



## ECOLOGICAL CODE OF THE REPUBLIC OF KAZAKHSTAN

### *Unofficial translation*

The Code of the Republic of Kazakhstan dated January 2, 2021 № 400-VI.

**Unofficial translation**

## **GENERAL PART SECTION 1. BASIC PROVISIONS Chapter 1. GENERAL PROVISIONS**

### **Article 1. Relations regulated by this Code**

1. This Code regulates public relations in the field of interaction between human and nature (environmental relations) arising in connection with the implementation of activities by individuals and legal entities that have or can have an impact on the environment.

Relations regulated by this Code also include public relations in the field of monitoring the state of the environment, meteorological and hydrological monitoring, which are aimed at meeting the needs of the state, individuals and legal entities in environmental and hydrometeorological information.

2. Public relations arising in the field of the use of natural resources, as well as, to the extent applicable, their conservation, restoration and reproduction, are regulated depending on the type of natural resource, respectively, by the land, water, forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on subsoil and subsoil use, in the field of protection, reproduction and use of wildlife and other legislation of the Republic of Kazakhstan in the field of protection and use of natural resources.

3. Public relations arising in the field of environmental protection, and also to the extent that is necessary to ensure the sanitary and epidemiological well-being of the population and do not contradict this Code, are regulated by the legislation of the Republic of Kazakhstan in the field of healthcare.

4. Public relations in the field of environmental protection arising from the definition, establishment, application and implementation of mandatory and voluntary requirements for products, services, product life cycle processes (hereinafter referred to as processes), assessment and confirmation of conformity, accreditation in the field of technical regulation and in the field of standardization, as well as to the extent that does not contradict this Code, are regulated respectively by the legislation of the Republic of Kazakhstan on technical regulation and standardization.

5. Public relations in the field of the use of atomic energy and ensuring the radiation safety of the population are regulated by the special legislation of the Republic of Kazakhstan in the field of the use of atomic energy, ensuring radiation safety in the part that does not contradict this Code.

6. Public relations in the field of biological waste management are regulated by the special legislation of the Republic of Kazakhstan in the field of veterinary medicine in the part that does not contradict this Code.

7. The subjects of relations regulated by this Code are individuals and legal entities, the state, state bodies and officials.

## **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 regulatory legal acts of the Republic of Kazakhstan.

2. This Code is valid throughout the territory of the Republic of Kazakhstan, including on the continental shelf and in the exclusive economic zone of the Republic of Kazakhstan in accordance with the norms of international law.

3. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Code, then the rules of the international treaty apply. International treaties ratified by the Republic of Kazakhstan apply directly to environmental relations, except when it follows from an international treaty that its application requires the issuance of a legislative act of the Republic of Kazakhstan.

4. It is prohibited to include the norms regulating environmental relations in other laws of the Republic of Kazakhstan, except for the cases provided for by this Code. In the event of a conflict between this Code and other laws of the Republic of Kazakhstan containing norms regulating environmental relations, the provisions of this Code apply.

5. The civil legislation of the Republic of Kazakhstan applies to environmental relations in cases where they are not regulated by the norms of this Code.

## **Article 3. Purpose and tasks of environmental legislation of the Republic of Kazakhstan**

1. The purpose of the environmental legislation of the Republic of Kazakhstan is to determine the legal framework, tasks and principles, as well as mechanisms for implementation of a unified state environmental policy in the Republic of Kazakhstan.

2. Tasks of the environmental legislation of the Republic of Kazakhstan are:

1) ensuring a high level of environmental protection through the implementation of state regulation aimed at preventing environmental pollution, preventing environmental damage in any form and ensuring the elimination of the consequences of environmental damage, as well as the gradual reduction of negative anthropogenic impact on the environment;

2) ensuring a favorable environment for human life and health;

3) ensuring the environmental foundations for sustainable development of the Republic of Kazakhstan;

4) ensuring the contribution of the Republic of Kazakhstan to strengthening the global response to the threat of climate change in the context of sustainable development, as well as to the implementation of international, regional and transboundary programs for environmental protection, adaptation to climate change and transition to a "green" economy;

5) protection, preservation and restoration of the environment, including territories and objects of special ecological, scientific, historical, cultural and recreational value;

6) formation of an effective system of public administration in the field of environmental protection, providing for the interaction and coordination of the activities of all state bodies;

