shall be governed by the standard form of environmental audit plan, approved by the Chamber of environmental auditors, which serves as guidelines on planning the environmental audit.

2. The stages of the environmental audit shall be:

1) the prior acquaintance with the audited subject;

2) a plan development of the audit;

3) collecting and filing of the information;

4) inspection of the audited subject and conduct a survey of its employees;

5) determination of the amount of technical studies;

6) conducting of technical studies;

7) identification of environmental risks;

8) development of proposals to increase the level of environmental safety;

9) preparation of the environmental audit report.

3. The environmental auditor shall acquaint previously with the specifics of the audited subject to develop a plan for environmental audit.

4. Collecting and filing of relevant information shall be carried out by the audited subject and other organizations. The structure of information shall include:

1) the requirements of legislative acts on environmental matters, relating to the activities of the audited subject;

2) the map of a location area and schematic map of the audited subject;

3) the results of aerial photography in the case of its availability;

4) the administrative structure of the audited subject management;

5) the regulation on the protection of the environment on the audited subject, in the case of its existence;

6) the environmental permit;

7) the statements of the audited subject for the protection of the environment over the past five years;

8) the reports on the implementation of self-control;

9) the copies of the records of inspections by the authorized body in the scope of environment protection over the recent three years;

10) the program of the audited subject in the scope of environment protection in the case of its existence;

11) the plan of action for the prevention of accidents and mitigation of their consequences ;

12) the assess the impact of the audited subject on the environment with the enacted supplements;

13) the report on the inventory of emissions, wastewaters for the current period;

14) the draft standards for maximum permissible emissions and wastewaters, waste disposal, operating in the current period;

15) the data about the environmental and economic aspects of the subject;

16) the copies of previous environmental audit reports;

17) the data of state environmental monitoring in the area of audited subject influence;

18) information on citizens public associations addresses and on the activities of the audited subject.

5. An inspection of the audited subject and conduct a survey of employees shall be carried out in order to assess compliance with the valid documentation of the audited subject, the qualification of specialists of the audited subject to develop proposals to improve the effectiveness of the audited entity.

6. During the inspection shall be identified:

1) the compliance of the audited subject to the layout and general description of the technology;

2) the completeness of the sources of environmental impact in the documentation of the audited subject;

3) the state of the territory of the possible impact of the audited subject;

4) the circumstances of the possible presence of undocumented effects on the environment ;

5) the availability and completeness of accounting and other necessary documentation at production facilities;

6) the compliance with the technical requirements for the protection of the environment during the operation of the facility;

7) the compliance with the requirements of the jurisdiction of performing the manufacturing environmental control.

7. During the survey of employees of the audited subject shall be identified:

1) the level of training of employees on matters, essential to the protection of the environment;

2) the information, needed to confirm the objectivity of record-keeping;

3) information on cases of violations of the Laws and regulations on the protection of the environment and measures to prevent them;

4) the probability of violations of environmental requirements in the future economic and other activities of the audited subject in contemplation;

5) the existence of engineering initiatives to improve environment protection.

8. Technical studies shall be carried out by environmental auditors and environmental auditing organizations in the case of:

1) the need to confirm the reports for the industrial environmental control;

2) identification of undocumented sources of environmental impact;

3) the existence of the circumstances of the negative consequences of the audited subject to the environment and public health.

9. If necessary, studies may include:

1) measurements at the sources of emissions (wastewaters), a study of the wastewaters;

2) measurements of pollution in the area of the potential impact of the audited subject;

3) a study of vegetation, wildlife, ecosystems and human health in the area of the potential impact of the audited subject.

10. Accredited laboratories shall be involved to determine the state of the environment to conduct special studies.

11. The determining of environmental risk shall be carried out by the audited subject by means of:

1) review of relevant documentation and reports to the observed current state;

2) assessment of the possible effects of the audited subject to flora, fauna, ecosystems and public health, including the analysis of cases and deaths, caused by the breach of environmental quality;

3) determining the likelihood of accidents or other deviations from the technological requirements for the audited subject, which could lead to negative consequences for the environment.

12. A development of proposals to increase the level of environmental safety of the audited subject shall be based on the study of:

1) the best available technologies, used for similar assets;

2) possible measures to improve the system of environmental management;

3) ways to improve self-monitoring;

4) proposals to change the environmental standards and requirements.

**Article 83. The decision to conduct a mandatory environmental audit**

1. The decision to conduct a mandatory environmental audit shall be made by the authorized body in the scope of environment protection, within a month of the establishment of the circumstances, provided for in paragraph 2 of Article 81 of this Code.

2. The decision to conduct the mandatory audit shall be issued in the form of an opinion on mandatory environmental audit.

3. A form of the opinion of the mandatory environmental audit shall be approved by the authorized body in the scope of environment protection.

4. The opinion shall include:

1) the name, first name or full name of the audited subject;

2) the location of the audited subject;

3) the nature of the possible risks to the environment, associated with the economic and other activities of the audited subject;

4) the basis for the mandatory environmental audit;

5) The deadline for submitting opinion on the mandatory environmental audit of the authorized body in the scope of environment protection.

5. The opinion on the mandatory environmental audit shall be sent to the head of the audited subject.

#### **Article 84. The mandatory environmental audit features**

1. The mandatory environmental audit shall be carried out in a period, not exceeding six months from the receipt by the audited subject the opinion on the mandatory environmental audit.

2. An environmental auditor or environmental audit organization shall make acquaintance with the opinion on the mandatory environmental audit, the basis for the audit, environmental issues. specific to the audited subject, and other aspects to develop a conduct audit plan.

#### **Article 85. Requirements to environmental audit reports**

1. An environmental audit report on the results of a mandatory environmental audit shall include:

1) confirmation of the legitimacy of environmental auditors and environmental auditing organization;

2) an overview of the audited subject;

3) the basis for an environmental audit;

4) a plan for environmental audit;

5) a list and review of the collected information;

6) the results of the inspection of the audited subject and the survey of its employees;

7) the results of technical studies;

8) environmental risk assessment (in quantitative and qualitative terms);

9) a list of recommendations to improve the environmental safety;

10) conclusions on the safety of the audited subject for environmental violations found, the reliability of documentation and reporting of environment protection.

2. The form of proactive environmental audit report, established by the agreement to conduct environmental audit.

3. Proactive environmental audit report is confidential. Only audited subject has a right to disclosure the information, contained in the report of proactive environmental audit.

#### **Article 86. The order of consideration of the mandatory environmental audit report**

1. The environmental audit report on the results of a mandatory environmental audit shall be directed by an environmental auditor or environmental audit organization to the authority in the scope of environment protection and to the head of the audited subject at the same time.

2. The results of the mandatory environmental audit, shall be used by the audited subject to take action to comply with the requirements of environmental legislation of the Republic of Kazakhstan, reduce the negative effects of the environment and prevention of damage to the environment, to ensure the reliability of environmental reporting.

3. The audited subject shall bring its paperwork right with the recommendations of the environmental audit, take other steps to comply with the environmental legislation of the Republic of Kazakhstan and to inform the authorized body in the scope of environment protection in the case of revelation of reliability during the mandatory environmental audit in the environmental reporting of the audited subjects, not later than one month from the date of receipt of the environmental audit report.

4. The authorized body in the scope of environment protection shall consider the environmental audit report on the results of a mandatory environmental audit within one month from the date of its receipt.

5. The results of the mandatory environmental audit shall be used by the authorized body in the scope of environment protection to obtain reliable information about the audited subject compliance with environmental requirements and standards of environmental quality.

6. The authorized body in the scope of environment protection upon review of the environmental audit report of mandatory environmental audit may:

1) apply to the court to suspend the activities of the audited subject;

2) amend the conditions of the environmental permit or apply to the authorized government bodies with a proposal to change the terms of agreements (contracts) for the use and removal of natural resources, permits for environmental emissions and other environmental permits;

3) recommend amendments to the program of industrial ecological control.

7. Disputes, arising from environmental audit report of the mandatory environmental audit shall be resolved in accordance with the Laws of the Republic of Kazakhstan.

**Footnote. Article 86, as amended by the Law of the Republic of Kazakhstan dated 04.12.2008 No97-IV (the order of enforcement see item 2)**

#### **Article 87. An environmental auditor**

1. An environmental auditor is an individual, exercising an independent review of economic and other activities of the audited subjects, aimed at identifying, evaluating

environmental risks and the development of recommendations to improve the environmental safety of their operations. Checking the economic and other activities of the audited subjects of Category I, in accordance with Article 40 of this Code shall be based on the license to perform work and services in the scope of environment protection.

2. The environmental auditor may conduct environmental auditing as a sole proprietor or an employee of environmental audit organization.

**Footnote. Article 87 is in the wording of Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).**

#### **Article 88. An environmental audit organization**

1. An environmental audit organization is a commercial organization, established in the legal form of a limited liability company, is exercising an independent review of economic and other activities of the audited subjects, aimed at the identification and assessment of the environmental safety of their operations. Checking the economic and other activities of the audited subjects of Category I, in accordance with Article 40 of this Code shall be based on the license to perform work and services in the scope of environment protection.

2. Foreign environmental audit organizations may carry out an environmental audit activity in the Republic of Kazakhstan only in the formation of appropriate environmental audit of residents of the Republic of Kazakhstan.

3. The number of environmental auditors as part of the environmental audit organization must be at least three people.

**Footnote. Article 88, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).**

#### **Article 89. Chamber of environmental auditors**

1. A chamber of environmental auditors shall be created to protect the rights and legal representation of environmental auditors and environmental auditing organizations in the government bodies.

The Chamber of environmental auditors is a non-profit, independent, professional and self-governing organization, acting on the basis of a charter, approved by the general meeting of its members, and funded by membership dues and other sources not prohibited by the Laws of the Republic of Kazakhstan.

2. The primary objectives of the Chamber of environmental auditors are:

- 1) logistics, reference information and methodological support of environmental auditors;
- 2) organization of professional monitoring for the environmental auditing implementation.

3. The Chamber of environmental auditors shall regulate environmental auditors and environmental auditing organizations, develop on the basis of international practice standards for environmental audit in accordance with the Laws of the Republic of Kazakhstan.



4. A membership of environmental auditing organizations in the Chamber of Environmental Auditors is mandatory. Environmental auditors shall be taken by members in the case of their environmental auditing as a sole entrepreneur.

In the presence of license to perform work and services in the scope of environment protection in the admission to the Chamber of environmental auditors shall not be denied.

5. An exclusion from the Chamber of environmental auditors shall be made in cases of:

1) the denial or termination of the license to perform work and provide services in the scope of environment protection;

2) gross or repeated violations of the environmental auditor or environmental audit Organization requirements and norms of environmental legislation of the Republic of Kazakhstan;

3) the developed impossibility by auditor or environmental audit organization of their professional capacity in consequence of insufficient qualifications;

4) in other cases, provided by the founding documents of environmental auditors.

6. An exclusion of environmental auditor or environmental audit organization on the basis , provided for by subparagraphs 2 and 3) of paragraph 5 of this Article shall entail the termination of the license to practice environmental auditing activity, carried out in court at the suit of the authorized body in the scope of the environment protection.

**Footnote. Article 89 is in the wording of the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 90. Rights of environmental auditors and environmental audit organizations**

Environmental Auditors and environmental audit organizations shall have the right to:

1) determine independently methods for conducting of the environmental audits;

2) receive and verify the documentation, necessary for the fulfillment of the conditions of the contract on environmental audits;

3) draw on a contractual basis to participate in the environmental auditing professionals, in addition to the persons, referred to in Article 92 of this code;

4) refuse from conducting of the environmental audits or issuing an environmental audit report in the case of violation of those being audited, subject to terms and conditions of the agreement on environmental audits.

#### **Article 91. Obligations of environmental auditors and environmental audit organizations**

Environmental Auditors and environmental auditing organizations shall:

1) report about impossibility of the environmental audit conducting due to the circumstances, specified in Article 92 of this code;

2) insure safety of documents, obtained from the audited subject, and written in the process of environmental audit conducting;

3) report to the audited subject about identified as a result of non-conformity of documents of environmental auditing requirements, established by the legislation of the Republic of Kazakhstan;

4) maintain confidentiality of environmental audit reports, as well as information, obtained in the environmental audit conducting and which are the subject of commercial or other secrets, protected by the Law;

5) communicate to the authorized body in the scope of environment protection of the identified through mandatory environmental auditing violations of environmental legislation of the Republic of Kazakhstan;

6) carry out the other claims, arising out of contractual obligations to conduct environmental audits.

#### **Article 92. The restriction of the right on conducting of the environmental audit**

The conducting of the environmental audit shall be prohibited by environmental audit organization or environmental Auditor if:

1) customers, whose party, the creditor is the environmental auditor or environmental audit organization;

2) performers, who are in employment or are in close family relations or associates of the audited subject, as well as shareholder (party), owning 10% or more per cent of the shares (or shares of participation in the authorized capital) of the audited subject;

3) performers, who have personal property interests in audited subject;

4) environmental audit organization or environmental auditor has financial obligations before the audited subject or from the audited subject before them, except for the obligations of the environmental audit.

#### **Article 93. The rights and obligations of the audited subject**

1. The audited subject shall have the right to:

1) make their own decision about the selecting of environmental auditor or environmental audit organization;

2) receive from environmental auditor or environmental audit organization the whole schemer about the requirements of the legislation of the Republic of Kazakhstan, concerning the environmental audit conducting;

3) look at legislative acts which are based on the environmental observations and opinions of the environmental auditor or environmental audit organization;

4) receive recommendations from environmental auditor or environmental audit organization, information about detected incompliance of the environmental reports and other documents with the legislation of the Republic of Kazakhstan;

5) refuse the services of the environmental auditor or environmental audit organization in the case of violation of the terms and conditions of the agreement on environmental audit conducting.

2. The audited entity shall:

- 1) introduce a mandatory environmental audit;
- 2) create conditions for the environmental auditor or environmental audit organizations for punctual and quality environmental audit conducting;
- 3) provide complete and accurate documentation, and other information, necessary for the environmental auditor or environmental audit organization to conduct an environmental audit, provide an explanation in writing or orally;
- 4) provide reliable financial reports on the impact on the environment and other documents, necessary to conduct an environmental audit;
- 5) not restrict the activities of the environmental auditor or environmental audit organizations, unless otherwise provided by the contract to conduct an environmental audit;
- 6) send a written request on their behalf to the third party to obtain the necessary information as required an environmental auditor or environmental audit organization;
- 7) ensure environmental auditors fees or environmental audit of the organization;
- 8) perform other claims, arising from the obligations under the contract to conduct an environmental audit.

#### **Article 94. Audit of Environmental Management Systems**

1. Audit of environmental management systems is initiative.
2. According to the results of the audit of environmental management systems, individuals and legal entities may obtain a document, confirming the compliance of the implemented environmental management system with international standards in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation.

**Footnote. Article 94 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016).**

### **Chapter 9-1. GOVERNMENT REGULATION IN THE REGION OF EMISSIONS AND ADSORBINGS OF GREENHOUSE GASES**

**Footnote. The Code is supplemented by Chapter 9-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (the order of enforcement see Article 2)**

#### **Article 94-1. The basic provisions of the state regulation of emissions and adsorbings of greenhouse gases**

State regulation of emissions and adsorbings of greenhouse gases shall include:

- 1) allocation of quotas for greenhouse gases emissions to the operators of installations;
- 2) an establishment of market mechanisms to reduce emissions and adsorbings of greenhouse gases;
- 3) administration of installations' operators.

Footnote. Article 94-1 as amended by the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 94-2. Quotas for greenhouse gases emissions**

1. It shall be prohibited to operate the installation without obtaining quotas for greenhouse gases emissions by the installation operator, which emissions exceed the equivalent of twenty thousand tons of carbon dioxide per year, in the following regulated areas: oil and gas, electricity, mining, metallurgical, chemical, processing in the production of building materials : cement, lime, gypsum and brick.

2. The quota for greenhouse gases emissions shall be credited to the account of the operator of the installation in the State register of carbon units in accordance with the amounts, specified in the National plan for allocation of quotas for greenhouse gases emissions within ten working days from the date of its entry into force.

3. The installation operator before the 1st of April of the first year of the National plan for allocation of quotas for greenhouse gases emissions, approved for the relevant period, shall present a validated plan for monitoring greenhouse gases emissions and a verified installation passport to the authorized body in the field of environmental protection.

In case of non-presenting the plan for monitoring greenhouse gases emissions and an installation passport within the time limit, specified in this paragraph, the installation operator's account shall be blocked before submission of the required documents.

4. The installation operator shall be obliged to submit a verified report on the inventory of greenhouse gases for the previous year to the authorized body in the field of environmental protection or to fill in the electronic form of the report in the system of the State Cadastre of sources of emissions and absorptions of greenhouse gases in accordance with the State Cadastre of sources of emissions and absorptions of greenhouse gases.

5. The installation operator shall be prohibited to exceed the quota for greenhouse gases emissions, established in the National plan for allocation of quotas for greenhouse gases emissions, approved for the relevant period, as well as received in cases, provided by paragraph 1 of Article 94-4 of this Code.

The installation operator shall have the right to independently allocate the available quotas among its installations, included in the National plan for allocation of quotas for greenhouse gases emissions, approved for the relevant period.

6. The installation operator shall have the right to sell or buy units of quotas, with the exception of quotas, issued in accordance with paragraph 1 of Article 94-4 of this Code.

7. Control over compliance with paragraph 1 of this Article shall be carried out only with respect to installation, included in the National plan for allocation of quotas for greenhouse gases emissions, approved for the relevant period and installations of administrative subjects,

which emissions during the period of the National plan for allocation of quotas for greenhouse gases emissions exceed equivalent to twenty thousand tons of carbon dioxide per year.

8. Quotas for greenhouse gases emissions, issued for the period of the National plan for allocation of quotas for greenhouse gases emissions shall be subject to redemption in accordance with the Rules for issuance, change and redemption of quotas for greenhouse gases emissions.

**Footnote. Article 94-2 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (for the procedure of enforcement see Article 2).**

#### **Article 94-3. Certificate of greenhouse gas emissions**

**Footnote. Article 94-3 is excluded by the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 94-4. Change in quotas for greenhouse gases emissions**

1. The installation operator in cases of increasing the capacity of the installation and (or) introducing a new stationary source of greenhouse gases emissions from the beginning of the year of development and the period of validity of the National plan for allocation of quotas for greenhouse gases emissions, approved for the relevant period, shall apply to the authorized body in the field of environmental protection to obtain additional amount of quotas for greenhouse gases emissions.

2. In case of change of an installation operator, its name or organizational and legal form, the authorized body in the field of environmental protection shall notify the subordinated organization for regulation of greenhouse gases emissions of the authorized body in the field of environmental protection on making appropriate changes within five working days from the date of the applicant's application on the basis of supporting documents.

The subordinated organization for regulation of greenhouse gases emissions of the authorized body in the field of environmental protection shall make appropriate changes within five working days.

Obligations on greenhouse gases emission shall be transferred to the new installation operator.

3. In case of liquidation of the installation operator, the unused amount of quotas for greenhouse gases emission shall be transferred to the reserve of the amount of quotas of the National plan for allocation of quotas for greenhouse gases emissions.

4. The procedure for changing quotas for greenhouse gases emissions shall be determined by the Rules for issuance, change and redemption of quotas for greenhouse gases emissions.

**Footnote. Article 94-4 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced from 01.01.2018).**

#### **Article 94-5. National plan for allocation of quotas for greenhouse gases emissions**

1. The National plan for allocation quotas for greenhouse gases emissions shall ensure compliance with obligations to reduce greenhouse gases emissions.

The National plan for allocation of quotas for greenhouse gases emissions shall be developed in accordance with the Rules for allocation of quotas for greenhouse gases emissions and formation of reserves of the established quantity and amount of quotas for the National plan for allocation of quotas for greenhouse gases emissions for the relevant period, determined by the authorized body in the field of environmental protection.

2. The National plan for allocation of quotas for greenhouse gases emissions shall establish the total amount of quotas for greenhouse gases emissions on regulated areas of activity and the list of installations with allocated amounts of quotas for greenhouse gases emissions.

3. The National plan for allocation of quotas for greenhouse gases emissions shall contain a reserve of quotas amount for:

1) allocation of quotas for greenhouse gases emissions for new installations;

2) issuance of additional quotas in cases, provided by paragraph 1 of Article 94-4 of this Code;

3) allocation of quotas for greenhouse gases emissions for installations of administrative subjects, which operation during the period of the National plan for allocation of quotas for greenhouse gases emissions falls under the requirements of paragraph 1 of Article 94-2 of this Code;

4) issuance of carbon units for domestic projects to reduce greenhouse gases emissions and (or) increase the absorption of greenhouse gases;

5) sale of quotas on the terms of auction.

4. The procedure for inclusion of installations in the National plan for allocation of quotas for greenhouse gases emissions and exclusion from it shall be carried out in accordance with the Rules for allocation of quotas for greenhouse gases emissions and formation of reserves of the established number and amount of quotas of the National plan for allocation of quotas for greenhouse gases emissions.

5. The management of the reserve of quotas amount shall be carried out by the authorized body in the field of environmental protection.

The reserve of quotas amount, specified in subparagraph 5) of paragraph 3 of this Article shall be transferred to the subordinated organization for regulation of greenhouse gases emissions of the authorized body in the field of environmental protection for organizing of sale.

The funds from the sale of greenhouse gases quotas from the reserve shall come to the state budget.

**Footnote. Article 94-5 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official**



publication); as amended by the Law of the Republic of Kazakhstan dated 05.04.2017 № 56-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 94-6. Subjects of administration**

1. The subject of administration shall be an installation operator, which greenhouse gases emissions amount is from ten to twenty thousand tons of equivalent of carbon dioxide per year, in the following regulated areas: oil and gas, electric power, mining, metallurgical, chemical, manufacturing in terms of production of construction materials: cement, lime, gypsum and brick.

2. The effect of Articles 94-2, 94-4 and 94-11 of this Code in terms of the procedures, carried out by the subjects of allocation of quotas for greenhouse gases emissions shall not be extended on the subjects of administration, except for the cases, provided for in paragraphs 3 and 4 of this Article.

3. The subjects of administration before April 1<sup>st</sup> of current year shall submit a report on the inventory of greenhouse gases for the previous year to the authorized body in the field of environmental protection or fill in the electronic form of the report in the system of the State cadastre of sources of emissions and absorptions of greenhouse gases in accordance with the State cadastre of sources of emissions and absorptions of greenhouse gases.

The reports on inventory of greenhouse gases of administrative subjects shall not be subjects to verification.

4. Participation of subjects of administration in implementation of project mechanisms in the field of regulation of emissions and absorptions of greenhouse gases shall be carried out in accordance with the rules of implementation of project mechanisms in the field of regulation of emissions and absorptions of greenhouse gases.

5. Installations of subjects of administration, which operation during the period of the National plan for allocation of quotas for greenhouse gases emissions is subject to the requirements of paragraph 1 of Article 94-2 of this Code, shall be subject to quoting in accordance with the Rules for issuance, change and redemption of quotas for greenhouse gases emissions.

6. The authorized body in the field of environmental protection shall control the amount of greenhouse gases emissions of the subjects of administration.

**Footnote.** Article 94-6 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 94-7. The market mechanism of reducing emissions and absorption of greenhouse gases**

1. The market mechanism of reducing emissions and absorption of greenhouse gases shall include:



1) trading of units of quotas for greenhouse gases emissions, units of internal emissions reductions;

2) trade of absorption units of greenhouse gases, units of certified emissions reduction, emissions reduction units;

3) international trade of units of the established number between the countries, having restrictions and (or) reduce greenhouse gases emissions and their legal entities.

2. Sale and purchase of carbon units shall be carried out by:

installation operators;

individuals and legal entities, involved in implementation of project mechanisms in the field of greenhouse gases emissions and absorptions;

subordinated organization for regulation of greenhouse gases emissions of the authorized body in the field of environmental protection.

3. The implementation of quota units, greenhouse gases absorption units, certified emissions reduction units, emissions reduction units, internal emissions reduction units shall be made on commodity exchanges in accordance with the legislation of the Republic of Kazakhstan.

The installation operator shall have the right to realize quotas by direct sale (purchase) under a contract of sale at a price not lower than the level of the quoted quotation on the day of transaction.

Within five working days from the date of transaction, the installation operator shall be obliged to provide information on the results of a direct sale-purchase of quotas to the authorized body in the field of environmental protection.

**Footnote. Article 94-7 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced from 01.01.2018).**

#### **Article 94-8. An independent provider of information**

The main task of independent information providers shall be to provide consulting services, as well as assistance to installation operators of greenhouse gases emissions management, including the implementation of project mechanisms in the field of regulation of greenhouse gases emissions and absorptions.

**Footnote. Article 94-8 as amended by the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 94-9. Requirements for carbon units trade**

1. The carbon units, entered into the trading system of quotas for greenhouse gases emissions shall be traded on the domestic market in accordance with trading Rules of quotas for greenhouse gases emissions and carbon units.

2. Units of certified reductions and emissions reduction units may be used for domestic and international trade and shall be provided by a transition from the state recording system of the established number to the recording system of other countries.

3. The carbon unit shall be a commodity.

4. Units of quotas within the limits of the National plan for allocation of quotas for greenhouse gases emissions, approved for the relevant period may be transferred from one reporting year to another.

The unused amount of quota units shall not be transferred to the next National plan for allocation of quotas for greenhouse gases emissions and shall be subject to return to the reserve of quotas amount of the National plan for allocation of quotas for greenhouse gases emissions.

**Footnote. Article 94-9 is in the wording of Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced from 01.01.2018).**

**Article 94-10. Internal projects on reduction of emissions and (or) increase of absorption of greenhouse gases**

1. Internal projects on reduction of greenhouse gases emissions and (or) increase the absorption of greenhouse gases shall be carried out by individuals and legal entities on the territory of the Republic of Kazakhstan.

At the same time, internal projects on reduction of greenhouse gases emissions cannot be carried out in respect of installations, that fall under the requirements for quotas of greenhouse gases emissions.

2. Internal projects on reduction of emissions and (or) increase the absorption of greenhouse gases may be implemented in the following areas of economy:

- 1) mining and metallurgical (in terms of projects for utilization of coalmine methane);
- 2) agriculture;
- 3) housing and communal services;
- 4) gardening of forest and steppe territories;
- 5) prevention of land degradation;
- 6) renewable energy sources;
- 7) processing of municipal and industrial wastes;
- 8) transport;
- 9) energy-efficient construction;
- 10) energy saving and energy efficiency increase.

3. Rules for preparation of consideration and approval, accounting, reporting and monitoring of internal projects on reduction of greenhouse gases emissions shall be approved by the authorized body in the field of environmental protection.

**Footnote. Article 94-10 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 94-11. The procedure for monitoring emissions of greenhouse gases**

1. The installation operator shall develop a mandatory plan for monitoring greenhouse gases emissions of the quoted installation for the period of effect of the National plan for allocation of quotas for greenhouse gases emissions, approved for the relevant period.

2. The greenhouse gases emissions monitoring plan shall be subject to validation.

3. In the absence of an approved methodology for calculating greenhouse gases emissions, the installation operator shall have the right to develop its own methodology, which is subject to agreement with the authorized body in the field of environmental protection.

**Footnote. Article 94-11 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 94-12. Environmental (Green) Investments**

1. A reserve of units of the established number shall be formed from the part of the total amount of greenhouse gases emissions, the procedure for which formation of shall be established by the Government of the Republic of Kazakhstan.

2. The reserve shall be transferred to the management of the organization under the jurisdiction of the authorized body in the scope of environment protection.

3. Investment projects under environmental (green) investments shall be made in the amount of funds, received from the sale or use of assigned amount units from the reserve.

**Footnote. Article 94-12 as amended by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); 29.12.2014 № 269-V (shall be enforced from 01.01.2015).**

### **SECTION 3. ECONOMIC REGULATION OF ENVIRONMENT PROTECTION AND NATURAL MANAGEMENT**

#### **Chapter 10. ECONOMIC REGULATION MECHANISMS OF THE ENVIRONMENT PROTECTION AND NATURAL MANAGEMENT**

##### **Article 95. Types of economic regulation mechanisms of the environment protection and natural management**

The types of economic regulation mechanisms of the environment protection and natural management shall be:

1) planning and financing for environment protection;

**2-1) is excluded by the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication);**

3) the fee for the use of certain types of natural resources;

4) economic incentives for the protection of the environment;

5) market-based mechanisms for managing emissions to the environment;

5-1) market-based mechanisms to reduce emissions and adsorbings of greenhouse gases;

6) environmental insurance;

6-1) extended obligations of producers (importers);

7) economic assessment of the damage, caused to the environment.

**Footnote. Article 95, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 17.11.2015 № 407-IV (shall be enforced from 01.01.2016); dated 28.04.2016 № 506-IV (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 96. Arrangement on environment protection**

1. An arrangement on environment protection is a complex of technological, technical, institutional, social and economic measures, aimed at environment protection and improving its quality.

2. The arrangement on environment protection shall include the following arrangement:

1) focused on environmental safety;

2) improving the state of the environmental components by improving the quality characteristics of the environment;

3) instrumental to the stabilization and improvement of the ecological systems, conservation of biological diversity, sustainable use and restoration of natural resources;

4) the warning and preventing damage to the environment and human health;

4-1) focused on the safe management of hazardous chemicals, including persistent organic pollutants;

5) improving techniques and technologies, aimed at the environment protection, environmental management and implementation of international standards for environmental management;

6) developing self-monitoring;

7) forming the information systems for the protection of the environment and instrumental to the provision of environmental information;

8) instrumental to the extension of environmental awareness, environmental education and education for sustainable development;

9) focused on reducing greenhouse gas emissions, and (or) increase the adsorbings of greenhouse gases.

3. Among the activities for the protection of the environment can be classified as environmental investment projects, including actions, provided for in paragraph 2 of this Article.

4. The typical list of actions to protect the environment shall be approved by the authorized body in the scope of environment protection.

**Footnote. Article 96, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)**

#### **Article 97. Arrangement financing on the environment protection**

The arrangement on protection of environment protection shall be carried out due to:

- 1) the budget;
- 2) the own funds of natural resources;
- 3) other sources, not prohibited by the Laws of the Republic of Kazakhstan.

**Article 98. Arrangement planning on the environment protection, financing due to the budget**

1. The arrangements on environment protection, financed from the budgets of different levels, determined in accordance with the guidelines, established by the state, industrial (sectoral) and regional programs, as well as the decisions of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan and local representative bodies.

2. Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

3. Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

4. Plans and development programs of the territories, strategic plans, local executive bodies of oblasts, cities of republican status, capital before their approval shall be agreed with the authorized body in the scope of environment protection in the order, specified by them.

5. Local executive authorities of regions (cities of republican significance, the capital) shall develop and submit the investment environmental projects to the authorized authority in the field of environmental protection in accordance with the Budgetary Legislation of the Republic of Kazakhstan.

6. Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 98, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced after ten calendar days after its first official publication); dated 28.12.2018 No. 210-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Article 99. Arrangement planning on environment protection, financed due to own means of nature users.**

1. The arrangements on the environment protection, financed due to own means of nature user, shall be planned by the nature user himself.

2. Excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Footnote. Article 99 as amended by the Law of the Republic of Kazakhstan dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).

publication); No. 156-VI dated 24.05.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

**Article 100. Action plan on environment protection, financed due to other sources, not prohibited by the Laws of the Republic of Kazakhstan**

Action plan on environment protection, financed due to other sources, shall be carried out according to the procedure, established by the legislation of the Republic of Kazakhstan.

**Article 101. Payment for emissions into the environment.**

1. Payment for emissions into the environment shall be established by the tax legislation of the Republic of Kazakhstan.

2. Payment for emissions into the environment, shall be carried out by nature users within the standards, determined in the environmental permit, shall be charged in accordance with the Laws of the Republic of Kazakhstan.

Payment for emissions into the environment from the implementation of projects (feasibility studies and design and estimate documentation) of construction and operation of facilities II, III and IV categories is carried out on the basis of permits for emissions into the environment within the limits of emission standards defined in the conclusion of a comprehensive non-departmental examination of projects of natural resources and is levied in compliance with the procedure established by the tax legislation of the Republic of Kazakhstan.

3. Method of fee calculating for emissions into the environment shall be approved by the authorized body in the scope of environment protection.

4. Is excluded by the Law of the Republic of Kazakhstan dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009).

5. The fulfillment of tax obligations on payments for emissions into the environment shall not confer immunity the nature user from indemnity, brought to the environment.

Footnote. Article 101, as amended by the Law of the Republic of Kazakhstan dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

**Article 102. Obligatory payments to the budget for the use of individual types of natural resources**

Obligatory payments to the budget for the use of individual types of natural resources shall be established by the tax legislation of the Republic of Kazakhstan.

**Article 103. Economic incentive of the environment protection**

(Footnote. Article 103 is excluded by the Law of the Republic of Kazakhstan dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009).

**Article 104. Granting of a state guarantee on non-government loans**



The Government of the Republic of Kazakhstan may grant a state guarantee on non-government loans on the arrangement implementation on the environment protection in accordance with the budget legislation of the Republic of Kazakhstan.

#### **Article 105. Market-based mechanisms for management of emissions into the environment**

1. In order to reduce emissions into the environment, the authorized body in the field of environmental protection may introduce market mechanisms by setting limits and quotas on emissions into the environment and approving the procedure for trading quotas and obligations to reduce emissions into the environment.

2. The nature user has a right on annual quota of emissions into the environment in the case of the establishment of such quotas.

**Footnote. Article 105 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 106. Quota trading on the international level**

**Footnote. Article 106 is excluded by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)**

#### **Article 107. An environmental insurance**

1. The purpose of insurance is to compensate the damage to life, health or property of third parties and (or) the environment as a result of its accidental pollution.

2. Mandatory environmental insurance shall be carried out in accordance with the Law of the Republic of Kazakhstan "on compulsory environmental insurance". Environmentally hazardous economic and other activities shall be determined by this Code and the authorized body in the field of environmental protection.

3. Voluntary environmental insurance shall be carried out by individuals and legal entities by virtue of their expression of will. Types, conditions and procedure for voluntary environmental insurance shall be determined by agreements between insurers and insureds.

**Footnote. Article 107 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Chapter 11. ECONOMIC ASSESSMENT OF DAMAGE, CAUSED TO THE ENVIRONMENT**

#### **Article 108. The order of the economic assessment of damage, caused to the environment**

1. The economic assessment of the damage, caused to the environment - monetary value of the expenditure, required to restore the environment and consumer properties of natural resources.



2. Officials of the authorized body in the scope of environment protection in a month's time from the date of establishment of the fact of damage to the environment shall collect and analyze the necessary materials and establish an economic assessment of the damage.

3. Economic assessment of damage from air and water pollution, land resources in excess of the established standards, illegal use of subsoil, as well as from the disposal of production and consumption wastes, including radioactive wastes, in excess of the established standards shall be determined by direct or indirect methods in accordance with the rules, approved by the Government of the Republic of Kazakhstan.

**Footnote. Article 108, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 29.12.2014 № 271-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 109. A direct method of the economic damage assessment**

1. The direct method of economic damage assessment is to determine the actual costs, required to restore the environment, filling degraded natural resources and the improvement of living organisms through the most effective engineering, organizational, technical and technological measures.

2. Officials of the authorized body in the scope of environment protection in the first place shall consider the possibility of implementing measures to restore the environment the person, causing the damage to the environment.

The corresponding obligations for implementation the measures to restore the environment are described in the letter of guarantee of the person, who caused damage to the environment, with concrete arrangement and deadlines for its implementation.

3. The cost of measures to eliminate the consequences of the damage shall be determined by their market value.

4. The officials of the authorized body in the scope of environment protection may involve independent experts on the economic assessment of damages by the direct method. Environmental auditors, experts of design, engineering and scientific organizations can act as experts.

5. The obligation to pay for the independent experts shall be assigned on the person, who caused the damage to the environment.

#### **Article 110. The indirect method of economic damage assessment**

1. The indirect method of economic damage assessment is used in cases, when the direct method of economic damage assessment cannot be applied.

2. Economic damage assessment shall be determined by the types of impact on the environment by adding the damage for each ingredient by an indirect method.

## **SECTION 4. ENVIRONMENTAL CONTROL**

### **Chapter 12. STATE CONTROL IN THE FIELD OF ENVIRONMENT PROTECTION, USE AND REPRODUCTION OF NATURAL RESOURCES**

#### **Article 111. Purpose and types of state control**

1. The purpose of state control in the scope of environment protection, reproduction and use of natural resources is to ensure environmental safety, saving natural resources and energy, sustainable use of biological resources, increase the competitiveness of its products.

2. The following types of government control shall act in the scope of environment protection, reproduction and use of natural resources:

- 1) environmental control;
- 2) control over the use and protection of land;
- 3) control of the use and protection of water resources;
- 4) control in the study and use of mineral resources;
- 5) control of the forest legislation of the Republic of Kazakhstan;
- 6) control in the scope of protection, reproduction and use of wildlife;
- 7) control in the scope of protected natural areas.

#### **Article 112. Bodies, exercising state control in the scope of environment protection, protection, reproduction and use of natural resources**

Bodies, exercising state control in the scope of environment protection, protection, reproduction and use of natural resources are:

- 1) the authorized body in the scope of environment protection;
  - 2) the authorized government body in the scope of use and protection of water resources;
  - 3) the central authorized body for land management;
  - 4) the authorized government body in the scope of forestry;
  - 5) the authorized government body in the scope of protection, reproduction and use of wildlife;
  - 6) the authorized government body in the scope of protected areas;
  - 7) an authorized state body for subsoil studies;
  - 8) an authorized state body in the field of civil protection;
  - 9) the state authority in the field of sanitary and epidemiological welfare of the population
- ;
- 10) the authorized government body in the scope of veterinary medicine;
  - 11) the authorized government body in the scope of protection and plant quarantine;
  - 12) the authorized government body in the scope of nuclear energy;
  - 13) traffic control authorities.

**Footnote. Article 112 as amended by the Law of the Republic of Kazakhstan, dated 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first**

official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 113. The objects of state environmental control**

The state environmental control shall have the following objects:

- 1) the formation of responsible attitude of nature users to the environment;
- 2) prevention of violations of environmental Laws of the Republic of Kazakhstan.