7) encouragement and stimulation by the state of attracting "green" investments and the widespread use of the best available techniques, resource-saving technologies and practices, reducing the volume and reducing the level of danger of waste generated and effectively managing it, using renewable energy sources, water conservation, as well as implementing measures to improve energy efficiency, sustainable use, restoration and reproduction of natural resources;

8) ensuring the constant and systematic collection, accumulation, storage, analysis and dissemination of environmental information for the public, including using modern digital technologies, as well as observing the right of each person to access environmental information, determining the basic conditions, procedure and features of the implementation of this rights;

9) ensuring transparency and full participation of the public in resolving issues of environmental protection and sustainable development of the Republic of Kazakhstan;

10) ensuring effective environmental monitoring and environmental control;

11) creation of conditions for attracting investments in the environmental protection measures, modernization of existing and construction of new infrastructure that ensures a high level of environmental protection;

12) ensuring the fulfillment of international contractual and other obligations of the Republic of Kazakhstan, development of international cooperation in the field of environmental protection;

13) formation of ecological culture in society, promotion of environmental knowledge at all levels of education, development of environmental education and enlightenment in order to ensure sustainable development;

14) strengthening law and order in the field of environmental protection and ensuring environmental safety.

#### **Article 4. Ecological safety and ecological foundations of sustainable development of the Republic of Kazakhstan**

1. Sustainable development is recognized as the socio-economic development of the Republic of Kazakhstan, achieved without violating environmental sustainability, while

ensuring environmental safety and environmentally balanced use of natural resources in order to equitably meet the needs of present and future generations.

2. The environmental foundations for sustainable development of the Republic of Kazakhstan are:

1) the formation and maintenance of sustainable models of production and consumption, characterized by an increase in the welfare and quality of life of the population while minimizing the anthropogenic impact on the environment, reducing the consumption of non-renewable natural resources, reducing the level of generation and disposal of waste, as well as stimulating their use as secondary resources;

2) sustainable functioning of natural ecological systems, conservation and sustainable use of biological diversity (hereinafter referred to as biodiversity), prevention of degradation of the natural environment and implementation of measures to improve it, combating desertification;

3) participation of the Republic of Kazakhstan in the global response to the threat of climate change by implementing measures to prevent climate change and adapt to climate change, as well as to protect the ozone layer of the Earth's atmosphere;

4) international cooperation of the Republic of Kazakhstan in order to preserve, protect and restore the healthy state and integrity of the Earth's ecosystem;

5) harmonization of the environmental legislation of the Republic of Kazakhstan with the principles and norms of international law and promotion of the development of international environmental law;

6) containment, prevention of transfer and transfer to the Republic of Kazakhstan from other states and from the Republic of Kazakhstan to other states of any types of activities and substances that cause environmental damage or harm to human life and (or) health, as well as taking preventive measures in accordance with the principle of precautions.

3. Environmental security as an integral part of national security is understood as the state of protection of the rights and vital interests of a person, society and the state from threats arising from anthropogenic and natural impacts on the environment.

#### **Article 5. Principles of environmental legislation of the Republic of Kazakhstan**

Legal regulation of environmental relations is based on the following principles:

1) the principle of prevention: any activity that causes or may cause pollution of the environment, degradation of the natural environment, causing environmental damage and harm to life and (or) health of people is allowed within the limits established by this Code, only if all necessary measures are taken at the source of impact on the environment to prevent the occurrence of these consequences;

2) the principle of correction: environmental damage is subject to elimination in full. If it is impossible to completely eliminate the environmental damage caused, its consequences, as far as possible with the current level of scientific and technological development, should be

minimized. To the extent that the consequences of the environmental damage caused have not been eliminated or minimized, their replacement is ensured through alternative remediation in accordance with this Code;

3) the principle of precaution: if there is a risk of causing environmental damage due to any activity that has significant and irreversible consequences for the natural environment and (or) its individual components, or harm to life and (or) human health, effective and proportionate measures must be taken to prevent the occurrence of such consequences at economically acceptable costs, despite the lack of modern scientific and technical knowledge, the ability to substantiate and sufficiently accurately assess the likelihood of the occurrence of these negative consequences;

4) the principle of proportionality: environmental protection measures are provided to the extent that they are sufficient to achieve the purpose and tasks of the environmental legislation of the Republic of Kazakhstan. In this case, preference is given to the option that is the least burdensome;