#### **Article 114. Directions of the state environmental control**

The state environmental control shall be carried out for:

- 1) compliance with the environmental legislation of the Republic of Kazakhstan;
- 2) implementing of measures to eliminate the consequences of environmental pollution;
- 3) Is excluded by the Law of the Republic of Kazakhstan, dated 10.07.2012 No 36-V ( shall be enforced after ten calendar days after its first official publication);
- 4) Is excluded by the Law of the Republic of Kazakhstan, dated 10.07.2012 No 36-V ( shall be enforced after ten calendar days after its first official publication);
- 5) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);
- 6) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication);
- 7) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication);
- 8) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication);
- 9) bringing the lands released in the process of completion of operations on subsoil use or other disturbing processes and works into a condition suitable for their further use in accordance with the requirements of the land legislation of the Republic of Kazakhstan;
- 10) compliance with license and contract conditions, relating to the protection of the environment;
- 11) preservation of subsoil from pollution, watering and anthropogenic processes leading to damage of environmental objects;
- 11-1) compliance with the right of state ownership of subsoil;
- 12) preservation of a subsoil plot and subsoil use objects, liquidation of consequences of subsoil use operations;
- 13) compliance with environmental standards and rules for the use of subsurface resources and processing of minerals;

- 14) compliance with design decisions on environmental protection during the extraction and processing of minerals;
- 15) the implementation of measures to prevent accidents or other hazards during subsoil use operations;
- 16) disposal of hazardous substances, radioactive waste and discharge of waste water into the subsoil;
- 17) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);
- 18) compliance with water quality standards;
- 19) compliance with technical regulations, standards, regulations and other requirements of atmospheric air, including the issuance and operation of vehicles and other mobile equipment;
- 20) compliance with the requirements for the protection of atmospheric air in the storage and incineration of wastes;
- 20-1) compliance with the requirements for the implementation of greenhouse gas emissions;
- 21) Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No 36-V ( shall be enforced after ten calendar days after its first official publication);
- 22) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon upon expiration of ten calendar days after the day of its first official publication);
- 23) compliance with the rules of use, storage, transportation, disposal, recycling or other treatment of radioactive and other hazardous materials in terms of environmental regulations to prevent pollution of the environment;
- 24) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication);
- 25) compliance with the terms of natural resources, the establishment of environmental permits;
- 26) compliance with established rules and regulations of accounting, recovery and disposal of waste production and consumption;
- 27) compliance with environmental requirements for facilities with stationary sources of emissions and discharges of pollutants and placing production and consumption waste;
- 28) shall be excluded by the Law of the Republic of Kazakhstan from 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);
- 29) compliance with technical regulations of wastewater treatment systems;
- 30) compliance with the rules and regulations of self-control;

31) compliance with the legislation of the Republic of Kazakhstan on mandatory environmental insurance;

32) compliance with the qualification requirements and rules of the licensed activities in the scope of environment protection;

33) compliance with the requirements of the mandatory environmental impact assessment and the implementation of its terms;

34) compliance with the requirement that the mandatory environmental audit and the provision of reliable information on the protection of the environment;

35) shall be excluded by the Law of the RK dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);

36) compliance with the rules of cross-border transport of hazardous waste;

37) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication);

38) compliance with the requirements of data presentation on actually imported, exported and the implemented amount of ozone-depleting substances to the authorized body in the scope of environment protection;

39) fulfillment by producers (importers) of the requirements on payment of fees for organizing collection, transportation, processing, disinfection, use and (or) utilization of wastes;

40) fulfillment by the operator of the extended obligations of the producers (importers) of the requirements, determined by this Code.

Footnote. Article 114, as amended by the Laws of the Republic of Kazakhstan dated 23.06.2009 No 164-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV ( shall be enforced after ten calendar days after its first official publication), dated 10.07.2012 No 36-V (shall be enforced after ten calendar days after its first official publication); dated 21.06.2013 No 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 29.12.2014 № 271-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 17.11.2015 № 407-V (shall be enforced from 01.01.2016); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced upon expiration of six months after the date of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiration of ten calendar days after the date of its first official publication).

#### **Article 115. The organization of state environmental control**

1. The state environmental control shall be carried out by means of:

1) analysis of statistical information on accounting emissions into the environment and natural resources, as well as data on environment protection of natural resources;

2) organizing and conducting of inspections for compliance with and enforcement of environmental legislation of natural resources of the Republic of Kazakhstan;

2-1) organization and implementation of preventive control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Code;

3) the use of legal instruments to ensure compliance with the environmental legislation of the Republic of Kazakhstan.

2. State environmental control shall include a range of measures, particularly:

1) the determination of control priorities;

2) the use of existing monitoring tools;

3) the development and implementation of future plans of action, specific activities and the necessary human and material resources, as well as qualitative and quantitative indicators;

4) carrying out inspections and preventive control;

5) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced ten calendar days after the day of its first official publication);

6) the collection, analysis and use of analytical control, and other information, necessary for the implementation of state environmental control;

7) accounting, documenting and analysis of the future, and annual operational plans of subdivisions of the state environmental control;

8) provision of transparency and accountability of the state environmental control units.

Footnote. Article 115, as amended by the Law of the Republic of Kazakhstan, dated 19.03.2010 No 258-IV; dated 24.05.2018 № 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

#### **Article 116. Officials, realizing state environmental control**

1. The officials, exercising the state environmental control shall be:

Chief State Environmental Inspector of the Republic of Kazakhstan;

Deputy Chief State Environmental Inspector of the Republic of Kazakhstan;

Senior state environmental inspectors of the Republic of Kazakhstan;

State environmental inspectors of the Republic of Kazakhstan;

Chief state environmental inspectors of regions, cities of republican status, capital;

Senior state environmental inspectors of regions, cities of republican status, capital;

State environmental inspectors of regions, cities of republican status, capital.

1-1. The officers, mentioned in paragraph 1 of this Article shall be appointed by the authorized body in the scope of environment protection.

Order of reference of government employees of state environmental control units of the authorized body in the scope of environment protection to the officials, mentioned in paragraph 1 of this Article shall be determined by the authorized body in the scope of environment protection.



2. State environmental inspectors shall be provided in the prescribed manner with uniforms (without shoulder straps), service certificates or identification cards, badges, stamps and seals of the established form.

The list of positions of officials entitled to wear uniforms (without shoulder straps), samples of uniforms (without shoulder straps), the procedure for wearing shall be determined by the authorized authority in the field of environmental protection.

3. No interference in the activities of official, exercising state ecological control.

4. Individuals, who impede the implementation of state environmental control, applying the threat of violence or acts of violence against the officials, exercising the state environmental control, shall account according to the Laws of the Republic of Kazakhstan.

5. Decisions of state environmental inspectors, adopted within their powers shall be mandatory for execution by all individuals and legal entities and may be appealed to an official of a higher state body, exercising state environmental control and to the court.

6. Chief State Environmental Inspector of the Republic of Kazakhstan, the main state environmental inspectors of regions, cities of republican status, capital shall have forms of documents with the State Emblem of the Republic of Kazakhstan and its name.

**Footnote. Article 116, as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 No 379-IV (shall be enforced after ten calendar days after its first official publication), dated 10.01.2011 No 383-IV (shall be enforced after ten calendar days after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its official publication); dated 31.10.2015 № 378-IV (shall be enforced from 01.01.2016); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of six months after the day of its first official publication).**

#### **Article 117. Rights of officials, exercising state environmental control**

1. Officials, exercising state environmental control shall have the right to:

1) interact with the nature users, individuals and voluntary associations;

2) have free access to audited organizations, including military and defense, in accordance with the Laws of the Republic of Kazakhstan;

3) enter the territory of individuals and entities with measuring and sampling equipment and, if necessary, make the necessary measurements, take samples (including samples of goods and materials) and analyze them with the assistance of professionals and members of the public;

4) request and receive documents, test results and other materials, necessary for the implementation of state environmental control;

5) in an order established by the legislation of the Republic of Kazakhstan, to make proposals on suspension or deprivation of ecological and other permissions to use natural resources in cases of violation of ecological norms and requirements, conditions of natural resources use provided by ecological or other permission, causing especially large damage to the environment and (or) public health;



6) make regulations to individuals and legal entities to eliminate violations of environmental Laws of the Republic of Kazakhstan;

7) bring cases before a court about the restriction, suspension and prohibition of economic and other activities, carried out in violation of the Laws of the Republic of Kazakhstan;

8) consider cases on administrative violations in the scope of environment protection, refer materials to the appropriate agencies about bringing persons to administrative or criminal liability;

9) determine or take part in determining the extent of damage, caused to the environment as a result of violations of environmental legislation of the Republic of Kazakhstan, make provisions for damages and bring cases before a court;

10) apply to the prosecutor's office and Law enforcement agencies for the provision of assistance to prevent or stop Law breakers of the environmental legislation of the Republic of Kazakhstan;

11) shall be excluded by the Law of the Republic of Kazakhstan dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication).

2. Officials, exercising state environmental control, in the cases, provided by the legislation of the Republic of Kazakhstan have a right to keep, carry and use special tools (specialized communications equipment, photos, video equipment, measurement).

Footnote. Article 117, as amended by the Laws of the Republic of Kazakhstan dated 10.01.2011 No 383-IV (shall be enforced after ten calendar days after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

#### **Article 118. Obligations of officials, exercising state environmental control**

Officials, exercising state environmental control must:

1) monitor compliance with the requirements of the environmental legislation of the Republic of Kazakhstan;

2) comply with the requirements of the legislation of the Republic of Kazakhstan;

3) inform Law enforcement authorities of any violations of the environmental legislation of the Republic of Kazakhstan, which contain signs of a penal offense;

4) work with other government bodies, as well as individual and (or) legal entities on the enforcement of the environmental legislation of the Republic of Kazakhstan;

5) to maintain confidentiality of information received as a result of state environmental control;

6) observe the rules of professional ethics.

Footnote. Article 118 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

## **Chapter 13. FORMS OF STATE ENVIRONMENTAL CONTROL**

A footnote. Title of Chapter 13 in the wording of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforce upon the expiration of ten calendar days after the day of its first official publication).

### **Article 119. Forms of state environmental control**

1. State environmental control is carried out in the form of inspection and preventive control with visiting the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan, as well as in the form of preventive control without visiting the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Code.

2. Preventive control with visiting the subject (object) of control shall not be carried out at the facilities of natural resources users who have introduced an automated system of monitoring of emissions into the environment.

Footnote. Article 119 of the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156 -VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

### **Article 120. Periodicity and time schedule of inspector's environmental audits**

Footnote. Article 120 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 N 188-IV (the order of enforcement see Article 2).

### **Article 121. The order of inspector's environmental audits**

Footnote. Article 121 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 N 188-IV (the order of enforcement see Article 2).

### **Article 122. Access of state environmental inspectors to the territory or the premise for conducting of inspector's environmental audit**

Footnote. Article 122 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 N 188-IV (the order of enforcement see Article 2).

### **Article 123. The results of the inspector's environmental audit**

Footnote. Article 123 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No 188-IV (the order of enforcement see Article 2).

### **Article 124. Procedure for formalizing the results of inspector's environmental audits**

Footnote. Article 124 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No 188-IV (the order of enforcement see Article 2).

### **Article 125. Procedure for preventive control without visiting the subject (object) of control**

1. Preventive control without visiting the subject (object) of control is carried out by the authorized body in the field of environmental protection in respect of nature users who have implemented an automated system of monitoring of emissions into the environment by

analyzing data obtained from the automated system of monitoring of emissions into the environment.

2. The objectives of preventive control without visiting the subject (object) of control are the timely suppression and prevention of violations, granting the right to control subjects to independently eliminate violations identified by the authorized body in the field of environmental protection based on the results of preventive control without visiting the subject (object) of control, and reducing the administrative burden on them.

3. In case of revealing of infringements by results of the preventive control without visiting in actions (inaction) of the control subject officials of the authorized body in the field of environmental protection, carrying out the state ecological control, the information letter within ten working days from the date of revealing of infringements is issued and directed to the control subject.

4. The information letter shall be handed over to the control subject in the way confirming the facts of sending and receiving.

An information letter sent by one of the following methods shall be deemed to have been delivered in the following cases:

- 1) On purpose - from the date of marking the receipt in the information letter;
- 2) by courier or postal service;
- 3) electronically - from the date of sending to the e-mail address of the control subject specified in the letter upon request of the authorized body in the field of environmental protection.

5. The subject of the control who has received the information letter on elimination of the infringements revealed by results of the preventive control without visiting of the subject (object) of the control, is obliged within ten working days from the day following day of its delivery, to present in the authorised body in the field of preservation of the environment the plan of actions on elimination of the revealed infringements with instructions of concrete terms of their elimination.

In case of disagreement with the infringements specified in the information letter, the control subject has the right to direct to the authorised body in the field of preservation of the environment, directed the information letter, the objection within five working days from the date following day of delivery of the information letter.

6. Non-correction in the established term of the infringements revealed by results of the preventive control without visiting of the subject (object) of the control, and it is equal not representation in time of the plan of actions on elimination of infringements entail appointment of the preventive control with visiting of the subject (object) of the control by means of inclusion in the half-yearly list of carrying out of the preventive control with visiting of the subject (object) of the control.

7. Preventive control without visiting the subject (object) of control is carried out not more often than once a quarter.

Footnote. Article 125 of the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156 -VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

**Article 126. The procedure for appealing decisions, actions (inaction) of officials, exercising state environmental control**

Decisions, actions (inaction) of officials, exercising state environmental control may be appealed to a higher state body and (or) an official, and to the court in the manner, prescribed by legislative acts of the Republic of Kazakhstan.

The application for decisions, actions (inaction) of officials, exercising state environmental control shall be submitted to the court after their appeal to a higher state body or official.

Footnote. Article 126 is in the wording of the Law of the Republic of Kazakhstan dated 31.10.2015 № 378-V (shall be enforced from 01.01.2016).

**Article 126-1. Procedure for consideration of an appeal by the appeals commission**

1. A natural user shall have the right to submit an application for consideration of the complaint against the act on the results of the inspection to the Appellate Commission.

The Appeals Commission must include representatives of the authorized body in the field of environmental protection, the National Chamber of Entrepreneurs of the Republic of Kazakhstan.

2. The appeal against the act on the results of the inspection of the authorized body in the field of environmental protection is considered by the Appeals Commission within the scope of the issues being appealed.

3. Complaint on the act on the results of the inspection shall be submitted in writing in accordance with the procedure and within the terms stipulated by the legislation of the Republic of Kazakhstan.

4. The decision of the Appeals Commission shall be of a recommendatory nature.

5. The Appeals Commission shall annually generalize the results of consideration of complaints on the results of inspections and develop recommendations for improvement of the legislation of the Republic of Kazakhstan.

6. The appeal of a user of natural resources to the court in the manner prescribed by the laws of the Republic of Kazakhstan suspends consideration of the appeal against the act on the results of the inspection by the Appeals Commission until the court makes its decision.

Footnote. Chapter 13 was supplemented by Article 126-1 in accordance with the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

**Article 126-2. Ensuring confidentiality of information in the consideration of the complaint by the appeals commission**

Information constituting commercial and other secrets protected by law, as well as confidential information shall be provided to the members of the Appeals Commission when

considering a complaint about the results of inspections conducted by the authorized body in the field of environmental protection, in accordance with the procedure determined by the authorized body in the field of environmental protection, without obtaining written permission of the person who filed the complaint.

The above information shall not be disclosed by members of the Appeals Commission.

**Footnote.** Chapter 13 was supplemented by Article 126-2 in accordance with the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 127. Ensuring confidentiality of information during state environmental control**

**A footnote.** Title of Article 127 as amended by Law No. 156-VI of 24.05.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

1. Confidential information, relating to a nature user, cannot be given to another person without the written permission of the nature user. Confidentiality of information shall be determined by legislative acts of the Republic of Kazakhstan and international treaties.

2. The State Environmental Inspector is obliged not to disclose information constituting state secrets, commercial and other secrets protected by law, as well as confidential information received by him based on the results of state environmental control, except for the transfer of confidential information, as provided for by legislative acts of the Republic of Kazakhstan.

**Footnote.** Article 127 as amended by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

### **Chapter 14. INDUSTRIAL ENVIRONMENTAL CONTROL**

#### **Article 128. The assignment and purposes of the industrial environmental control**

1. Individuals and legal entities, engaged in special nature, are obliged to carry out industrial environmental control.

2. The purposes of industrial environmental control are:

1) obtaining of information for decision-making on environmental policy of the nature user, quality targets and environmental management instruments of industrial processes, potentially affecting the environment;

2) ensuring compliance with the environmental legislation of the Republic of Kazakhstan;

3) minimizing the impact of industrial processes of a nature user on the environment and human health;

4) efficient use of natural resources and energy;

5) operational proactive response to emergency situations;

6) the formation of a higher level of environmental awareness and responsibility of leaders and workers of nature users;

- 7) public information about the environmental performance of businesses and the public health risks;
- 8) increasing the level of compliance with the environmental requirements;
- 9) increasing the occupational and environmental effectiveness of the system of environmental management;
- 10) integration of environmental risks of investing and credit activities.

#### **Article 129. The order of conducting the environmental control**

1. Industrial environmental control shall be carried out by nature-user on the basis of the program of industrial environmental control, developed by nature user.

2. A mandatory list of parameters, monitored in the process of industrial environmental control, the criteria for determining its frequency, duration, and frequency of measurement, used tools or computational methods shall be established in the program of industrial environmental control.

3. Environmental assessment of the efficiency of the industrial process in the framework of industrial environmental control shall be carried out on the basis of measurements, and (or) on the basis of calculations of the level of emissions into the environment, harmful production factors, as well as the actual consumption of natural, energy and other resources.

**Footnote. Article 129, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).**

#### **Article 130. The rights and obligations of a nature user on conducting of industrial environmental control**

1. On conducting of industrial environmental control the nature user has a right to:
  - 1) carry out the industrial environmental control in the volume, minimally necessary to monitor compliance with the environmental legislation of the Republic of Kazakhstan;
  - 2) develop a program of industrial environmental control in accordance with the accepted requirements, taking into account their technical and financial possibilities;
  - 3) determine the organizational structure of industrial environmental control service and the staff responsibility for its conducting;
  - 4) carry out advanced industrial environmental control on a voluntary basis;
  - 5) to establish an automated system of monitoring of emissions into the environment on the sources of pollution in accordance with the procedure of automated monitoring of emissions into the environment during the production environmental control and requirements to reporting on the results of production environmental control.
2. On conducting of industrial environmental control the nature user must:
  - 1) develop a program of industrial environmental control;
  - 2) implement the requirements of the industrial environmental control program and document the results;
  - 3) follow the procedural requirements and ensure the quality of the data;



- 4) systematically evaluate the results of industrial environmental control and take the necessary measures on removal of the identified inconformity with the requirements of the environmental legislation of the Republic of Kazakhstan;
- 5) submit reports in the established order on the results of industrial environmental control to the authorized body in the scope of environment protection;
- 6) within three working days, notify the authorized body in the field of environmental protection about violations of environmental legislation of the Republic of Kazakhstan, established in the process of industrial environmental control;
- 7) comply the prevention of accidents;
- 8) provide access of the state environmental inspectors to the initial information for confirming the quality and objectivity of conducted environmental control;
- 9) ensure public access to programs of industrial environmental control and reporting data on industrial environmental control;
- 10) provide documentation of test results and other materials of industrial environmental control, necessary for the implementation of state environmental control on the request of state environmental inspectors.

**Footnote. Article 130, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); No. 156-VI dated 24.05.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).**

**Article 131. Requirements for the development of the industrial environmental audit program**

1. The program of the industrial environmental control shall be developed by nature user.
2. The program of the industrial environmental control must contain the following information:
  - 1) compulsory list of parameters, monitored during industrial audit;
  - 2) the period, the duration and frequency of the industrial environmental control and measurement;
  - 3) information about the methods of the industrial environmental audit;
  - 4) the sampling point and the measurement location;
  - 5) the methods and frequency of accounting, analysis and reporting;
  - 6) a schedule of internal checks and procedures to eliminate violations of the environmental legislation of the Republic of Kazakhstan, including internal tools of responding on its non-compliance;
  - 7) mechanisms of instrumental measurements quality assurance;
  - 8) the report of actions in emergency situations;
  - 9) organizational and functional structure of the internal responsibility for the industrial environmental control conducting;



10) other information, reflecting the issues of organization and industrial environmental control conducting.

### **Article 132. Types and organization of operational monitoring**

1. An operational monitoring is an element of industrial environmental audit, performed for obtaining objective data with the specified intervals.

2. An operational monitoring is performed in the framework of the industrial environmental control conducting, the monitoring of emissions into the environment and impact monitoring.

3. An operational monitoring (monitoring of the industrial process) shall involve monitoring of technical process parameters in order to confirm that the performance indicator of a nature user are in the range that is considered appropriate for its proper project exploitation and compliance of process procedure conditions of this production. The content of operational monitoring shall be determined by the nature user.

4. Monitoring of emissions into the environment is the observation of the quantity, quality of emissions and their changes, or observation by means of an automated system for monitoring emissions into the environment.

5. The conducting of impact monitoring shall be included in the program of industrial environmental control in those cases, where it is necessary to monitor compliance with the environmental legislation of the Republic of Kazakhstan and environmental quality standards.

6. The impact monitoring is mandatory in the following cases:

1) when the activities of a nature user affects sensitive ecosystems and the health of the population;

2) on the stage of the placement into service of production facilities;

3) after the accidental emissions to the environment.

7. The impact monitoring can be carried out by the nature user individually and jointly with other nature users in coordination with the authorized body in the scope of environment protection.

8. Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV ( shall be enforced upon the expiry of six months after its first official publication).

9. Production environmental monitoring is carried out by production or independent laboratories accredited in accordance with the procedure established by the Law of the Republic of Kazakhstan "On accreditation in the field of conformity assessment".

10. The data of operational monitoring are used for environment appraisal of the environment condition in the framework of the Unified state monitoring system of environment and natural resources.

Footnote. Article 132, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon the expiry of six months after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the

day of its first official publication); from dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

### **Article 133. Accounting and reporting on the industrial environmental audit**

A nature user shall keep an internal accounting, form and submit periodic reports on the results of industrial environmental control in accordance with the requirements, established by the authorized body in the scope of the environment protection.

### **Article 134. An organization of internal audits by the nature user**

1. The nature user shall take measures on regular internal audits of compliance with the environment legislation of the Republic of Kazakhstan and the comparison of results of industrial environmental control with the environmental conditions and other permits.

2. Internal audits shall be carried out by employee (employees), whose work duties include functions on issues of the environment protection and the implementation of industrial environment audit.

3. In the course of internal audits shall be monitored:

1) realization of the arrangements under the program of the industrial environmental control;

2) following industrial regulations and rules, related to the environment protection;

3) fulfillment of conditions of environmental and other permits;

4) the correctness of accounting and reporting of the industrial environmental control results;

5) other information, reflecting the organization and industrial environmental control conducting.

4. The employee (employees) performing an internal audit shall:

1) consider report of the previous internal audit;

2) examine each object, which performs emissions into the environment;

3) prepare a written report to the head, if necessary, including the requirement on conducting of the remedial actions on correction of discrepancies, identified during the audit, the timing and order of its elimination.

## **Chapter 15. PUBLIC ECOLOGICAL CONTROL**

### **Article 135. Purposes and procedure of public ecological control**

1. Public ecological control shall be carried out in order to attract the public to the environmental problems of the state.

2. The procedure of the public ecological control shall be determined by public associations in accordance with their charters.

### **Article 136. Informational and other interaction**

1. Individuals and legal entities shall have access to information about the work of government bodies, exercising state control in the scope of environment protection, protection, reproduction and use of natural resources and about its results.

2. State bodies, exercising state control in the scope of environment protection, conservation, reproduction and use of natural resources, shall provide the publication of the results of the individual audits and annual reporting.

3. The authorized body in the scope of the environment protection for collaboration and interaction shall make a list of public associations, whose charts include functions of public ecological control.

4. State bodies can attract individuals and entities on a voluntary basis, to work on the identification of violations of environmental Laws of the Republic of Kazakhstan.

## **SECTION 5. ENVIRONMENTAL MONITORING AND CADASTERS**

### **Chapter 16. MONITORING OF ENVIRONMENT AND NATURAL RESOURCES**

#### **Article 137. State environmental monitoring**

1. State environmental monitoring (monitoring of the environment and natural resources) - a comprehensive system of observations of the state of the environment, natural resources, including the use of remote sensing data of the Earth from space, in order to assess, predict and control changes in their state under the influence of natural and anthropogenic factors.

2. Objects of the state environmental monitoring are open air, soil, surface and ground water, minerals, flora and fauna, as well as the climate and the ozone layer of the Earth, environmental systems, impacts of the environment on human health.

**Footnote. Article 137 as amended by the Law of the Republic of Kazakhstan dated 08.04.2016 № 490-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 138. Unified state monitoring system of the environment and natural resources and its targets**

1. Unified state monitoring system of environment and natural resources – a multi-purpose information system, which includes monitoring of the condition of the environment and natural resources, as well as an analysis of data on their actual condition for the adoption of administrative and economic decisions in order to ensure environmental safety, protection, reproduction and rational use of natural resources, as well as sanitary and epidemiological welfare of the population.

2. Unified state monitoring system of the environment and natural resources shall be organized by the authorized body in the scope of environment protection together with the specially authorized government bodies.

3. The principles of the Unified state monitoring system of the environment and natural resources are:

1) operation on the basis of a single organizational, methodological, and metrological information approach;

2) maximum use of possibilities of existing state and other monitoring systems.

4. The Unified state system monitoring of the environment and natural resources shall have the following objectives:

1) obtaining of reliable and comparable information on the environment state, biodiversity and ecosystems, sources of human impact, the environmental factors that affect the health of the population;

2) evaluation and forecast of the environment state, the levels of human impact, indicators of the biosphere, the functional integrity of ecosystems;

3) providing data for the analysis of the effectiveness of management decisions and the activities undertaken to ensure environmental safety.

5. Unified state monitoring system of the environment and natural resources is formed on the basis of operating monitoring systems and subsystems in the Republic of Kazakhstan, covering environmental issues directly or indirectly, including the environment and public health.

6. Specially authorized government bodies in accordance with their competence must carry out the study of natural objects, and organize types (sub) of monitoring.

#### **Article 139. Unified Information System of the Unified State monitoring system of the environment and natural resources**

1. Information support of the Unified state monitoring system of the environment and natural resources is based on transmitted to the consolidated database of the results of state monitoring of the environment and natural resources, carried out by specially authorized government bodies, as well as industrial monitoring of natural resources, carried out in the framework of industrial environmental control.

2. Software system should allow to carry out the accumulation, processing and storage of information on a single methodological basis, providing information sharing between the various levels, as well as the banks of the systems and subsystems of the Unified monitoring system of the environment and natural resources.

3. Information sharing in the framework of a Unified state monitoring system of the environment and natural resources on a grant basis is in accordance with the lists, forms and timelines, approved by the authorized body in the scope of environment protection in coordination with the specially authorized government bodies that monitor the types of natural resources.

#### **Article 140. The content of the Unified State Monitoring System of the environment and natural resources**

1. The content of the Unified state monitoring system of the environment and natural resources shall consist the following monitoring subsystems:

1) monitoring of the environment state;

2) monitoring of natural resources;

3) special types of monitoring.

2. In the process of functioning a subsystem of the Unified monitoring system of the environment and natural resources may include other types of monitoring.

#### **Article 141. Environmental Monitoring**

1. Environmental monitoring shall include the following types:

1) monitoring of open air state;

2) monitoring of atmospherical condensations state;

3) monitoring of the quality state of water resources;

4) soil monitoring;

5) meteorological monitoring;

6) radiation monitoring;

7) monitoring of transboundary pollution;

8) background monitoring.

2. Environmental monitoring shall be organized by the authorized body in the scope of the environment protection.

3. Monitoring of ambient air condition - a system of observations of the state of air pollution in the areas of the Republic of Kazakhstan. The number of state observation stations and their placement in a particular locality determined by the authorized body in the scope of environmental protection within its jurisdiction, taking into account population size, the terrain, the actual level of contamination.

4. Monitoring of precipitation condition - the observation system of the chemical composition of precipitation, which is a measure of air pollution, as well as monitoring the content of substances in the snowpack for assessment of regional air pollution in winter, and to identify the distribution range of pollutants from human settlements and industrial facilities

5. Monitoring of the quality condition of water resources - the observation system of the quality of surface water and groundwater.

6. Soil monitoring - system of observations on anthropogenic pollution of soils in land settlements, irrigated areas and agricultural lands.

7. Weather monitoring - a system of complex meteorological observations, including solar radiation, water balanced, ozonometric, upper-air, with the physical parameters of the atmosphere and land surface in order to ensure government bodies, individuals and legal entities by the information of weather, making short-term, long-term meteorological, agro-meteorological forecasts and warnings the possibility of occurrence of meteorological phenomena. On the basis of meteorological monitoring shall be carried out a monitoring of climate and the ozone layer.

8. Radiation Monitoring – an observation system of anthropogenic and natural contamination of the environment and territory.

9. Monitoring of transboundary pollution - an observation system, carried out in the framework of international co-operation with neighboring countries over the status of transboundary waters and transboundary air pollution, and the effectiveness of measures, taken to prevent, control and reduce transboundary impact on the environment.

10. Baseline monitoring – an observation system the atmosphere and other media in their interactions with the biosphere on a specialized network of stations of integrated background environmental monitoring.

#### **Article 142. Monitoring of natural resources**

1. Monitoring of natural resources shall include the following:

- 1) monitoring of land;
- 2) monitoring of water bodies and their use;
- 3) monitoring of mineral resources;
- 4) monitoring of protected areas;
- 5) monitoring of mountain ecosystems and desertification;
- 6) monitoring of forests;
- 7) monitoring of wildlife;
- 8) monitoring of the plant world.

2. The monitoring of natural resource shall be carried out by specially authorized government bodies in accordance with the legislative acts of the Republic of Kazakhstan.

3. Land monitoring shall be a system of basic (initial), operational, periodic observations of the qualitative and quantitative state of the land fund, including the use of remote sensing data of the Earth from space, carried out for the purpose of state control over the use and protection of lands, timely detection of ongoing changes, their assessment, forecast of further development and development of recommendations for the prevention and elimination of the consequences of negative processes.

4. Monitoring of water bodies is a system of regular observations of hydrological, hydrogeological, hydrogeochemical, sanitary-chemical, microbiological, parasitological, radiological and toxicological indicators of their condition, collection, processing and transmission of the received information, including the use of remote sensing data of the Earth from space, in order to timely identify negative processes, evaluate and predict their development, work out recommendations for preventing harmful consequences and determining the degree of effectiveness of water management activities.

5. Subsoil monitoring is a system for monitoring the state of subsurface resources, including the use of remote sensing data from space, to ensure the rational management of the state fund of subsurface resources and the timely identification of changes in subsurface resources, assessment, prevention and elimination of the consequences of negative processes. Subsoil monitoring data are summarized in a single cadastre of the state subsoil fund.

6. Monitoring of specially protected natural areas – an observation system for the study of the natural course of natural processes and the impact of environmental change on ecological

systems of specially protected areas. Monitoring data of protected areas shall be summarized in the State cadastre of protected areas.

7. Monitoring of mountain ecosystems and desertification - monitoring over desertification and its consequences, and the state of mountain ecosystems.

8. Forest monitoring is a system of observations, assessments and prediction of the state and dynamics of the forest fund, including the use of remote sensing data of the Earth from space for public administration in the field of protection, defense, use of forest fund and reproduction of forests, conservation of biological diversity and ecological functions of forests. Forest monitoring data shall be summarized in the State forestry cadastre.

9. Monitoring of wildlife is a system of observation, assessment and prediction of the state and dynamics of wildlife for public administration in the scope of protection, reproduction and use of wildlife and biodiversity. These fauna monitoring shall be summarized in the State cadastre of wildlife.

10. Monitoring of the plant world is a system of observation assessment of flora for the purpose of the study, protection, regeneration and sustainable use.

**Footnote. Article 142 as amended by the Law of the Republic of Kazakhstan dated 08.04.2016 № 490-V (shall be enforced upon expiry of ten calendar days after its first official publication); No. 126-VI dated 27.12. 2017 (shall be enforced upon the expiration of six months after the day of its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 143. Special types of monitoring**

1. Special types of monitoring are:

- 1) monitoring of military test sites;
- 2) monitoring of "Baikonur" space-rocket complex;
- 3) monitoring of greenhouse gases and ozone-depleting substances;
- 4) sanitary and epidemiological monitoring;
- 5) monitoring of the climate and the ozone layer of the Earth;
- 6) monitoring of environmental emergency areas and environmental disasters;
- 7) space monitoring

2. Monitoring of military test sites – an observation system of pollution, caused by the test of military equipment, including missiles, nuclear explosions for peaceful purposes in the abandoned and active sites.

3. Monitoring of the Baikonur space-rocket complex is an observations system of the state of the environment in areas, affected by the rocket and space activities of the Baikonur complex, which functioning organization shall be performed by the authorized body in the field of space activities.

4. Monitoring of greenhouse gases and ozone-depleting substances - a system of observation and accounting of greenhouse gas emissions and consumption of ozone-depleting substances and their sources.



5. Sanitary and epidemiological monitoring - a state system for observing the state of health of the population and environment, their analysis, assessment and forecast, as well as determining the causal relationships between the state of health of the population and impact of environmental factors. Monitoring shall be carried out by the state authority in the field of sanitary and epidemiological welfare of the population.

6. Monitoring of climate and the ozone layer of the Earth – an observation of the dynamics of climate change and the ozone layer of the Earth, a comprehensive assessment and their condition forecasting.

7. Monitoring of environmental emergency areas and environmental disasters – an observation system of the environment in the areas of environmental emergency zones and environmental disaster.

8. Space monitoring – an observations system of the state of the environment, using remote sensing of the Earth from space, which functioning organization shall be performed by the authorized body in the field of space activities.

9. Organization of special types of monitoring, specified in paragraphs 2, 4, 6 and 7 of this Article shall be carried out by the authorized body in the field of environmental protection.

**Footnote. Article 143 as amended by the Law of the Republic of Kazakhstan dated 08.04.2016 № 490-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 144. Levels and observation networks of the Unified State monitoring system of the environment and natural resources**

1. Recording of the Unified state monitoring system of the environment and natural resources shall be managed on three levels:

1) local (industrial monitoring and monitoring of site-specific communities, ponds and rivers, protected areas);

2) regional (monitoring within the administrative-territorial units, taking into account physical and geographical and economic characteristics of the regions, the availability of environmentally loaded areas and a complex of natural and anthropogenic factors that have an impact on the environment and use of natural resources);

3) republican (monitoring, covering the entire territory of the Republic of Kazakhstan, with the release, if necessary, of large regions and individual objects of national importance).

2. Monitoring of the state of the environment, as well as sampling for analysis within the framework of the Unified state system of monitoring of the environment and natural resources, shall be carried out at specially created points of state, territorial and private observation networks. The analysis of the content of pollutants in the selected samples shall be carried out by accredited analytical laboratories and (or) automatic observation points.

3. Creating of observation networks in the framework of the Unified state monitoring system of the environment and natural resources is agreed with the authorized body in the scope of environment protection.

**Footnote. Article 144 as amended by the Law of the Republic of Kazakhstan dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 145. Fundamentals of the Unified State monitoring system of the environment and natural resources**

The Unified state monitoring system of the environment and natural resource shall function on the basis of:

1) the organization and conducting of research, methodological framework, necessary and sufficient for the functioning of the Unified state monitoring system of the environment and natural resources;

2) the development and establishment of specifications that define the environment state, norms of human impact on it, environmental safety standards, which are the basis for work on the assessment and prediction of environmental conditions, the development and management decisions in environmental activities;

3) the adoption and enforcement of regulatory legal acts, governing the requirements, rules and procedures, necessary for the creation and organization of the Unified state monitoring system of the environment and natural resources, departments and components;

4) the organization of the development and implementation of guidance documents, that provide a comparable observations;

5) the development of information system structures, database systems, classifiers, data dictionaries and standardized forms of documents;

6) technical support;

7) the organization of accreditation of analytical laboratories and other units that provide monitoring maintenance.

### **Article 145-1. Protection of state observation network**

1. A state observation network, including allotted for it land plots and water areas, as well as the property shall be applied only to state-owned property and protected by the state and is not subject of privatization.

2. Organization of the activities of stationary and mobile observation points shall be carried out by National hydrometeorological service.

Location (dislocation) of newly opened observation points shall be made by the decision of National hydrometeorological service in coordination with local executive bodies. Termination of the activities of these observation points shall be carried out by the decision of National hydrometeorological service.

3. In order to obtain reliable information about the state of the environment and its pollution, protective zones shall be created around the stationary observation points, where

the restrictions on economic activities shall be established. The regulation on stationary observation points shall be approved by the authorized body in the field of environmental protection.

4. Easements can be established in the order, specified by the land legislation of the Republic of Kazakhstan on land plots, through which shall be carried out a passage or drive to the stationary points of observation within the national monitoring network.

**Footnote.** The Code is supplemented by Article 145-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); as amended by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 145-2. An activity of national hydro meteorological services**

1. A national hydro meteorological services shall provide an environmental monitoring, meteorological and hydrological monitoring, using national monitoring network. The national hydro meteorological services shall be created and operated at the expense of budget funds.

The activity of conducting meteorological and hydrological monitoring, and monitoring of the state of environment, carried out on the state observation network, belongs to the state monopoly and shall be carried out by the national hydrometeorological service - a republican state enterprise on the basis of the right of economic management, created by the decision of the Government of the Republic of Kazakhstan.

Prices for goods (works, services) produced and (or) sold by a state monopoly entity shall be established by the authorized body in the field of environmental protection in agreement with antimonopoly body.

2. Hydrometeorological activities shall be carried out in accordance with this Code, the legislation of the Republic of Kazakhstan in the field of technical regulation and the legislation of the Republic of Kazakhstan on ensuring the uniformity of measurements.

3. National hydrometeorological service is a part of the unified state system of civil protection and shall conduct its activities in emergency situations in accordance with the legislation of the Republic of Kazakhstan on civil protection.

4. The National hydro meteorological service shall provide information to the Armed Forces of the Republic of Kazakhstan in accordance with this Code and the Law of the Republic of Kazakhstan "On mobilization preparation and mobilization".

**Footnote.** The Code is supplemented by Article 145-2 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication), as amended by the Law dated 10.07.2012 No 34-V (shall be enforced from the day of its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official

publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 146. Financing of the Unified state monitoring system of the environment and natural resources**

1. The Unified state monitoring system of the environment and natural resources shall be financed at the expense of by the budget funds and other sources, not prohibited by the Laws of the Republic of Kazakhstan.

2. Financing of the United State monitoring system of the environment and natural resources shall be provided for:

- 1) the establishment and maintenance of a republican-level monitoring;
- 2) the creation of scientific and technical products for the operation and development of monitoring and its subsystems of the target monitoring programs across the republic (government and industry) target scientific and technical programs;
- 3) the establishment and maintenance of a territorial level monitoring, the creation of scientific and technical products for the benefit of its development.

**Footnote. Article 146 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Chapter 17. STATE RECORDING OF CONTAMINATED AREAS OF THE ENVIRONMENT**

#### **Article 147. Recording objectives and principles of contaminated areas of the environment**

1. State recording of contaminated areas of the environment is a systematic identification and fixing of quantitative and qualitative indicators, characterized land plots and objects of the environment, contaminated with hazardous substances, including naturally occurring over standards, established in accordance with the Laws of the Republic of Kazakhstan.

2. The data of state recording of contaminated areas of the environment shall characterize the degree of industrial and environmental safety for human life and health, study, use and reclamation.

3. State recording of contaminated areas of the environment shall be carried out by the authorized body in the scope of the environment protection on the basis of data, provided by nature users and organizations that monitor the environment and natural resources on order of specially authorized government bodies.

#### **Article 148. Order of Recording of contaminated areas of the environment and its registers**

1. State register of contaminated areas of the environment is a data bank that collects data on the types and origin of the contaminated areas, volumes and concentrations of pollutants on them, membership sites of pollution and measures for their elimination.

2. State register of contaminated areas consists of the central and regional registries. The organization of the state register shall be carried out by the authorized body in the scope of environment protection.

3. State register of contaminated areas shall be carried out at the expense of budget funds.

## **Chapter 18. STATE CADASTRES OF NATURAL RESOURCES**

### **Article 149. Unified system of state cadasters of natural resources.**

1. Unified system of state cadasters of natural resources of the Republic of Kazakhstan ( hereinafter - the Unified System of cadasters) shall be created and maintained as a cross-sectorial information system that integrates all types of state cadasters of natural resources of the Republic of Kazakhstan in order to provide a single national integrated recording and assessment of natural and economic potential of the Republic of Kazakhstan.

2. The state cadasters of natural resources are systematized collection of information on the quantity and quality of natural resources in the order, prescribed by this Code and other legislative acts of the Republic of Kazakhstan.

3. The subjects of Unified cadaster system is an integral part of the environment: land, water, forest, soil, minerals, flora and fauna in their interaction.

4. The Unified cadaster system is the authorized body in the scope of environment protection together with the specially authorized government bodies that monitor the species of natural resources, on the basis of accounting data and the status of natural resources.

5. The system of state cadaster of natural resources shall contain documentary information about his condition indicating the geographic location and legal form on each recording cadaster digitally.

6. The main principles of the Unified System of cadasters are:

- 1) unity of tooling method and provision of cadaster information;
- 2) application of automated information and communication technologies;
- 3) The objectivity of replenishment and renewal information.

**Footnote. Article 149 as amended by the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016).**

### **Article 150. The structure and content of the Unified cadaster system**

The structure of the Unified cadaster system shall consist of the following objects of recording, which monitoring shall be carried out by the following specially authorized government bodies:

1) on the state land cadaster – by the central authorized body in the scope of land management – in the republic totally and by its territorial bodies - within the administrative-territorial units;

2) on the state water cadastre (surface and underground water sources, water resources use ) - by authorized state bodies in the field of environmental protection, use and protection of

the water fund, on study of subsoil resources - as a whole in the country, and their territorial bodies - within the river basins and administrative-territorial units;

3) on the state forest cadaster – by the authorized government body in the scope of forestry – the republic totally and its territorial bodies - within the administrative-territorial units;

4) according to the unified cadastre of the state fund of subsurface resources - by the authorized state body on studying subsurface resources as a whole in the republic, and by its territorial bodies - within the administrative-territorial units;

5) on the state cadaster of protected areas – by the authorized government body in the scope of protected areas - the republic totally and its territorial bodies - within the administrative-territorial units;

6) on the state cadaster of wildlife – by the authorized government body in the scope of protection, reproduction and use of wildlife - the republic totally and its territorial bodies - within the administrative-territorial units.

**Footnote. Article 150 with the change introduced by the Law of the Republic of Kazakhstan dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication).**

#### **Article 151. Reporting of data**

1. The results of recording and registration of objects, obtained in the framework of natural resource cadaster, transmitted by specially authorized government bodies to the authorized body in the scope of environment protection without compensation.

2. Data on the object, carried in the Unified cadaster system must include:

1) record, passport of the object, approved by the specially authorized government bodies and statistical information;

2) map document of the spatial position of objects and other data, necessary for a comprehensive area assessment.

3. The authorized body in the scope of the environment protection must provide access to the information, contained in the cadaster, to the specially authorized government bodies, responsible for monitoring the species of natural resources.

**Footnote. Article 151, as amended by the Law of the Republic of Kazakhstan dated 19.03.2010 No 258-IV.**

## **Chapter 19. NATIONAL CADASTRE OF MANAGEMENT OF WASTE PRODUCT AND CONSUMPTION**

#### **Article 152. State cadaster of waste product and consumption**

1. State cadaster of waste product and consumption (hereinafter - the State cadaster of waste) is a systematic, based on geographic information systems, replenished and adjusted periodically set of uniform data for each object of waste disposal (including their spatial



location), and the types of waste, its origin and physico-chemical properties (including the risk to people and the environment), the component composition, qualitative and quantitative, technical, hydrogeological and environmental conditions, storage, disposal and discharge, technology use and processing.

2. All kinds of waste and objects of waste disposal shall be registered in the State waste inventory.

The maintenance of the State cadastre of production and consumption wastes shall be carried out by the subordinated organization of the authorized body in the field of environmental protection.

**Footnote. Article 152 as amended by the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).**

### **Article 153. Purpose and objectives of the State waste cadaster**

1. State waste cadaster shall be carried out in order to ensure government bodies, interested individuals and legal entities with information for the assessment, forecasting, development of technological, economic, legal and other solutions for environment protection and management of national integrated waste recording.

2. The main target of the State waste cadaster is the ensuring of national, regional and sectoral information and expert systems and data banks of information on waste characteristics and technology of their processing.

### **Article 154. Keeping of the State waste cadaster**

1. The nature users shall submit to the authorized body in the scope of environment protection the following documentation:

- 1) The passport of hazardous waste;
- 2) a waste inventory report;

**3) is excluded by the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication);**

- 4) Cadastral file on the object of waste disposal, including:

Decision of the local executive body of the region (the city of republican significance, the capital) to allocate the land plot for storage and disposal of waste;

certificate on the establishment of the boundaries of the land plot and the issuance of the title document for the land plot, certified by local executive bodies of regions (cities of republican importance, the capital), districts (cities of regional importance), akims of cities of district importance, settlements, villages, rural districts within their competence at the location of the land plot;

Feasibility study for the creation of waste disposal facilities;

Positive conclusions of the state environmental and sanitary-epidemiological expertise on creation of waste disposal facilities



1-1. The form of filling in the documents, specified in subparagraphs 1), 2) and 4) of paragraph 1 of this Article shall be approved by the authorized body in the field of environmental protection.

2. The documentation, specified in subparagraph 2) of paragraph 1 of this Article shall be submitted annually as of January 1 to March 1 of the year following the reporting year on paper and (or) electronic carrier, by filling in the information system screen form and signing with an electronic digital signature of an official of the nature user, responsible for providing information.

The documentation, specified in subparagraphs 1) and 4) of paragraph 1 of this Article shall be submitted on paper and (or) electronic carrier, by filling in the information system screen form and signing with an electronic digital signature of an official of the nature user, responsible for providing information, again in case of its change.

**Footnote. Article 154 as amended by the Constitutional Law of the Republic of Kazakhstan, dated 03.07.2013 No 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); by the Law of the Republic of Kazakhstan dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); dated 27.12.2017 No. 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication); dated 28.12.2018 No. 210-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).**

#### **Article 155. Information about the results of keeping the State waste cadaster**

1. An annual informative review shall be drawn up according to the results of keeping the State waste cadaster by the authorized body in the scope of environment protection.

2. The state wastes cadastre shall be placed and updated in the information system, the Internet resource of the authorized body in the field of environmental protection.

**Footnote. Article 155 as amended by the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).**

## **Chapter 20. NATIONAL INVENTORY OF HAZARDOUS SUBSTANCES DISPOSAL, RADIOACTIVE WASTE AND WASTE WATER INTO SUBSOIL**

### **Article 156. State recording of burials of hazardous substances, radioactive waste and discharge of wastes into the subsoil**

1. Maintenance of the state cadastre of burial of harmful substances, radioactive waste and discharge of waste water into the subsurface (hereinafter - the state cadastre of burials) is

mandatory for all objects of burial of harmful substances, radioactive waste, objects and places of discharge of waste water into the subsurface on the territory of the Republic of Kazakhstan.

2. State cadaster of disposals shall organize the authorized body in the scope of environment protection in order to provide timely information, decision-making in the scope of environment protection, routine monitoring of burials of hazardous substances, radioactive waste and discharge of wastes into the subsoil.

3. The data of the state cadastre of burials are entered into the unified cadastre of the state fund of subsurface resources and are an integral part of the state monitoring of subsurface resources.

4. The objects of hazardous substances, radioactive waste and discharge of wastes into the subsoil shall be subject to the recording of state cadastre of burials.

**Footnote. Article 156 as amended by the Law of the Republic of Kazakhstan No. 126-VI dated 27.12.2017 (shall be enforced upon the expiration of six months after the day of its first official publication).**

#### **Article 157. The content of the State Cadaster of burials**

1. The State cadaster of burials shall contain information, describing the type and kind of buried materials and discharged water with their quantitative and qualitative indicators, mining, special geotechnical, hydrogeological and environmental conditions of burial and discharge, and shall include:

1) a general description of objects of hazardous substances disposal, radioactive waste and points of discharge wastes: location, period of operation, maintenance costs, the availability and location of the observation network of environmental monitoring and monitoring of subsoil;

2) the physical specification of hazardous substances disposal, radioactive waste and points of discharge wastes: characterization of insulation, type of rock, the depth and the effective capacity of the reservoir, its size, porosity, the characterization of the underlying and overlying confining layer, the rate of natural groundwater flow, storage and discharge other quantitative and qualitative indicators;

3) characterization of hazardous substances, radioactive waste, waste water: the name of the product, anthropogenic production or process, in the result of which produces a product, physical characteristic (complete chemical composition, content of toxic components, fire and explosion hazard, solubility, compatibility with other substances during the storage, the main radionuclides pollutants, their activity and other characteristics), characteristics of the transport system.

2. The state cadaster of burial shall be kept separately for hazardous substances, radioactive waste and discharge of wastes into the subsoil, in accordance with the regulatory legal acts, approved by the authorized body in the scope of environment protection.

#### **Article 158. Keeping of the state cadaster of burial**

1. The nature users shall represent the information, specified in paragraph 1 of Article 157 of this Code to the authorized body in the scope of environment protection in duplicate as of 1 January, during the first quarter of the year following the reporting year in 2 copies per year.

2. The authorized body in the scope of environment protection on the basis of data, received from the nature users shall make the State cadaster of burials.

3. The authorized body in the scope of environment protection in the keeping of the State cadaster of burials shall provide:

1) control of timely data receipt from the nature users;

2) the collection, recording, classification and storage of materials;

3) the establishment and operation of an automated data processing system, using computer technology in order to provide reference and information services for nature users;

4) the satisfactory form of the State cadaster of burials.

## **Chapter 20-1. STATE ASSESSMENT SYSTEM OF GREENHOUSE GASES EMISSIONS AND ADSORBINGS**

**Footnote.** The Code is supplemented by Chapter 20-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

### **Article 158-1. National Inventory System of greenhouse gases emissions and adsorbings**

1. The state inventory system of greenhouse gases emissions and adsorbings is a set of institutional arrangements for the collection, processing, storage and analysis of data necessary to determine the actual emissions and adsorbings of greenhouse gases for the period.

2. Gathering information for the state inventory of greenhouse gas emissions based on the statistical reports, as well as on the data submitted in the passports of installations in accordance with the Laws of the Republic of Kazakhstan.

3. Organizing and coordinating of the operation of the state inventory system of greenhouse gases emissions and adsorbings shall be carried out by the authorized body in the scope of the environment protection.

4. Control of completeness, transparency and reliability of the state inventory of emissions and absorptions of greenhouse gases shall be carried out annually in the manner, established by the authorized body in the field of environmental protection.

**Footnote.** Article 158-1 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 158-2. National cadaster of emissions and adsorbings sources of greenhouse gases.**

1. The authorized body in the scope of environment protection shall organize the development and maintenance of the state cadaster of greenhouse gases emissions and adsorbings.

2. National cadaster of sources of greenhouse gases emissions and adsorbings shall contain information on sources of greenhouse gas emissions, facility operators, the number of emissions and adsorbings of greenhouse gases.

3. The procedure for maintaining and maintenance of the state inventory of sources of emissions and absorptions of greenhouse gases shall be determined by the authorized body in the field of environmental protection.

4. On the basis of the state cadaster of greenhouse gases emissions and adsorbings the authorized body in the scope of environment protection shall analyze and predict emissions and adsorbings of greenhouse gases, shall provide the organization of the system of state control over the volume of emissions and adsorbings of greenhouse gases, the obligations of the Republic of Kazakhstan on the annual reports in accordance with the international treaties of the Republic of Kazakhstan.

**Footnote. Article 158-2 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 158-3. State register of carbon units**

1. The main functions of state register of carbon units are the ensuring of accurate accounting of carbon units that have been put into practice, are in safekeeping, transferred, purchased, canceled, withdrawn from circulation, and exchange data with other national registers.

2. The state register of carbon units shall be formed and maintained by the operator, being a subordinate organization for regulation of greenhouse gases emissions of the authorized body in the field of environmental protection.

**Footnote. Article 158-3 as amended by the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 158-4. Validation and verification**

1. Accreditation of bodies for validation and verification shall be carried out in accordance with the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

2. The body for validation and verification shall be responsible for the reliability of validation and verification.

3. An annual report on greenhouse gases inventory, the monitoring plan of greenhouse gases emissions and the installation passport shall be submitted by the installation operator according to the forms, approved by the authorized body in the field of environmental protection.

Validation and verification shall be carried out at the expense of the installation operator.

4. Validation and verification of the same project to reduce greenhouse gases emissions and absorptions cannot be carried out by the same validation and verification body.

5. Validation and verification are carried out in accordance with national standards approved by the authorized body in the field of standardization, unless otherwise provided by international treaties ratified by the Republic of Kazakhstan.

**Footnote.** Article 158-4 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication); with the change introduced by the Law of the Republic of Kazakhstan dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

## **Chapter 21. ECOLOGICAL INFORMATION**

### **Article 159. Ecological information**

1. Ecological information shall include information and data on:

- 1) The state of the environment and its objects;
- 2) the factors, impacting on the environment, including its pollution;
- 3) program, administrative and other measures which have or may have an impact on the environment;
- 4) environmental regulations and environmental requirements of economic and other activities;
- 5) planned and implemented measures to protect the environment and their financing;
- 6) activities having or likely to have an impact on the environment, including calculations, analyses and other information related to the environment;
- 7) the impact of the environment on health, safety and living conditions of the population, cultural facilities and buildings.

2. Ecological information can be expressed in written, electronic, audio-visual or other form.

**Footnote.** Article 159 as amended by Law No. 156-VI dated 24.05.2018 (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).

### **Article 160. The State register of emissions and transfer of pollutants**

1. The State register of emissions and transfer of pollutants - a structured database on the state of emissions and pollution of the environment, placed in the public domain, which is maintained by the authorized body in the field of environmental protection in order to ensure transparency.

2. Users of natural resources, having objects of category I, annually, before April 1<sup>st</sup>, shall provide information for the previous year in accordance with the Rules for maintaining the

State register of emissions and transfer of pollutants, approved by the authorized body in the field of environmental protection.

3. The State register of emissions and transfer of pollutants shall contain information on maximum permissible concentrations of pollutants, their impact on the health and the environment, as well as other scientifically justified information on emissions and transfers of pollutants, and information on the users of natural resources.

Information on the users of natural resources should include:

- 1) the name, legal address, type of activity of the user of natural resources;
- 2) electronic version of the issued environmental permit;
- 3) information on the amount of actual emissions to the environment;
- 4) electronic version of the program of industrial environmental control and reports of environmental monitoring, an action plan for environmental protection;
- 5) the results of state environmental control;
- 6) information on obligatory payments to the budget for emissions to the environment, including for the over-established standards.

**Footnote. Article 160 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 161. State fund for ecological information**

1. The state Fund for ecological information shall be maintained to provide state bodies, individuals and legal entities with reliable information on the state of the environment and its objects, environmental impact factors, measures, taken to protect it, prevent and reduce environmental pollution, and the use of natural resources.

2. The maintenance of the State fund for ecological information shall be carried out by the subordinate organization of the authorized body in the field of environmental protection and shall include measures for collection, storage, processing, analysis, scientific research, provision, distribution of environmental information, education of population and the users of natural resources on environmental protection issues and the use of natural resources.

3. State bodies and legal entities shall provide information to the State fund for environmental information in the manner, determined by the Government of the Republic of Kazakhstan.

4. The State fund for environmental information shall include:

- 1) state cadastres of natural resources;
- 2) state records of pollution sites of the environment;
- 3) state cadastre of production and consumption wastes;
- 4) state register of the users of natural resources and sources of pollution of the environment;
- 5) state cadastre of consumption of ozone-depleting substances;
- 6) state register of emissions and transfer of pollutants;



- 7) materials on environmental impact assessment and state environmental expertise;
- 8) normative legal acts and normative-technical documents in the field of environmental protection and use of natural resources;
- 9) reports on the performance of scientific-research and development work, related to the protection of the environment and use of natural resources;
- 10) National report on the state of the environment and use of natural resources;
- 11) National environmental atlas;
- 12) reports on the results of control and law enforcement activities in the field of environmental protection and use of natural resources;
- 13) the program of production ecological control and reports of environmental monitoring ;
- 14) state environmental monitoring data;
- 15) scientific and technical literature in the field of ecology;
- 16) information on the state of the environment and the use of natural resources, environmental impact factors and measures, taken to protect it;
- 17) other materials and documents, containing environmental information.

**Footnote. Article 161 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication); with the change introduced by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).**

#### **Article 162. National Ecological Atlas**

1. In aid of system and visual providing of the ecological information shall be made comprehensive scientific reference collection of cartographic materials - the National Ecological Atlas.

2. The development and publication of the National Ecological Atlas shall be organized by the authorized body in the scope of environment protection.

#### **Article 163. Access to the ecological information**

1. The ecological information is available to the public, except in cases provided by the Laws of the Republic of Kazakhstan.

2. Access to certain information and data, composed a publicly available ecological information shall be carried out by their providing on the request of individuals and legal entities, the spread in the media, in special editions, available on the Internet, as well as with the use of other publicly available information and communication tools.

3. Local executive body annually till May 1<sup>st</sup> of the year shall place on its Internet resource information for the previous year on:

- receipts from the fees for emissions into the environment;
- budget expenditures on environmental protection measures



4. The authorized body in the field of environmental protection annually until May 1<sup>st</sup> of the year shall place on its Internet resource information for the previous year on:  
receipts to the budget from the recovery of damage to the environment;  
receipts to the budget from fines for violation of environmental legislation of the Republic of Kazakhstan.

**Footnote. Article 163 as amended by the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 164. The rights and obligations of subjects concerning the access to the ecological information**

1. Individuals and legal entities shall have the right for free access to publicly available state electronic information resources, containing environmental information.

2. State bodies and officials, performing public functions, or individuals and legal entities, providing to the public on the basis of a public contract services, related to the environment, must provide a public access to the ecological information, including the requests of individuals and legal entities.

3. Other individuals and legal entities, operating in the territory of the Republic of Kazakhstan should provide the ecological information, relating to the effects on the lives and health of citizens on request of persons.

4. Individuals and legal entities shall have the right to obtain the ecological information from the persons, referred to in paragraph 2 of this Article in the requested form, if there is no reason to file it in another form.

**Footnote. Article 164 as amended by the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016).**

#### **Article 165. The terms and procedure for providing of the ecological information**

1. The terms, procedure for providing and refusing to provide environmental information shall be established by the legislation of the Republic of Kazakhstan on administrative procedures and access to information.

**2. Is excluded by the Law of the Republic of Kazakhstan dated 16.11.2015 № 404-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

3. Access to the ecological information, relating to the procedure for assessing the impact on the environment and the decision-making process on planned economic and other activities, provided by the procedure, established by the authorized body in the scope of environment protection.

4. In cases, where a government body shall not hold the requested environment information, the received request shall be relayed to the competent government body within the time, prescribed by the legislation of the Republic of Kazakhstan.

Footnote. Article 165 as amended by the Law of the Republic of Kazakhstan dated 16.11.2015 № 404-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 166. The fee for the provision of the ecological information**

Footnote. Article 166 is excluded by the Law of the Republic of Kazakhstan dated 16.11.2015 № 404-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 166-1. National report on the state of the environment and on the use of natural resources of the Republic of Kazakhstan**

1. The national report on the state of the environment and on the use of natural resources of the Republic of Kazakhstan shall be made with a view to annually informing the population about the actual environmental situation on the territory of the Republic of Kazakhstan and the measures, taken to improve it.

2. The following information shall be reflected in the National report on the state of the environment and on the use of natural resources of the Republic of Kazakhstan on:

- 1) qualitative and quantitative characteristics of the environment and natural resources;
- 2) the anthropogenic impact to the environment, including the main socially significant environmental problems;
- 3) ecological situation in the regions;
- 4) on implementation of state policy in the field of environmental protection and the use of natural resources.

3. Central state bodies and local executive bodies annually shall provide information for preparation of the National report on the state of the environment and on the use of natural resources of the Republic of Kazakhstan in the manner, determined by the Government of the Republic of Kazakhstan until March 1<sup>st</sup> of the year following the reporting year.

4. The authorized body in the field of environmental protection on the basis of information, provided by central state bodies and local executive bodies shall organize the development of the National report on the state of the environment and the use of natural resources of the Republic of Kazakhstan in accordance with the Rules, established by the Government of the Republic of Kazakhstan.

Footnote. Chapter 21 is supplemented by Article 166-1 in accordance with the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 167. A refusal in provision of the ecological information**

Footnote. Article 167 is excluded by the Law of the Republic of Kazakhstan dated 16.11.2015 № 404-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Chapter 22. NATURE USERS AND SOURCES OF POLLUTION ACCOUNTING**

Footnote. Chapter 22 is excluded by the Law of the Republic of Kazakhstan dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty-one calendar day after its first official publication).

## **SECTION 6. AREAS OF ENVIRONMENTAL EMERGENCY SITUATION AND ENVIRONMENTAL DISASTER**

### **Chapter 23. CONCEPT AND DECLARATION ORDER OF SEPARATE AREAS AS AREAS OF ENVIRONMENTAL EMERGENCY SITUATION OR ENVIRONMENTAL DISASTER**

#### **Article 173. Environmental emergency situation and environmental disaster**

1. Environmental emergency situation - the environmental situation, which arose in the area where as a result of economic and other activities or natural processes have place stable negative changes in the environment that threaten to the public health, the natural ecological systems, genetic foundations of plants and animals.

2. Environmental disaster – the environmental situation that arose in the area where as a result of economic and other activities or natural processes have taken places profound irreversible environmental changes that led to a significant deterioration of the population health, the destruction of natural ecosystems, degradation of flora and fauna.

3. Under the threat to public health means increasing the frequency of reversible health problems associated with environment pollution.

4. A significant deterioration of the population health means an increase of irreversible incompatible with the life of health problems, changes in the structure of causes of death and the appearance of specific diseases caused by the environment pollution, as well as a significant increase in the frequency of reversible health problems associated with environment pollution.

5. The assignment of territories to areas of environmental emergency situation and environmental disaster shall be carried out in order to determine the sources and factors of environmental degradation and developing of reasonable urgent measures to stabilize and reduce the degree of environmental distress, reduce the impact of economic and other activities on the environment, carry out prompt measures to restore the natural resources and minimize the impact on the health of the population.

#### **Article 174. The declaration order of separate areas as areas of environmental emergency situation or environmental disaster**

1. In aid of exploring the territory in which it is assumed the environmental emergency situation or environmental disaster, shall be created a commission.

2. A commission has a right to initiate local executive bodies and other government bodies within their competence on the basis of applications:

1) the residents living in the territory with the alleged unfavorable environmental conditions;

2) the members of Parliament of the Republic of Kazakhstan and local representative bodies;

3) the public associations.

3. The Commission consists of deputies of local representative bodies, representatives of the authorized bodies in the field of environmental protection, education, science and scientific-technical activities, healthcare, industry and trade, energy production and mineral resources, agriculture, labor and social protection of the population, in the field of civil protection, local executive bodies of the relevant administrative-territorial unit, and other interested individuals and legal entities.

4. The Commission shall collect and analyze the materials in order to determine:

1) the ecological status of the territory;

2) the causes of unfavorable environmental conditions;

3) the boundaries of the territory subjected to varying degrees of degradation;

4) the damage, the possibility of degradation of alleged unfavorable environmental conditions;

5) the necessary measures to address the alleged unfavorable environmental conditions;

6) the means necessary for the elimination of the alleged unfavorable environmental conditions in order to address the factors contributing to its occurrence;

7) types of business and other activities contributing to the alleged unfavorable environmental conditions.

5. In case of insufficiency of available materials the commission shall make a proposal to the appropriate government body on the need for additional research.

6. The materials of terrain study with the conclusion of the authorized government bodies in the scope of health care, science and scientific and technological activities and education shall be transferred to the authority in the scope of environment protection for the environment impact assessment.

7. At the conclusion of the environment impact assessment shall be held withdrawal of recognition or non-recognition of the territory of the area of environmental emergency or environmental disaster.

8. Based on the positive conclusions of the environment impact assessment of the authorized body in the scope of environment protection, as well as the conclusions of the authorized government bodies in the scope of health care, science and scientific and technological activities and education area shall be declared:

1) by the area of environmental emergency situation - by the Government of the Republic of Kazakhstan;

2) by the area of environmental disaster – by the Law of the Republic of Kazakhstan.

9. In the regulatory legislative acts listed in the paragraph 8 of this Article shall be pointed

:

1) the boundaries of the areas of environmental emergency situation or environmental disasters;

2) the timing of the declaration of the zone of ecological emergency or environmental disasters;

3) the legal regime of the areas of environmental emergency situation or environmental disasters;

4) measures to stabilize and reduce the degree of unfavorable environmental situation in the territory, or a reference to the need to develop them;

5) The order of reference to the category of people affected by environmental emergency situation or environmental disasters, and measures of social protection.

10. The arrangement for the reproduction of natural resources, environmental health, and medical care shall be developed and implemented on a case-by-case basis according to the state target programs approved by the Government of the Republic of Kazakhstan.

**Footnote. Article 174 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 175. Assessment of the environmental situation of the territories**

1. Assessment of the environmental situation of territories is based on the main types of criteria by using additional or ancillary criteria.

2. Criteria for assessing environmental areas - a set of parameters, describing the deterioration of public health and the environment.

3. Defining the zone of environmental emergency situation or environmental disaster shall be carried out by one or more of the primary and secondary indicators, reflecting a higher degree of unfavorable environmental situation.

4. Criteria for assessing ecological situation of the territories shall be established by the authorized body in the field of environmental protection.

**Footnote. Article 175 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 24. FEATURES OF LEGAL REGULATION IN THE AREAS OF ENVIRONMENTAL EMERGENCY SITUATION AND ENVIRONMENTAL DISASTER**

**Article 176. The legal regime in the areas of environmental emergency situation and environmental disaster**

1. In the case of an establishment in a particular area of legal regimes and environmental emergencies and environmental disasters shall be enforced the following measures:

1) the termination or limitation of facilities contributing to the unfavorable environmental situation;

2) operational measures to restore (reproduction) natural resources and the environment;

3) compulsory evacuation of people from places dangerous for their living, with obligatory provision of premises for permanent or temporary residence;

4) quarantine and implementing of other mandatory sanitary and anti-epidemic measures;

5) the necessary work performance on assisting to animals in case of disease, the threat of death;

6) an establishment of a special regime of entry and exit, the restriction of movement of vehicles;

7) an establishment of temporary prohibition on the building of new settlements and the expansion of existing enterprises and other objects, which is not related to the liquidation of an environmental emergency situation or life activity of the population.

8) the introduction of a special procedure for distribution of food to the injured persons due to unfavorable environmental situation;

9) a prohibition on the construction and operation of facilities that make up the increased environmental hazard;

10) an establishment of a temporary prohibition on the use in business and other activities of particularly dangerous substances (chemical, radioactive, toxic, explosive, flammable, biological), plant protection products, which set of properties and (or) the characteristics of their condition can worsen the environmental situation in that area;

11) the prohibition on the operation of recreational, resort destination facilities;

12) the prohibition or limitation the exercise of any other activity that is enhanced environmental hazard to humans, flora, fauna, and other natural objects.

2. The government bodies of the Republic of Kazakhstan shall provide a legal regime in the environmental emergency areas and environmental disasters and the implementation of activities under the environmental legislation of the Republic of Kazakhstan.

#### **Article 177. Compensation for harm to victims as a result of the environmental emergency situation or environmental disaster**

Individuals, who have suffered as a result of an environmental emergency situation or environmental disaster, shall have a right on compensation, caused for the harm, as well as on social protection in accordance with the legislative acts of the Republic of Kazakhstan.

#### **Article 178. A monitoring for the environmental situation in the areas of the environmental emergency and environmental disaster**

1. On the territory of the environmental emergency areas and environmental disasters, as well as the surrounding areas in the framework of state programs shall be carried out special observation and study of the environment and population health.

2. The objects of observation and study are:

1) the factors that led to the environmental emergency situation or environmental disasters

;

2) adverse changes in the environment and the population health in the area of environmental emergency situation and environmental disaster.

**Footnote. Article 178 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 179. The termination of the legal regime of the environmental emergency situation areas and environmental disaster**

Based on the positive opinion of the environmental impact assessment and survey data showing the normalization of the environmental situation, the effect of the legal regime of the environmental emergency situation areas may be terminated by the Government of the Republic of Kazakhstan and the action of the legal regime of the environmental disaster area – by the Law of the Republic of Kazakhstan.

#### **Article 180. Responsibility for the violation of the legal regime in the environmental emergency situation areas and environmental disasters**

Individuals and legal entities, who are guilty of violating the legal regime in the environmental emergency situation area and environmental disasters, shall respond in accordance with the Laws of the Republic of Kazakhstan.

## **SECTION 7. ENVIRONMENTAL EDUCATION AND AWARENESS, RESEARCH AND INTERNATIONAL COOPERATION IN THE FIELD OF THE ENVIRONMENT PROTECTION**

### **Chapter 25. ENVIRONMENTAL EDUCATION AND AWARENESS, RESEARCH AND SKILLS DEVELOPMENT OF THE SPECIALISTS.**

#### **Article 181. A purpose and objectives of the environmental education and awareness, skills development of the specialists**

1. The purpose of the environmental education is the formation of an active life position of citizens and environmental culture in the society based on the principles of sustainable development.

2. The environmental education, environmental awareness and skills development of specialists in the scope of the environment protection in the Republic of Kazakhstan shall be developed as a part of the education system for sustainable development.

3. The main targets in the scope of the environmental education and environmental awareness, skills development of the specialists shall include:



1) improvement in quality of the environmental education through the mainstreaming of its content, provision of the educational organizations by modern teaching materials, skills development of teaching personnel;

2) the development of institutional frameworks, programs and activities for the environmental awareness in the community and family;

3) the training of professional personnel for the implementation of targets in the scope of the environment protection.

**Article 182. The institutional framework for environmental education and awareness, expertise**

1. An organizational activity base in the scope of the environmental education and awareness, skills development of the specialists shall be organized and carried out by the government bodies, educational organizations, culture and science, environmental agencies, users of nature, public associations, separate leading educators and scientists.

2. In order to cross-sectoral cooperation and interdepartmental interaction of training-methodical and scientific support of the environmental education in the community and family, training and retraining shall be created regional councils (centers) for educational institutions, scientific and public organizations. The structure of regional councils (centers) may include representatives listed in paragraph 1 of this Article of organizations and individuals.

**Article 183. An environmental education in educational institutions**

1. The system of continuous and comprehensive environmental education shall cover all levels of education.

2. The environmental education in educational institutions shall be carried out through the implementation of specialized and interdisciplinary educational programs, as well as the integration of environmental aspects into existing disciplines.

3. Education of active citizenship to the conservation of nature and respect for the natural resources shall be recognized as one of the priority targets of education in educational institutions.

4. State educational standards and typical academic programs of professional education in the scope of the environment protection and natural resources shall be approved by the authorized body in the scope of education in consultation with the competent authority in the scope of environment protection.

**Footnote. Article 183 as amended by the Law of the Republic of Kazakhstan, dated 27 July 2007 No 320 (the order of enforcement, see Article 2).**

**Article 184. State support for environmental education and awareness**

1. The state shall carry out support for environmental education and awareness in the following priority areas:

1) The definition of a long-term plan of action in the scope of education for the transition of the Republic of Kazakhstan to sustainable development;

- 2) the improvement of instructional and methodological foundations of environmental education and awareness;
- 3) the preparation of qualified specialists in the scope of environment protection;
- 4) the ensuring of learning and teaching materials availability for the environmental education and awareness;
- 5) the promotion of the organizations, providing programs and activities for environmental education in the community and family.

2. State support measures shall include:

- 1) the financing of environmental education in educational institutions (educational works and activities for environmental education and awareness, skills development of the specialists) under various state, regional and sectoral programs;
- 2) the active participation of government bodies in the formation of state order for training of specialists;
- 3) the provision of state order for research in the scope of education for sustainable development;
- 4) the provision of state social voluntary organizations operating in the scope of environmental education and awareness;
- 5) the provision of necessary measures for the environmental education and awareness, skills development and retraining of personnel in the framework of environment protection programs.

**Footnote. Article 184 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 26. ENVIRONMENTAL RESEARCH**

### **Article 185. The purposes and objectives of the environmental science research**

1. An environmental research shall be carried out in the purpose of scientific ensuring of the environment, the development of evidence-based measures on improvement, restoration, ensuring the sustainability of natural ecosystems, sustainable use and restoration of natural resources, environmental safety and social, economic and environmentally balanced development of the Republic of Kazakhstan.

2. The objectives of the environmental research are:

- 1) the scientific assessment and forecast of the environment state;
- 2) the development of science-based environmental regulations, standards and requirements;
- 3) the basing of the integrated and rationale use of natural resources;
- 4) development of scientific recommendations for ensuring of government regulation and control in the scope of the environment protection and management of natural resources;

5) the scientific basing, development and implementation of eco-efficient resource-saving technologies.

**Article 186. The main directions of environmental science research**

1. The following research can be carried out for solving the objectives of scientific support for the environment protection:

1) the development of integrated state, regional, local scientific basis for sustainable socio-economic development of the territories;

2) the study the steadiness of ecosystems to human impacts and the development of scientific bases of identifying environmental risks;

3) the evaluation of the level of anthropogenic pressure on the environment and the degree of disturbance of ecosystems and landscapes;

4) the development of science-based regulations in the scope of environment protection;

5) the determination of the zonal threshold levels of anthropogenous impact on ecosystems and landscapes;

6) the identification of the impact of environmental factors on population health;

7) the dividing into districts and ranking of the republican territory according to the degree of environmental stress;

8) the research, related to the development of programs of target values of the environmental quality;

9) the research related to the development of methods and technologies to clean up emissions into the environment;

10) the research on the integrated use of raw materials, processing and disposal of waste;

11) the research on searching, scientific and technical reason and implementation of new eco-efficient and resource-saving technologies;

12) the development and scientific support of the environmental assessment and prediction of its changes under the influence of natural and anthropogenic factors;

13) the scientific substantiation methods to prevent or mitigate the negative effects of anthropogenic or natural threats to the environment;

14) the systematic study and generalization of the environmental monitoring results of quantitative and qualitative indicators of the state of ecosystems and on the basis of long-term supervision and operational control;

15) the scientific support for environmental monitoring;

16) the development and scientific justification of limits (quotas) on the emissions to the environment, the use of natural resources;

17) the integrated climate change research and assessment of its impact on the economy and the natural resources of the Republic of Kazakhstan;

18) the research of the ozone layer, the process of its destruction and restoration, the development of measures to prevent the impact of human activities on the ozone layer;

19) the research of the economic mechanisms problems of natural resources management, the development of cost-effectiveness analysis methods and costs on environment protection measures and scientific support for these measures;

20) the participation in the development and scientific basis of environmental indicators of socio-economic development of the country;

21) the conducting of research, related to the implementation of the obligations of the Republic of Kazakhstan under international treaties for the protection of the environment and natural resources;

22) an international scientific cooperation in the scope of the environment protection and natural resources.

2. Financing for basic and applied scientific environmental research shall be carried out at the expense of budget funds and other funding sources not prohibited by the Laws of the Republic of Kazakhstan.

**Footnote. Article 186 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 187. The requirements for environmental research**

1. Scientific environmental research shall be carried out by scientific organizations in accordance with this Code and the Law of the Republic of Kazakhstan on science.

2. The scientific research in the scope of the environment protection in the Republic of Kazakhstan can be carried out Kazakh and foreign individuals and legal persons, as well as international organizations with the necessary performance requirements of the legislation of the Republic of Kazakhstan.

### **Chapter 27. INTERNATIONAL COOPERATION OF THE REPUBLIC OF KAZAKHSTAN IN THE FIELD OF THE ENVIRONMENT PROTECTION AND NATURAL RESOURCES MANAGEMENT**

#### **Article 188. Priorities and levels of the international cooperation**

1. The participation of the Republic of Kazakhstan in the international cooperation in the scope of the environment protection and natural resource management shall be based on the following priorities:

- 1) protection of the environment, favorable for human life and health;
- 2) an achievement of sustainable development;
- 3) protection of the interests of the Republic of Kazakhstan in the scope of environment protection and natural resources management;
- 4) prevention, reduction and control of transboundary pollution;
- 5) development and support of free international trade and investment on the basis of compliance with the environmental standards and requirements;

- 6) provision of international assistance in the case of environmental emergencies;
- 7) the application of the rules and principles of international Law to deal with cross-border and regional environmental issues;
- 8) participation in international initiatives in the scope of environment protection and sustainable development.

2. The priority objectives for international cooperation of the Republic of Kazakhstan in the scope of the environment protection and natural resources management shall be dealt with on a global, cross-border, regional and bilateral basis.

#### **Article 189. The principles of international cooperation**

An international cooperation of the Republic of Kazakhstan in the scope of the environment protection and natural resources management shall be based on the following principles:

- 1) fulfillment in good faith of international commitments;
- 2) respect for the sovereign right of States to develop their own natural resources;
- 3) the integration of the environment protection and economic development in order to achieve sustainable development;
- 4) the responsibility of the state on ensuring of measures to prevent damage to the environment of other States or of areas beyond the jurisdiction of the Republic of Kazakhstan;
- 5) The precaution and acceptance of preventive measures;
- 6) the peaceful settlement of the international disputes;
- 7) an advance notice and mutual consult on activities with potentially significant transboundary impact on the environment;
- 8) the complementarity of the efforts made at the global, regional, national and local levels;
- 9) responsibility of the polluter for the expenses, connected with the environment pollution.

#### **Article 190. The economic basis of the international cooperation**

The economic basis of the international cooperation of the Republic of Kazakhstan in the scope of environment protection and natural resources are:

- 1) compulsory and voluntary contributions to international organizations;
- 2) participation in the financing of international programs, forums and other international events;
- 3) liability for damage resulting from transboundary impact;
- 4) a compensation cost for the operation of facilities designed to sharing of natural resources, on the principle of equity in the use of natural resources;
- 5) an assignation on the compensatory basis by one State to another of its share (part thereof) of natural resources, established on the basis of international treaties, ratified by the Republic of Kazakhstan.

#### **Article 191. International responsibility for the environmental offenses**

Measures of international responsibility for the environmental offenses, the damage, caused to the environment and natural resources of neighboring countries, non-compliance of international treaties shall be applied in accordance with the provisions of the international treaties of the Republic of Kazakhstan.

**Article 192. The mechanism of interstate cooperation in the scope of the environment protection and natural resources management**

1. The mechanism of interstate cooperation in the scope of the environment protection and natural resources management shall forecast the participation of the Republic of Kazakhstan in accordance with the international treaty obligations in the following international and cross-border procedures:

- 1) an exchange of environmental information;
- 2) a joint environmental monitoring conducting, based on agreed standards and requirements;
- 3) an identification and preservation of species and natural objects, having an international importance;
- 4) the obtaining of preliminary informed consent on certain activities implementation that are the subject of international regulation in the scope of the environment protection;
- 5) the issuance of special permits for certain types concerning the specific activities that pose a potential threat to the environment and human health;
- 6) co-regulation of environmental impacts and assessment of their practice;
- 7) cross-border assessment of the impact on the environment;
- 8) information sharing on emergency situations in the presence of the potential threat of transboundary impacts;
- 9) assistance on request of other countries in emergency situations with the threat of cross-border effects, including the development of joint action plans;
- 10) preparation and submission of national reports on the implementation of international commitments;
- 11) assessment of compliance with international treaty obligations undertaken by specially authorized international bodies;
- 12) the exercise of responsible measures for damage to the environment of other States or areas beyond the limits of the Republic of Kazakhstan.

2. In cases, stipulated by international treaties the Republic of Kazakhstan shall develop the necessary procedures, referred to in paragraph 1 of this Article, on the basis of bilateral and multilateral cooperation.

3. In order to ensure the effective operation of the mechanism of international cooperation and implementation of the procedures, referred to in paragraph 1 of this Article, the Government of the Republic of Kazakhstan and government bodies, in accordance with their competence shall have the right to initiate the establishment of interstate bodies.

**Article 193. International treaties**

1. The legal form of interstate cooperation in the scope of environment protection and natural resources management shall be international treaties.

2. The order of conclusion, execution, amendment and termination of international agreements in the scope of the environment protection and nature resources management shall be governed by the Laws of the Republic of Kazakhstan on international treaties.

3. The implementation of the international agreements in the scope of the environment protection may include:

1) the development and approval of a plan of action, necessary to ensure their implementation;

2) the determination of a government body, responsible for ensuring fulfillment of the international treaty in the scope of the environment protection;

3) the conducting of permanent analysis of the effectiveness of the participation of the Republic of Kazakhstan in the international treaties in the scope of the environment protection and natural resources management.