5) the “polluter pays” principle: a person whose activity causes or may cause pollution of the environment, degradation of the natural environment, causing environmental damage in any form or harm to life and (or) health of people, bears all costs for implementation of requirements of the environmental legislation of the Republic of Kazakhstan for prevention and control of the negative consequences of their activities, including the elimination of environmental damage caused in accordance with the principle of correction;

6) the principle of sustainable development: nature and its resources constitute the wealth of the Republic of Kazakhstan and their use must be sustainable. The state ensures balanced and rational management of natural resources for the benefit of present and future generations . When making decisions on environmental protection, priority is given to the preservation of natural ecological systems and ensuring their sustainable functioning, water saving, energy saving and energy efficiency, reducing the consumption of non-renewable energy and raw materials, using renewable energy sources, minimizing waste generation, as well as their use as secondary resources;

7) the principle of integration: the state policy of the Republic of Kazakhstan in all spheres of economic and social activity is formed and implemented subject to a balance between the tasks of socio-economic development and the need to ensure the environmental foundations of sustainable development of the Republic of Kazakhstan, including a high level of environmental protection and improvement of its quality;

8) the principle of accessibility of environmental information: the state, based on international treaties of the Republic of Kazakhstan, ensures that the public's right to access environmental information is observed on the grounds, conditions and within the limits established by law;

9) the principle of public participation: the public has the right to participate in decision-making affecting the issues of environmental protection and sustainable

development of the Republic of Kazakhstan, on the terms and in the manner established by this Code. Public participation in decision-making on issues affecting the interests of environmental protection and sustainable development of the Republic of Kazakhstan is ensured from an early stage, when all possibilities are open for consideration of various options and when effective public participation can be ensured. State bodies and officials ensure the publicity of decisions planned for adoption that can have an impact on the state of the environment, on conditions that allow the public to express their opinion, which is taken into account in their adoption;

10) the principle of the ecosystem approach: when planning and making decisions by state bodies and officials, as a result of which negative consequences for the state of the environment occur or may occur, the integrity and natural interconnections of natural ecological systems, living organisms, natural landscapes, other natural, natural-anthropogenic and anthropogenic objects and the need to preserve the natural balance of the natural environment must be taken into account. At that, priority should be given to the conservation of natural landscapes, natural complexes and biodiversity, the conservation and sustainable functioning of natural ecological systems, as well as the prevention of negative impact on the services provided by such ecological systems.

## **Chapter 2. GENERAL PROVISIONS ON ENVIRONMENT AND ITS PROTECTION Article 6. Environment**

1. The environment is a set of conditions, substances and objects of the material world surrounding a person, including the natural environment and the anthropogenic environment.

2. The components of the natural environment are atmospheric air, surface and underground waters, the earth's surface and soil layer, subsoil, flora, fauna and other organisms, all layers of the Earth's atmosphere, including the ozone layer, as well as the climate, providing in their interaction the favorable conditions for the existence of life on Earth.

The components of the natural environment do not include anthropogenic objects, as well as living organisms artificially reproduced by humans and not living in a state of natural freedom.

3. The set of individual interrelated components of the natural environment, having certain boundaries, conditions and mode of existence, is distinguished into natural and natural-anthropogenic objects.

4. Natural objects are recognized as natural ecological systems and natural landscapes, as well as their constituent elements that have retained their natural properties.

Functionally and naturally interconnected natural objects, united by geographical and other relevant features, constitute separate natural complexes.

5. Natural and anthropogenic objects include:

1) natural objects specially modified as a result of human activity, but retaining the properties of a natural object;

2) artificially created objects having the properties of a natural object, having a recreational value and (or) performing a protective function for the natural environment.

6. Anthropogenic environment is a set of artificially created conditions and anthropogenic objects, which is a daily human habitat. Anthropogenic objects are recognized as objects of the material world created or modified by man to meet his social needs and that do not have the properties of natural objects.

#### **Article 7. Quality of environment**

1. The quality of the environment is understood as a set of properties and characteristics of the environment, which are determined on the basis of physical, chemical, biological and other indicators that reflect the state of its components in their interaction.

2. The environment is considered favorable for human life and health if its quality ensures environmental safety and the natural balance of the natural environment, including the sustainable functioning of ecological systems, natural and natural-anthropogenic objects and natural complexes, as well as the conservation of biodiversity.