## **SPECIAL PART**

### **SECTION 8. ENVIRONMENTAL REQUIREMENTS ON IMPLEMENTING OF ECONOMIC AND OTHER ACTIVITIES**

#### **Chapter 28. GENERAL PROVISIONS OF ENVIRONMENTAL REQUIREMENTS**

##### **Article 194. Environmental requirements for economic and other activity and their types**

1. Environmental requirements shall be established to economic and other activities carried out in the territory of the Republic of Kazakhstan.

2. Environmental requirements are divided into the following types:

1) General environmental requirements for economic and other activity;

2) environmental requirements on using natural resources;

3) environmental requirements on especially protected natural areas;

4) environmental requirements for economic and other activity in a State conservation area in the northern part of the Caspian Sea;

5) environmental requirements for the use of radioactive materials, nuclear energy and ensuring of radiation safety;

6) environmental requirements in the production and use of potentially hazardous chemical and biological substances, genetically modified foods and organisms;

7) environmental requirements on handling wastes of production and consumption;

8) environmental requirements to military and defense installations, military activity.

3. The environmental legislation of the Republic of Kazakhstan may establish other kinds of environmental requirements.

##### **Article 195. The order of development and confirmation of the environmental requirements**



1. The environmental requirements shall be established by this Code and other regulatory legal acts of the Republic of Kazakhstan and can be taken as separate documents or specific sections in the rules of the respective types of business and other activities.

2. The authorized body in the scope of the environment protection in the development of environmental requirements could attract specialized research, design institutes and other organizations, as well as nature users.

3. Environmental requirements for the use of land resources, subsoil, underground and surface waters, forest and other flora resources, wildlife resources shall be established by agreement, respectively, with the central authorized authority for land resources management, authorized state authorities for the study of subsoil, in the field of use and protection of water resources, forestry, protection, reproduction and use of the wildlife, by the state authority in the field of sanitary and epidemiological welfare of the population.

4. The environmental requirements for protected areas shall be established in consultation with the authorized government body in the scope of protected areas.

5. The environmental requirements for the design and placement of enterprises, buildings and other objects in their construction and renovation, commissioning and operation, construction of cities and towns, the use of radioactive materials, the production and use of potentially hazardous chemical and biological substances, genetically modified foods and organisms, waste production and consumption, to military and defense facilities, military activities shall be established by this Code and other legislative acts of the Republic of Kazakhstan.

**Footnote. Article 195 as amended by the laws of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 22.04.2015 № 308-V (shall be enforced upon expiry of ten calendar days after its first official publication); No. 126-VI dated 27.12.2017 (shall be enforced upon the expiration of six months after the day of its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 196. Recording of the environmental requirements and obligations**

1. The government body, authorized to carry out privatization shall ensure compliance with the environmental requirement on privatizing of state property.

2. The privatization of enterprises and other facilities shall be based on the test results of environmental conditions that must be provided for the privatization plan of the enterprise and any other object, and shall be carried out with the participation of the authorized body in the scope of the environment protection.

**Article 197. The recording of the environmental requirements in bankruptcy, reorganization and liquidation of the legal entity-nature user, carrying out environmentally hazardous types of economic and other activities**

1. At the initiation of bankruptcy proceeding of a nature of the legal entity- nature user, carrying out environmentally hazardous types of economic and other activities, shall be conducted a mandatory environmental audit.

In the proceeding of the bankruptcy case of the legal entity-nature user shall be provided a recording of the results of mandatory environmental audit.

2. The reorganization of the legal entity - nature user, carrying out environmentally hazardous types of economic and other activities, shall be conducted taking into account the results of the mandatory environmental audit and their reflection in the separate balance (in case of reorganization in the form of separation and isolation) and the transmission balance (with reorganization in the form of a merger).

3. Excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Footnote. Article 197 as amended by Law No. 156-VI dated 24.05.2018 (shall be enforced upon the expiration of ten calendar days after the date of its first official publication)

## **Chapter 29. GENERAL ENVIRONMENTAL REQUIREMENTS FOR ECONOMIC AND OTHER ACTIVITIES**

### **Article 198. The environmental requirements for the design of economic and other objects**

1. In the designing of enterprises, buildings and structures, industrial and agricultural objects, water system, sewerage, waterworks, transportation and communications, manufacturing processes, products and equipment, other facilities must be provided for:

- 1) compliance with environmental quality standards;
- 2) neutralization and disposal of hazardous waste;
- 3) the use of low-waste and non-waste technology;
- 4) implementation of effective measures to prevent environmental pollution;
- 5) reproduction and rational use of natural resources.

2. It shall be prohibited financing and implementation of projects for which there are no positive conclusions of:

- 1) state ecological expertise;
- 2) sanitary-epidemiological expertise in case of designing an object of high epidemic significance.

Footnote. Article 198 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

### **Article 199. General environmental requirements and responsibility of nature users on commissioning and operating of economic and other objects**

1. Commissioning of enterprises, buildings and other objects shall be carried out on condition upon the full implementation of all environmental requirements, stipulated by the project, by the act of acceptance commission, created with the participation of the authorized body in the scope of the environment protection.

2. The operating of the enterprises, buildings and other objects without the facilities and equipment for cleaning, decontamination and disposal of hazardous waste, emissions, discharges, ensuring compliance of environmental quality standards, and without completion of melioration, reproduction and rational use of natural resources, provided for the project shall be prohibited.

3. A nature user operating an economic and other objects, shall be responsible for:

1) work conducting in a designated territory with the requirements of the environmental safety;

2) maintenance of the installed documentation for the environment protection and the presentation of established reporting to the government bodies on all activities;

3) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

4. On each object the nature user should:

1) create a special unit or assign a person responsible for the organization, self-monitoring conducting and the interaction with regulatory agencies;

2) conduct all operations in the safest way and keep the equipment in a safe condition to protect the health and lives of workers, the environment and property;

3) develop and confirm consistent with the territorial bodies of the authorized body in the scope of the environment protection and normative technical documents for the environment protection for all activities that must be reviewed at least every five years. Regulatory and technical documents should also be reviewed with the introduction of new model rules and regulations, new processes, plant, machinery and equipment;

4) keep a check of the technical and environmental safety register in which responsible officials of the nature user must record detected gaps with the indication of the elimination terms, on the work sites (objects).

5. The procedure of organization and conducting operations on the environmentally hazardous objects should be set by a special provision designed by the nature user.

6. The nature user should have a plan of action to eliminate or locate the emergency situation, caused by the breach of environmental legislation of the Republic of Kazakhstan, natural disasters and natural calamities.

7. An employee who discovered the violation of the environmental requirements, norms, rules and regulations or danger threatening the lives and health of people, as well as the possibility of contamination of the environment, shall immediately take all dependent on him measures to eliminate or localize the situation and inform the dispatcher or managers.

8. The elimination of detected gaps in the designated period shall be controlled by the authorized body in the scope of the environment protection, as well as by the nature user operating an economic and other objects.

9. Accidents, not entailing production accidents and ecological consequences shall be investigated in accordance with the instructions for technical investigation and recording of accidents, not entailing production accidents and ecological consequences. In special cases for the investigation of major technological accidents and ecological consequences, as well as group accidents shall be appointed a commission.

10. The nature user is obliged to inform the competent authority in the scope of the environment protection of the accidents, occurred with the release and discharge of pollutants into the environment within two hours of their discovery.

**Footnote. Article 199, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication; No. 156-VI dated 24.05.2018 (shall be enforced upon expiration of ten calendar days after the day of its first official publication)).**

#### **Article 199-1. The environmental requirements for technologies, technics and equipment**

1. The use of technologies, technics in the Republic of Kazakhstan, excluding vehicles and equipment shall be carried out in the presence of a positive conclusion of the state ecological expertise for project documentation, justifying the use of such technologies, technics and equipment, with materials of environmental impact assessment.

The composition of the documentation for the application of technology, technics and equipment, including those transferred (imported) to the Republic of Kazakhstan, represented by the environment impact assessment shall be determined by the authorized body in the scope of the environment protection.

2. Technology, technics and equipment, offered for use in the Republic of Kazakhstan recognized on the results of the environment impact assessment as environmentally hazardous shall not be applied in economic and other activities.

At the same time, the displaced (imported) machinery and equipment, recognized as environmentally hazardous must be destroyed, utilized or recycled in compliance with the requirements, established by this Code, the legislation of the Republic of Kazakhstan in the field of sanitary and epidemiological welfare of the population, civil protection and technical regulation, or exported outside the Republic of Kazakhstan.

3. Environmentally hazardous technologies are recognized:

1) the application of which does not accord with the environmental requirements of this Code or the international standards;

2) as a result of which the waste is generated, with no technology at their disposal or recycling in the Republic of Kazakhstan, or disposal of which is associated with high environmental risk or economically unfeasible.

4. Environmentally hazardous technics and equipment are recognized:

- 1) life-expired;
- 2) the application of which does not accord with the environmental requirements of this Code, the Technical Regulations of the Republic of Kazakhstan and international standards;
- 3) as a result of which waste is produced that do not have technology at their disposal or recycling in the Republic of Kazakhstan, or disposal which is associated with high environmental risk or economically unfeasible.

5. In the case of recognition the technologies, equipment and technics by the environmental impact assessment are environmentally dangerous, they are to be included in the register of environmentally dangerous technologies, technics and equipment.

The use of technologies, technics and equipment, including in the register of the environmentally dangerous technologies, technics and equipment, shall be prohibited in the territory of the Republic of Kazakhstan.

**Footnote.** The Code was supplemented by Article 199-1 in accordance with the Law of the Republic of Kazakhstan, dated 23.06.2009 No 164-IV (the order of enforcement See Art. 2); as amended by the laws of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 30. THE ENVIRONMENTAL REQUIREMENTS ON THE TYPES OF ECONOMIC AND OTHER ACTIVITIES**

### **Article 200. The environmental requirements for the design and construction of communities.**

1. A design, construction, reconstruction of cities and other communities shall ensure the most favorable conditions for life, work and rest of the population, taking into account environmental, sanitary and epidemiological requirements and environmental safety.

2. On the planning and building of cities and other communities shall be provided for and carried out their sanitation, safe management of waste production and consumption, shall be created forest-park, green and protection zones with restricted mode of natural resources management.

3. Buildings, structures, facilities, roads and other industrial objects must be located taking into account the requirements of technical regulations, sanitary and epidemiological rules and norms, urban planning and other requirements, ensuring a favorable environment.

### **Article 201. The environmental requirements for the placement of enterprises, facilities and other objects**

1. A determining of placement of enterprises, facilities and other objects shall be carried out in compliance of the conditions and rules of the environment protection, taking into account the environmental impacts of the mentioned facilities.

2. During the placement of enterprises, facilities and other objects shall be installed security, health and safety and other protective zones.

**Article 202. The environmental requirements for the construction and reconstruction of enterprises, facilities and other objects**

1. Construction and reconstruction of enterprises, structures and other objects shall be carried out in the presence of positive conclusions of the state ecological expertise, sanitary and epidemiological expertise (in case of construction and reconstruction of objects of high epidemic significance) and in accordance with environmental quality standards. It is not allowed to change the approved project or the cost of works to the detriment of the environment.

2. During the construction work should be taken measures on land recultivation, reproduction and rational use of natural resources, land improvement and enhancement of the environment.

3. The construction, reconstruction of objects prior to design approval and allotment of land plot in kind shall be prohibited.

**Footnote. Article 202 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).**

**Article 203. The environmental requirements on operating of industrial, energy, transport and communication, objects of agricultural assignment and melioration.**

1. Operation of industrial, energy, transportation and communication objects, objects of agricultural assignment and melioration shall be carried out taking into account established environmental requirements and the use of environmentally sound technologies, necessary purification plants and sanitary protection zones, excluding pollution of the environment. Low-waste and non-waste technologies, ensuring environmental safety shall be implemented during the operation of mentioned objects.

2. Individuals and legal entities are obliged to carry out a complex of measures for the protection of soil, water, forests and other vegetation, wild animals from the adverse effect of agricultural activities.

**Article 204. The environmental requirements on the production and operation of automobiles and other vehicle**

Individuals and legal entities operating an automobile or other vehicles that have a negative impact on the environment, are obliged to comply with the standards of permissible emissions and take measures to reduce the level of noise and other negative impact on the environment.

**Article 205. Environmental requirements for the placement of nuclear, thermal and hydroelectric power stations.**



1. The location of a placement and construction of nuclear power plants shall be carried out at the presence of the design and the positive opinion of the environmental impact assessment and sanitary-epidemiological expertise. Designs of nuclear power plants should include solutions that ensure safe decommissioning, as well as measures for disposal of waste

The measures to ensure radiation safety in accordance with the Laws of the Republic of Kazakhstan shall be taken at the location, design and construction of nuclear power plants.

2. In order to limit the adverse effects of thermal power plants in the state of the air basin adjacent to the territory before placing them in the design shall be carried out a valuation of emissions into the environment by establishing for each energy organization (and for each pollution source) target values (grams per second) and annual standards (tons per year), ensuring environmental safety of the thermal power plants.

The calculation of the target values (grams per second) and the development of appropriate measures to reduce emissions to the environment shall be conducted on the basis of the planned maximum capacity of equipment for the thermal power plants (with scheduled repairs, the withdrawal of the reserve).

3. At the location, design and construction of hydropower plants should be fully taken into account the real needs of the electricity of corresponding regions, territory seismic and the land configuration for the object placement, the measures on conservation of forest and land resources, the effective protection of flora and fauna, in general, ensuring the prevention of significant adverse changes in the environment.

4. For designed and constructed power plants in compliance with the emission standards into the environment should be ensured at the time of acceptance into operation.

#### **Article 206. The environmental requirements for military and defense objects, military activities**

The environmental requirements, established by this Code shall apply to the military and defense installations and military activity, except in special situations, provided by the legislation of the Republic of Kazakhstan.

#### **Article 207. The environmental requirements for the natural resources management**

1. The environmental requirements for the use of land, subsoil, water, forests and other vegetation, animal life shall be determined by this Code and other regulatory legal acts of the Republic of Kazakhstan.

2. Economic and other activities causing a threat of destruction of natural ecological systems, genetic fund of living organisms, other environmental changes dangerous for life and health of the population are prohibited.

**Footnote. Article 207 as amended by Law No. 126-VI of 27.12.2017 (shall be enforced upon the expiration of six months after the date of its first official publication).**

## **Chapter 31. THE ENVIRONMENTAL REQUIREMENTS OF THE USE OF LAND**



**Article 208. The environmental requirements on purposiveness changing and the convert of land from one category to another**

Footnote. Article 208 is excluded by the Law of the Republic of Kazakhstan, dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

**Article 209. Environmental requirements on zoning and using of the land of agricultural use**

1. On zoning and using the land of agricultural use should be provided environmental safety and quality condition of agricultural land.
2. Zoning of the land of agricultural use shall be based on indicators of the degree of environmental troubles, which are the criteria for physical degradation and chemical pollution
3. Determination of the level of chemical pollution of lands shall be carried out using the maximum permissible concentrations of chemicals in the soil, approved by the authorized authority in the field of environmental protection and the state authority in the field of sanitary and epidemiological welfare of the population.
4. Environmental criteria for land assessment in order to determine the need for their transfer from more valuable to less valuable, conservation, as well as reference to the zone of environmental disaster or emergency environmental situation shall be approved by the authorized body in the field of environmental protection (hereinafter – environmental criteria for land assessment).

Footnote. Article 209 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 210. The environmental requirements on zoning and the use of urban lands**

1. The zoning of urban lands shall be carried out on the basis ecological criteria for the assessment of the land.
2. The possibility of transfer of polluting substances into the air and water of these areas and their direct influence on the health of the population shall be accounted during the conversion the urban lands in the lands of other categories.
3. For the zones of environmental emergency situation shall be established a special regime of use, not entailing the further deterioration of the environmental situation.

**Article 211. The environmental requirements on zoning and using of land for industry, transport, communication, defense and other nonagricultural use**

1. On zoning land for industry, transport, communication, defense and other non-agricultural use shall be ensured environmental safety and sustainable use of land.
2. In order to ensure the safety of the public and create the necessary conditions for the operation of industrial, transport and other objects shall be established zones with the creation of special conditions of use of these lands, contributing to a better environment condition.

3. Zones within which types of activities are limited or prohibited, that are incompatible with the objectives of establishing zones shall be accounted during the conversion the land for industry, transport, communication, defense and other non-agricultural use of land in the lands of other categories.

4. An additional environmental criteria on the transfer of land in industry, transport, communication, defense and other non-agricultural use in the other categories shall be their chemical contamination above the levels, required by the environmental criteria for the evaluation of land. Lands, referred to a higher level of pollution shall be subject to conservation and shall be converted to the structure of reserve lands.

**Article 212. The environmental requirements for the use of protected areas lands and lands of recreational use**

1. Land use regime of protected areas, governed by the Land Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On Specially Protecting Nature Areas."

2. In order to conserve favorable environmental and sanitary conditions in the land recreational use on their zoning shall be established sanitary protection zones.

**Article 213. The environmental requirements for the use of forest fund lands**

1. A regime of use of forest fund lands shall be regulated by the Land and Forest Codes of the Republic of Kazakhstan.

2. Environmental criteria in allocating land to the category of forest vegetation condition should be considered as an indicator of the environment condition of the territory.

3. Not used for forestry farmlands on the forest fund lands can be converted to the category of agricultural land in accordance with the forest legislation of the Republic of Kazakhstan.

4. Transfer of forest lands into lands of other categories for purposes not related to forest management shall be allowed if there is a positive conclusion of the state environmental impact assessment in accordance with the requirements of the Forest and Land Legislation of the Republic of Kazakhstan on the basis of forest management and land management materials.

5. On transfer of forest fund lands to other categories should be taken into account the environmental indicators that reflect the impact of state land on the grass and woody vegetation in accordance with the ecological criteria for land assessment.

**Footnote. Article 213 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

**Article 214. The environmental requirements on zoning and using of water fund lands**

1. On zoning of water fund lands shall be ensured protection of water fund and the rational use of water.

2. Plots of land from the structure of water fund lands can be made available for temporary use of land by local executive authorities in consultation with the authorized government body in the scope of use and protection of water fund and corporations for the needs of agriculture, forestry, fishing, hunting and other purposes not contrary to the basic purpose of the land, not entailing the pollution and land degradation and environmental degradation, respectively.

3. Conversion of water fund lands to another category of land shall be allowed with the Environment Impact Assessment and epidemiological examinations in accordance with the requirements of the water legislation of the Republic of Kazakhstan in case of:

- 1) the termination of a water body existence or a significant change in its environmental and health indicators;
- 2) referring to the lands of specially protected nature areas;
- 3) changes in boundaries (line) of settlements, entailing a change in the environmental situation.

4. Land allocated for water protection zones cannot be converted to the category of land settlements and industry, which shall be established a special regime of economic activity for the prevention of pollution and depletion of water.

#### **Article 215. The environmental requirements on zoning and using of reserve land**

1. On zoning land reserve shall be accounted an area of adverse changes and spatial heterogeneity of allocation of different degradation degrees in the study area.

2. The rate of ecosystems degradation shall be calculated by the fifty-year series of observations. Assessment of the degree of ecosystem degradation shall be carried out in accordance with the environmental criteria for land assessment.

3. Reserve land can be converted to other land categories depending on the purpose of further use only after the establishment of the lands on the ground, the category to which they shall be converted. On conversion the reserve land to another category of land the selection of land plot shall be carried out previously in accordance with the environmental requirements of this category of land.

4. The transfer of disturbed land from the category of reserve land is possible after the implementation of rehabilitation and measures to improve the quality of the land and the environmental situation.

5. Land plots from the reserve lands construction, which were carried out nuclear tests, can be given to the ownership or use of land only after the completion of all activities on the liquidation of nuclear tests consequences and a comprehensive environmental study present at a positive opinion of the environment impact assessment and sanitary-epidemiological expertise.

**Footnote. Article 215, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)**

## **Article 216. The environmental requirements for optimal land use.**

1. The basic environmental requirements of optimal land use are:
  - 1) The scientific basis and forecasting the impact of proposing land reform and land redistribution;
  - 2) the basis and implementation of a unified state policy in the planning and organization of the management and protection of all land categories;
  - 3) ensuring of land proper use and conservation of valuable land in agricultural production;
  - 4) formation and placement of environmentally sound compact and optimal according the area land plots;
  - 5) development of a set of measures to improve agricultural land, improve soil fertility, maintaining sustainable landscapes and protection of land;
  - 6) development of measures for the rational use and protection of land;
  - 7) inventory and identification of unused land, used irrationally, not used for the intended purpose of land;
  - 8) the conservation and enhancement of habitat forming, water conservation, protection, sanitary and epidemiological, recreation and other beneficial natural properties, in order to improve land productivity and to protect human health;
  - 9) the conservation of biological diversity.
2. Provision of land plots for the placement and operation of enterprises, buildings and other facilities shall be subject to the conditions and regulations on environment protection, reproduction and rational use of natural resources, taking into account environmental, sanitary and epidemiological implications of these objects.
3. For the construction and erection of facilities that are not associated with agricultural production, must be disposed lands not suitable for agricultural purposes, with the lowest score of soil fertility.

## **Article 217. Environmental requirements for the use of land**

1. The nature users on the land using must:
  - 1) production engineering, appropriate to sanitary-epidemiological and environmental requirements, to prevent harm to human health and the environment, implement the best available technologies;
  - 2) allow the pollution, littering, degradation and deterioration of soil fertility, as well as the removal of topsoil for sale or transfer it to other parties, except the cases, when such removal is necessary to prevent irreparable loss of topsoil;
  - 3) produce storage and disposal of waste in a location, determined by the decision of the local executive bodies in coordination with the competent authority in the scope of environment protection, as well as a specially authorized government bodies within their competence.

2. When carrying out operations on subsoil use, geological exploration, construction and other works, natural resource users are obliged:

1) contain the occupied land plots in a condition, suitable for further use for their intended purpose;

2) remove, store and use the fertile soil in the works, related to the violation of land;

3) conduct reclamation of disturbed lands.

3. On selection of the direction of melioration should be taken into account:

1) the nature of the surface infringement of the land plot;

2) natural and physical and geographical conditions of the facility area;

3) the socio-economic characteristics of the location of the object from the perspectives of development of the area and environment protection requirements;

4) the need to restore the main area of disturbed land to cropland in the zone of black soil and intensive farming;

5) the need to restore damaged land in close proximity to populated areas for gardens, farms and recreational areas, including the creation of reservoirs in the hand-made area and ornamental garden and park complexes in the overburden dumps and tailings;

6) performance of land planning, liquidation of unnecessary excavations and embankments, of construction waste and redevelopment of the land in the territory of the industrial facility;

7) ravines and gullies on the used land plot which should be whelmed or flatted;

8) a mandatory site landscaping.

4. In the case of land plots use for the placement, disposal, storage of industrial waste, it must meet the following requirements:

1) comply the sanitary and epidemiological rules and norms of design, construction and operation of landfills of unutilized industrial waste disposal;

2) have weak filtering soils on standing of ground water not exceeding two meters from the bottom of the tank with an emphasis on areas 1.5 per cent in the direction of the pond, farmland, forests, industries;

3) be placed on the leeward side of the community and relatively lower in the direction of groundwater flow;

4) be placed on the ground, not flooded by flood and storm water;

5) have an engineering anti-filtering protection, fencing and landscaping around the perimeter, driveways paved;

6) surface and groundwater runoff from the land must not be drawn into open water bodies.

5. The implementation of new technologies, the implementation of programs of melioration and soil enrichment shall be prohibited in the case of non-compliance with the environmental, sanitary and epidemiological rules and regulations and other requirements, stipulated by the legislation of the Republic of Kazakhstan.

6. The order of land use, affected by radioactive and chemical contamination, the establishment of protected areas, the conservation of residential buildings, industrial, commercial, social and cultural facilities on these lands, performance of melioration and technical work there shall be determined taking into account the standards of maximum permissible levels of radiation and chemical exposure.

7. In order to protect lands the owners of lands and nature users are obliged to carry out activities on:

1) protection of land from water and wind erosion, landslides, flooding, waterlogging, secondary salinity, dehydration, condensation, contamination by radioactive and chemical substances, littering waste production and consumption, pollution, including nutrient, as well as other negative impacts;

2) protection of lands from contamination by quarantine objects, alien species and especially dangerous harmful organisms, their spread, overgrowing with weeds, shrubs and small forests, as well as from other types of deterioration of the state of land;

3) elimination of the effects of pollution, including nutrient and littering the land up;

4) conservation of progressing stage of melioration;

5) melioration, restoration of soil fertility, early involvement in land circulation;

6) removal and preservation of topsoil for later use during his rehabilitation.

8. On the community lands shall be prohibited the use of salt for taking the black ice away

**Footnote.** Article 217 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); No. 126-VI of 27.12.2017 (shall be enforced upon the expiration of six months after the date of its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Chapter 32. ENVIRONMENTAL REQUIREMENTS FOR SUBSOIL USE**

### **Article 218. The ecological basis for conducting operations on subsoil use**

1. The ecological basis for conducting operations on subsoil use shall be a positive conclusion of the state environmental expertise of project documentation and environmental permit.

2. The subsoil user shall be obliged to submit all pre-project and project documentation, which should include an assessment of the impact of the planned activity on the environment and contain a section "Environmental protection" to the state environmental expertise

**Footnote.** Article 218 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 № 271-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 219. General environmental requirements on using of subsoil resources**

1. General environmental requirements for use of subsoil resources are:

1) the use of subsoil resources in accordance with the requirements of the environmental legislation of the Republic of Kazakhstan;

2) application of special methods of development of deposits in order to preserve the integrity of lands with due regard for technical, technological, environmental and economic feasibility;

3) prevention of anthropogenic desertification;

4) application of preventive measures against manifestations of dangerous anthropogenic processes during operations on subsoil use;

5) protection of subsoil resources from flooding, fires and other natural factors complicating the operation and development activities;

6) prevention of subsoil contamination, especially in the underground storage of oil, gas or other substances and materials, disposal of hazardous substances and wastes;

7) compliance with the established order of suspension, termination of subsoil use operations, conservation and liquidation of mining;

8) ensuring the environmental and sanitary requirements for the storage and disposal of waste;

9) reduction of disturbed and alienated land areas by advancing to the start of construction work on the roads by rational scheme, and the use of other methods, including the bushed method of wells construction, the use of technology with internal discard dumps, use of waste production and processing of mineral resources;

10) prevention of wind erosion of soil, overburden dumps and waste products of oxidation and spontaneous combustion;

11) insulation of absorbing and fresh water horizons to avoid their contamination;

12) prevention of depletion and contamination of groundwater, including the use of non-toxic chemicals in the preparation of flushing water;

13) purification and reuse of the flushing water;

14) elimination of drilling residues and lubricants by the environmentally safe manner;

15) purification and reuse of oilfield wastewater in the pore pressure maintaining system of the oil fields.

2. The discharge of wastewater, not cleaned up to the normative parameters into the subsoil shall be prohibited, except for the following wastewater, for which the establishment of quality standards for substances is not required:

1) pumping of wastewater into underground aquifers, which groundwater is highly mineralized, not used or cannot be used for drinking, balneological, technical needs, as well as for irrigation and livestock production;

2) discharges of mined and quarry water, mined in the pond-stores and (or) ponds-evaporators.



The discharge of wastewater is not the reverse injection of water, produced simultaneously with minerals, as well as the injection into the bowels of technological solutions for extraction of minerals, provided for by the projects and technological regulations, which have received a positive conclusion of the state environmental expertise and other examinations, provided by the legislative acts of the Republic of Kazakhstan.

3. A subsoil user must:

1) select the most effective methods and technologies of the work, based on the standards of the international practice;

2) to comply with technological schemes and projects on carrying out works ensuring safety of employees, population and environment, and during exploration and production of hydrocarbons - ensuring also rational use of subsoil.

**Footnote. Article 219, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.04.2017 № 56-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 126-VI dated 27.12.2017 (shall be enforced upon the expiration of six months after the date of its first official publication).**

#### **Article 220. Environmental requirements on conducting of subsoil use operations**

1. Subsoil use operations are environmentally hazardous economic activity and should be carried out under the following requirements:

1) well design and design of mining in a part of reliability, manufacturability, and environmental safety shall ensure the conditions of subsoil protection and the environment;

2) on drilling and other subsoil use operations with the use of installations with diesel generator and diesel driven release of untreated exhaust gas emissions from such installations must comply with their specifications and environmental requirements;

3) during the construction of buildings for subsoil use of the fertile lands and agricultural lands in the course of the preparatory work for the installation of the equipment shall be removed and separately stored topsoil for future reclamation area;

4) for exception of the toxic substances migration in the natural objects shall be provided an engineering system of organized waste collection and storage of subsoil wastes with the water-proofing technology platforms;

5) in the cases of well construction in protected areas it is necessary to use only pitless technology;

5-1) measures to reduce the amount of sulfur and reduce its adverse effect on the environment shall be provided during oil operations;

6) work on spent slurry disposal and neutralization of waste drilling mud, drilling, mining and mine waste water for reuse in the drilling process, return to the environment in accordance with the established requirements must be carried out for subsoil use operations;

7) measures to prevent gas contamination of the air environment must be taken on the application of drilling muds on the hydrocarbon basis (lime-bituminous, invert emulsion, etc.) ;

8) disposal of pyrophoric deposits, spent slurry and core in order to except the possibility of burning or poisoning people should be made according to the project, and in agreement with the competent authority in the scope of the environment protection, government body of sanitary-epidemiological service, and local executive agencies;

9) the commissioning of facilities for subsoil use shall be carried upon condition of full compliance of all environmental requirements, stipulated by the project;

10) the reconstruction (restoration) of the land in accordance with the design solutions shall be carried out after the end of subsoil use operations and the equipment removal;

11) drill holes, including flowing well, as well as unserviceable holes or which usage is shut down, shall be subjected to the equipment by the subsoil user of control devices, conservation or liquidation in order, established by the legislation of the Republic of Kazakhstan;

12) individual or legal entities whose activities have or may have an adverse impact on the groundwater bodies shall be obliged to take measures to prevent pollution and depletion of water bodies;

13) on the catchment areas of underground water objects which are used or can be used for drinking and economic and drinking water supply, placement of burials of waste, cemeteries, cattle burial grounds (biothermal holes) and other objects, influencing the condition of underground waters shall not be allowed;

14) Drilling of absorbing wells is allowed in the presence of positive conclusions of the authorized state bodies in the field of environmental protection, use and protection of water fund, on studying of bowels, the state body of sanitary-and-epidemiologic service, given out after carrying out of special inspections in area of drilling of these chinks;

15) a discharge of industrial, medicinal mineral water after use must be in accordance with the Water Code of the Republic of Kazakhstan;

16) preservation and liquidation of wells within the contract area shall be carried out in accordance with the Laws of the Republic of Kazakhstan on subsoil and subsoil use;

17) in the area where waste water is pumped into absorption wells, the water user should organize systematic laboratory monitoring of water quality in nearby wells, springs, wells according to a plan agreed with the authorized state authorities in the field of environmental protection, use and protection of water fund and the state authority in the field of sanitary and epidemiological welfare of the population.

2. On conducting of operations the subsoil users are obliged to:

1) comply with the standards of maximum permissible harmful effects on groundwater bodies established by the authorized state authority in the field of use and protection of the water fund in agreement with the authorized state authorities in the field of environmental

protection, for the study of subsoil, the state authority in the field of sanitary and epidemiological welfare of the population;

2) to provide determination of chemical composition of discharged waters in own or other laboratories, accredited in the order established by the Law of the Republic of Kazakhstan "On accreditation in the field of conformity assessment";

3) transfer an extra information about emergency discharges of pollutants, as well as violations of the established regime of groundwater abstraction and discharge facility (injection) in their waters to the authorized government bodies in the scope of environment protection, use and protection of water resources and the sanitary-epidemiological service.

3. Shall be prohibited:

1) Violation of vegetation and soil cover outside the areas designated for construction and (or) placement of subsoil use facilities;

2) Discharge of production wastes into surface water bodies and subsoil;

3) irrigation of lands by wastewater, if it affects or may affect the condition of groundwater bodies;

4) the admission of solutions and materials in layers containing household and drinking water;

5) drilling of absorption wells to discharge industrial, medical mineral and heat power waters in cases where these wells can be a source of contamination of the aquifer that is suitable or used for domestic water supply or for medicinal purposes;

6) device of absorption wells and wells in the protective sanitary zones of water sources;

7) discharge into the absorption wells and wells of discharged water containing radioactive substances.

4. In order to protect groundwater sources used for drinking water supply, as well as resources which possess natural curative properties of protective sanitary zones shall be established in accordance with the Water Code of the Republic of Kazakhstan

**Footnote. Article 220, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the date of its first official publication).**

**Article 221. Environmental requirements for the exploration and (or) extraction of groundwater**

**A footnote. Article 221 has been deleted by Law No. 126-VI dated 27.12.2017 (to be enforced upon the expiration of six months after the date of its first official publication).**

## **Article 222. Environmental requirements for the design, laying and maintenance of underwater cables and pipelines**

1. A selection of trace location, construction, equipment, technology and technique for the construction and operation of each specific object should be made on a competitive basis in order to reduce the negative impact on the environment.

2. The production of blasting seismic and pneumatic and other detonating excitation sources of elastic waves (seismic signals) shall be prohibited at a distance of less than five hundred meters from the pipeline or underwater cables.

3. A towing of seismic cables and trawling by fishing vessels with crossing routes of pipelines and submarine cables shall be prohibited.

4. A design of pipeline subject to construction and related engineering works must ensure:

- 1) a high degree of reliability, safety, security and control of their technical condition;
- 2) the ability of dynamic response on unforeseen situations;
- 3) the efficiency and quality of repair and renewal works;
- 4) minimal negative impact on the environment.

5. The project should contain in a mandatory manner a separate section "An environment protection" that meets the requirements of building, sanitary and epidemiological rules and regulations, and guidance documents of the authorized body in the scope of environment protection.

6. The customer and the developer of the project shall respond for the completeness and credibility of the design estimate documentation.

**7. Excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (to be enforced upon expiration of ten calendar days after the day of its first official publication).**

8. It is necessary to stipulate for measures on protection during construction and subsequent operation in projects for laying pipelines. On each stage of the construction and operation of pipelines, transporting hydrocarbons and derived products, should be taken measures to protect the environment, as well as pipelines belonging to high-risk sites.

9. The intersection places of pipelines with navigable rivers and canals shall be indicated on the banks of navigation marks. Navigational aids in the construction of the main pipeline shall be installed in accordance with the Laws of the Republic of Kazakhstan in the scope of inland waterway transport.

10. For exclusion the possibility of pipelines damage in any kind of laying shall be set exclusion zones:

1) along the submerged crossings - in the form of a water space area from the water surface to the bottom, made between parallel planes, spaced from the axes of the outer thread hits on hundred meters on each side;

2) around the processing plant of handling production for transportation, head and intermediate, transfer pulsor and tank pumping stations, tank battery, compressor and gas distribution stations, units of product measurement, loading racks and discharge jetties,

preheat points of oil and petroleum products - in the form of land plot, bounded by a closed line that is separated from the border areas of these objects on hundred yards around and above.

11. Materials of the instantaneous position of pipelines with reference to protected zones, engaged in its constituent communications and objects should be transferred to the relevant local agencies to apply them to the regional land use map. Local executive authorities shall provide information about the location of pipelines to interested legal entities on their requests

12. In the protected zones of pipelines do not perform actions that might impair their operation or damage:

1) move, cover and break identifying navigational aids, test items;

2) open the hatches, gates and doors unattended points of cable ties, fencing nodes linear valves, installation of cathodic protection and drainage, line and manholes and other linear devices, open and close valves and gate valves, enable or disable communications, power supply and remote control of pipelines;

3) arrange dump, pour solutions of acids, salts and alkalis;

4) destroy bank protection structures, culverts devices, ground and other structures (devices) that protect pipelines from destruction, and the neighborhood and the surrounding area - from accidental spillage of transported goods;

5) throw the anchor, go to drop anchors, chains, lots, drags and trawls, produce dredging and dredging;

6) make a fire, or place open or closed flames.

13. A performance of any work, including geological survey, geological prospecting, prospecting, surveying and other exploration work associated with wells device, pits and taking soil samples, as well as coring shall be prohibited in the protected zones of pipelines without a written permission of the pipeline owner. The written permission on the performance of blasting in the protected zones of pipelines shall be issued only after the submission of corresponding materials, provided by the Uniform Rules of safety during blasting by the organization that perform these works.

14. On accidental spills of oil and water, containing hydrogen sulfide, it should be immediately collected and neutralized on site or remove for disposal.

15. An appropriate safety markings and labels shall be exhibited in the places of intersections of gas-, oil- and condensate lines and waterways, roads, ravines and other natural barriers on the corners of turns at points of possible congestion of people, process nodes of gas, oil, condensate lines. For those places in the project must be provided additional activities, excluding or reducing the hazard of emissions.

**Footnote. Article 222 with the change introduced by the Law of the RK dated 24.05.2018 No. 156-VI (to be enforced upon expiration of ten calendar days after the day of its first official publication).**

### **Article 223. Environmental requirements during operations on subsoil use within safety zone**

1. A subsoil user, carrying out operations on subsoil use within the safety zone are obliged to provide them in such a way as to exclude or minimize pollution of the sea in the case of water level rise.

2. The subsoil user, carrying out operations on subsoil use within the safety zone shall respond for any damage or loss, caused to the environment, natural or legal entities in the case of marine pollution from his contract territory, regardless of the guilt of the subsoil user.

## **Chapter 33. THE ENVIRONMENTAL REQUIREMENTS ON WATER USE**

### **Article 224. The environmental requirements on use of water bodies**

1. A general water use shall be carried out on water bodies in accordance with the water legislation of the Republic of Kazakhstan.

2. Individuals and legal entities must comply with the rules of general water use established by the local representative bodies of oblasts (cities of republican importance, the capital).

3. A location of enterprises and other facilities affecting the condition of water bodies, shall be subject to the conditions and rules for the protection of the environment, protection of natural resources, epidemiological, safety, reproduction and rational use of water resources, as well as the environmental impacts of these facilities.

4. Construction, reconstruction, operation, conservation, liquidation of enterprises and other structures, affecting the state of water objects shall be carried out in the presence of positive conclusions of the authorized state bodies in the field of environmental protection, use and protection of the water fund and the state body of sanitary and epidemiological service (on the objects, classified as high epidemic significance).

**Footnote. Article 224, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); No. 210-VI dated 28.12 2018 (tobe enforced upon the expiration of ten calendar days after the day of its first official publication).**

### **Article 224-1. Environmental requirements for the use of groundwater**

1. Groundwater withdrawal and use is based on the permit for special water use issued in accordance with the Water Code of the Republic of Kazakhstan.

2. The project (technological scheme), on the basis of which the withdrawal and use of groundwater in the amount of two thousand cubic meters per day is carried out, is subject to state environmental impact assessment.

3. When carrying out exploration, abstraction and (or) use of groundwater in the volume of two thousand cubic meters per day, natural users are obliged to carry out at their own expense research and development work to find new and improve existing methods and

technological schemes of development of groundwater deposits, upgrade technological equipment, means of continuous and periodic monitoring, ensure the rational use and protection of groundwater from depletion and pollution, and protect the environment.

4. Groundwater abstraction and (or) use for purposes not provided for by the terms of the permit for special water use is prohibited, or with violation of these terms.

5. Exploration, withdrawal and (or) use of groundwater deposits should be carried out in accordance with the terms of the permit for special water use, as well as in compliance with the norms and requirements stipulated by the environmental legislation of the Republic of Kazakhstan.

6. Natural users conducting exploration, abstraction, and/or use of groundwater are obliged to ensure that they are provided:

1) rational exploration, abstraction and (or) use of ground waters, which prevent irrecoverable losses of water and its qualitative properties due to deficiencies in well operation;

2) exclusion of the possibility of pollution of aquifers;

3) Exclusion of the possibility of mixing waters of different aquifers and flow from one aquifer to another, if this is not provided for by the project;

4) prevention of uncontrolled uncontrolled release of groundwater, and in emergency cases - urgent measures to eliminate water losses;

5) integrated use of groundwater containing useful components;

6) protection of atmospheric air, land surface, forests, waters and other natural objects, as well as buildings and structures from harmful impact of works related to water use;

7) carrying out a complex of restoration works on land plots that are rendered inapplicable in the process of exploration, withdrawal and (or) use of ground waters.

7. Hydrogeological wells, including self-discharging and exploratory wells, as well as wells, which are not suitable for operation or use of which has been stopped, shall be subject to equipping by the nature user with regulating devices, conservation or liquidation in an order established by the legislation of the Republic of Kazakhstan.

8. If at use of subsoils for exploration and extraction of other minerals aquifers are opened, it is necessary for the natural user to take measures on protection of underground water objects in an order established by the Legislation of the Republic of Kazakhstan, and to inform about it in the authorized state authorities in the field of environmental protection, use and protection of a water fund, on studying of subsoils, in the field of sanitary and epidemiologic welfare of the population.

9. The discovered underground aquifers shall be provided with reliable isolation preventing their pollution.

10. When opening aquifers that can be used as sources of domestic and drinking water supply, chemical reagents used for preparation (processing) of drilling and cement mortars shall have toxicological characteristics, agreed with the authorized authority in the field of



environmental protection and the authorized state authority in the field of sanitary and epidemiological welfare of the population.

11. The use of groundwater of drinking quality for the needs not related to domestic and drinking water supply is not allowed, except in cases provided by the Water Code of the Republic of Kazakhstan and the Code of the Republic of Kazakhstan "On Subsoil and Subsoil Use".

12. It is prohibited to put into operation groundwater intakes without equipping them with water regulating devices, water measuring devices, as well as without establishing sanitary protection zones and establishing observation points for indicators of the condition of groundwater bodies.

13. Natural users shall be obliged to comply with the standards of maximum permissible harmful impact on groundwater bodies established by the authorized state authority in the field of use and protection of the water fund in coordination with the authorized state authorities in the field of environmental protection, in the field of study of subsurface resources, the state authority in the field of sanitary and epidemiological welfare of the population.

14. When locating, designing, constructing, commissioning and operating water intakes associated with the use of underground water bodies, measures preventing their harmful impact on surface water bodies and the environment (waterlogging of territories, desertification, waterlogging of lands, landslides and soil subsidence) shall be envisaged.

15. Natural users in order to ensure state accounting of groundwater, control its use and environmental protection:

1) keep primary accounting of water withdrawn from groundwater bodies and discharged into them in accordance with the procedure and terms established by the authorized state body for subsoil study in coordination with authorized state bodies in the field of environmental protection, use and protection of the water fund;

2) equip water intake and spillway structures by means of water discharge measurement, as well as install regulating devices on self-discharging wells;

3) exercise control over the current development of groundwater deposits, operational control over the operation of wells and control over the implementation of the technological regime in accordance with the approved field development project or technological scheme. The frequency of control is established by the development project (technological scheme);

4) provide primary statistical data on groundwater use in accordance with the statistical methodology approved by the authorized body in the field of state statistics.

16. The requirements of paragraphs 1-5, 7, 11-13 and 15 of this Article shall not apply to underground waters (mine, quarry, mine) taken at the same time during exploration and (or) extraction of solid minerals.

**Footnote. Chapter 33 has been supplemented by Article 224-1 in accordance with the Law of the Republic of Kazakhstan dated 27.12.2017 No. 126-VI (shall be enforced upon the**

expiration of six months after the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Article 225. The environmental requirements for wastewater discharge**

1. The use of natural water bodies for wastewater discharge shall be prohibited, except the cases, provided for in paragraph 2 of this Article.

2. Wastewater discharges into surface water and subsoil shall be allowed with the relevant environmental permits for emissions into the environment.

At the same time, wastewater discharge into surface water bodies is allowed under the permission of the authorized state body in the field of use and protection of the water fund, wastewater discharge into the subsoil - in the presence of a license or contract for subsoil use.

3. The users of natural resources, having wastewater storage and (or) artificial water bodies, intended for natural biological cleaning of wastewater shall be obliged to take necessary measures to prevent their impact on the environment, as well as to carry out land reclamation after the termination of their operation.

3-1. Creating of new (expansion of operating) pond-atmometers shall be allowed on permission of local executive bodies of oblasts, cities of republican status, and capitals on foundation of impossibility of other ways of recycling waste generated in the production or transfer into the waste-free.

The requirements for the projected (newly put into operation) pond-atmometers of industrial waste water are:

1) the presence of impervious screen;

2) the location of regulatory cleaned discharged according to the design decisions that have a positive opinion of the environmental impact assessment.

4. The nature user may not exceed the established limits of concentration of pollutants in the wastewater or enter into the wastewater composition new substances not covered in the environmental permit. In case of violation of these requirements the wastewater discharge should be discontinued. Discharged into surface reservoirs water should be transparent, with no color, odor, does not contain harmful bacteria and harmful to human health and animal substances in concentrations exceeding the hygienic standards. The temperature of the discharged water should not exceed 30 degrees Celsius.

5. Substances aggressively acting on the concrete and metal should not be in the discharged water.

6. The wastewater discharges shall be not allowed, regardless of their degree of purification in surface waters in zones of sanitary protection of sources of centralized drinking water supply, health resorts, in areas designated for swimming.

7. The nature users, carrying out the wastewater discharge into water bodies, subsoil, in sewage ponds, on the terrain or having a closed loop sanitation, shall use the instruments of

account for the volumes of water and maintain a record of water use and disposal, in accordance with the water legislation of the Republic of Kazakhstan.

8. It shall be prohibited to discharge wastewater without preliminary cleaning into the water objects, terrain and wastewater reservoirs, except for discharges of mine and quarry water of mining and metallurgical enterprises into storage ponds and (or) evaporation ponds, as well as water, used for water cooling, into accumulators, located in the system of closed (circulating) water supply.

**Footnote. Article 225, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.04.2017 № 56-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 126-VI of 27.12. 2017 (shall be enforced upon the expiration of six months after the date of its first official publication).**

## **Chapter 34. THE ENVIRONMENTAL REQUIREMENTS ON THE USE OF FOREST AND OTHER VEGETATION**

### **Article 226. The environmental requirements on the implementation of intermediate cut**

Cutting, relating to the reconstruction of low value and losing protective, water protection and other ecological functions of plantations in the forests of the state forest fund shall be carried out only with the permission of the authorized government body in the scope of forestry in the presence of positive opinion of the environmental impact assessment.

### **Article 227. The environmental requirements on the implementation of forest use in the areas of state forest fund**

On the implementation of forest use in the areas of state forest fund the forest users are obliged to:

1) work in ways that prevent the occurrence of soil erosion, excluding or limiting the negative impact on the condition and regeneration of forests, as well as on water and other natural resources and ensure the preservation of wildlife and its habitat;

2) comply requirements on conservation of optimal conditions for natural reproduction of forests, using equipment and technology provided by projects that have passed the environmental impact assessment during wood provision;

3) take away the undercuts and cut timber in the places of cutting upon expiry of established period of its procurement and transportation;

4) clean wood-cutting areas from forest residues at the same time with the wood provision ;

5) prohibit the illegal cutting of forest and other violations of environmental legislation of the Republic of Kazakhstan on designated for forest use areas of the state forest fund;

6) carry out the reproduction on the area greater than twice the size of harvested area, according to the forest management plans, including the renewal of the forest on final felling on the areas of state forest fund;

7) carry out reforestation at their own expense on cutting and areas, where as the result of their work was destroyed an undergrowth, died tree and shrub vegetation;

8) comply with the rules on the provision and improvement of forest health;

9) implement measures to protect the lands of the state forest fund from forest pests and diseases in long-term forest use;

10) inform the state forest owners about the appearance of pests and diseases on designated them for forest use areas of the state forest fund;

11) provide information necessary for the state accounting of the forest fund, state forest cadastre, state forest monitoring, determination of the amount of payment for forest use, the authorized state body in the field of forestry and its territorial bodies, local executive bodies of regions (cities of national importance, the capital) and the authorized body in the field of state statistics in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. The Article 227, as amended by the Law of the Republic of Kazakhstan dated 19.03.2010 No 258-IV; dated 28.12.2018 № 210-VI (shall be enforce upon the expiration of ten calendar days after the day of its first official publication).**

#### **Article 228. The environmental requirements on forestry organization in the areas of state forest fund**

1. A forest management in the areas of state forest fund should ensure an increase of resource and environmental potential of forests.

2. Increase of resource and environmental potential of forests in the areas of state forest fund shall be carried out in the result of the implementation of scientifically-grounded system of cutting, reproduction of forests, improving of their species composition, creation and effective use of permanent seed on selected and genetic basis, hydroforest amelioration, tending of the forests, including cleaning and sanitary cutting, construction of forestry appropriation road, conducting of other forestry measures.

3. Measures on increasing the resource and environmental potential of forests in the areas of state forest fund shall be carried out by forest agencies and forest users in accordance with the forest management plans.

#### **Article 229. The environmental requirements on reproduction of forests and reforestation**

1. The purpose of the reproduction of forests is the timely restoration of forest on cutting, burnt areas and other areas previously occupied by the forest of the state forest fund, improvement of the species composition of forests, increasing their productivity, ensuring the rational use of state forest fund.

2. The purpose of reforestation is the creation of plantations in the areas previously occupied by forest.

3. Measures on reforestation in the areas of the state forest fund must be carried out in compliance with environmental and sanitary requirements by the ways, ensuring the creation in the shortest possible time of highly resistant and sustainable plantings taking into account conditions and economic feasibility.

4. The volumes of work in the state forest fund on reproduction of forests and reforestation shall be determined by the projects, passed the environment impact assessment.

**Article 230. The environmental requirements during the provision, processing, storage, handling, sale and use of forest seeds and seedling material for reproduction of forests and reforestation**

1. The determination of sowing qualities of seeds, subjected to sale and use for sowing, their compliance with national standards, specifications and other regulations on forest seed shall be carried out by specialized organizations of the authorized government body in the scope of forestry.

2. The sale and planting of forest seeds that have not been tested for compliance with the requirements, established in the paragraph 1 of this Article, shall be prohibited.

3. The formation of the objects of seed selection purposes, a regime establishment of their operation on the areas of the state forest shall be determined by the projects that have passed the environmental impact assessment.

**Footnote. Article 230, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No 31-V (shall be enforced after ten calendar days after its first official publication.)**

**Article 231. The environmental requirements on the use of the state forest fund areas on reproduction of forests and reforestation in the protected areas**

Use of the state forest fund areas on reproduction of forests and reforestation in the protected areas shall be carried out in accordance with the Laws of the Republic of Kazakhstan.

**Article 232. The environmental requirements on forest use in city forests and forest parks**

Forests, located within the boundaries of cities (city forests and forest parks) shall be subject for public recreation, conducting of cultural and health and sports activities, and for maintaining of a favorable environment. In the city forests and forest parks shall be prohibited a final feeling and other forest uses that are not compatible with the appointment of these forests.

**Article 233. The environmental requirements for preservation, protection, reproduction and use of tree and shrub vegetation in the state forest fund areas, transferred to the use of the land owners or land users**

1. A preservation, protection, reproduction and use of tree and shrub vegetation in the state forest fund areas, transferred in accordance with the Laws of the Republic of Kazakhstan

, in the use of the land owners or land users for the integrated management of agriculture and forestry, shall be carried out in accordance with the requirements of the Forest Code of the Republic of Kazakhstan.

2. Land owners or land users, to whom use were transferred the state forest fund areas are obliged to conduct there a forestry management and participate in the state records of the forest fund in the order, prescribed by the Forest Code of the Republic of Kazakhstan.

3. The control of the state, preservation, protection, reproduction and use of tree and shrub vegetation, referred to in paragraph 1 of this Article shall be carried out by the authorized government body in the scope of forestry.

**Article 234. The environmental requirements on preservation, protection, use of the state forest fund areas, reproduction of forests on the state forest fund areas, located among the land plots of other owners or land users**

1. For carrying out of preservation, protection and use of the state forest fund areas, reproduction of forests in the state forest fund areas, located among other land owners or land users, the government forest owners have the right of particular purposeful use of alien land plot (easement) in accordance with the Land Code of the Republic of Kazakhstan.

2. For protection of natural forests from unfavorable forcing along the border areas of the state forest fund, located among land plots of other land owners or land users, shall be established protective zones of twenty meters wide.

3. Within the protective zone shall be prohibited any activity that adversely affects the condition of forests in the state forest fund areas.

**Article 235. The environmental requirements for conservation, protection and the use of protective plantings on the right-of-way of railways, roads, canals, main pipelines and other line facilities**

1. Protective plantings, located on the right-of-way of railways, roads, canals, main pipelines and other line facilities shall be intended to protect these facilities from adverse natural events, pollution prevention of the environment, reduction of noise exposure.

2. In the protective plantings on the right-of-way of railways, roads, canals, main pipelines and other line facilities shall be allowed feeling to care for the forest, sanitary cuttings, related to the reconstruction of low-value plantations, as well as plantations, losing protective, water protection and other functions, and other cuttings in accordance with the projects of protective planting creation.

3. The preservation, protection and use of protective plantations referred to in paragraph 1 of this Article shall be carried out by land users in the lands which they are located, in accordance with the Forest Code of the Republic of Kazakhstan.

**Chapter 35. THE ENVIRONMENTAL REQUIREMENTS ON THE USE OF WILDLIFE**

### **Article 236. The environmental requirements on general usage of wildlife**

1. The general use of wildlife shall be carried out without elimination of wildlife object from the habitat in accordance with the Laws of the Republic of Kazakhstan on protection, reproduction and use of wildlife.

2. As a general usage order of wildlife shall be carried out the use is the use of beneficial properties of animal activity, and the use of wildlife objects for scientific, cultural and educating, educational, aesthetic, and other purposes, not prohibited by the Laws of the Republic of Kazakhstan.

3. On the implementation of the general usage of wildlife shall be prohibited the elimination of animals, the destruction of their habitation and other facilities, an anxiety of animals in the breeding period, the violation of animal habitats and degradation of conditions of their reproduction.

### **Article 237. The environmental requirements for the location, design and construction of communities, enterprises, railways, roads, main pipelines, power lines and communication canals, dams, and other facilities and objects**

1. Placements of enterprises, facilities and other objects, as well as the implementation of new equipment, technology, materials and substances that affect or may affect the condition of the wildlife, coordinated by the authorized government bodies in the scope of protection, reproduction and use of wildlife and the environment protection.

2. The placement into service of facilities and the use of technology without ensuring them of the protective means of animals and their habitats shall be prohibited.

3. At the placement, design and construction of settlements, enterprises, facilities and other objects, conducting of production processes and the exploitation of vehicles, the improvement of existing and the implementation of new technological processes, introduction in the economical turnover of unused, coastal, wetlands, occupied by shrubs territories, melioration, use of forest resources and water bodies, conducting of geological exploration, mining, determining the locations of pasturage and drift fence of live-stock animals, the development of tourist routes and organization of places of public recreation should be provided and carried out activities to preserve the habitat and breeding conditions of wildlife, migration paths of places of concentration of animals and also shall be ensured the integrity of areas of special value as wildlife habitat.

4. On the environmental impact assessment of construction projects and reconstruction of enterprises, facilities and other objects shall be taken into account their impact on wildlife, habitat, migration paths and breeding conditions for the animals necessarily.

5. Individuals and legal entities on the exercise of any activity that affects or may affect the condition of the wildlife, are obliged to protect the environment, the conditions of reproduction and migration paths, and implement measures to prevent the death of the animals during the implementation of production processes, including the storage, transportation, use of dangerous drugs for animals, chemicals and compounds, storage, waste



disposal, implementation of agricultural, forestry, logging and other work, as well as during the operation of the electrical network and vehicles.

6. On the design and construction of railways, roads, main pipelines, power lines and communication, as well as canals, dams and other hydraulic structures should be designed and implemented to ensure the preservation of animal migration paths.

7. Conducting of blasting and other works, which are a source of increased noise in the breeding sites of the animals shall be limited by the legislation of the Republic of Kazakhstan.

8. Operation of hydraulic and other structures on water bodies, the establishment of water hydrological regime and the regime of water use from them, as well as other activities which affect or may affect the status of wildlife habitat, should be taken into account the requirements of the protection of wildlife, fishing and hunting interests households.

**Footnote. Article 237, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)**

**Article 238. The environmental requirements for mowing of cane and burning of dry vegetation**

Reed mowing and burning of dry vegetation or its remains shall be allowed only in case of economic necessity under the relevant permits of the authorized state body in the field of protection, reproduction and use of fauna with the development of measures for preservation of wild fauna.

**Footnote. Article 238 as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 239. The environmental requirements during the transportation, storage and use of protection tools for plants, fertilizers and other drugs, used in the economic and other activities, the creation of new drugs**

1. During transportation, storage and use of protection tools for plants, fertilizers and other products used in economic and other activities, the creation of new drugs the individuals and legal entities are obliged to comply with the rules of transportation, storage and use of these drugs and implement measures to ensure the prevention of illness and death of animals.

2. On creating of new drugs regulations for their use in the environment shall be developed.

3. In order to prevent the death of the animals and the deterioration of their habitat on the proposal of the authorized state authority in the field of protection, reproduction and use of wildlife, the authorized authority in the field of environment protection can define separate areas in which shall be restricted or banned the use of pesticides, harsh chemicals and other chemicals.

4. The pesticides, which are included in the list of pesticides, approved by the authorized authority for quarantine of plants in coordination with the authorized authority in the field of

environment protection and state authority in the field of sanitary and epidemiological welfare of the population shall be allowed to use.

4-1. The production and use of pesticides, which have in their composition persistent organic pollutants, provided by the international treaties of the Republic of Kazakhstan shall be prohibited. Export and import of these substances shall be permitted only for the purpose of their destroying.

5. An inclusion in the list of pesticides, specified in Paragraph 4 of this Article shall be allowed after the toxicological studies, hygienic handling, establishment of hygienic and environmental regulations, and the state registration of pesticides.

6. The state registration of pesticides shall be conducted in the order, determined by the authorized authority in the field for quarantine of plants, in coordination with the authorized authority in the field of environment protection and state authority in the field of sanitary and epidemiological welfare of the population.

7. In the presence of potentially dangerous chemical and biological substances in mineral fertilizers and other drugs the authorized authority the for quarantine on the proposal of the authorized state authority in the field of protection, reproduction and use of wildlife or the authorized authority in the field of environmental toxicology shall conduct research on basis of which shall be established the environmental standards these mineral fertilizers and other chemicals.

8. Shall be prohibited:

1) an extraction of wildlife objects using explosive devices, harsh chemicals and other chemicals, except for the use of harsh chemicals and other chemicals in the extermination of field rodents, as well as in cases of massive epizootic of rabies and other animal diseases in coordination with the authorized state authority in the field of protection, reproduction and use of wildlife;

2) the use of pesticides, harsh chemicals, mineral fertilizers and other chemicals:  
in the zones of reservation conditions on specially protected natural areas;  
in designated rest areas in the places of mass animals accumulation during migration and breeding, as well as in areas of particular value as a wildlife habitat;  
in designated habitats and artificial breeding of rare and endangered species of animals;

3) leave treated seed not embedded in the soil and available for eating by wild animals in agricultural and other lands on the surface.

9. In order to protect fishery resources and other aquatic animals from pollution of their habitats by pesticides, harsh chemicals and other chemicals within two kilometers from the existing coasts of fisheries waters and (or) sites shall be prohibited:

1) the application of aerial dusting method in the fight against pests, plant diseases and weeds;

2) the construction of warehouses for storage of pesticides, harsh chemicals, mineral fertilizers and petroleum products, the device runways for avia- chemical works, as well as

sites for refueling ground equipment by pesticides, harsh chemicals and baths for bathing sheep.

Footnote. Article 239, as amended by the Laws of the Republic of Kazakhstan dated 21.01.2010 No 242-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV ( shall be enforced after ten calendar days after the first official publication ), dated 25.01.2012 No 548-IV (shall be enforced after ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 240. Environmental requirements for introduction, reintroduction and hybridization of animal species**

1. Introduction, reintroduction and hybridization of animal species on the territory of the Republic of Kazakhstan shall be allowed for scientific-research and economic purposes by the permission of the authorized state body in the field of protection, reproduction and use of animal world on the basis of biological justification, having a positive conclusion of the state ecological expertise.

2. Introduction of hybrid animals into the natural environment shall be prohibited.

3. Individuals and legal entities shall be prohibited from unauthorized introduction, reintroduction and hybridization of animal species.

Footnote. Article 240 is in the wording of the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 240-1. Import into the Republic of Kazakhstan and export of animals from the Republic of Kazakhstan**

Import into the Republic of Kazakhstan and export from the Republic of Kazakhstan of animals, covered under Convention on international trade in endangered species of wild fauna and flora, threatened of extinction, shall be allowed with the permission, issued in the procedure, established by the authorized state body in the field of protection, reproduction and use of wildlife.

Export of animals from the Republic of Kazakhstan to the third countries shall be carried out in the manner, determined by the legislation of the Republic of Kazakhstan and international treaties of the Republic of Kazakhstan.

Footnote. Chapter 35 is supplemented by Article 240-1 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 241. The environmental requirements for hunting, fixation of the hunting areas, game management**

The environmental requirements for hunting, fixation of hunting areas, and the conduct of game management shall be determined in accordance with the Laws of the Republic of Kazakhstan in the scope of protection, reproduction and use of wildlife.

## **Article 242. The environmental requirements for fishing**

**Footnote.** The title, as amended by the Law of the Republic of Kazakhstan dated 21.01.2010 No 242-IV (the order of enforcement See Art. 2).

1. Fishing regulations, fishing facilities, the order of fixation of fisheries waters and (or) plots for fish and fishery products, the provision of fisheries and other aquatic animals shall be established by the legislation of the Republic of Kazakhstan in the scope of protection, reproduction and use of wildlife.

2. In the order of general usage of wildlife by individuals in cases provided for by the legislation of the Republic of Kazakhstan, shall allow free amateur (sports) fisheries in the reserve fund of fisheries waters and (or) areas up to five kilograms per one fisher per checkout. In this case the established rules, regulations, restrictions and prohibitions on protection, reproduction and use of wildlife should be complied.

3. Hydro land reclaiming works in the wetlands and the habitat and distribution of fish stocks and other aquatic animals shall be carried out by permission of the authorized government body in the scope of protection, reproduction and use of wildlife after the environmental impact assessment passage of such projects.

4. Fishing shall be carried out in accordance with the Laws of the Republic of Kazakhstan on protection, reproduction and use of wildlife.

**Footnote.** Article 242, as amended by the Law of the Republic of Kazakhstan dated 21.01.2010 No 242-IV (the order of enforcement See Art. 2).

## **Article 243. The environmental requirements for the use of useful properties and waste products of animals**

1. The use of useful properties and waste products of animals shall be allowed without elimination and destruction of animals, deterioration of their habitats and infliction of harm to animals.

2. The use of wild animals in order to obtain products of their life shall be permitted without seizure and destruction of animals and without degradation of their environment.

3. The use of wild animals in order to obtain their waste products shall be carried out according to the rules, established by the authorized government body in the scope of protection, reproduction and use of wildlife.

## **Article 244. The environmental requirements for Zoological Collections**

1. Development and recruitment of zoological collections (a collection of scarecrows, eggs, preparations and parts of wildlife objects, wildlife objects, including wild animals of zoos, zoological gardens, circuses, zoological nurseries, aquariums, oceanariums) by elimination of animals from their native habitat shall be carried out by individuals and legal entities on the basis of permits, issued by the authorized government body in the scope of protection, reproduction and use of wildlife.

2. The zoological collections, representing the scientific, cultural and educating, educational, educational and amenity value and having national-level importance shall be subject to state registration.

3. The creation, recruiting, reserving, use, disposition and state records of zoological collections, its trade and importation into the Republic of Kazakhstan, transfer and export them beyond shall be carried out according to the rules, established by the authorized government body in the scope of protection, reproduction and use of wildlife.

**Article 245. The environmental requirements on the regulation of animal numbers**

1. In the interest of public health and safety, the prevention of diseases of agricultural and domestic animals, the prevention of infliction of harm to the environment, economic and other activities shall be carried out activities, aimed at regulating the number of certain species of wild animals. These activities should be implemented in ways that ensure preservation of wildlife habitat and not allowed to inflict them harm.

2. The rules of regulation of the number of animals shall be approved by the authorized state body in the field of protection, reproduction and use of the animal world.

**Footnote. Article 245, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 246. The environmental requirements on the conducting of game husbandry and fishery.**

On the conducting of game husbandry and fishery shall be placed the following environmental requirements:

1) to use objects of wildlife rationally, not to allow an environmental state degradation of animal habitats as a result of private activities, to apply environmental technologies during the implementation of the production processes;

2) to conduct the primary account of number and use of wild animals, learn their status and characteristics of the hunting areas, to provide this information to the authorized government body in the scope of protection, reproduction and use of wildlife;

3) comply with the established rules, norms, standards, limits and terms of production of animals;

4) to carry out the protection wildlife objects, including rare and endangered species of animals, on the designated area;

5) to carry out complex activities, aimed at breeding, including artificial, wildlife, conservation and improvement of their habitat;

6) to carry out activities on implementation of national-level, regional, national and other regional environmental programs for the protection, reproduction and use of wildlife;

7) to carry out complex activities on disease prophylaxis and control, immediately inform the government bodies in the scope of protection, reproduction and use of wildlife, animal

health and government bodies of sanitary-epidemiological service of the detection of animal diseases, the deterioration of their environment, about the threat of cases of destruction and death of the animals;

8) to stop the use of wildlife objects all alone in cases of deterioration of their condition and habitat conditions, reduced reproductive capacity and a threat of destruction of animals, take immediate steps to remove the adverse effects on the animals and their habitat.

**Footnote. Article 246 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 247. The environmental requirements on establishing of limits and quotas for the use of wildlife**

In order to conserve and reproduce animals limits and quotas for the use of wildlife in accordance with the Laws of the Republic of Kazakhstan in the scope of protection, reproduction and use of wildlife shall be established.

#### **Article 248. Wildlife protection from the ill effects of biotechnology products**

The creation of new strains of microorganisms, biologically active substances, removal of genetically modified organisms, the production of other biotechnology products shall be carried out in the presence of positive opinions of environmental state assessment and sanitary-epidemiological expertise. The use of these organisms and substances in the absence of such opinions shall be prohibited.

### **Chapter 36. THE ENVIRONMENTAL REQUIREMENTS ON PROTECTION REPRODUCTION, CAPTIVE BREEDING AND SEMI-LIBERAL CONDITIONS, LIMITED ECONOMIS USE OF RARE AND ENDANGERED SPECIES OF ANIMALS**

#### **Article**

#### **Article 249. The list of rare and endangered animal species**

1. The list of rare and endangered animal species shall be approved by the Government of the Republic of Kazakhstan and include rare and endangered species (subspecies, populations ) of animals (vertebrates and invertebrates), living in a state of natural liberty permanently or temporarily on land, water, air and soil in the territory of the Republic of Kazakhstan, as well as the continental shelf and the exclusive economic zone of the Republic of Kazakhstan.

2. Animals, classified as rare and endangered species of animals shall be state property, but bred and kept in captivity and (or) semi-free conditions may be in both state and private property.



3. Individual and legal entities shall have the right to use animals that are rare and endangered species, within the ambit and order, established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 249 as amended by the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 250. Protection and reproduction of rare and endangered animal species that live in the condition of natural freedom**

1. Actions that may lead to death, downsizing or disturbance of habitats of rare and endangered species of animals shall not be allowed.

2. Individual and legal entities are obliged to ensure the protection of animals within designated territory, to report to the authorized government body in the scope of protection, reproduction and use of wildlife on which they become known or identified cases of animal deaths, attributed to rare and endangered species. Procedures for investigating of such cases, determined by the authorized government body in the scope of protection, reproduction and use of wildlife.

3. Rare and endangered species of animals shall be rendered assistance in the cases of large-scale diseases, death threats from natural disasters and from other causes in accordance with the Laws of the Republic of Kazakhstan in the scope of protection, reproduction and use of wildlife.

4. In order to prevent the death of animals that are rare and endangered species of animals, shall be prohibited their elimination, besides the exceptional cases on the decision of the Government of the Republic of Kazakhstan.

5. In order to reproduce rare and endangered species of animals living in the condition of natural freedom, can be carried out:

- 1) an improvement of the conditions of natural reproduction;
- 2) resettlement;
- 3) a release into the environment of artificially bred animals.

6. Activities, referred to in paragraph 5 of this Article, shall be carried out by permission of the authorized government body in the scope of protection, reproduction and use of wildlife on the basis of biological studies, having a positive opinion of the environmental impact assessment.

7. For the protection and reproduction of rare and endangered species of animals living in their natural condition, shall be created protected natural areas, and can also be installed around the prohibition of protected areas within these zones in any activity that has an adverse effect on the condition of the animal world.

8. On the design and implementation of economic and other activities shall be developed activities for the conservation of habitats and breeding conditions, migration routes and places



of concentration of rare and endangered species of animals, and it shall be ensured the inviolability of allocated sites of special value as the habitat of these animals.

**Footnote. Article 250 as amended by the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 251. The use of rare and endangered species of animals, affecting in the condition of natural liberty**

1. If the use of rare and endangered species of animals, affecting in the condition of natural liberty, scientific, cultural and educating, educational and aesthetic purposes is carried out without elimination of animals from their habitats, the authorized government body in the scope of protection, reproduction and use of wildlife may introduce restrictions on access to certain places and at certain periods. Information about such restrictions shall be published in local and regional media, and in appropriate locations shall be installed cautionary screens.

2. Individuals and legal entities, interested in keeping and breeding in captivity and (or) semi-free conditions of rare and endangered species of animals shall be obliged to release within the established period of time into the habitat the appropriate number removed from it, of rare and endangered species of animals, obtained by artificial breeding. Animal grazing shall be carried out under the act in the presence of the officials of the authorized state body in the field of protection, reproduction and use of animal world.

**Footnote. Article 251 as amended by the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 252. Keeping and breeding in captivity and (or) semi-free conditions of rare and endangered species of animals**

**Footnote. Title of Article 252 is in the wording of the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

1. An artificial breeding of rare and endangered species of animals can be in captivity (cellular and aviary) or semi (content in parks and other areas with conditions similar to their natural habitat).

2. Keeping and breeding in captivity and (or) semi-free conditions of rare and endangered species of animals shall be allowed to individuals and legal entities subject to the following requirements:

1) an occurrence of conditions for keeping animals, including a duly designated area or premise, equipped with open-air cages, cells, and other facilities;

2) a performance in necessary amount of zoo cultural, veterinary and sanitary and epidemiological measures;

3) a presence of specialists of zoological, zoo cultural and veterinary profiles, and for citizens - skills for the keeping of animals in captivity or semi-free conditions;

4) an availability of permission of the authorized government body in the scope of protection, reproduction and use of wildlife.

3. The mandatory requirements for fulfilling, as well as the maximum number of animal units by species shall be specified in the permit for keeping and breeding in captivity and (or) semi-free conditions of rare and endangered species of animals. If individuals and legal entities do not comply with the conditions of the permit, after three warnings within six months, the permit may be revoked or canceled.

4. Keeping and breeding in captivity and (or) semi-free conditions of rare and endangered species of animals in specialized zoological nurseries shall be carried out in accordance with the regulations on these nurseries.

5. The owners of animals, classified as rare and endangered species and kept in captivity and (or) semi-free conditions shall be obliged to carry out a permanent ringing or tagging of these animals and have passports for them.

6. Individuals and legal entities, who keep in captivity and (or) semi-free conditions animals, classified as rare and endangered, shall have the right to purchase, sell and exchange these animals within the Republic of Kazakhstan only by permission of the authorized state body in the field of protection, reproduction and use of wildlife.

7. Individuals and legal entities, owning animals, classified as rare and endangered, kept in captivity and (or) semi-free conditions may use them for the purposes of international trade in the manner, established by the legislation of the Republic of Kazakhstan.

8. If international trade in rare and endangered species of animals, bred in captivity and (or) semi-free conditions, may cause environmental and (or) economic damage to the state, the Government of the Republic of Kazakhstan shall have the right to impose restrictions on this trade.

**Footnote. Article 252 as amended by the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 37. THE ENVIRONMENTAL REQUIREMENTS ON PROTECTED AREAS**

### **Article 253. The environmental requirements on use of protected areas**

In order to conserve and improve the ecological state of protected areas that have a special value as the habitat of rare and endangered species of animals, the authorized government body in the scope of environment protection in coordination with the authorized government body in the scope of protected areas can introduce and develop these areas for more stringent environmental standards than those which were established for the whole territory of the Republic of Kazakhstan.

**Article 254. The environmental requirements on placing of settlements, industrial, agricultural and melioration, energy, transport and communications facilities, military and defense objects and facilities not related to the purposes and operation of protected areas on the protected areas.**

In order to improve the ecological state, as well as preventing damage to protected areas, the placement of settlements, industrial, agriculture and melioration, energy, transport and communications facilities, military and defense objects, not related to the purposes and operation of protected areas, shall be carried out in accordance with the Laws of the Republic of Kazakhstan, including environmental requirements for these areas.

**Article 255. Special environmental requirements for subsoil use operations on the territory of state protected areas**

**A footnote. Title of Article 255 as amended by Law No. 126-VI of 27 December 2017 (to be effective six months after the date of its first official publication).**

1. In order to prevent possible negative impact of subsoil use operations on the environment and objects of the state natural reserve fund, a natural resource user needs to do so:

1) to coordinate with authorized state bodies in the field of specially protected natural territories, protection, reproduction and use of wildlife:

Number and location of sites necessary for repair of technological road and power lines, as well as the need for motor transport departures from the road in the process of natural resource user activity;

scheme of auxiliary technological roads on the territory of subsoil use operations;

Location and equipment of sites for storing production and consumption waste, as well as the discharge of fuels and lubricants and other contaminants;

felling and uprooting of trees and shrubs in the territory of subsoil use operations for preparation of technological sites stipulated by the project;

2) in order to clearly indicate the boundaries of the territory of subsoil use operations to determine the boundaries in kind by establishing adshags;

3) produce chemical and transportation of radioactive materials only in special containers, preventing their entering into the environment;

4) support the topping of technologic road in the condition that does not allow destruction of the bed, its high dusting, increasing the risk of diversion of chemical and radioactive substances during transportation;

5) make reclamation of spoil heaps, waste removal or disposal in designated areas of residues of building materials, used in the repair of the technologic road and power lines.

2. In the territory of the state preserved areas shall be prohibited:

1) the placement and construction of communities, permanent facilities of industry, agriculture and melioration, energy, transport and communications, military and defense

facilities, sanatoriums, rest homes, food service areas, hotels and other objects and facilities not related to the objectives and functioning of the state preserved area;

2) carrying out of activities that may entail the change of natural shape of the natural landscape, the violation of the stability of ecological systems;

3) a waste disposal of production and consumption, as well as radioactive materials;

4) the use of land topographic low for the discharge of industrial and other waste water;

5) the use of potentially hazardous chemical and biological substances, the implementation of the hazardous physical effects on the environment;

6) the organization of sites, the installation of tents, starting of campfires outside of designated places;

7) the movement and parking of motor vehicles, a pass of pets out of public roads and is specifically designated places for it;

8) introduction of plants and animals alien to local flora and fauna;

9) an industrial preparation of plants used in medicine and for other purposes;

10) an elimination of wildlife objects, cutting of trees and shrubs, harvesting of secondary forest products and haying without a special permission of the authorized government body in the scope of protection, reproduction and use of wildlife;

11) Exit of vehicles from the technological road, except for the sites specially allocated in coordination with the authorized state body in the field of protection, reproduction and use of wildlife, as well as movement on the territory of operations on subsoil use outside the road network;

12) the mining of popular minerals;

13) Storage of production and consumption waste outside the specially designated areas preventing the transfer of waste (wind, precipitation) through the territory of subsoil use operations and the state reserve zone;

14) Drainage of combustive-lubricating materials and other polluting substances, except for platforms in the territory of carrying out operations on subsoil use, in specially designated places in coordination with the authorized state body in the field of protection, reproduction and use of fauna.

3. In order to monitor the environment it is necessary to ensure the annual preparation and coordination of industrial environmental monitoring programme with the authorized government bodies in the scope of protected areas, conservation and protection, reproduction and use of wildlife, which should be provided for:

1) quarterly control of chemical composition of water in artesian wells and wells within a radius of up to twenty kilometers from the territory of subsoil use operations;

2) quarterly control of radiation levels and content of radioactive substances in the ground in the territory of subsoil use operations and within a radius of up to ten kilometers outside it;

3) a quarterly monitoring of concentrations of pollutants developed during activities in the environment;

4) exact dates and activity performers, form of completion and reporting.

**Footnote. Article 255 as amended by the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 126-VI dated 27.12.2017 (shall be enforced upon the expiration of six months after the date of its first official publication).**

## **Chapter 38. THE ENVIRONMENTAL REQUIREMENTS ON CONDUCTING OF ECONOMIC AND OTHER ACTIVITIES IN THE STATE PRESERVED AREA IN THE NORTHERN PART OF THE CASPIAN SEA**

### **Article 256. Borders of the state preserved area in the northern part of the Caspian Sea**

Borders of the state preserved area in the northern part of the Caspian Sea shall be established by the Government of the Republic of Kazakhstan.

### **Article 257. Limitations of use regime**

1. Within the state preserved area in the northern part of the Caspian Sea on the basis of functional zoning shall be separated preserved areas with a total ban of economic and other activity and additional time limits for certain types of work in accordance with the Law of the Republic of Kazakhstan "On protected areas".

2. The following use regime in the preserved area shall be established:

1) in order to ensure the normal spawning course of fish and juveniles in the sea it is prohibited to carry out construction and geophysical works, test wells and navigation in the estuary areas of the Ural and Volga rivers within a radius of 50 kilometers from the most seaward point of the Kazakhstan part of the Volga Delta and the most seaward point of the Ural River delta, as well as in the 15 km wide strip from the coastline as of January 1, 1994 between the borders of the above mentioned side-altar spaces and further east to the Emba River. Thus navigation of the vessels which are carrying out fishery and its transportation, an exposition, replacement, removal and check of means of navigating conditions, research works in coordination with the authorized state body in the field of protection, reproduction and use of fauna is supposed;

2) during the period specified in subparagraph 1) of this paragraph, the oil extraction process must be translated into an autonomous equipment, chemical reagents, combustive-lubricating materials, other materials and food. All measures must be taken to ensure the accumulation and storage of oil extraction waste for their following export at the end of the period of the ban;

3) in order to conserve birds in nesting places (reed beds, coastal sand spits and islands) the construction and well testing shall be prohibited in the period referred to in subparagraph 1) of this paragraph;

4) conducting of works in the terms distinguished from specified in subparagraph 1) of this paragraph, within Reed beds (a natural biological filter) on the border of the land-sea

shall be governed by the decisions of state authorized bodies in the scope of environment protection and protected areas, taking into account what season is;

5) for conserving population of the Caspian seal the conducting of petroleum operations from October to May months should be at least 1852 meters (1 nautical mile) from the place of their concentration. Taken into account the shift of rookeries must be taken all possible measures to identify areas of seals concentration;

6) in order to avoid negative impacts on the birds and Caspian seals shall be prohibited the flying of aircraft over the established places of their habitat and breeding at altitudes below 1 km, except for research and rescue, with prior notification of the authorized government bodies for the protection of the environment and protected areas.

**Footnote. Article 257 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced after 10 calendar days after the first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).**

**Article 258. The environmental requirements on the implementation of economic and other activities in the water conservation zone**

1. The width of the water conservation zone along the shore of the Caspian Sea is equal to 2000 meters from the mark of average-longstanding sea level over the last decade, equal minus 27.0 meters.