#### **Article 8. Environmental protection**

Environmental protection is a system of measures implemented by the state, individuals and legal entities aimed at preserving and restoring the natural environment, preventing environmental pollution and damage in any form, minimizing the negative anthropogenic impact on the environment and eliminating its consequences, ensuring other environmental foundations of sustainable development of the Republic of Kazakhstan.

#### **Article 9. Objects of environmental protection**

1. All components of the natural environment, biodiversity, gene pool and genetic resources of living organisms, natural and natural-anthropogenic objects are to be protected from destruction, degradation, depletion, damage, pollution or other harmful effects.

2. Separate objects are subject to special protection in accordance with the legislation of the Republic of Kazakhstan in the field of specially protected natural areas.

#### **Article 10. General provisions on anthropogenic impact on environment**

1. Anthropogenic impact on the environment means the direct or indirect impact of human activities on the environment in the form of:

1) emissions, which are understood as the pollutants released from anthropogenic objects into the atmospheric air, water, on the ground or under its surface;

2) physical effects of objects on the environment, which are understood as the effects of noise, vibration, electromagnetic fields, ionizing radiation, temperature and other physical factors that cause a change in the natural temperature, energy, wave, radiation and other physical properties of the components of the environment;

3) waste disposal, their illegal placement on the earth's surface or discharge into water bodies;

4) discharge of greenhouse gases released from anthropogenic objects into the atmospheric air;

5) construction and operation of objects (buildings, structures, facilities, communications) , as well as post-utilization (demolition) of objects that have exhausted their resource;

6) use of natural resources and beneficial properties of the natural environment, including through their temporary or irretrievable withdrawal;

7) introduction into the natural environment of objects of the animal and plant world, including deliberate release into the environment and sale (placement) on the market of genetically modified organisms;

8) holding events on environmental protection.

2. Harmful are any forms of anthropogenic impact on the environment, as a result of which harm may be caused to human life and (or) health, property and (or) which leads or may lead to environmental pollution, environmental damage and (or) other negative changes in the quality of the natural environment, including in the form of:

1) depletion or degradation of components of the natural environment;

2) destruction or disruption of the sustainable functioning of natural and natural-anthropogenic objects and their complexes;

3) loss or reduction of biodiversity;

4) the occurrence of obstacles to the use of the natural environment, its resources and properties for recreational and other purposes permitted by law;

5) reducing the aesthetic value of the natural environment.

## **Article 11. Pollution of environment**

1. Environmental pollution is understood as the presence in the atmospheric air, surface and ground waters, soil or on the earth's surface of pollutants, heat, noise, vibrations, electromagnetic fields, radiation in quantities (concentrations, levels) exceeding the environmental quality standards established by the state.

2. Pollutants are any substances in solid, liquid, gaseous or vapor state, which, when they enter the environment, due to their qualitative or quantitative characteristics, violate the natural balance of the natural environment, degrade the quality of the components of the natural environment, and are capable of causing environmental damage or harm to human life and (or) health.



Substances in this Code mean chemical elements present in their natural state in the natural environment or formed as a result of human activities, their compounds, mixtures, solutions and aggregates.

The list of pollutants whose emissions are subject to environmental regulation (hereinafter referred to as the list of pollutants) is approved by the authorized body in the field of environmental protection for a period of ten years and is subject to revision based on updated scientific knowledge about the environment and anthropogenic factors affecting its quality, and also taking into account the development of methods, techniques and technologies for monitoring and controlling pollutants. The list of pollutants is also subject to revision no later than the first year after the entry into force of the international obligations of the Republic of Kazakhstan in the field of environmental protection, requiring the adoption of state regulation measures in relation to pollutants that are not in the current list at that time.

3. The list of pollutants is determined based on the following criteria:

1) taking into account the level of toxicity, carcinogenic and (or) mutagenic properties of substances, including those that tend to accumulate in the environment, as well as their ability to convert in the environment into compounds with greater toxicity;

2) taking into account the natural properties of the natural environment and its ability to maintain and restore its quality by absorbing, cleaning, otherwise eliminating pollution and other forms of negative impact in a certain area without human intervention;

3) taking into account the data of state environmental monitoring and sanitary and epidemiological monitoring;

4) in the presence of scientifically based methods (methods), techniques and technologies for measuring the quantitative and qualitative characteristics of pollutants.