Within the communities of water preserved zone boundaries shall be established on the basis of the specific conditions in their planning and development with the necessary engineering or forest improvement development of a coastal zone (parapets, chemical containment areas, forest and shrubs belts ), which prevents contamination and pollution of the water body.

2. Within the water preserved area shall be prohibited:

1) design, construction and commissioning of new and renovated facilities, secured facilities and devices to prevent pollution and contamination of water bodies and water protection zones and belts;

2) accommodation and construction of settlements of warehouses for the storage of oil products, service points of special machinery, mechanical workshops, sinks, waste disposal sites, and other objects, which have a negative impact on water quality;

3) performance of construction, dredging and blasting works, mining, cables, pipelines and other utilities, drilling, agricultural and other works, except when agreed upon with the state authorities in the scope of the environment and the use and protection of water fund.

**Article 259. The environmental requirements for the implementation of economic and other activities in the safety zone**

1. Oil operations in the safety zone are carried out in accordance with the Code of the Republic of Kazakhstan "On Subsoil and Subsoil Use".



2. Within the safety zone shall be prohibited a construction of landfills for the disposal of waste.

**Footnote.** Article 259, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.); No. 126-VI dated 27.12.2017 (shall be enforced upon the expiration of six months after the date of its first official publication).

**Article 260. Protection of coastal waters in the northern part of the Caspian Sea in the places of population water management**

1. Areas of coastal waters in the northern part of the Caspian Sea in the places of population water management shall be established by local executive bodies within their competence, based on the actual and future water management. The width of the area to the sea should be at least 3.9 kilometers (2 miles) from the average- longstanding sea level for the last decade.

2. A coastland, selected in the structure of protection areas of coastal waters in the northern part of the Caspian Sea, in the places of population water management corresponds to the water conservation zone of the Caspian Sea as a part of the definition of boundaries and security arrangement.

**Article 261. The environmental requirements for the implementation of economic and other activities within the influence zone of the wind-surges of sea level fluctuations**

1. The influence zone of the wind-surges of sea level fluctuations do not have a clearly fixed boundaries and extends roughly from the absolute elevations of minus 29 meters within 26 meters of the waters of till minus on land.

2. Within the influence zone of the wind-surges of sea level fluctuations shall be prohibited:

1) the design, construction and commissioning of new and renovated objects that are not secured by facilities and devices preventing pollution and contamination of water bodies and water protection zones and belts;

2) the placement and construction outside of communities of warehouses for storage of petroleum products and the technical servicing, machine shops, car washes, organization and construction of waste disposal sites, as well as other accommodation facilities, negatively affecting water quality;

3) the performance of construction, dredging and blasting, mining, laying of cables, pipelines and other utilities and drilling, agricultural and other works without the project passed the environmental impact assessment.

**Article 262. General environmental requirements on implementation of economic and other activity in the state preserved area in the northern part of the Caspian Sea**

1. Work related to excavation and movement of soils is allowed with a special permit issued by the authorized state body for subsoil studies.



2. Construction, installation and dismantling of facilities can be carried out only with technologies that ensure the collection of all types of pollutants.

3. On detection within the contract area of previously drilled wells the subsoil user is obliged to take them into balance and to conduct monitoring on them.

4. Emissions into the environment on all phases of petroleum operations shall not exceed the standards, established for them by the maximum permissible emissions and discharges of pollutants.

5. The burning of fluids on flames during the well exploitation, except the threat of an emergency shall be prohibited.

6. The burning of hydrocarbons on the flame during well test must be minimized. In the case that the results of the environmental impact assessment method specified in this paragraph, as the most environment-friendly for environment, it is necessary to use only when weather conditions are favorable, contributing to the dispersion plume, with the construction of flame devices should ensure the complete combustion of hydrocarbons. Organizational and technical measures to exclude the damage to avifauna must be taken in the case of well location on the migration routes of birds.

7. Air emissions shall be controlled in accordance with the Laws of the Republic of Kazakhstan, tested principles and practices, generally accepted in the international practice in the scope of environment protection on conducting of petroleum operations.

8. Within the state protected area in the northern part of the Caspian Sea, the discharge of sewage and waste shall be prohibited, with the exception of a limited list of uncontaminated or cleaned wastewater, including the water of systems of cooling and firefighting and ballast water, discharged at the permission of the authorized state authorities in the field of environment protection, use and protection of the water fund, as well as the state authority in the field of sanitary and epidemiological welfare of the population. The temperature of the water as a result of discharge beyond the control line should not increase by more than five degrees, compared to the average monthly water temperature during the discharge period for the last three years.

9. Injection of drilling wastes into the subsoil shall be prohibited without prior operations of their processing and carried out according to the project passed the environmental impact assessment.

9-1. Injection into the subsoil of associated petroleum gas in the northern part of the Caspian Sea in excess of norm, ensuring the enhanced oil recovery by maintaining of formation pressure, provided by the confirmed project documents, as well as the jetting of associated petroleum gas in excess of design parameters shall be prohibited.

10. All operations for the processing and storage of drilling waste (sludge and solutions) shall not be involved in the turnover and not injected into the subsoil must be carried out on a special site outside the state preserved area in the northern part of the Caspian Sea. These operations must ensure the completion of the test site at the time of the start of drilling

operations and shall be carried out in coordination with the authorized government body in the scope of environment protection.

11. Offshore production facilities (drilling, production, operation) and vessels, serving them shall be equipped with an installation for cleaning and disinfection of wastewater or for collection, storage and further transfer of wastewater to specialized vessels or shore-based reception facilities. Appropriate devices should be provided for collection or processing of garbage (grinding or pressing). It shall be allowed to incinerate medical and food wastes, using the best available technologies and in the presence of a positive conclusion of the state ecological expertise to the project documentation.

12. The use of blasting in the water column and on the seabed is prohibited for all types of construction and other works. Blasting operations under the sea floor may be carried out with the permission of authorized state bodies in the field of environmental protection, use and protection of the water fund and the study of subsoil.

13. The violation of nesting places of waterfowl and wading birds, as well as obstruction of access to spawning grounds of sturgeon shall be prohibited.

14. The water abstraction from the sea shall be permitted only provided of equipping of abstraction intakes by the fish protection structures. On the abstraction intakes should be installed technical equipment for the continuous monitoring of the effectiveness of fish protection structures.

15. Before starting the works on oil recovery at the expense of the financial assets of subsoil user shall provide comprehensive programs for environment protection, including measures for the protection of spawning grounds and reproduction of valuable food fish, as well as the habitat of seals in the state preserved area in the northern part of the Caspian Sea.

16. Routes for transport must be chosen in such way as to prevent or minimize their effects on marine mammals, fish and birds.

17. Laying of railways, highways, pipelines, not provided by the project in the area of the special requirements shall be prohibited.

18. Vehicles, ensuring the preservation of highly productive benthic communities and spawning grounds shall be used for work performance on the shallow water. In case of need for monitoring of the environment state shall be allowed the usage of special vehicles on expanded tracks, low-pressure tires, air cushion, minimally violating the integrity of the vegetative ground cover and existing biocenosis.

19. Drilling and plugging fluids must not contain substances that have not been approved as part of the technical design. In case of use of other substances, the subsoil user shall coordinate their use with the authorized state bodies in the field of environmental protection and subsoil study.

20. Drill rigs shall be made up by the IC engines that meet the requirements of the International Maritime Organization on limit values of unburned gases emissions.

21. Power plants must be completed by the IC engines or turbines of dual fuel (diesel fuel - gas).

22. A preparation of the project work, taking into account an international experience, including an environmental impact assessment in full shall be prefaced to the conducting of exploration on the sea. An analysis of the current state of the previously investigated area of planned economic activities should be based on the results of field studies, carried out no earlier than four years before the submission of assessing the impact on the environment.

23. The compulsory figure on the environmental impact assessment is the analysis of alternative options, including a refusal to carry out exploration on the most vulnerable areas of the waters of the sea and the coastal zone.

24. In the water conservation zone and on shallow coastal areas of the sea to a depth of 5-10 meters of drilling shall be carried out by means of drilling rigs on the drive from external networks. If the drilling rig is the generator with diesel fuel or diesel-engine drive, the release of untreated exhaust gas emissions from such facilities must be reduced to a minimum.

25. On conducting of petroleum operations on the sea, on each sea facility and each vessel on which shall be carried out the transportation of oil and oil-containing goods must be placed absorbents and materials necessary for the enclosure and collection of spills consequences.

**Footnote. Article 262, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 263. The environmental requirements on conducting of geophysical works**

1. On conducting of geophysical works shall be prohibited to:

1) use the explosive sources of seismic waves and pneumosources with parameters, exerting adverse effects on the fish fauna and its habitat;

2) use equipment and practises, which safety has not been documented or based on advanced geophysical surveys;

3) leave seismic waves in the sea without monitoring in order to avoid their separation and ash, as well as towing them along the bed.

2. In order to conserve the population of Caspian seals the conducting of seismic surveys and other economic activities in the period from October to May shall be corrected by seismic outlet at a distance of not less than one nautical mile from the places of concentration of the seals on the island rookeries and ice. To identify the locations of high concentration of seals, taking into account the frequent changes of rookeries, must be provided preliminary aircraft overflights.

3. During the seismic surveys the usage of fish repellent from the area of operation can be provided.

### **Article 264. The environmental requirements for the exploration and recovery on the sea**

1. Drilling of wells shall be carried out based on progressive approved principles and practices, accepted in the international practice in the scope of environment protection on conducting of petroleum operations.

2. Places for allocation of offshore drilling platforms within the contract area shall be selected based on the maximum possible preservation of marine areas that have advanced significance for fisheries, conservation and reproduction of fish and other water harvesting objects.

3. Drilling operations with the drilling barge or platform present at sheet ice on the water area, available for shipping, shall be carried out on the constant presence of icebreaking ship with the equipment necessary for the localization of a possible spill of hydrocarbons. The requirement referred to in this paragraph shall not apply to drilling, ongoing from the artificial islands.

4. The conducting in heavy ice conditions on the sea of producing horizon of pre-salt layer drill and the test wells with the alleged extreme pressure and high content of hydrogen sulphide shall be prohibited.

5. To ensure the sustainable existence of the state conservation area ecosystem in the northern part of the Caspian Sea in the design exploration and production in the sea shall be limited construction of drilling grounds, well testing and shipping maximally.

6. Upon conducting oil operations, the subsoil user must provide measures for prevention, localization and liquidation of emergency spills.

7. Upon conducting oil extraction operations in the sea, the subsoil user shall be obliged to monitor the production process by observing and measuring the wellheads in the manner, determined by the authorized body in the field of environmental protection.

**Footnote. Article 264, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 265. The environmental requirements on the designing and constructing of oil and gas pipelines**

1. Design and construction of oil and gas pipelines and accompanying facilities in the zone of influence of the wind-surges of sea level fluctuations shall be carried out taking into account of their maximum amplitudes.

2. Design of automatic shut-off gate valves on the oil and gas pipelines shall be carried out based on an assessment of risks associated with a possible violation of the integrity of oil and gas pipelines.

3. During the construction of oil and gas pipelines shall be used facilities and equipment to ensure the minimum amount of violations of the seabed, and use technologies and methods, localizing the spread of suspended substances in the water column.

4. The penetration of oil and gas pipelines, ensuring their protection by the moving ice, anchors of vessels and other anthropogenic influences, is a mandatory in the state preserved area in the northern part of the Caspian Sea.

5. Along the oil and gas pipelines shall be established protective zones in the form of sections of water area from the water surface to the bed, made between parallel planes spaced from the axis of the outer pipe thread five hundred meters on each side.

6. Water discharge on hydro test of oil and gas pipelines shall be carried out outside the boundaries of the state preserved area in the northern part of the Caspian Sea.

**Article 266. The environmental requirements for supply coastal bases and objects of coastal infrastructure**

1. Construction of coastal bases, including storage of fuels and lubricants, service station of vehicles, except for ports and berths, shall be stored outside the water protection zone of the Caspian Sea coast, using the existing infrastructure. The construction of facilities and performance of works in the water protection zone, provided by the legislation of the Republic of Kazakhstan, shall be allowed.

2. Areas of berths and supply bases shall be planned in such a way that the supply operation, maintenance and refueling were carried out in compliance with all the requirements, ensuring the safety of the environment and public health.

3. Upon completing the functioning of coastal infrastructure objects and their removal land reclamation in accordance with the design documentation, approved by the competent authority in the scope of environment protection should be carried out.

**Article 267. The environmental requirements for shipping**

1. It shall be prohibited to use equipment and apparatus, as well as vessels, previously operating in other water basins, without an environmental survey in order to avoid accidental introduction of flora and fauna objects into the Caspian sea.

2. All kinds of water transport movements must be submitted as part of pre-project and project documentation. On the detailed design stage and on the organization of the work must be determined by seasons and indicated vessels itinerary of travel on the map document. On selecting of displacement route should be taken into account meteorological conditions, including ice, as well as periods and spawning grounds and migration of valuable fish species, seal rookery, nesting birds.

3. All vessels must be equipped with a closed bunker fuel tanks to collect contaminated water and domestic waste, equipped with devices that prevent discharges and spills into surface waters.

4. Transportation of bulk solids, chemicals and dangerous goods must be carried out in the closed containers and special capacities that exclude them from entering into the environment in accordance with the legislation of the Republic of Kazakhstan on the merchant shipping.

5. Ship hulls and other floating facilities, offshore rigs and platforms should be covered with modern certified anti-co ion materials.

6. Refueling of ships on the sea should be carried out with systems that exclude spills and leaks of fuel and lubricants.

7. Noise and vibration from ships must not exceed the maximum permissible noise levels, established by the sanitary and epidemiological rules and norms and hygienic standards.

8. Construction equipment of special purpose vessels should be equipped with devices to reduce noise and vibration.

9. For tanker transportation of hydrocarbons and other hazardous substances in the Caspian sea, double-hull tankers shall be operated.

10. The vessels shall be provided with equipment that does not allow contamination of the decks of vessels with oil products, discharge of contaminated sewage into water basins. It shall be prohibited to discharge oil, harmful substances and water, containing them, food waste, household waste and all types of plastics into water objects from the ships.

11. Navigation regime, established by agreement with the state authorized bodies in the scope of protection, reproduction and use of wildlife and the use and protection of water resources.

**Footnote. Article 267, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 05.05.2017 № 59-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 268. The environmental requirements for conservation and liquidation of petroleum operations**

1. Conservation or liquidation of offshore petroleum operations, exploration, including solid minerals, mineral and (or) drinking water, in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use.

2. In the case of preservation of wells after testing the subsoil user is obliged to carry out the work on preservation, to ensure the safety of the drilling base and a reliable seal well to the resumption of operations.

3. In case of liquidation of wells drilled from the earth bed (subsea berm or island), the subsoil user is obliged to ensure their sealing and control over the condition of the artificial bed, having previously cleaned it from possible contamination with hydrocarbons and other chemical substances. In case of erosion of the island (berm) the subsoil user is obliged to mark it with a landmark or beacon before the final levelling of the base is carried out and to transfer the coordinates to the authorized state bodies for the study of subsoil and inland water transport for drawing on the sea charts in order to ensure the safety of navigation.

4. On the liquidation of wells drilled from platforms of any type, their design must be completely dismantled and removed, and the end walls of sealed wells shall be cut off at the level of bed to avoid interference with fishing and boating.

5. The decision on liquidation of bulk mining islands, that are decommissioned, shall be accepted on the basis of assessment of the environmental impact of the work on the liquidation.

6. Conservation and liquidation of flooded and submerged old wells shall be carried out according to the projects, including environmental impact assessment, passed in accordance with the legislation of the Republic of Kazakhstan state environmental expertise, industrial safety expertise and expertise, conducted in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use. At the same time, an emergency response plan for oil spills must be developed and approved. It shall not be allowed to conduct work without providing them with necessary equipment, specialists, vehicles and other means to prevent and respond to emergency situations in accordance with the emergency response plan for oil spills.

**Footnote. Article 268, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 269. The environmental monitoring of state preserved area in the northern part of the Caspian sea**

1. In the state preserved area in the northern part of the Caspian Sea shall be carried out the state environmental monitoring by the authorized body in the scope of environment protection mandatory.

2. The subsoil user, carrying out economic activities in the state protected zone in the northern part of the Caspian sea shall be obliged to conduct annual production monitoring of the environment (by climatic seasons) throughout the contract territory, except for monitoring in the winter period in the sea area, covered by ice, in order to prevent negative impact on the marine environment.

3. The materials of the impact assessment on the environment of each stage of petroleum operations (geophysical surveys, geological engineering, drilling, construction, improvement, operation, liquidation and otherwise) shall be provided for conducting of production monitoring, which includes:

1) field studies of the environment on the production facilities of each of the stages of petroleum operations;

2) monitoring of pollution sources;

3) monitoring of the environment;

4) monitoring of the accidental pollution consequences of the environment.

4. State environmental and simultaneous production monitoring shall include monitoring of the following parameters:

1) the level of water pollution and bed silt on physical, chemical and hydro-biological parameters in different status (mode) regions of the Caspian Sea;



2) balance and transformation of pollutants in certain areas of the Caspian Sea (control point of sampling drawings in the high seas, bays, estuarine areas in the rivers flowing into the sea, the areas of petroleum operations) at the interface between the atmosphere - water and their accumulation in bed silts (sediments);

3) natural circulation processes, hydro-meteorological parameters (temperature of the water, currents, wind speed and direction, precipitation, atmospheric pressure, humidity).

5. In the case of necessity and at the request of the authorized body in the scope of environment protection the subsoil user must conduct additional studies of the environment state.

6. The subsoil user shall determine the types and methods of monitoring the state of the environment in the order, established by the authorized body in the scope of environment protection.

7. On conducting of simultaneous operations monitoring the subsoil user must take into account the observations of previous years and use evidence of already existing plants located in the areas of work (within the contract area and its surroundings), in order to continue the long-term series of observations.

8. In case of emergency monitoring of the effects of accidental pollution should be immediately organized.

9. The subsoil user shall transmit the results of simultaneous operations monitoring to the authorized body in the scope of environment protection.

**Footnote.** Article 269, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).

## **Chapter 39. Environmental requirements for the use of radioactive materials, nuclear energy and ensuring radiation safety**

**Footnote.** Title of Chapter 39 is in the wording of the Law of the Republic of Kazakhstan dated 12.01.2016 № 443-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 270. Cross-border movement of radioactive waste and materials**

1. The import into the Republic of Kazakhstan in aid of storage or disposal of radioactive waste from other states, with the exception of own radioactive waste of the Republic of Kazakhstan, exported for processing in other countries shall be prohibited. The disposal (placement) of radioactive wastes and materials on the surface of the earth and in the depths without taking measures that prevent the release of radioactive substances into the environment shall be also prohibited.

2. The import into the Republic of Kazakhstan of radioactive materials, by-products, raw materials, components, containing radioactive substances above the exemption level, established by the radiation safety standards shall be carried out in accordance with the legislation of the Republic of Kazakhstan in the field of export control and shall be subject to state accounting of nuclear materials and sources of ionizing radiation in accordance with the legislation of the Republic of Kazakhstan in the field of nuclear energy use.

3. On the cross-border movement of radioactive materials the nature user is obliged to take measures to ensure the movement with the standards of international Law. In this case:

1) the nature user is obliged to take measures to ensure the movement with the permission and the prior notification and consent of the State of destination;

2) the cross-border movement through States of transit shall be carried out in the case of execution of those international obligations that correspond to particular types of vehicles;

3) sending of spent fuel or radioactive waste for storage or disposal at their destination south of 60 degrees of south latitude shall be prohibited.

**Footnote. Article 270, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 12.01.2016 № 443-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 271. The environmental requirements for the use of radioactive materials**

1. Individuals and legal entities must follow the rules for the production, storage, transportation, use, recycling and disposal of radioactive material, to prevent violations of standards of maximum permissible level of radiation exposure, take measures for the prevention and elimination of radioactive contamination of the environment.

2. In the case of radioactive contamination of the environment the individuals and legal entities shall inform without delay the authorized state authorities in the scope of nuclear energy and environment protection, as well as the government body of sanitary-epidemiological service.

3. When using of radioactive materials the nature users should ensure:

1) the assessment of all factors that may influence the radioactive materials during the period of their use;

2) evaluation of the effects of radioactive materials on human health and the environment;

3) the submission to the citizens and public associations of information on the characteristics of radioactive materials and the safety measures on using them, with the exception of information constituting a state or other secrets protected by the Laws of the Republic of Kazakhstan;

4) measures to limit radiation exposure on human health and the environment, including as a result of accidents, with the basic norms and rules of radiation safety in accordance with the Laws of the Republic of Kazakhstan in the scope of radiation safety of the population

5) the minimum formation level of radioactive waste.

**Article 272. The environmental requirements for storage and disposal of radioactive materials and waste**

1. Radioactive waste generated in the territory of the Republic of Kazakhstan shall be disposed in such a way as to ensure radiation protection of the population and the environment for the period of time during which they can be potentially hazardous.

2. The disposal of radioactive waste should be provided for the design and technical documentation as a mandatory item in any kind of activity, leading to the formation of radioactive waste. The order and organization of the collection, storage, transportation and disposal of radioactive waste shall be carried out in accordance with the Laws of the Republic of Kazakhstan on the use of nuclear energy, taking into account the environmental requirements of this Code.

3. During storage and disposal of radioactive materials and waste of natural resources should ensure:

1) the impossibility of spontaneous nuclear chain reactions, and protection from excessive heat;

2) the effective protection of the population and the environment through the use of appropriate methods of protection in accordance with the rules and regulations of radiation safety;

3) the risk assessment of biological, chemical or other risks that may be associated with the storage and disposal of radioactive materials;

4) the preservation of records relevant to the location, design and contents of the disposal;

5) control and limit of unauthorized access to radioactive materials, as well as the prevention of unplanned release of radioactive substances into the environment.

**Article 273. The environmental requirements on transportation of radioactive materials and waste**

1. Transportation of radioactive materials and waste shall be carried out in accordance with the rules, established by the legislation of the Republic of Kazakhstan and international treaties, ratified by the Republic of Kazakhstan.

2. Rules of transportation of radioactive materials and waste shall provide the rights, duties and responsibilities of the shipper, carrier and consignee, security, physical protection, a system of agreed measures to prevent incidents and accidents and requirements for packaging, labeling and transport, measures to localize the effects of possible accidents.

**Article 274. The environmental requirements for the placement and operation of nuclear installations and facilities, intended for the treatment with radioactive waste**

1. Local governments, individuals and legal entities have the power to offer proposals to the Government of the Republic of Kazakhstan regarding the placement of nuclear installations and facilities for radioactive waste management.

To consider the placement of a nuclear installation or facility, intended for the management of radioactive waste, the applicant shall submit the materials prepared in

accordance with the Laws of the Republic of Kazakhstan, which should contain the rationale for building such a plant or facility, as well as alternative sites for their accommodation.

The materials shall include:

1) description of the environment in the area of possible placement of a nuclear installation or facility, intended for the management of radioactive waste;

2) assessment of the impact on human health and the environment of the planned works for the construction, commissioning, operation, removal from service and the closure of facilities;

3) measures that reduce the negative impact on the environment;

4) the positive opinion of the state environmental, epidemiological and technical reviews with the obligatory account of the results of public hearings.

2. The decision on the construction of nuclear installations and facilities the Government of the Republic of Kazakhstan shall take with agreement of local representative bodies, in the territory of which the construction of a nuclear facility and (or) object is planned.

3. The provision of land and mineral resources for nuclear installations and facilities for radioactive waste management shall be carried out in accordance with the Land Code of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on subsoil and subsoil use and this Code.

4. On taking decisions relative to the placement of nuclear installations and facilities for radioactive waste shall be provided additional measures aimed on socio-economic development of the region. The scope and procedure of the arrangements in each case determined by the Government of the Republic of Kazakhstan in coordination with the local government on the basis of scientific and economic justification.

5. Taking into operation of a nuclear installation or facility, intended for the management of radioactive waste shall be carried out by the state acceptance commission.

6. Taking into operation of a nuclear installation or facility intended for the management of radioactive waste shall be carried out in conjunction with assumed in the design of industrial and domestic purposes.

7. The order of retirement from service of a nuclear installation or facility intended for the management of radioactive waste and the closure of a repository for radioactive waste disposal project shall be provided in accordance with the rules, regulations and standards in the scope of nuclear energy. Financing costs by the owner of the nuclear installation or facility intended for the management of radioactive waste.

8. The decision about pre-term retirement from service of a nuclear installation or facility intended for the management of radioactive waste and the closure of the repository for the disposal of radioactive waste shall be confirmed by the Government of the Republic of Kazakhstan and shall be brought to the attention of the operating organization or organizations specializing in this field, not later than two years before indicated actions.

9. In the placements of the nuclear installation or facility intended for the management of radioactive waste, shall be established the sanitary protection zone and the surveillance zone.

The size and boundaries of the zones shall be determined in the project in accordance with the rules and standards in the scope of nuclear energy. In the sanitary protection zone and the surveillance zone shall be carried out a control for radiation environment.

10. In the sanitary protection area, independent from its options and accessories cannot be allowed an accommodation (construction) of residential buildings, educational institutions, health care and recreation, sports and fitness facilities, including the placement of gardening and horticulture land, as well as the production of agricultural products.

11. The use of land for agricultural purposes and reservoirs, located in the sanitary protective area, is possible in the case of mandatory radiological control of products.

**Footnote. Article 274, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No 34-V (shall be enforced from the date of first official publication).**

**Article 275. Permissible limits of radioactivity of building materials, mineral fertilizers, ameliorants and coal**

1. Permissible limits of radioactivity of building materials, mineral fertilizers and ameliorants shall be established by radiation safety standards.

2. Coal can be used for any purpose in an unbreakable dose limits, established by radiation safety standards. The coal with the radioactivity above the levels of the current standards of radiation safety standards and sanitary regulations, shall be subject to storage and disposal of domestic heap career in the case of compliance with radiation safety standards.

**Article 276. Organization of control for radiation situation on the territories of communities, in the residential and public buildings, for radiation safety of construction materials, fertilizers, fuel and energy raw materials and petroleum operations**

1. The organization of radiation control shall issue a challenge to prevent exceeding of established guideline values of radiation safety, and the development and implementation of measures to reduce radiation exposure to the population.

2. On the allotment of land plots for construction of communities, housing and welfare facilities, industrial plants, break areas and recreation, gardening companies in the scope of mandatory survey work should be included measurements of external exposure dose of gamma radiation in the exhaust area. The results shall be formalized in the protocol on the site selection committee for construction.

3. With the commissioning of residential properties the exposure dose rate of external gamma radiation shall be measured in each apartment, and the concentration of radon - in one of the apartments on the ground floor of each entrance. In identifying exceedances of radon studies shall be carried out in all apartments of the house.

4. Measuring the dose of external gamma radiation shall be carried out at a height of 1 meter above the ground or floor of the room.

5. The control over the content of the equivalent equilibrium radon shall be carried out according to the guidelines of state authority in the field of sanitary and epidemiological welfare of the population and other methods, certified in the manner prescribed by the Legislation of the Republic of Kazakhstan.

6. The results of measurements on construction sites, putting into operation, shall be documented in the form of radiation survey acts, a copy of which is attached to the act of state acceptance commission on commissioning of the object. Responsibility for the measurement shall assign with the organization that carries out construction and produced an object to be commissioned.

7. The possibility, need, scope and timing of measures conducting to reduce the gamma background in the areas of radon content shall be determined by the local government commission with the obligatory participation of representatives of state authority in the field of sanitary and epidemiological welfare of the population and the territorial authority of the authorized authority in the field of environment protection.

8. A nature user must get the sanitary-epidemiological conclusion on the extent of radiological hazards and conditions of use before the development of the building materials deposit, mineral fertilizers, ameliorants and fuel-energy resources. The conclusion shall be issued by the state authority in the field of the sanitary and epidemiological welfare of the population on the basis of deposit development project, which includes the section of radiation-hygienic evaluation of the results of geological exploration.

9. The service of radiation control shall ensure a compliance with the requirements of the deposit development project, the results of radiation control shall be recorded in written form.

10. A radiation quality of products shall be guaranteed by the conclusion of state control on the basis of laboratory studies, performed by accredited laboratories. Procedure and frequency of quality assurance products shall be established on the examination of deposit development projects.

#### **Article 277. Requirements for radiation monitoring of scrap metal**

1. The production radiation monitoring of scrap metal includes:

1) radiation monitoring of all incoming scrap metal in the procurement organization to identify its radioactive contamination or existence of local gamma-ray sources in it;

2) power measurement of gamma radiation in finding out the excess of background radiation near the lot or a piece of scrap metal;

3) spot check of the availability of surface contamination of scrap alpha-and beta-active radionuclides;

4) carrying out of radioactive survey of the empty vehicle intended for the transportation of the scrap, and the power measurement of the dose rate of gamma radiation on the surface of the loaded vehicle.

2. The method of conducting radiation control shall be determined by sanitary rules.

**Footnote. Article 277 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).**

**Article 278. The order of carrying out of the measures in radiation accidents**

1. In case of emergencies during transporting of radioactive materials, the requirements of the legislation of the Republic of Kazakhstan in the scope of use of nuclear energy, radiation safety and technical regulations shall be complied in order to provide protection of public health, their property and environment.

2. The emergency procedures shall consider formation of other hazardous substances as a result of the interaction of the cargo contents with environment in case of an accident.

**Article 279. Supervision and control in the scope of radiation safety assurance**

Supervision and control in the scope of radiation safety assurances shall be carried out in accordance with the Laws of the Republic of Kazakhstan on the use of nuclear energy.

**Chapter 40. ENVIRONMENTAL REQUIREMENTS IN PRODUCTION AND USE OF POTENTIALLY HAZARDOUS CHEMICAL AND BIOLOGICAL SUBSTANCES, GENETICALLY MODIFIED PRODUCTS AND ORGANISMS**

**Article 280. Environmental requirements in production and use of potentially hazardous chemical substances**

1. In the course of operations on production and use of potentially hazardous chemical and biological substances shall be ensured:

1) fulfillment of established standards of the maximum allowed environmental impact in the process of production, storage, transporting and use;

2) carrying out of the measures to prevent the harmful consequences of their use for the health of population and environment.

2. The production and import of outputs, containing the persistent organic pollutants or in a result of use of which the persistent organic pollutants are generated, provided by the international agreements of the Republic of Kazakhstan shall be prohibited.

The production and use of chemical substances, determined by the international agreements of the Republic of Kazakhstan shall be restricted.

3. Persistent organic pollutants shall be subject to destruction by an environmentally safe way.

The use of technologies for destruction of persistent organic pollutants and chlorine-containing waste without comprehensive treatment of waste gases shall be prohibited. At the same time, the complex treatment of waste gases should ensure the content of dioxins and furans in the purified waste gases in concentrations not higher than 0.1 ng/m<sup>3</sup>.

4. The use of persistent organic pollutants shall be prohibited in places, associated with production and processing of food or feed.



Footnote. Article 280 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).

**Article 281. The environmental protection from the harmful and uncontrollable biological impact**

1. In the course of operations on production and use of potentially hazardous biological substances, including the genetically modified organisms and products, should be ensured:

1) fulfillment of established standards of the maximum allowed impact on environment in the process of production, storage, transporting and use;

2) carrying out of the measures to prevent the harmful consequences of their use for the health of population and environment.

3) use of genetically modified products only within the frame of the list, permitted for use by the authorized authority in the field of environmental protection and state authority in the field of sanitary and epidemiological welfare of the population.

**Article 282. The procedure for carrying out of genetically engineered activities**

1. In the process of operations on production and use of genetically modified products and organisms, the following requirements shall be complied:

1) the users of nature shall have the systems and procedures of determination, where from and where to the genetically modified products shall be supplied;

2) for genetically modified organisms, intended for intentional release in environment, the users of nature shall deliver detailed information about their specificity to the authorized body in the scope of environmental protection and government body of sanitary and epidemiological service;

3) for genetically modified organisms, intended for human consumption, feeding stuff or processing, the users of nature shall deliver the declaration, that the product shall be used only as food, feeding stuff or for processing with specificities description of genetically modified organisms, which the product may contain to the authorized body in the scope of environment protection;

4) the users of nature shall inform the customers, that the product is made of genetically modified organisms, in respect of food products and feeding stuffs, made of genetically modified organisms;

5) the users of nature shall preserve information about production and use of genetically modified products and organisms within five years and provide it to the authorized authority in the field of environmental protection and state authority in the field of sanitary and epidemiological welfare of the population at their requests.

2. The agricultural users of nature shall inform a customer of their crop, via marking, that he acquires genetically modified product and keep register of the customers, to which they supply their outputs.

3. The government bodies shall extend existing provisions on marking to all genetically modified products and feeding stuff. All food products and feeding stuffs, containing or composed, or made of genetically modified organisms are subject to marking. The purpose of marking is informing the customers about factual characteristics of product or feeding stuff.

4. The marking system of genetically modified products is based on detection capability of genetically modified deoxyribonucleic or proteins in the final food product.

## **Chapter 41. ENVIRONMENTAL REQUIREMENTS IN DETERMINATION OF THE RIGHT OF OWNERSHIP TO THE WASTES OF PRODUCTION AND CONSUMPTION**

### **Article 283. The right of ownership to the wastes of production and consumption**

1. The individuals and legal entities, in a result of activity of which the wastes of production and consumption are generated, are their possessors and shall entail liability for safety waste management from the moment of their generation, unless otherwise provided by the legislation of the Republic of Kazakhstan or agreement, determining the conditions of waste management.

2. The right of ownership to the wastes may be acquired by other person on the basis of buy and sell agreement, trade, deed of gift or other transaction on alienation of wastes.

3. The state is the owner of wastes, which are generated on the objects of state ownership or recognized as received to the state ownership under the court decision, as well as in other cases, provided by the legislative acts of the Republic of Kazakhstan.

4. The owner of wastes shall use the centralized system of collection of wastes or services of the subjects, carrying out operations on collection, utilization, processing, storage, arrangement or discharge of wastes, or obliged to carry out the operations independently on arrangement and discharge of the wastes.

Entities performing waste collection, transportation, disposal, recycling and disposal operations accepted from third parties should meet the qualification requirements established by national standards and are responsible for the safe handling of waste from the moment it is handed over by the waste owner.

5. The transfer of the wastes to the subjects, carrying out operations on collection, utilization, processing, storage, arrangement or discharge of wastes by the owner of wastes shall be deemed as the transfer of the right of ownership to the wastes at the same time, unless the parties concluded agreement on the other conditions.

6. Requirements for entities performing operations on waste collection, transportation, utilization, processing and disposal shall be established by national standards. Requirements of national standards for entities performing operations on collection, utilization, processing, storage, disposal or disposal of waste are mandatory for individual entrepreneurs and legal entities, regardless of the legal form of organization.

Footnote. Article 283 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); No. 184-VI dated 05.10.2018 (shall be enforced upon the expiration of six months after the day of its first official publication).

#### **Article 284. The ownerless wastes**

1. The ownerless wastes are the wastes, which have no the owner or the owner of which is unknown.

2. In detection of ownerless wastes on the land plots of the owners of land plots or land users, they have the right to appropriate these wastes, proceeding to their use or performing the other acts, indicating about conversion of these wastes into the ownership.

The other ownerless wastes shall enter into ownership of the person, taking possession by them, if upon the application of this person they are recognized as ownerless by the court.

3. In the other cases, the persons, detecting the ownerless wastes are obliged to inform the relevant local executive body about them. The local executive body of the oblast (city of republican status, capital) in the territory of which the ownerless wastes are detected, is obliged to seize the court with request on recognition of these wastes as received to republican or communal property within one year from the moment of receiving information about existence of ownerless wastes.

In case of detection of the ownerless wastes, the authorized body in the scope of environmental protection also may seize the court with request on recognition of these wastes as received to republican or communal property.

4. The local executive bodies shall organize the carrying out of measures on conversion with ownerless wastes and prevention of their detrimental impact on environment and health of population.

5. The ownerless hazardous wastes shall enter into the republican property under the court decision. The order of management of ownerless hazardous wastes shall be approved by the authorized body in the field of environmental protection. Management of such wastes shall be carried out by the subordinated organization of the authorized body in the field of environmental protection.

6. The ownerless wastes, not recognized as received into republican or communal ownership under the court decision, may be received once again in possession, use and disposal by the owner, who left them or acquired into ownership by the virtue of acquisitive prescription in accordance with the civil legislation of the Republic of Kazakhstan.

7. The ownerless wastes after their transfer in public or private ownership in accordance with the provisions of this Article, subject to processing with extraction of useful components shall not be considered as wastes.

Footnote. Article 284 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first

official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).

#### **Article 285. The transfer of the right of ownership to the wastes**

1. In the change of the owner of land plot or land user, on the land plots of which the wastes are located, the issue about the right of ownership shall be decided in accordance with the legislation acts of the Republic of Kazakhstan.

2. In case of privatization of the objects of state ownership, the right of ownership to the wastes, as well as the obligations on safety waste management and discharge, reclamation and restoration of lands shall be transferred to new owner, unless otherwise provided by privatization conditions of these enterprises in accordance with the Law of the Republic of Kazakhstan “On state property”.

**Footnote. Article 285 as amended by the Law of the Republic of Kazakhstan dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication).**

#### **Chapter 41-1. Extended obligations of manufacturers (importers)**

**Footnote. Section 8 is supplemented by Chapter 41-1 in accordance with the Law of the Republic of Kazakhstan dated 17.11.2015 № 407-V (shall be enforced from 01.01.2016).**

#### **Article 285-1. Requirements for the implementation of the extended obligations of manufacturers (importers)**

1. Individuals and legal entities, carrying out production on the territory of the Republic of Kazakhstan and (or) import into the territory of the Republic of Kazakhstan of products (goods) according to the list of products (goods), which is (are) subject to extended obligations of producers (importers), shall be obliged to ensure collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of producers (importers), and its (their) packaging, by one of the following methods:

1) application of own system of collecting, processing and utilization of wastes, requirements to which shall be determined by the authorized body in the field of environmental protection.

The requirement to use own system of waste collection, processing and disposal does not apply to manufacturers and importers of motor vehicles, self-propelled agricultural machinery ;

2) conclusion of an agreement with the operator of extended obligations of producers (importers) on organization of collecting, transportation, processing, disinfection, use and (or) utilization of waste, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of producers (importers), and its (their) packaging, and entering into the bank account of the operator of extended obligations of

producers (importers) of money in the form of a fee for organizing collection, transportation, processing, disinfection, use and (or) utilization of wastes, according to the method of calculating charges for organizing collection, transport, processing, disinfection, use and (or) utilization of wastes.

2. Requirements for extended obligations of manufacturers (importers) shall not apply to:

1) producers in terms of produced oils, polymeric, glass, paper and (or) cardboard packages, batteries, provided that they are used for their production at least thirty percent of used oils, waste plastics, glass, paper and cardboard, used batteries, respectively, processed and disposed of in the territory of the Republic of Kazakhstan;

2) manufacturers and importers in the part of products (goods) produced on the territory of the Republic of Kazakhstan and (or) imported (imported) into the territory of the Republic of Kazakhstan, sold outside its borders;

3) manufacturers and importers in the part of polymeric, glass, paper, cardboard and (or) metal packages produced on the territory of the Republic of Kazakhstan and (or) imported to the territory of the Republic of Kazakhstan, packaging of combined materials intended for packaging and (or) in which the products (goods) sold (sold) outside of it are packed (packed) ;

4) individuals importing into the territory of the Republic of Kazakhstan products (goods), which are subject to extended obligations of producers (importers), when importing products (goods) within the quota for duty-free import of personal use goods, except for importers of motor vehicles and self-propelled agricultural machinery;

5) importers in terms of polymeric, glass, paper, cardboard and (or) metal packaging, packaging made of combined materials in which socially significant food products are packed , the list of which is approved by the Government of the Republic of Kazakhstan;

6) producers in the part of the produced polymeric packaging made of preforms for which payment is made for the organization of collection, transportation, processing, neutralization, use and (or) disposal of wastes;

7) importers in terms of imported polymeric, glass, paper, cardboard and (or) metal packages, packages made of combined materials into which imported products (goods) used in their activities as fixed assets, materials, raw materials, spare parts (components) in the production of products, performance of works, rendering of services, for general economic needs and not intended (intended) for sale are packed;

8) importers in the part of imported polymeric, glass, paper, cardboard and (or) metal packages in which the goods imported as foreign gratuitous aid in the order established by the legislation of the Republic of Kazakhstan are packed.