## **Article 12. Categories of objects that have a negative impact on environment**

1. Objects that have a negative impact on the environment, depending on the level and risk of such impact, are divided into four categories:

1) objects that have a significant negative impact on the environment (objects of category I);

2) objects that have a moderate negative impact on the environment (objects of category II);

3) objects that have an insignificant negative impact on the environment (objects of category III);

4) objects that have a minimal negative impact on the environment (objects of category IV).

2. Appendix 2 to this Code establishes the types of activities and other criteria on the basis of which objects that have a negative impact on the environment are classified as objects of categories I, II or III.

Types of activities that are not listed in Appendix 2 to this Code or do not meet the criteria set forth in it, refer to objects of category IV.

3. With respect to objects of categories I and II, the term "object" means a stationary technological object (enterprise, production) within which one or more types of activities specified in section 1 (for objects of category I) or section 2 (for objects of category II) of Annex 2 to this Code are carried out, as well as technologically directly related to it any other types of activities that are carried out within the same industrial site where such an object is located.

With respect to category III facilities, the term "facility" means a building, structure, their complex, site or territory within which the activities specified in section 3 of Annex 2 to this Code are carried out.

The criteria according to which construction and installation works and works on reclamation and (or) liquidation carried out at facilities of various categories belong to category I, II, III or IV are established in the instructions for determining the category of an object that has a negative impact on the environment.

4. The assignment of an object to categories is carried out in accordance with the requirements of paragraph 2 of this article:

1) in relation to the planned activity subject to mandatory environmental impact assessment in accordance with this Code - when conducting a mandatory environmental impact assessment;

2) in relation to the planned activity, in accordance with this Code, subject to mandatory screening of the impacts of the planned activity, - when screening the impacts of the planned activity;

3) in relation to other planned activities not specified in subparagraph 1) or 2) of this paragraph - independently by the operator, taking into account the requirements of this Code.

The instruction for determining the category of an object that has a negative impact on the environment is approved by the authorized body in the field of environmental protection.

5. When assigning objects to the appropriate category, the following are taken into account:

1) levels of negative impact on the environment by type of activity (industry, part of the industry, production, facility);

2) the level of toxicity, carcinogenic and mutagenic properties of pollutants contained in emissions, discharges of pollutants, as well as the classification of waste.

6. The operator of an object in this Code means an individual or legal entity that owns or otherwise legally uses an object that has a negative impact on the environment.

Individuals and legal entities are not recognized as the object's operators, involved by the object operator to perform certain works and (or) provide certain services during the construction, reconstruction, operation and (or) liquidation (post-utilization) of an object that has a negative impact on the environment.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).

**Chapter 3. RIGHTS AND OBLIGATIONS OF ENTITIES IN ENVIRONMENTAL PROTECTION AREA Article 13. Fundamental rights and obligations of entities in environmental protection area**

1. Everyone has the right to a favorable environment.
2. In order to ensure the right of every person of present and future generations to live in a favorable environment, the state recognizes and guarantees the following rights of the public:
  - 1) access to timely, complete and reliable environmental information in accordance with the laws of the Republic of Kazakhstan;
  - 2) participation in the process of making decisions by state bodies and officials on issues relating to the environment, in the manner prescribed by this Code;
  - 3) participation in the discussion of draft regulatory legal acts on environmental protection and submission of their comments to the developers for consideration in accordance with the Law of the Republic of Kazakhstan "On legal acts";
  - 4) to apply to the authorized body in the field of environmental protection and other state bodies, officials in accordance with their competence with a statement about any alleged facts of causing environmental damage, violation of the requirements of the environmental legislation of the Republic of Kazakhstan or other circumstances that create a threat of such consequences, as well as receive answers from relevant state bodies and officials on the results of consideration of applications and decisions taken in the manner prescribed by the laws of the Republic of Kazakhstan;
  - 5) to apply to the court with an application to challenge the legality of actions (inaction) and decisions of state bodies, local governments, officials and civil servants on environmental issues, including those related to the elimination of environmental damage caused and the suppression of violations of the requirements of environmental legislation of the Republic of Kazakhstan;
  - 6) to apply to the court in accordance with the civil and civil procedural legislation of the Republic of Kazakhstan to protect property or non-property benefits and rights that have been harmed as a result of violation by third parties of the requirements of the environmental legislation of the Republic of Kazakhstan.
  - 7) to participate in public environmental control in accordance with the legislation of the Republic of Kazakhstan.
3. In this Code, the public means one or more individuals or legal entities, non-profit organizations, as well as associations, unions or other associations.
4. Preservation of nature and careful attitude to its resources are the duty and obligation of all individuals and legal entities.

Individuals and legal entities are required to comply with the requirements of the environmental legislation of the Republic of Kazakhstan, and must also promote measures to protect the environment.

5. Legal entities and individual entrepreneurs take at their own expense the necessary measures to protect the environment, including the prevention of environmental pollution, degradation of the natural environment, environmental damage in any form and threats related to human life and (or) health which may arise as a result of their activities, as well as bear other obligations in the field of environmental protection established by this Code.

6. Individuals and legal entities have other rights and bear other obligations established by the laws of the Republic of Kazakhstan.

**Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (effective six months after the date of its first official publication).**

#### **Article 14. Rights of non-profit organizations in the field of environmental protection**

Non-profit organizations in carrying out their activities in the field of environmental protection, in addition to the rights provided for in Article 13 of this Code, also have the right to:

1) at the expense of own or borrowed funds, develop, promote and implement measures in the field of environmental protection, involve individuals and legal entities on a voluntary basis, on a gratuitous or reimbursable basis, in vigorous activities in the field of environmental protection;

2) to carry out work to protect the environment and improve its quality;

3) to apply for protection of the rights, freedoms and legitimate interests of individuals and legal entities, including in court, as well as to appeal against the legality of actions (inaction) and decisions of state bodies, local governments, officials and civil servants in the interests of an indefinite number of persons;

4) together with the authorized state bodies in the field of environmental protection, protection, reproduction and use of natural resources, to take part in ensuring the protection, reproduction and sustainable use of natural resources, protection of specially protected natural areas and objects of the state natural reserve fund;

5) Initiate, organize public hearings, public environmental control and participate in them in accordance with the legislation of the Republic of Kazakhstan;

6) To carry out activities on environmental education and environmental awareness, conduct research in the field of environmental protection in accordance with the legislation of the Republic of Kazakhstan.

7) Conduct independent environmental monitoring of the state of the environment, create and maintain electronic databases.

**Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (effective six months after the date of its first official publication).**

## **Article 15. Public participation in decision-making**

1. The public concerned shall have the right to participate in the process of environmental assessment and other procedures for which public participation is provided, on the terms and in accordance with the procedure established by this Code, as well as the adoption by state bodies, local self-government bodies, officials and other persons of decisions on issues related to the environment.

2. The public concerned in this Code means the public whose interests are affected or may be affected by the decisions taken on issues relating to the environment, or which is interested in participating in the process of making these decisions.

Non-profit organizations whose statutory goals include promoting the protection of the environment as a whole or its individual elements are considered the interested organizations.

3. Within the framework of the procedures defined by this Code, representatives of the public concerned have the right to submit any comments, information, analysis or opinions that they consider to be relevant to the planned activity or the decision being made, in written or electronic form and orally, including during public hearings when their conduct is provided for by this Code.

4. Appropriate decisions taken by a state body or official on environmental issues must reflect the results of public participation.

5. State bodies or officials who have made a decision on issues relating to the environment are obliged to immediately inform the public concerned about this by submitting to it, in the manner prescribed by this Code, the text of the decision, together with an indication of the reasons and arguments that formed the basis of this decision.

**Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (effective six months after the date of its first official publication).**

## **Article 16. System of state measures to ensure rights in the field of environmental protection**

1. State bodies, local self-government bodies and officials are obliged to assist the public in implementation of its rights in the field of environmental protection.

2. Officials who do not ensure, within their competence, the implementation of the rights of the public provided for by this Code, or hinder their implementation, are liable in accordance with the laws of the Republic of Kazakhstan.