**Footnote. Article 285-1 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (for the procedure of implementation, see Article 2).**

**Article 285-2. Directions of activity of the operator of extended obligations of producers ( importers)**

The operator of extended obligations of manufacturers (importers) sends the money received from manufacturers and importers in accordance with the requirements of this Code to its bank account in the form of disposal payment, to:

1) compensation to individuals and legal entities of the costs of separate collection and processing of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of producers (importers) and its (their) packaging (with the exception of wastes, generated after the loss of consumer properties of products (goods) and its (their) packaging, received from production wastes and (or) transferred to legal entities or individual entrepreneurs from legal entities or individual entrepreneurs, whose waste was generated as a result of production activities), provided that such wastes are transferred for disinfection and (or) utilization on the territory of the Republic of Kazakhstan;

1-1) compensation to producers of socially significant food products for expenses related to payment for organization of collection, transportation, processing, neutralization, use and (or) disposal of waste by producers (importers) of polymeric, glass, paper, cardboard and (or) metal packages, packaging made of combined materials used for packaging of socially significant food products;

2) stimulation of production in the Republic of Kazakhstan of ecologically clean motor vehicles (corresponding to ecological class 4 and above; with electric motors) and their components, as well as self-propelled agricultural machinery, corresponding to ecological requirements, defined by technical regulations, by way:

financing of their producers in the following areas: maintenance of jobs; use of energy resources; implementation of research and development projects; conducting tests related to the release of products; support of warranty obligations;

financing the discount provided by the manufacturer to individuals and legal entities when they purchase a vehicle and (or) self-propelled agricultural machinery on the territory of the Republic of Kazakhstan, produced in the Republic of Kazakhstan.

The rules of stimulation of production in the Republic of Kazakhstan of ecologically clean motor vehicles (corresponding to ecological class 4 and above; with electric motors) and their components, as well as self-propelled agricultural machinery, corresponding to ecological requirements, defined by technical regulations, are established:

The form of a standard contract between manufacturers of environmentally friendly motor vehicles and the operator of extended obligations of manufacturers (importers) with indication of terms and volumes of financing;

form of the model agreement between the producers of self-propelled agricultural machinery, corresponding to the environmental requirements defined by the technical regulations, and the operator of the extended obligations of producers (importers) with indication of terms and volumes of financing;

The form of a model contract between producers of self-propelled agricultural machinery that complies with environmental requirements defined by technical regulations and the operator of extended obligations of producers (importers), indicating the timing and amount of funding;

reporting forms on production of environmentally friendly motor vehicles and terms of their submission to the operator of extended obligations of producers (importers);

reporting forms on production of self-propelled agricultural machinery and terms of their submission to the operator of extended obligations of producers (importers);

Requirements for manufacturers of environmentally friendly motor vehicles;

requirements for producers of self-propelled agricultural machinery;

conditions, including the procedure for determining the amount and procedure for financing the discount provided by the manufacturer to individuals and legal entities in the sale of vehicles and (or) self-propelled agricultural equipment produced in the Republic of Kazakhstan, upon submission of a document confirming the surrender of the vehicle and (or) self-propelled agricultural equipment that provides for the right to receive a discount on the purchase of vehicles and (or) self-propelled agricultural machinery on the territory of the Republic of Kazakhstan produced in the Republic of Kazakhstan.

2-1) stimulation of production in the Republic of Kazakhstan of cable-conductor products: ecologically safe (non-combustible and (or) with reduced fire hazard and small smoke and gas emission); wastes of which are processed on the territory of the Republic of Kazakhstan by financing of their producers in the following directions: maintenance of workplaces; use of energy resources; purchase of raw materials for production of ecologically safe and (or) processed products; realization of scientific - research and experience - development activities ;

carrying out tests related to the release of products; product certification.

The rules of stimulating the production of cable and wires in the Republic of Kazakhstan: environmentally safe (non-combustible and (or) with reduced fire hazard and low smoke and gas emission), the waste of which is recyclable in the territory of the Republic of Kazakhstan, are established:

The form of a model contract between cable and wires producers and the operator of extended obligations of producers (importers) with indication of terms and volumes of financing;

reporting forms on cable and wires production and terms of their submission to the operator of extended obligations of producers (importers);

Requirements for producers of cable and wire products;

requirements to products and technological processes;

conditions and procedure of financing.



Requirements for environmental safety of cable-conductor products (non-combustible and (or) with reduced fire hazard and low smoke and gas emission) are determined in accordance with national standards, and in their absence - by interstate standards;

3) organization of collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of producers (importers) and its (their) packaging;

4) organization of collection, transfer for disinfection, processing and (or) utilization outside the Republic of Kazakhstan of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of producers (importers), and its (their) packaging, for which there are no facilities for disinfection, processing and (or) utilization on the territory of the Republic of Kazakhstan;

5) organizational, technical and information support for collection, transportation, processing, disinfection, use and (or) utilization of wastes, financing of promotional activities, educational and marketing researches in the field of wastes management and secondary resources;

6) organization and maintenance of an information system for tracking the movement of vehicles, carrying out removal of solid domestic wastes, according to the data of satellite navigation systems;

7) financing of experimental, design, scientific-research works in the field of collection, processing, disinfection, use and (or) utilization of wastes;

8) introduction of new technologies for collection and use of waste as secondary raw materials, construction of plants (production facilities) for sorting and (or) use of solid domestic waste and secondary resources, improvement of material and technical base of organizations collecting and (or) use of secondary resources, collection, sorting and (or) use of solid domestic waste, creation and development of a network of electric fuelling stations;

9) financing of activities, related to implementation of its functions by the operator of extended obligations of producers (importers);

10) other activities, determined by the authorized body in the field of environmental protection and the legislation of the Republic of Kazakhstan.

**Footnote. Article 285-2, as amended by the Law of the Republic of Kazakhstan dated 28.12.2016 № 34-VI (shall be enforced from 01.01.2017); dated 24.05.2018 No. 156-VI ( shall be enforced upon the expiration of ten calendar days after its first official publication); dated 05.10.2018 No. 184-VI (to be effective from 01.01.2019).**

**Article 285-3. The legal status of the operator of extended obligations of producers (importers )**

1. The operator of extended obligations of producers (importers) is a legal entity, determined by the decision of the Government of the Republic of Kazakhstan for the purpose of implementing the principle of extended obligations of producers (importers), relating to

collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of producers (importers) and its (their) packaging, by collecting the fee for organizing collection, transportation, processing, disinfection, use and (or) utilization of wastes from producers (importers) and management of these payments in the manner, provided by this Code and other legislative acts of the Republic of Kazakhstan.

2. The operator of extended obligations of producers (importers) shall have the exclusive right to collect fees for organizing collection, transportation, processing, disinfection, use and (or) utilization of wastes and must dispose and manage these payments in the manner, provided by this Code and other legislative acts of the Republic of Kazakhstan.

**Article 285-4. Powers of the operator of extended obligations of producers (importers)**

1. The powers of the operator of extended obligations of producers (importers) shall include:

1) concluding of an agreement with producers (importers) on organization of collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of producers (importers) and its (their) packaging, on the basis of a standard agreement on organization of collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties products (goods), which is (are) subject to extended obligations of producers (importers) and its (their) packaging;

2) collection of fees for organizing collection, transportation, processing, disinfection, use and (or) utilization of wastes, transferred by the producers (importers) to the bank account of the operator of extended obligations of producers (importers) on the basis of an agreement on organization of collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of producers (importers), and its (their) package;

3) carrying out the control for the correctness of calculation, completeness and timeliness of the transfer by producers (importers) of payment for organizing collection, transportation, processing, disinfection, use and (or) utilization of wastes;

3-1) return and (or) offset against future payments of overpaid amounts, made in accordance with the procedure established by the operator of extended obligations of producers (importers) on the basis of applications of producers and importers, subject to confirmation of overpaid amounts;

3-2) control over the accuracy of submission of documents by producers of socially significant food products for compensation of a part of expenses related to payment for organization of collection, transportation, processing, neutralization, use and (or) recycling of wastes by producers (importers) of polymeric, glass, paper, cardboard and (or) metal packages, packaging made of combined materials used for packing of socially significant food products;

- 4) submission of the report to the authorized body in the field of environmental protection on implementation of extended obligations of producers (importers);
- 5) formation, approval, maintenance of the register of producers (importers), carrying out production on the territory of the Republic of Kazakhstan and (or) importation of products (goods) to the territory of the Republic of Kazakhstan, which is (are) subject to extended obligations of producers (importers), and its (their) packaging, except for manufacturers and importers of motor vehicles;
- 6) development and approval of the rules of registration and maintenance of the register of manufacturers (importers) engaged in production on the territory of the Republic of Kazakhstan and (or) importation into the territory of the Republic of Kazakhstan of products (goods), which are subject to extended obligations of manufacturers (importers), and their (their) packaging, except for manufacturers and importers of motor vehicles, self-propelled agricultural machinery;
- 7) interaction with state bodies, including in the sphere of customs and tax legislation of the Republic of Kazakhstan, on issues, related to the extended obligations of producers (importers);
- 8) introduction of new technologies for the use of wastes as secondary raw materials, construction of plants (manufactures) for sorting, processing and (or) utilization of wastes and secondary resources;
- 9) upon revealing the acts, containing the signs of administrative offenses, the production of which is referred to the competence of the authorized body in the field of environmental protection in accordance with the law of the Republic of Kazakhstan, the operator of extended obligations of producers (importers) shall be obliged to transfer the materials, available for such offenses to the authorized body in the field environmental protection;
- 10) in order to implement the principle of extended obligations of producers (importers), the operator of extended obligations of producers (importers) shall be entitled to receive data from the authorized body in the field of environmental protection for calculating the utilization payment from information on the activities of individuals and legal entities that are subject to extended obligations of producers (importers);
  - 10-1) Issuance of documents confirming the submission for disposal of out-of-service vehicles and (or) self-propelled agricultural machinery, including the right to receive a discount on the purchase of vehicles in the territory of the Republic of Kazakhstan, produced in the Republic of Kazakhstan;
  - 10-2) development and approval of the rules and conditions of issuing documents confirming the submission for disposal of vehicles and (or) self-propelled agricultural machinery, including the right to receive a discount on the purchase of vehicles in the territory of the Republic of Kazakhstan, produced in the Republic of Kazakhstan;

10-3) direction of the money received on its bank account in the form of payment for the organization of collection, transportation, processing, neutralization, use and (or) recycling of wastes, in accordance with directions provided by article 285-2 of the present Code;

11) other powers, determined by the authorized body in the field of environmental protection.

2. The operator of extended obligations of producers (importers) shall spend the fees of producers (importers) of products (goods), which is (are) subject to extended obligations of producers (importers), and its (their) packaging in accordance with Article 285-2 of this Code , as well as with the development strategy, agreed with the authorized body in the field of environmental protection, which includes the priority of the use of means of payment of producers (importers) for those purposes that are not recouped at the expense of funds., paid by individuals and legal entities at rates for collection of household solid waste in settlements.

**Footnote. Article 285-4, as amended by the Law of the Republic of Kazakhstan dated 28.12.2016 № 34-VI (shall be enforced from 01.01.2017); dated 05.10.2018 № 184-VI (for the procedure of implementation see Article 2).**

**Article 285-5. Responsibility of participants of extended obligations of producers (importers)**

1. Manufacturers (importers), who have not concluded an agreement with the operator of extended obligations of producers (importers) on organization of collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of the producers (importers) and its (their) packaging, as well as those, who have not paid or timely not paid to the Bank account of the operator of extended obligations of producers (importers) money in the form of fees for organization of collection, transportation, processing, disinfection, use and (or) utilization of wastes shall be liable under the laws of the Republic of Kazakhstan.

2. The requirements of paragraph 1 of this Article in part of calculation of fees for organizing collection, transport, processing, disinfection, use and (or) utilization of wastes do not apply to the producers (importers), having their own system for collecting, processing and utilization of wastes.

Manufacturers (importers), having their own system for collecting, processing and utilization of wastes for non-fulfillment and (or) inadequate fulfillment of the requirements for ensuring collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of producers (importers) and its (their) packaging, shall be liable under the laws of the Republic of Kazakhstan.

3. The operator of extended obligations of producers (importers) for the non-purpose use of the payment of producers (importers), non-performance or improper performance of the

duties and functions, assigned to him (her), non-use and (or) improper use of possibilities to implement the extended obligations of producers (importers) shall be liable under the laws of the Republic of Kazakhstan.

**Article 285-6. Ensuring transparency of activity of the operator of extended obligations of producers (importers)**

The operator of extended obligations of producers (importers) shall:

- 1) coordinate its development strategy and investment policy with an authorized body in the field of environmental protection;
- 2) coordinate the criteria and requirements for the second-tier banks for accumulation of money, coming from the fee for organizing collection, transportation, processing, disinfection, use and (or) utilization of wastes with the central authorized body for state planning and the central authorized body for budget planning.

**Article 285-7. The performance of the extended obligations of producers (importers)**

1. The performance of the extended obligations of producers (importers) shall be carried out by concluding between producers (importers) and the operator of extended obligations of producers (importers) of an agreement on organization of collection, transportation, processing, disinfection, use and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of producers (importers), and its (their) packaging, in accordance with this Code.

2. Producers (importers), having their own system of collection, processing and utilization of wastes, as a confirmation of fulfillment of obligations under the extended obligations of producers (importers) in accordance with the procedure, determined by the authorized body in the field of environmental protection, shall submit to the operator of extended obligations of producers (importers) documents, confirming the collection, processing and (or) utilization of wastes formed after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of producers (importers) and its (their) packaging.

**Chapter 42. ENVIRONMENTAL REQUIREMENTS IN DISPOSAL OF THE WASTES OF PRODUCTION AND CONSUMPTION**

**Article 286. Wastes of production and consumption and their types**

1. The wastes of production and consumption shall be divided into hazardous and non-hazardous on the danger level.

2. The effect of this Chapter does not apply to:

- 1) technogenic mineral formations;
- 2) radioactive wastes;
- 3) surface effusive and intrusive sedimentary rocks of different ages (overburden).

**Footnote. Article 286 is in the wording of the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first**

official publication); as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 271-V (for the procedure of enforcement see Article 2); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

#### **Article 287. Hazardous waste classification**

1. The hazardous wastes include the wastes, containing one or several following substances:

- 1) explosive substances;
- 2) highly inflammable liquids;
- 3) inflammable solid substances;
- 4) spontaneously inflammable substances and wastes;
- 5) oxidizing substances;
- 6) organic peroxides;
- 7) poisonous substances;
- 8) toxic substances, affecting long-term and chronic illnesses;
- 9) infecting substances;
- 10) corrosive substances;
- 11) ecotoxic substances;
- 12) substances or wastes, making the gases upon contact with water;
- 13) substances or wastes, which may make toxic gases upon contact with air or water;
- 14) substances and materials, able to form the other materials, possessing one among said properties.

2. For the purpose of transporting, utilization, storage and burial, the 3 danger levels shall be established in accordance with the Basel Convention on control of transboundary movement of hazardous wastes and their discharge:

- 1) Green – index G;
- 2) Amber – index A;
- 3) Red – index R.

3. The coding of wastes shall consider the oblast of generation, method of storage operation (burial), method of utilization or regeneration, potentially hazardous component elements, type of danger, branch of economy, on facilities of which, the wastes are generated.

4. Determination of the level of hazard and coding of wastes shall be made on the basis of the classifier of wastes approved by the authorized body in the field of environmental protection, except as provided for in paragraph 5 of this Article.

5. In cases of absence of relevant waste in the waste classifier specified in paragraph 4 of this article, as well as changes in production technology or transition to other raw materials, or when the hazardous properties of waste may change, the level of hazard and waste coding shall be determined by the nature user in accordance with the methodology for determining the level of hazard and waste coding.

6. Waste shall be attributed to a certain level of hazard and certain coding in accordance with this Article by the nature user independently or with the involvement of physical and (or ) legal entities licensed to perform works and provide services in the field of environmental protection.

7. When determining the level of hazard and waste coding by a natural user in accordance with paragraph 5 of this Article, the authorized body in the field of environmental protection at the request of the natural user shall make changes and (or) additions to the waste classifier in accordance with the methodology for determining the level of hazard and waste coding.

**Footnote. Article 287 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).**

### **Article 288. General environmental requirements in disposal of wastes of production and consumption**

1. Individuals and legal entities, in the process of economic activity of which, wastes are generated, shall be obliged to provide measures of safe handling with them, comply with environmental and sanitary-epidemiological requirements and take measures for their utilization, processing, disinfection and safe disposal.

Individuals and legal entities shall be obliged to comply with the requirements of the legislation of the Republic of Kazakhstan when handling with production and consumption wastes.

2. The arrangement and discharge of wastes shall be carried out in the places, determined by decisions of local executive bodies as may be agreed with the authorized body in the scope of environmental protection and government body of sanitary and epidemiological service and other specially authorized government bodies.

3. Wastes storage sites shall be intended for the safe storage of wastes for a period of not more than three years prior to their recovery or processing or not more than one year prior to their burial.

3-1. Temporary storage of wastes is not wastes placement.

Temporary wastes storage sites shall be intended for the safe collection of wastes within a period of not more than six months prior to their transfer to the third parties, carrying out operations on utilization, processing, and disposal of wastes, not subject to processing or utilization.

In case of violation of conditions and terms of temporary storage of production and consumption of wastes (but no more than six months), established by the project documentation, such wastes are recognized as placed from the moment of their formation.

4. Import to the territory of the Republic of Kazakhstan from countries, non-members of the Eurasian economic union, and export from the territory of the Republic of Kazakhstan to these countries of wastes for their use (utilization, processing) shall be carried out on the basis



of a license, issued by the body, authorized by the Government of the Republic of Kazakhstan

Import and export of wastes by individuals for personal use (for non-commercial purposes) shall be prohibited.

Import of wastes for burial and disinfection shall be prohibited.

5. In cases, provided by this Code, the owner of wastes is obliged to develop control program of the wastes for the purpose of gradual reduction of their volumes.

6. On choosing the method and place of deactivation or arrangement of the wastes, as well as on determining the individuals and legal entities, carrying out the processing, discharge or arrangement of the wastes, the owners of wastes shall ensure the minimum movement of the wastes from the source of their generation.

7. The import of disposable products may be restricted or utterly forbidden, if it generates the wastes, the utilization of which connected with high environmental risk or it economically is not expedient.

8. The import of production, in a result of use of which the hazardous wastes are generated, that not having the technologies on their deactivation or utilization in the Republic of Kazakhstan shall be prohibited.

9. The production and import of products, in a result of use of which the wastes are generated, containing the persistent organic pollutants, provided by international agreements of the Republic of Kazakhstan on persistent organic pollutants.

**Footnote. Article 288 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); dated 26.12.2017 № 124 -VI (shall be enforced from 01.01.2018).**

#### **Article 288-1. The control program of the wastes**

1. The wastes management program shall be developed by individuals and legal entities, having objects of categories I and II, in the manner, approved by the authorized body in the field of environmental protection.

2. The development of the control program of wastes is mandatory for the persons, carrying out the utilization and processing of wastes or other methods of their volume reduction and hazardous properties, as well as carrying out activity, connected with arrangement of the wastes of production and consumption.

3. The control program of wastes shall contain information about the volume and composition of generated and disposed wastes, the methods of their storage, utilization, burial, reclamation or destruction.

4. The measures, indicating the volumes and terms of their implementation on securing the gradual reduction of the waste volumes shall be provided in the control program of wastes by:

1) improvement of production processes, as well as by adoption of low-waste technologies;

2) repeated use of wastes or their transfer to individuals and legal entities, interested in their use;

3) waste processing using the best available technologies.

5. Lists of the best available technologies for wastes processing shall be developed by the authorized body in the field of environmental protection with participation of interested central executive bodies, other legal entities and shall be approved by the authorized body in the field of environmental protection.

6. In the absence of the best available technologies on waste processing in the control program of wastes, the actions on reclamation of the siting location of the wastes shall be provided.

7. In the absence of technological capability of reclamation of the wastes' siting location in the control program of wastes, the actions on reduction of their harmful environmental impact shall be provided.

8. Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V ( shall be enforced from 01.01.2015).

Footnote. The Code is supplemented by Article 288-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (the order of enforcement See Article 2 ); as amended by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

#### **Article 289. The passport of hazardous wastes**

1. The passport of hazardous wastes shall be composed and confirmed by the individuals and legal entities, in the process of economic activity of which, the hazardous wastes are generated.

2. The passport of hazardous wastes shall be composed:

1) for the wastes, mentioned in the paragraph 1 of Article 287 of this Code;

2) for the wastes from Amber and Red list wastes.

3. The passport of hazardous wastes shall include the following mandatory sections:

1) the names of wastes;

2) the last name, first name, patronymic of individual, the place of residence, in existence of manufacturing area – its location, name and requisites of the enterprise-waste generator;

3) the origin of wastes;

4) the list of hazardous properties of wastes;

5) the chemical constitution of wastes and description of hazardous properties of their components;

6) the recommended method of waste processing;

7) the required precautionary measures in the waste management;

8) the requirements to the waste transport and performance of handling operations;

9) measures to prevent and eliminate emergencies of natural and man-made nature and their consequences;

10) additional information.

4. The form of the passport of hazardous wastes shall be confirmed by the authorized body in the scope of environmental protection and shall be completed separately for every type of wastes.

5. The passport of hazardous wastes shall be sent to the authorized body in the field of environmental protection within three months from the date of generation the waste.

6. Upon receipt of additional information, increasing the completeness and accuracy of the data, included in the mandatory sections, the passport of hazardous wastes shall be subject to renewal. The updated passport shall be sent to the authorized body in the field of environmental protection within ten working days.

7. The copies of passports of hazardous wastes must be mandatory submitted to an individual or a legal entity, transporting this lot or its part, as well as to each consignee of this consignment (part of the lot) of wastes.

8. When processing the received lot of wastes, including its mixing with other materials, the consignee shall be obliged, in case of transportation outside the enterprise, to draw up a new passport of hazardous wastes for this lot (part of the lot), and send a new passport to the authorized body in the field of environmental protection.

9. In case of changing of the hazardous properties of wastes, entailed by changing of process regulation in which these wastes are generated, the passport of hazardous wastes shall be terminated.

10. The chemical and blend composition of waste shall be indicated on the basis of analysis results, carried out by the accredited laboratory. For the wastes, presented by the products (production), that lost their application properties, the data on blend composition of basic product (production) shall be indicated, according to the technical regulations.

11. The name of production process, in a result of which the waste is generated, or process in a result of which, the product (production) lost its application properties shall be indicated in the passport of hazardous wastes with the name of basic product (production).

12. The passport of hazardous waste shall indicate the necessary measures for prevention and elimination of natural and man-made emergencies and their consequences, associated with hazardous wastes, including during transportation and carrying out loading and unloading operations.

13. The other information that the owner of wastes wishes to inform shall be indicated in section “Additional information”.

Footnote. Article 289 as amended by the laws of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).

**Article 290. Environmental requirements in the course of projecting of activity, connected with waste management**

1. In the course of projecting of the objects, in the process of operation of which the wastes are generated, it is necessary to:

- 1) develop the control program of wastes as the constituent part of design documentation;
- 2) consider the requirements of the sanitary and epidemiological and other requirements, determined by the environmental legislation of the Republic of Kazakhstan and legislation of the Republic of Kazakhstan in the scope of sanitary and epidemiological welfare of population;
- 3) develop the technical and technological documentation on waste management.

2. In the course of projecting of residence buildings, as well as industrial enterprises, buildings, constructions, installations and other objects, in the process of operation of which the wastes are generated, it is necessary to provide the places (areas) for collection of wastes in accordance with the rules, regulations and requirements in the scope of waste management, determined by the authorized authority in the field of environmental protection and state authority in the field of sanitary and epidemiological welfare of population.

**Article 291. Environmental requirements in the course of construction and operation of enterprises, buildings, constructions, installations and other objects, connected with waste management**

1. The individuals and legal entities in the course of operating the enterprises, buildings, constructions, installations and other objects, connected with the waste management are obliged to:

- 1) develop the drafts of wastes management standards, which provide measures to reduce them by processing, utilization, disinfection and safely removing or transferring them to individuals and legal entities, carrying out these activities.

The drafts of wastes disposal standards shall be developed by individuals and legal entities, having their own wastes disposal objects;

- 2) introduce low-waste technologies and organizational measures on reduction of waste generation on the basis of innovative science and technology;
- 3) carry out the inventory of wastes and objects of their disposal;
- 4) carry out the environmental monitoring in the territories of the objects of waste disposal;

5) present information, connected with waste disposal in the manner, prescribed by the legislation of the Republic of Kazakhstan;

6) comply with requirements on prevention of damages, connected with waste management, and take prompt actions on their liquidation;

7) inform the authorized authority in the field of environmental protection and state authority in the field of sanitary and epidemiological welfare of the population and local executive authorities, in case of conditions or threat of the accidents, connected with waste management, which damage or may damage the environment, health or property of individuals or legal entities.

2. Determination of the construction site for wastes disposal shall be carried out on the basis of special (engineering-geological, hydro-geological and other) studies in the presence of positive conclusions of the state ecological expertise, sanitary-epidemiological expertise (in construction of objects of high epidemiological significance) and expertise, conducted in accordance with legislation of the Republic of Kazakhstan on subsoil and subsoil use.

3. The owners of the objects of waste disposal, as well as the persons, who own and possess the objects of waste disposal, on completion of operation of these objects are obliged to conduct the monitoring of their state and impact of environment and works on disturbed lands reclamation.

4. It shall be prohibited to bury wastes on the territories of urban and other settlements, forest parks, resorts, health-recovery, recreational and water protection zones, in the catchment areas of underground water bodies, which are used for drinking and drinking water supply, as well as on the territories, classified as objects of historical and cultural heritage.

5. The burial of wastes in the final resting places of mineral resources and mining shall be prohibited in the cases, if this entails the threat of pollution of the final resting places of mineral resources and safe conduct of the mining.

**Footnote. Article 291 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 292. Environmental requirements in communal waste management**

1. Local executive bodies shall be responsible for organization of a rational and environmentally safe system for collection of municipal wastes, providing for separate collection, storage, regular export, processing, utilization and disinfection of hazardous components of municipal wastes, as well as cleaning the territory of the settlement.

2. Local executive bodies, the authorized body in the field of environmental protection shall provide control over compliance with environmental requirements in the treatment of municipal wastes.

3. The local executive bodies shall provide the development and functioning of required infrastructure for the subjects of small and medium business on collection, transporting, sorting, secondary use, disposal of communal wastes on the landfills.

4. The transporting and collection of communal wastes to established place of their storage and processing shall be carried out by the organizations, specialized in this field, on account of the owners of wastes.

5. The local executive bodies shall secure the compliance of environmental requirements in communal waste disposal by:

1) organizations that carry out the separate collection and utilization of reused wastes factions;

2) organization of a regular waste transport to the sites of temporary storage and processing and their management on the landfills;

3) stimulation of the separate collection of organic wastes and their use;

4) organizations of mandatory separation of construction wastes from the other types of wastes, directly on construction site or in the special place, as well as non-admission of blending of the construction wastes with other wastes on the waste dumps and landfills;

5) establishment of prohibitions on blending of one type of the wastes with another types or special additives;

6) non-admission of non-approved burning of communal wastes;

7) arrangement of conditions for transfer of obligations on utilization of wastes to the owners of the objects, processing these wastes;

8) organizing the systems of the well-timed provision of true information on management with communal wastes to the authorized body in the scope of environmental protection.

5-1. Removal of solid domestic waste is carried out by specially equipped vehicles equipped with special signs and satellite navigation systems.

5-2. Individuals and legal entities engaged in transportation of solid domestic waste are obliged to transfer navigational information on the movement of transport to the information system of the organization established in the form of public-private partnership and determined by the authorized body in the field of environmental protection.

5-3. Organization and maintenance of the information system for tracking the movement of vehicles engaged in the removal of solid waste according to satellite navigation systems is carried out by an organization established in the form of public-private partnership and determined by the authorized body in the field of environmental protection.

5-4. Requirements for transportation of solid domestic waste, painting, distinguishing signs and equipment of vehicles, as well as loading and unloading operations are established by the standards of the Republic of Kazakhstan. Requirements of standards for waste transportation are mandatory for individual entrepreneurs and legal entities, regardless of the organizational and legal form.

6. The burial of communal wastes, development and operation of the waste landfills shall be carried out by the communal state enterprises and other organizations, specialized in this field.

**Footnote.** Article 292 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 28.04.2016 № 506-V (for the procedure of implementation, see Art. 2).

#### **Article 292-1. Environmental requirements for handling with certain types of wastes and their life cycle processes**

1. When handling certain types of waste, waste owners should ensure compliance with environmental, sanitary and epidemiological requirements, as well as requirements of national standards for the management of certain types of waste.

2. Environmental requirements for the management of the following materials and products that have become waste: tires, electronic and electrical equipment, packaging, paper, waste oils, chemical sources of current, mercury-containing waste, are established by the national standards of the Republic of Kazakhstan. Requirements of national standards in the field of waste are mandatory for individual entrepreneurs and legal entities, regardless of the organizational and legal form.

**Footnote.** Chapter 42 is supplemented by Article 292-1 in accordance with the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); with amendments introduced by the Law of the Republic of Kazakhstan dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

#### **Article 293. Environmental requirements in hazardous waste disposal**

1. The individuals and legal entities, in the process of activity of which the hazardous wastes are generated, shall carry out the actions directed on termination or reduction of their generation and (or) reduction of danger level.

2. The activity of individuals and legal entities, in the process of which the hazardous wastes are generated, shall be restricted or prohibited in the absence of capacity of securing the hazardous waste disposal, safe for environment and health of human.

2-1. Hazardous components of municipal wastes: electronic and electrical equipment, mercury-containing wastes, batteries, accumulators and other hazardous components must be collected separately and transferred for utilization to specialized enterprises.

3. The owner of hazardous wastes shall secure the marking of packing with hazardous wastes, indicating the hazardous properties. On the transferring of these wastes to the other persons for a definite period, the owner of wastes is obliged to inform them in a written form about hazardous properties of these wastes as well as precautionary measures in waste management.



3-1. The subjects, performing operations on collection, export, utilization, processing, storage, placement or disposal of wastes shall be obliged to provide the report on inventory of wastes annually as of January 1<sup>st</sup> to March 1<sup>st</sup> of the year following the reporting, on electronic and paper media in the form, approved by the authorized body in the field of environmental protection.

4. The blending of hazardous wastes with non-hazardous wastes, as well as with different types of hazardous wastes together in the process of their production, transporting and storage, shall be prohibited, except the cases of using the non-hazardous wastes for upfilling, strong compacting in the course of waste burial.

5. Placement of hazardous wastes shall be allowed in specially equipped places, including non-watered underground mine workings, mines and transport slopes, in the presence of the conclusion of the state ecological expertise and coordination with the authorized body in the field of subsoil use. The implementation of other types of activities, not related to handling with hazardous wastes on the territory, designated for their placement shall be prohibited.

The place of hazardous waste disposal shall be marked a field by well visible identification marks with indication of types of wastes, its danger level and date of burial.

6. The enterprises, which carry out the collection, utilization, transporting and disposal of hazardous wastes, shall develop the plans for emergency and accidental situations.

7. The civil responsibility of individuals and (or) legal entities, who are the owners of hazardous wastes or carrying out the management with such wastes, shall be subject to mandatory environmental insurance in accordance with the Law of the Republic of Kazakhstan “On mandatory environmental insurance”.

**Footnote. Article 293 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2011 No. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 293-1. Environmental requirements in the course of waste storage, containing the persistent organic pollutants**

1. The storage facilities of wastes, containing persistent organic pollutants shall be equipped by the protective means, securing the prevention of impact of persistent organic pollutants on environment and public health.

2. The accounting of wastes, containing persistent organic pollutants shall be maintained in the registers of the strict accounting.

3. It is prohibited to change the owner of wastes containing persistent organic pollutants without notification of the authorized body in the field of environmental protection

4. The maintenance of cadastre of wastes, containing the persistent organic pollutants shall be maintained by specific section within the frame of State waste cadastre.

Footnote. The Code is supplemented by Article 293-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); with the change introduced by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

#### **Article 294. Environmental requirements in transporting of hazardous wastes**

1. The generation of hazardous wastes and their transporting shall be minimized.
2. The transporting of hazardous wastes shall be allowed upon the following conditions:
  - 1) existence of the relevant packing and marking of the hazardous wastes for the purpose of transporting;
  - 2) existence of the specially equipped and supplied special symbols of the transports;
  - 3) existence of the passport of hazardous wastes and documentation for transporting and transfer of the hazardous wastes with the indication of quantity of the transferred hazardous wastes, purpose and place of destination of their transporting;
  - 4) compliance with safety requirements in transporting of the hazardous wastes, as well as to the handling operations.
3. The procedure for packing and marking of the hazardous wastes for the purposes of transporting shall be determined by the legislation of the Republic of Kazakhstan on the transport.
4. The procedure for transporting of the wastes on the transports, the requirements to perform the handling operations and other requirements on securing the environmental and sanitary and epidemiological safety shall be determined by the rules and regulations, confirmed by the authorized state authority in the field of transport and communications and coordinated with the authorized authority in the field of environmental protection and state authority in the field of sanitary and epidemiological welfare of the population.
5. From the moment of shipping of the wastes on a transport and acceptance by individuals or legal entity, carrying out the transporting of the wastes, and till their discharge in established place from the transport, the liability for safety management with them shall be borne by transport organization or the person, who own this transport.

#### **Article 295. Transboundary movement of wastes**

1. Groups of wastes under the Basel convention on the control of transboundary movements of hazardous wastes and their disposal shall be considered hazardous for transboundary movements of wastes.
2. The transit of wastes through the territory of the Republic of Kazakhstan shall be carried out in accordance with the requirements of the Basel convention on the control of transboundary movements of hazardous wastes and their disposal.

Transboundary transportation of wastes on the territory of the Republic of Kazakhstan shall be carried out on the basis of the conclusion of the authorized body in the field of environmental protection.

3. The export of hazardous wastes shall be prohibited to the states - parties of Basel Convention on control of the transboundary movement of hazardous wastes and their removal to developing countries, which prohibited the import of hazardous wastes within their legislation, or if there are the grounds to suppose, that use of these wastes shall not be carried out by environmentally sound manner, as well as the districts to the south of 60 degrees of southern latitude.

4. In the transboundary movement of hazardous wastes, the users of nature are obliged to provide information for interested states, in respect of proposed waste transport, indicating on consequences of proposed movement for the health of human being and environment.

5. In the transboundary movement of hazardous wastes, they shall be packed, marked and transported in accordance with the generally accepted international rules and regulations in the scope of packing, marking and transporting.

**Footnote. Article 295 as amended by the laws of the Republic of Kazakhstan dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 296. Accounting in the scope of waste management**

1. The owner of wastes is obliged to keep their records (type, quantity and origin) as well as collect and store information about properties of the wastes, which are dangerous for environment and (or) health of human being.

2. The persons, carrying out the waste management, as well as producers of hazardous wastes are obliged to keep the regular records (type, quantity, properties) of the generated, collected, transported, utilized or disposed wastes in the process of their activity.

The rules of accounting of production and consumption wastes shall be determined by the authorized body in the field of environmental protection.

3. The owners of wastes shall store documentation on accounting of the wastes within five years.

4. The owners of wastes shall present the annual report on their activity in the scope of waste management for their introduction into the State waste cadastre to the authorized body in the scope of environmental protection.

**5. Is excluded by the Law of the Republic of Kazakhstan dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

6. The primary statistical data in the scope of wastes shall be presented in accordance with the legislation of the Republic of Kazakhstan in the scope of the state statistics.

**Footnote. Article 296 as amended by the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV; dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten**

calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).

#### **Article 297. Stimulation of the actions on utilization of wastes and reduction of the volumes of their generation**

1. The stimulation of actions shall be carried out on utilization of wastes and reduction of the volumes of their generation and reduction of the danger level of the subjects of economic activity, which introduced by technologies, directed on reduction of the volumes of the waste generation, the wastes in the process of production of outputs (performance of works, rendering of services) shall be utilized, their collection and processing, construction of enterprises and production facilities shall be carried out, as well as the manufacturing of equipment for the waste utilization shall be organized, the equity participation in financing of the actions on waste utilization and reduction of the volumes of their generation shall be taken

2. The local executive bodies shall determine the actions on stimulation of waste utilization and reduction of the volumes of their generation.

**Footnote. Article 297 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 297-1. Transfer of consumption wastes to secondary raw materials**

1. Consumption wastes shall acquire the status of secondary raw materials, being subjected to operations, as a result of which the wastes will serve the purpose of partial or complete replacement of raw materials and (or) other materials in the production process.

2. The criteria for classifying consumption wastes as secondary raw materials shall be determined by the authorized body in the field of environmental protection.

3. The requirements of legislation in the field of wastes shall not apply to secondary raw materials.

**Footnote. Chapter 42 is supplemented by Article 297-1 in accordance with the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).**

### **Chapter 43. ENVIRONMENTAL REQUIREMENTS TO THE WASTE LANDFILLS AND LONG-TERMED WASTE STORAGE**

#### **Article 298. The sites of waste storage and burial**

1. Wastes storage shall be carried out in specially equipped places (sites, warehouses, storage facilities) for the period, established by the project documentation for each type of wastes for subsequent utilization, processing or final burial.

2. The waste burial site is the place of their permanent disposal without intention of retirement. The waste burial shall be carried out on the specially equipped landfills.

3. The site of the long-termed waste storage are the place of their permanent disposal with potential following movement and (or) with necessity of permanent monitoring of their environmental impact. The environmental requirements, which shall be determined for the landfills shall be applied to the long-termed waste storages, and by this the technical capability for their extraction, transporting, following utilization or ultimate burial shall be secured.

4. The projects for placement and construction of landfills are subject to:

- 1) state ecological expertise;
- 2) state sanitary and epidemiological expertise in construction of objects of high epidemic significance in the manner, established by this Code and other normative legal acts of the Republic of Kazakhstan.

4-1. Temporary storage of technogenic mineral formations is not waste disposal.

Places of temporary storage of technogenic mineral formations are intended for their safe collection in the period not exceeding twelve months prior to their processing, utilization, removal to the place of long-term storage or to the landfill or transfer to third parties carrying out such operations.

In case of infringement of conditions and terms of temporary storage of such technogenic mineral formations they are recognized as placed since the moment of their formation.

5. The storage and burial of hazardous wastes shall be qualified as environmental hazardous types of economic activity. The sites of storage and burial of the hazardous wastes are environmental hazardous objects.

6. The waste burial, contained the persistent organic pollutants, provided by international agreements of the Republic of Kazakhstan on persistent organic pollutants shall be prohibited. The export and import of these wastes shall be allowed only for the purposes of their destruction.

**Footnote. Article 298 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); No. 126-VI dated 27.12.2017 (shall be enforced upon the expiration of six months after the date of its first official publication).**

#### **Article 299. The classes of the waste disposal landfills**

1. Every waste disposal landfill shall be referred to the one of the following classes:

- 1) 1 class – the landfill for disposal of hazardous wastes;
- 2) 2 class – the landfill for disposal of non-hazardous wastes;
- 3) 3 class – the landfill for disposal of solid municipal wastes.

2. The lists of the wastes for disposal on the landfills of different classes shall be determined by the authorized body in the scope of environmental protection.

Footnote. Article 299 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 300. Environmental requirements to the waste disposal landfills**

1. Only non-hazardous wastes may be subject to burial without pre-treatment.
2. The hazardous wastes shall be subject to deactivation, stabilization and other methods of impact, reducing the hazardous properties of wastes.
3. The disposal of hazardous wastes on the landfills of non-hazardous wastes shall be prohibited.
  - 3-1. It is prohibited to bury solid domestic waste without its preliminary processing.
4. The criteria for receiving the wastes on the landfill of certain class shall be determined as follows:
  - 1) environmental protection (particularly underground and surface waters) and public health;
  - 2) securing of the stabilization processes of the wastes within the landfill;
  - 3) qualitative composition of received wastes;
  - 4) requirements or restrictions on a quantity of received wastes and properties of their organic components to biodegradation;
  - 5) limits on a quantity of potentially hazardous components in accordance with criteria of protection;
  - 6) ecotoxic properties of the wastes and generated filtered material.
5. The storage operations of wastes in the unestablished places and generation of natural dumping places shall be prohibited.
6. Every landfill shall be equipped by the monitoring system of atmosphere emissions (landfill gas) filtered material and waste waters, generated in the lodged wastes, for prevention of their negative impact on the environment.
  - 6-1. New solid waste landfills under construction should be equipped with systems for collecting and draining filtrate and landfill gas. Requirements for the design, construction and operation of systems for collecting and draining seep liquid and landfill gas are established by the standards of the Republic of Kazakhstan. Requirements of standards for design, construction and operation of systems for collection and disposal of seep liquid and landfill gas are mandatory for individual entrepreneurs and legal entities, regardless of the organizational and legal form.
  - 6-2. New solid waste landfills under construction should be equipped with an impervious blanket. Requirements for the design and construction of impervious blankets are established by the standards of the Republic of Kazakhstan. Requirements of standards for the design and construction of impervious blankets are mandatory for individual entrepreneurs and legal entities, regardless of the organizational and legal form.



7. The quantity and hazardous properties of wastes, intended for burial on the landfill should be reduced.

8. The owner of landfill shall take measures on reduction of methane formation on the landfill by reducing the volumes of burial of biodegradable wastes and introduction of the systems of monitoring and landfill gas utilization.

9. For prevention of environmental pollution, the owner of landfill shall implement the unitized procedure for receipt on the basis of waste classifying.

10. The activity of the landfills of waste burial shall be carried out on the basis of plan to bring the plot into compliance with environmental requirements on the date, coordinated with the authorized body in the scope of environmental protection.

11. The owner of landfill shall establish the abandonment fund for carrying out of measures on reclamation of land and environmental impact monitoring after closing of the landfill.

The operation of the landfill without abandonment fund shall be prohibited.

The provisions of parts one and two of this paragraph shall not apply to subsoil users who have provided security for the fulfillment of their obligations on liquidation in accordance with the Code of the Republic of Kazakhstan "On Subsoil and Subsoil Use".

12. The procedure for receipt and waste classifying, received for burial, shall be determined by the owner of landfill and coordinated with the authorized body in the scope of environmental protection.

13. The monitoring of compliance with requirements to waste disposal on the landfills and maintenance of the landfills shall be carried out by the authorized body in the scope of environment protection.

**Footnote. Article 300 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication); dated 28.04.2016 № 506-V (shall be enforced dated 01.01.2019).**

### **Article 301. The wastes, not acceptable for the landfills**

1. The receipt of the following wastes for the burial on the landfills shall be prohibited:

- 1) liquid wastes;
- 2) hazardous wastes, which are explosive, corrosive, acidize, highly flammable or flammable;
- 3) wastes that enter into reaction with water;
- 4) infected wastes from medical or veterinary institutions;
- 5) intact used tires and their parts, with the exception of their use in the capacity of stabilizing material in the course of reclamation;
- 6) wastes, containing the persistent organic pollutants;
- 7) pesticides;



8) wastes, which fail to meet the criteria of receipt.

9) plastic wastes, plastic, polyethylene and polyethylene packaging;

10) paperstock, cardboard and paper waste;

11) mercury-containing lamps and devices;

12) waste glass;

13) scrap of non-ferrous and ferrous metals;

14) is excluded by the Law of the Republic of Kazakhstan dated 05.04.2017 № 56-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

15) lithium batteries, lead acid;

16) electronic and electrical equipment;

17) is excluded by the Law of the Republic of Kazakhstan dated 05.04.2017 № 56-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

Note of RCLI!

The effect of sub-paragraphs 18), 19), paragraph 1 is suspended until 31.12.2020, in accordance with p. 12 of Article 324 of this Code of RK.

18) construction material wastes;

19) food wastes.

2. The blending of the wastes in order to fulfill the criteria of receipt shall be prohibited.

3. Local executive bodies shall organize measures to reduce the burial of biodegradable wastes, including measures for recycling, composting, biogas production and (or) use for production of products or energy.

Footnote. Article 301 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); dated 05.04.2017 № 56-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 302. The solid and slimy industrial wastes, the disposal of which shall be prohibited on the landfills intended for communal waste disposal**

Footnote. The title of Article 302 as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No. 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

On the landfills, intended for communal waste disposal, the disposal of the following solid and slimy industrial wastes shall be prohibited:

1) wastes of chemical industry on the chlorine production:

the graphitic spent slurry of production of the synthetic rubber, chlorine, caustic, containing mercury and mercury compounds;

the methanol, wastes of the organic glass production, containing the methanol;

the spent slurries of the salts production of chloroacetic acid, containing hexachloranum, methanol, phenyl trichloride;

the paper bags, used for transporting of aavero, aminoform, aaphytora, copper trichlorophenolate, thiuram disulfide;

the spent slurries of copper trichlorophenolate production, containing the chlorophenistic acid;

the dead catalyst of plastopolymers production, containing phenyl hydride and dichloroethane;

the coagulum and omega polymers, containing the chlorobutadiene;

the wastes of phenyl trichloride, manufacturing of fertilizers, containing the hexachloranum, phenyl trichloride;

2) wastes of chemical industry on production of chromic compounds:

spent slurry of the monochromat and sodium chloride production, wastes of potassium bichromate production, containing the hexavalent chromium;

3) wastes of zinc ash of the natron production industry, containing the zinc;

4) wastes of the synthetic fiber production:

the spent slurries, containing dimethyl terephthalate, benzene dicarboxylic acid, zinc, copper;

the wastes from filtration of aminocaproic lactam, containing the aminocaproic lactam;

the wastes of methanolysis, containing the methanol;

5) wastes of paint and coatings industry:

the film of lacquer varnishes and enamels, wastes in the course of clearing of equipment, containing the zinc, chrome, solvents, oxidative oils;

the spent slurries, containing the zinc and magnesium;

6) wastes of chemical photographic industry:

the wastes of hyposulphite and anhydrous sulfite production, containing the phenol;

the wastes of magnetic lacquer varnishes, collodium, paints, containing the butyl acetate, toluene, dichloroethane, methanol;

7) wastes of plastics industry, containing the phenol;

8) wastes of nitrogen and nitrogen compound making industry:

spent slurry (resins) from the installation of coke gas cleaning and used oils of the production facilities of synthesis and compression, containing the carcinogenic substances;

the distillation residue from distilling of monoethanolamine, containing the monoethanolamine;

9) wastes of oil-refining and hydrocarbon processing industry:

the aluminosilicate adsorbing material from the oils, paraffin clearance, containing the chrome and cobalt;

the acid sludge with the content of dipping acid, in excess of thirty percent;

the sludge and sludge resinous residues of receiving the coke and gasification of the semicoke, containing the phenol;

the dead catalyzers, containing chrome;

the used clay, containing the oils;

the wastes of the filtration process from the installations of alkylphenole additives, containing zinc;

10) wastes of machinery-producing industry:

the sludge of chromic flows, containing cyanogen;

the sludge of cyanide flows, containing cyanogen;

the core sand mixtures on the organic binder, containing chrome;

the sludge after vacuum filters, deacidification station of galvanizing plants, containing the zinc, chrome, nickel, cadmium, lead, copper, chlorophos, thiocol;

11) wastes of medical industry:

the wastes of synthomyc in production, containing bromine, dichloroethane, methanol;

the wastes of beneficiating and spent slurry, containing the salt of heavy metals.

**Footnote. Article 302 as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No. 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 303. The general requirements for the landfills of hazardous wastes**

1. The location of the landfill of hazardous waste disposal shall consider the requirements, concerning:

1) distance from the boundary of landfill to residential and recreation areas, water bodies, agricultural lands and inhabited localities;

2) availability of underground, surface waters and their water protection zones and strips or specially protected natural territories;

3) geological and hydrogeological environments;

4) flood hazard, degradation, earth flows or landslide on the plot;

5) protection of the objects of state nature reserve fund.

2. Depending on characteristics of the landfill and meteorological conditions, it shall be provided:

1) the control of unexpected income of water into the landfill body;

2) the prevention of income of the surface and (or) underground waters in the waste burial site;

3) collection and treatment of contaminated water and filtrate to the standards, determined for the waste waters.

3. The collection, treatment and use of landfill gas shall be carried out by the method, which will minimize the damage and environmental deterioration and public health risk.

4. The measures for minimizing the consequences of the functioning of the waste dumping ground shall be taken:

- 1) emissions of odor thresholds and dust;
- 2) materials, compounds and stack ashes, disseminated by wind;
- 3) noise and motion;
- 4) birds, parasites and insects;
- 5) fire accidents.

5. The landfill of waste disposal shall be equipped in such a way, that pollution from the plot wasn't on the municipal roads and surrounding grounds.

6. The landfill shall be protected from free access of unauthorized persons to the plot. The monitoring and access system to every technique shall contain the program of measures to detect and prevent the illegal use of facilities.

7. The administration of the waste disposal landfill shall be carried out by individuals or legal entities, having techniques for operation of the landfill and securing the professional and technical education and training of landfill employees.

8. The level of admissible assessments shall be determined in the environmental permit, considering the specific hydrogeological conditions in location area of the landfill on the basis of the project of waste dumping ground.

9. The landfill shall be assigned by individual registration number, included into State waste cadastre of the Republic of Kazakhstan. The owner of the landfill shall develop the system of document control, intended for keeping records of the wastes, received by the landfill.

10. The design of the wastes placement landfill should provide the creation of a liquidation fund for closing, remediation, monitoring and control of pollution after its closure. The procedure for formation of liquidation funds shall be determined by the authorized body in the field of environmental protection.

The provisions of part one of this paragraph shall not apply to subsoil users who have provided security for the fulfillment of their liquidation obligations in accordance with the Code of the Republic of Kazakhstan "On Subsoil and Subsoil Use".

11. The owner of landfill is obliged to inform the authorized body in the scope of environmental protection about all types and quantity of disposed wastes and about results of scheduled inspection.

**Footnote. Article 303 as amended by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication).**

#### **Article 304. Procedures for acceptance of waste**

1. The owners of wastes that rent the wastes to the landfill are obliged to provide true information to the owner of the landfill on their qualitative and quantitative characteristics,

confirming the reference of wastes to the certain type, and accompanying copy of the hazardous waste certificate for hazardous wastes.

2. The owners of landfills have the right to accept only the types of wastes on the landfill, which are permitted for disposal on this landfill and the right to dispose of which is confirmed by environmental permit.

3. The owner of landfill shall comply with the following procedures for receiving of wastes:

1) paper works on the wastes, including the hazardous waste certificate;

2) visual examination of the wastes at entrance and siting location;

3) verification of the contents with description in documentation, presented by the owner of the wastes;

4) maintaining of records of the quantity and characteristics of disposed wastes with indication of origin, delivery date, identification of the generator or collector of wastes, and in existence of hazardous wastes – their precise siting location in the landfill;

5) for exclusion of ingress of radioactive substance on the landfill it is necessary to conduct the dosimetric control of each of waste lots.

4. The owner of landfill is obliged to constantly provide written acknowledgment of receipt of the each of waste lots, received on the lots and ensure the storage of this documentation within five years.

5. The measurement units shall be established for weighing of received wastes on receiving points.

#### **Article 305. The control and monitoring at the stage of landfill operation**

1. The owner of landfill shall annually present the report on conducting the monitoring of environment impact to the authorized body in the scope of environmental protection.

2. The owner of landfill shall notify the authorized body in the scope of environmental protection about adverse environmental impact, detected in a result of control and monitoring, as well as coordinate the character and terms of corrective actions, which will be taken, with the authorized body in the scope of environmental protection.

3. The control, monitoring and (or) analysis shall be executed by the accredited laboratories.

4. The specimen of filtrate waters and surface waters shall be collected in the representational items. The carrying out of collection and measurements of the volume and composition of filtrate water shall be executed separately in each item of the lot, in which the filtrate water is formed.

5. The gas monitoring shall be conducted for each disposal sell of hard domestic wastes in accordance with methods, confirmed by the authorized body in the scope of environmental protection.

6. The periodicity of carrying out of collection and analysis shall be justified in the monitoring program, attached to the permit for environmental emission.

7. The parameters which will be measured and substances which will be analyzed shall be corrected depending on the composition of disposed wastes.

8. The parameters which will be analyzed in the specimens, taken from the ground waters shall be specified by expected composition of filtrate waters and quality of the ground waters in this place. The ground water flow and direction shall be determined in the process of parameters selection for analytical accounting. The parameters may include the indicative indices to warrant the early detection of changes in the water quality.

**Footnote. Article 305 as amended by the Law of the Republic of Kazakhstan dated 01.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 306. The procedures of closure, reclamation and monitoring of the landfill (part of the landfill)**

1. The closure of landfill (part of landfill) on waste burial shall be allowed only after the procurement of environmental permit.

2. The landfill (part of landfill) on waste burial may be considered as closed only after the carrying out of termination examination afield, assessment of information, provided by the owner of landfill, and provision of information to him (her) on approval of closure of the landfill (part of landfill) by the civil servants of the authorized body in the scope of environmental protection and government body in the scope of sanitary and epidemiological service. By this, the owner of landfill shall not be excused from the fulfillment of conditions of environmental permit.

3. After the closure of the landfill (part of the landfill), the owner of the landfill shall carry out remediation and monitor emissions of landfill gas and filtrate within thirty years for the landfills of class 1, twenty years for the landfills of class 2, five years for the landfills of class 3. Funds for the recultivation of disturbed lands and subsequent monitoring shall come from the liquidation fund of the landfill.

3-1. Landfill reclamation includes measures to stabilize the waste in the landfill, to protect against erosion and to green the slopes of the landfill, taking into account the natural and climatic conditions of the area where the landfill is located. Requirements for landfill remediation are set by national standards. The requirements of the national standards for landfill remediation are mandatory for individual entrepreneurs and legal entities regardless of the organizational and legal form.

4. After the owner of the landfill has carried out reclamation of the landfill (part of the landfill) in accordance with the terms of the project and the works are accepted by the Acceptance Commission with the participation of the authorized body in the field of environmental protection, the owner stops monitoring the environment.

**Footnote. Article 306 as amended by the laws of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after of its first official publication); No. 184-**

VI dated 05.10.2018 (shall be enforced upon the expiration of six months after the date of its first official publication).

## **Chapter 44. ENVIRONMENTAL REQUIREMENTS TO THE STORAGE AND BURIAL FACILITIES OF RADIOACTIVE WASTES**

### **Article 307. The radioactive wastes and their classification**

1. The following substances which are not subject to further use in any state of aggregation shall relate to the radioactive wastes:

1) biologically sourced materials, products, equipment, objects in which the content of radioactive nuclides is exceed the levels, determined by the legislation of the Republic of Kazakhstan;

2) spent nuclear fuel which is not subject to reprocessing;

3) exhausted their resource or impaired radioactive source;

4) massive materials, ore materials and wastes, got out from the subsoil and stored in the dumps and tailings ponds, in which the content of radioactive nuclides exceeds the levels, determined by the legislation of the Republic of Kazakhstan.

2. The state of aggregation, origin, radioactivity level, half-life of the radioactive nuclides are the base of radioactive wastes classifying.

3. On the state of aggregation, the radioactive wastes shall be divided into liquid and solid . The solutions of inorganic substances, pulp of filter-materials, organic liquids shall be related to liquid radioactive wastes. The products, vehicle and mechanism components, materials, biological objects, exhausted radioactive sources shall be related to the solid wastes

4. The wastes shall relate to radioactive, if the volume activity of the radioactive nuclides contained in them is more than the values, regulated by the safety radiation levels for radioactive materials, which are subject to the control, and under unknown radionuclide composition, the volume activity is more than:

1) one hundred kilobecquerels per kilogram – for the beta-emitting radioactive nuclides;

2) ten kilobecquerels per kilogram – for the alpha-emitting radioactive nuclides (excluding the transuranic);

3) one kilobecquerel per kilogram – for the transuranic radioactive nuclides.

5. On the sources of radioactive wastes shall be classified as follows:

1) ore mining wastes;

2) wastes of nuclear research and nuclear-power installations;

3) wastes of the nuclear bursts;

4) unoccupied radioactive emitting sources and sources with expired term of life cycle.

6. On the radioactivity level, the solid radioactive wastes shall be classified as follows:



1) low-level radioactive wastes – the wastes, the volume activity of which (kilobecquerels per kilogram) are: less than one thousand – for the beta-emitting radioactive nuclides; less than one hundred – for the alpha-emitting radioactive nuclides (excluding the transuranic); less than ten – for the transuranic radioactive nuclides;

2) medium-active radioactive wastes – the wastes, the volume activity of which (kilobecquerels per kilogram) are: from one thousand to ten millions – for the beta-emitting radioactive nuclides; from one hundred to one million – for the alpha-emitting radioactive nuclides (excluding the transuranic); from ten to one hundred thousand – for the transuranic radioactive nuclides;

3) high-level radioactive wastes – the wastes, the volume activity of which (kilobecquerels per kilogram) are: more than ten millions – for the beta-emitting radioactive nuclides; more than one million – for the alpha-emitting radioactive nuclides (excluding the transuranic); more than one hundred thousand – for the transuranic radioactive nuclides.

#### **Article 308. The classification of the storage and (or) burial facilities of radioactive wastes**

1. The original (natural) or artificial grounds, capacities or premises shall be related to the storage and (or) burial facilities of radioactive wastes, used for storage and (or) burial of radioactive wastes.

2. The facilities in which the wastes are located without intention of their further withdrawal shall be related to the storage facilities of radioactive wastes.

3. The storage facilities of radioactive wastes shall be divided upon receiving the radioactive wastes from:

1) the geological survey, mining, mining-processing activities, containing primarily the natural radioactive nuclides;

2) nuclear power industry, nuclear bursts and nuclear-type production, primarily containing the artificial radioactive nuclides.

4. On the scale of the radioactive wastes catchment area, the storage and (or) burial facilities of radioactive wastes shall be divided into local and regional facilities. The facilities, intended for the waste disposal of one object or one district shall be related to the local facilities, and two and more objects and (or) districts – to regional facilities.

#### **Article 309. Environmental requirements to the storage and (or) burial facilities of radioactive wastes**

1. All projects of the storage and (or) burial facilities of radioactive wastes are subject to state environmental impact, sanitary and epidemiological assessments and expert review, carried out in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use. The projection shall be carried out in accordance with construction standards and rules, confirmed in accordance with the legislation of the Republic of Kazakhstan.

2. The project shall include:

1) the sources of radioactive wastes, other sources of radioactive effects on environmental within a radius of forecasting activity of the storage and (or) burial facilities of radioactive wastes, their quantitative and qualitative characteristics;

2) the organized structure, volume and procedure for conducting the industrial radiological monitoring;

3) calculation of radiation dose on the population, acceptable and controlled levels and impact assessment of all radiation sources within a radius of forecasting activity of radioactive wastes on environmental.

3. The choice of building site of the storage and (or) burial facilities shall be substantiated from the set of alternative choices on the basis of special investigations and economic assessments in recognition of environmental impact, including the estimates of the radiation doses on the critical population groups

4. The engineering investigations, including the geodetic, geological, hydrogeological and hydrometeorological investigations shall provide the substantiations:

1) choice of building site of the facility and its engineering protection from adverse impact of natural and technogenic factors;

2) environment protection measures.

5. The reclamation of disturbed lands after decontamination or another activity shall be provided in the projects of the storage and (or) burial facilities of radioactive wastes.

6. The sanitary protection zone, the boundaries of which shall be established in accordance with the legislation of the Republic of Kazakhstan on the sanitary and epidemiological safety of population, shall be established around the burial facilities of radioactive wastes.

7. The disposal of burial facilities of radioactive wastes shall not be allowed:

1) in the territory of residential construction;

2) in the area of occurrence of mineral resources without the approval of the authorized state body for subsoil studies;

3) in the zones of active karst;

4) in the zones of earth slides, earth flows and snow slides and other geological hazards;

5) in the wetlands;

6) in the feed zones of domestic water of underground sources;

7) in the zones of sanitary protection of resorts;

8) in the territory of urban green belts;

9) on the conservation areas;

10) in the territory of the I, II, III belt of the protective sanitary zone of underground and surface sources of domestic water supply, purification plants of water supply systems, water mains;

11) in the territory of watershed;

12) on the lands, occupied or intended for foresting, forest parks and other green plantings, fulfilling the protective and sanitary and hygienic functions, which are the holiday resort of population.

8. When choosing the land plot for construction is it necessary to observe the following conditions:

1) existence of subsoil waters, which are inadequate for domestic and technical water supply on mineralization;

2) high sorption-capacitance properties of subsurface environment;

3) significant depth to underground waters (sixty and more metres);

4) level of subsoil waters which are no closer than four metres from the floor of the storage and (or) burial facilities of radioactive wastes;

5) geologic horizons, which are not the water beds and have no the hydraulic connection with underlying water bed;

6) absence of fault tectonics and intensive fissuring, the distance to earthquake-prone fault is more than forty kilometers;

7) slow response to faulting, subsidence, downwarping;

8) lack of erosion;

9) geomorphological stability;

10) solid and very firm soils and fundamental rocks;

11) impenetrable fundamental rocks with thickness of more than ten metres;

12) gently rolling country with the sides of no more than five percent;

13) distance to the nearest water abstraction of underground and subsoil waters or from the surface water source which are no closer than four kilometers;

14) actual land use shall not produce prominent economic effect, the potential land use also has no recognized assessment;

15) cultural and national-significant values are absent at the distance of four kilometers;

16) area is not of tourist value and rarely visited by the people from the nearest inhabited localities.

9. In case of non-conformity of one of conditions, mentioned in the paragraph 8 of this Article, the environment protection measures from the adverse effect of the storage and (or) burial facilities of radioactive wastes or on its protection from adverse effect of natural and technogenic factors shall be developed by:

1) establishment of engineered barriers of low permeability and sorption of capacitive materials (polyethylene, concrete, ceramics, clay, zeolite);

2) implementation of drainage systems, ensuring the passage of surface, subsoil and underground waters around the facilities.

10. For the low-level radioactive wastes of uranium and non-uranium mining and reprocessing enterprises, the earlier excavated mine openings with disposal of radioactive wastes may be used below the unsaturated zone and among the other subsurface rocks with

higher sorption-capacitance properties (excluding the possibility of radioactive nuclides migration beyond the boundaries of facility).

11. For the medium-active radioactive wastes of uranium and non-uranium mining and reprocessing enterprises, the excavated mine openings with the auxiliary device of technical barriers made of clay, zeolite and other sorbing radioactive nuclides of materials may be used.

12. The natural topographic low may be used for the long termed disposal of low-level solid and liquid radioactive wastes in existence of natural or artificial substrate from impermeable rock or other material.

13. The burial of liquid wastes is prohibited. The liquid wastes shall be dehydrated till humidity of unconsolidated rock in environmental or solidified.

14. For the storage and (or) burial facilities of medium-active radioactive wastes, the protection measures and alarm shall be obligatory provided, for the storage and (or) burial facilities of low-level radioactive wastes – the protection measures without alarm.

15. The calculation of radiation doses and development of efficient measures on radiation shield of population shall be carried out on the basis of dose calculation on critical population groups. The critical population group shall be determined on the basis of analysis and detection of critical pathway, through which the radioactive substances reach this population group.

16. The calculation of the spread of radioactive contamination of surface water, ground water and groundwater shall be performed on the basis of specific hydrological and hydrogeological studies carried out to determine the rate of filtration solutions and pollution filtrations, their migration facilities and sorption properties of water-bearing materials.

17. The damage inflicted by impact of emergency nuclear pollution of environment shall be estimated on the costs of measures on carrying out of protection measures on reclamation works performance.

## **Chapter 45. STATE REGULATION OF ACTIVITY IN THE SPHERE OF GREENHOUSE GAS EMISSIONS AND OZONE DEPLETERS**

**Footnote.** The title is in the wording of the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 310. The basic principles of climate and the Earth's ozone layer protection**

The climate and the Earth's ozone layer protection shall be based on the following basic principles:

1) prevention, mitigation of climate change (including global climate change) and degradation of the Earth's ozone layer;

2) obligatoriness of state regulation of the greenhouse gas emissions and ozone depleters to the atmosphere;

3) publicity, completeness and adequacy of information about climate change and degradation of the Earth's ozone layer;

4) science justification, systemacity and complexity of approach to the climate and the Earth's ozone layer protection.

**Article 311. The state administration in the scope of climate and the Earth's ozone layer protection**

The authorized body in the scope of environmental protection shall carry out the state administration in the scope of climate and the Earth's ozone layer protection.

**Article 312. The climate and the Earth's ozone layer protection programs**

**Footnote. Article 312 is excluded by the Law of the republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

2. The project of the climate and the Earth's ozone layer protection programs may be proposed for consideration of the citizens and public association for the purposes of consideration of their proposals in the planning and carrying out of the measures on prevention and mitigation of climate change (including global climate change) and degradation of the Earth's ozone layer.

**Article 313. The regulation of ozone depleter consumption**

1. The limits (quotas) of maximum allowed emissions and consumption of ozone depleters shall be established for the purpose of the state regulation of ozone depleters consumption.

The limits (quotas) of ozone depleters consumption shall be established by the authorized body in the scope of environmental protection in accordance with the international agreements of the Republic of Kazakhstan on substances, depleting the ozone layer.

2. Import to the territory of the Republic of Kazakhstan from countries, that are not members of the Eurasian economic union, and export from the territory of the Republic of Kazakhstan to these countries of ozone-depleting substances and products, containing them, with the exception of their transit, shall be carried out on the basis of licenses, issued by the authorized body in the field of environmental protection environment.

Movement of ozone-depleting substances by individuals for personal use (for non-commercial purposes) shall be prohibited.

**Footnote. Article 313 is in the wording of the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 26.12.2017 № 124-VI (shall be enforced from 01.01.2018).**

**Article 314. General requirements to economic and other activity, allowing the emissions of greenhouse gas and ozone depleters**

1. Import and export of ozone-depleting substances and products containing them, production of works, using ozone-depleting substances, repair, installation, maintenance of equipment, containing ozone-depleting substances shall be environmentally hazardous economic activities.

1-1. Work with the use of ozone-depleting substances, repair, installation, maintenance of equipment, containing ozone-depleting substances shall be carried out on the basis of a permit, issued by the authorized body in the field of environmental protection, in the manner determined by the authorized body in the field of environmental protection.

2. On developing the urban and other localities, the projection, allocation, construction, reconstruction and operation of the objects of economic and other activity shall be carried out in recognition of decrease of the greenhouse gas emissions and maintenance of the absorption level by their absorbents.

3. Legal entities and individual entrepreneur, carrying out import and export of ozone-depleting substances, as well as production of works, using ozone-depleting substances, repair, installation, maintenance of equipment, containing ozone-depleting substances shall be obliged:

1) make an inscription “deplets the ozone layer” on production and clearly mark the packing by the similar inscription, in which the ozone depleters or production, containing the ozone depleters are stored or transferred;

2) ensure the safe storage and transporting;

3) indicate the title and quantity of ozone depleters, including the substances, contained in production in the transportation documentation;

4) develop and carry out the measures on collecting of ozone depleters and their storage in the sealed containers for the purpose of utilization and (or) deactivation.

4. The projection, reconstruction, technical retooling, extension, new construction of the objects using the technologies, equipment, substances and materials, providing the handling with ozone depleters, including into the list of ozone depleters, restricted or prohibited for consumption in the Republic of Kazakhstan, with the exception of objects, intended for utilization and (or) deactivation of these ozone depleters.

**Footnote. Article 314 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 314-1. Installation requirements**

**A footnote. The Code is supplemented by Article 314-1 in accordance with the Law of Republic of Kazakhstan dated 03.12.2011 № 505-IV (shall be enforced upon the expiration of**

ten calendar days after its first official publication; is excluded by the Law of the Republic of Kazakhstan dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 315. Recording of consumption of ozone-depleting substances**

1. Legal entities and individual entrepreneurs, engaged in consumption of ozone-depleting substances shall be subject to recording in the manner, prescribed by the authorized body in the field of environmental protection.

2. The following activities shall be subject to recording for consumption of ozone-depleting substances:

- 1) production of ozone-depleting substances;
- 2) import and export of ozone-depleting substances;
- 3) production of works with the use of ozone-depleting substances, repair, installation, maintenance of equipment, containing ozone-depleting substances.

Footnote. Article 315 is in the wording of the Law of the Republic of Kazakhstan dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 316. Recording and state cadastre of consumption of ozone-depleting substances**

Footnote. The title of Article 316 is in the wording of the Law of the Republic of Kazakhstan dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

1. The authorized body in the scope of environmental protection shall organize development of the state cadastre of ozone depleters consumption, regulated in accordance with the international agreements of the Republic of Kazakhstan.

2. For preparation of the state inventory of consumption of ozone-depleting substances legal entities and individual entrepreneurs, engaged in import and export of ozone-depleting substances shall:

keep records of the imported, exported and sold amount of ozone-depleting substances with the names and location of the buyer organizations and the intended applications;

annually, no later than the first quarter of the year following the reporting year, submit to the authorized body in the field of environmental protection information on the actually imported, exported and sold amounts of ozone-depleting substances in the fields of application in the form, established by the authorized body in the field of environmental protection.

3. The data of the state cadastre of ozone depleters consumption is available for public and subject to publication.

Footnote. Article 316 as amended by the laws of the Republic of Kazakhstan dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first



official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 317. The state inventory and state cadastre of the greenhouse gases**

Footnote. Article 317 is excluded by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 318. Industrial control of ozone depleters**

Footnote. The title as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The legal person, having the sources of ozone depleter emissions to the atmosphere shall carry out the industrial control by annual taking inventory of the ozone deplete emissions in the manner, prescribed by the authorized body in the scope of environmental protection.

2. Information about organizing the environmental services and persons, responsible for carrying out of the industrial control of ozone depleters, and also inventory results of ozone depleters shall be presented to the authorized body in the scope of environmental protection.

Footnote. Article 318 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **SECTION 9. LIABILITY FOR ENVIRONMENTAL OFFENCES AND SETTLEMENT OF ECOLOGICAL DISPUTES**

### **Chapter 46. LIABILITY FOR ENVIRONMENTAL OFFENCES AND SETTLEMENT OF ECOLOGICAL DISPUTES**

#### **Article 319. Types of environmental offences**

The types of environmental offenses are:

1) the breach of environmental legislation of the Republic of Kazakhstan, entailing the property liability;

2) the administrative infractions in the scope of environmental protection, use of natural resources;

3) environmental criminal offenses.

Footnote. Article 319 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

#### **Article 320. The liability for the breach of environmental legislation of the Republic of Kazakhstan**

The breach of environmental legislation of the Republic of Kazakhstan shall entail the liability in accordance with the Laws of the Republic of Kazakhstan.

**Article 321. The obligatoriness of compensation for damage, inflicted by the breach of environmental legislation of the Republic of Kazakhstan**

1. The persons, committed ecological infractions, are obliged to compensate for inflicted damage by them, in accordance with this Code and other legislative acts of the Republic of Kazakhstan.

2. The damage, inflicted to environment, civil health, property of individual and legal persons is subject to compensation by virtue of:

- 1) destruction and damaging of the natural resources;
- 2) illegal and irrational use of natural resources;
- 3) unauthorized emissions;
- 4) over-standard emissions.

3. The compensation of harm to health of individual persons, damage to the property of individuals and legal entities, state by the persons, committed environmental offences shall be carried out voluntarily or by the court decision in accordance with the legislation of the Republic of Kazakhstan. The harm is subject to compensation in the full measure in recognition of the loss rate of the injured person's labour capacity, his (her) treatment expense and health resumption, expenses on care for sick person, other expenses and losses.

4. The compensation for damage, inflicted to environment by the virtue of breach of environmental legislation of the Republic of Kazakhstan shall be carried out voluntarily or by the court decision on the basis of economic assessment of the damage, the procedure of conduct of which shall be determined in accordance with this Code.

5. The individuals and legal entities, the activity of which is connected with heightened danger for environment, are obliged to compensate the harm, inflicted by the source of heightened danger, if they prove, that the harm occurred by the virtue of irresistible nature or criminal intent of injured person.

6. The moral damage, inflicted in a result of breach of environmental legislation of the Republic of Kazakhstan is subject to compensation in the manner prescribed by the civil legislation of the Republic of Kazakhstan.

7. The cases of above-level waste disposal and cases of above-level pollutants discharge to the objects, equipped and intended for waste disposal and sewage discharge, preventing the pollution of ground surface, subsoil and underground waters shall not be considered in the capacity of damage to environment.

8. The cases of ingress of chemical substances or sewage water run on production areas, restricted by protective shelters, preventing their ingress on the ground surface, in subsoil and underground waters shall not be considered in the capacity of damage to environment.

9. Cases of deviation from programs of development of processing of associated gas, and also project documentation and projects of standards of emissions into the environment,

including changes of scenarios and (or) schedules of burning of gas, submitted by the nature user on the state ecological expertise and not involving excess of standards of maximum permissible emissions shall not be considered as unauthorized and over-standard emissions.

**Footnote. Article 321 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its official publication); dated 29.12.2014 № 271-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.04.2016 № 505-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 322. The procedure for compensation of harm, inflicted by the breach of environmental legislation of the Republic of Kazakhstan**

1. The person, inflicted the harm to environment has the right to voluntarily remove inflicted damage or compensate it by the other method. The obligations of the person on removal or compensation of damage shall be presented in the letter of guaranty.

2. The compensation of harm may be carried out in the cost form on account of own funds of the person, inflicted harm to environment, or insurance payments.

3. The monetary funds for environmental reclamation to the state, which was by the time of infliction of the harm, fulfillment of the measures on restoration of natural resources, compensation of other losses to demandant, including expectation loss shall relate to the cost forms of compensation of harm.

4. On the basis of court decision, with the consent of the parties, the harm may be compensated in the natural form by imposing the obligation on restoration of environment on the respondent.

5. The measures on restoration of environment to the state, which was by the time of infliction of the harm, provision of equal natural resource instead of destroyed or damaged natural resource shall relate to the natural forms of the compensation of harm. The compensation of harm in the natural form shall be carried out by conclusion of contract and (or) agreement, regulating the procedures, conditions, terms and volumes of the compensation of inflicted harm.

6. The recovered amount of compensation of harm shall be transferred to the state budget, and in the established cases by the legislation of the Republic of Kazakhstan – to injured person.

7. The compensation of harm shall not release the person, inflicted the harm to environment from administrative and criminal responsibility.

**Article 323. The procedures for settlement of ecological disputes**

1. The ecological disputes shall be resolved by the courts in the manner prescribed by the legislative acts of the Republic of Kazakhstan.

2. The ecological disputes between the subjects of environment legal relations may be resolved by negotiations, as well as with involvement of expert members, or in accordance with the previously coordinated procedure of settlement of the disputes by the parties.

## **Chapter 47. FINAL AND TRANSITIONAL PROVISIONS**

### **Article 324. Transitional provisions**

1. The permit for natural management, received by users of natural resources before enforcement of this Code shall be in force within the terms, on which they were issued.

2. The individual and legal persons of the Republic of Kazakhstan are obliged to receive the environmental permits, upon expiry of permits for natural management.

3. The owners of waste landfills and long-term waste storages must prepare and coordinate the plans of conformation with the authorized body in the scope of environmental protection in accordance with environmental requirements, provided by the chapter 43 of this Code for up to 31 December 2007.

4. Within the year from the date of enforcement of this Code, the individual and legal persons, having a license for environmental design, norming and works in the scope of environment impact assessment, for environmental audit activity are obliged to reissue the licenses in the authorized body in the scope of environmental protection in the manner, prescribed by the legislation of the Republic of Kazakhstan. These licenses shall be considered as void upon expiry of stated period.

5. The license for environmentally hazardous economic activities on the list, approved by the authorized body in the field of environmental protection, which are not subject to licensing in accordance with this Code, shall be terminated from the date of entry into force of this Code.

Within six months from the date of entry into force of this Code, individuals and legal entities, having licenses for environmentally hazardous economic activities on the list, approved by the authorized body in the field of environmental protection shall return them to the authorized body in the field of environmental protection.

6. The permits for environmental emissions for the objects of categories II, III and IV on materials, presented by the users of natural resources to the local body in the scope of environmental protection before 1 January 2009 shall be considered and issued by the local body of the authorized body in the scope of environmental protection, upon condition of completeness of presented materials and conformance to requirements of this Code, and shall be valid within the terms, on which they were issued.

7. The First National distribution plan of quotas on the greenhouse gas emissions shall be confirmed for 2013.

8. The owners and possessors of the wastes, containing the persistent organic pollutants, shall develop the program on their destruction before 2025 with determination of source of finance and present it to the authorized body in the scope of environmental protection within three months from the date of enforcement of this paragraph or acquisition of these wastes into ownership or possession.

9. Quotas for greenhouse gases emissions, allocated and issued in accordance with paragraph 2 of Article 94-2 and Article 94-5 of this Code, shall be suspended until 1<sup>st</sup> of January 2018.

10. Verification of the report on the inventory of greenhouse gases shall be carried out by independent accredited organizations, performing validation (determination) and verification until January 1<sup>st</sup>, 2018.

11. To suspend the effect of articles 94-2, 94-4, 94-7 and 94-9 of this Code until the 1<sup>st</sup> of January, 2018.

12. Suspend action:

subparagraphs 9), 10) and 12) of paragraph 1 of Article 301 of this Code until 31 December 2018;

subparagraphs 18) and 19) of paragraph 1 of Article 301 of this Code until December 31, 2020.

**Footnote.** Article 324 as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Article 2); dated 03.12.2011 No. 505-IV (the order of enforcement see Article 2); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.04.2016 № 491-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.04.2017 № 56-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

#### **Article 325. The order of appliance of this Code**

This Code shall be applied to the infractions, arisen after its enforcement.

The regulatory legal acts adopted before enforcement of this Code, regulating the relations in the scope of environmental protection, reproduction and use of natural resources shall be applied in the part, which is not inconsistent with this Code.

#### **Article 326. The order of enforcement of this Code**

1. This Code enters into force upon expiry of ten calendar days from the date of its official publication.

2. The following Laws of the Republic of Kazakhstan shall be declared to be no longer in force:

1) The Law of the Republic of Kazakhstan dated 18 March 1997 “On environment review” (The Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 6, Article 67; 1998, No. 24, Article 443; 1999, No. 11, Article 357; 2003 No. 14, Article 112; 2004, No. 23, Article 142);

2) The Law of the Republic of Kazakhstan dated 15 June 1997, “On environmental protection” (The Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 17-18,

Article 213; 1998, No. 24, Article 443; 1999, No. 11, Article 357; No. 23, Article 137, 142; 2005, No. 7-8, Article 23; No. 14, Article 57; 2006, No. 1, Article 5; No. 3, Article 22);

3) The Law of the Republic of Kazakhstan dated 11 March 2002, “On protection of the atmosphere” (The Bulletin of the Parliament of the Republic of Kazakhstan, 2002, No. 5, Article 54; 2004, No. 23, Article 142; 2006, No.1, Article 5; No. 3, Article 22).

*The President  
of the Republic of Kazakhstan*

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