## **Chapter 4. ENVIRONMENTAL INFORMATION Article 17 Environmental information**

1. Environmental information means any information in written, visual, audio, electronic or any other material form:

1) on the state of the components of the natural environment, natural and natural-anthropogenic objects, natural complexes, objects of the state natural reserve fund,

biodiversity, including genetically modified organisms, and the interaction between them, as well as on ecosystem services, the gene pool and genetic resources of living organisms;

2) on the factors that have and (or) are capable of influencing the elements specified in subparagraph 1) of this paragraph;

3) on the administrative, legislative, program and other measures taken by the state, including the developed regulatory legal acts, policies, plans, programs and agreements in the environment area that have and (or) may have an impact on the elements and factors specified in subparagraphs 1) and 2) of this paragraph, including the planned, ongoing or implemented measures and actions aimed at protecting the elements specified in subparagraph 1) of this paragraph;

4) on the activities of state bodies, individuals and legal entities that have and (or) are capable of influencing the elements and factors specified in subparagraphs 1) and 2) of this paragraph, as well as planned, ongoing or implemented measures and actions aimed at protecting such elements;

5) on the environmental legislation of the Republic of Kazakhstan and reports on its application;

6) on cost-benefit analysis, other types of economic analysis and assumptions used when making decisions by state bodies and officials within the framework of planned measures and carrying out activities provided for in subparagraphs 3) and 4) of this paragraph;

7) on the state of human health, environmental safety, including, if applicable, the concentration of pollutants in the food chain, the environmental conditions of human habitation, the state of cultural objects, buildings and structures to the extent that they are affected or may be affected by the state of environmental elements specified in subparagraph 1) of this paragraph, or through these elements, the factors, activities or measures specified in subparagraphs 2), 3) and 4) of this paragraph;

8) on vulnerability to climate change, on existing and projected impacts of climate change, as well as on measures to adapt to climate change.

2. Environmental information is publicly available and is not subject to restriction and classification.

### **Article 18. Access to environmental information**

1. The public has the right to access complete, reliable and timely environmental information held by state bodies, including those produced or received by them, or possessed by any individual or legal entity acting on behalf of a state body.

2. Holders of environmental information are obliged to provide environmental information upon request, except for the cases provided for in Article 20 of this Code. No one has the right to demand from the applicant, who has submitted a request for the provision of environmental information, to provide a justification for his interest in obtaining such information.

3. The following are recognized as holders of environmental information:

1) bodies and institutions of the legislative, executive and judicial branches of state power, local state administration and self-government;

2) state institutions that are not state bodies, whose activities or services are related to the environment;

3) entities of the quasi-public sector whose activities or services are related to the environment;

4) individuals and legal entities - in terms of environmental information, possessed by them.

4. The public also has the right to free and free access to public electronic information resources containing environmental information.

#### **Article 19. Form of provision of environmental information**

1. Environmental information must be provided to the applicant in the form specified in the relevant request for environmental information, unless:

1) there are objective and reasonable grounds for providing it in a different form, indicating such grounds;

2) it was previously provided to the public in a different form.

2. If there is such an indication in the request for the provision of environmental information, the applicant must also be provided with copies of the actual documentation containing or including the relevant environmental information.

#### **Article 20. Terms and procedure for providing environmental information**

1. The terms, procedure for providing and refusing to provide environmental information are established by the Administrative Procedural Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On access to information", subject to the requirements of this Code.

2. Access to environmental information related to the environmental impact assessment procedure and the decision-making process for the planned activity is provided in accordance with this Code.

3. Granting access to environmental information must be denied:

1) if the content of the request does not allow establishing the requested environmental information;

2) if the request does not meet the requirements of the Law of the Republic of Kazakhstan "On access to information";

3) if this entails a violation of the legislation of the Republic of Kazakhstan on personal data and their protection;

4) if the request raises the issue of legal assessment of acts adopted by the holder of environmental information, analysis of the activities of the holder of environmental information or subordinate bodies and organizations or other analytical work before its completion;

5) until a decision is made on the results of inspections carried out within the framework of state control and supervision;

6) until the adoption of a final decision, developed on the basis of the results of interdepartmental and intradepartmental correspondence or meetings in state bodies;

7) until the adoption of a mutual agreement on the conditions for disclosing the content of documents received from foreign states or international organizations;

8) if this entails a violation of intellectual property rights;

9) if this entails a violation of the confidentiality of primary statistical data.

Information on quantitative and qualitative indicators of emissions into the environment cannot be recognized as a commercial or other secret protected by law.

4. In cases where information not subject to disclosure under paragraph 3 of this article can be separated from other information without prejudice to its confidentiality, the latter must be provided to the applicant.

5. In cases where the state body does not have the requested environmental information, the received request, within the time limits established by the legislation of the Republic of Kazakhstan, is redirected to the relevant state body with the notification of the applicant about it.

## **Article 21. Collection and dissemination of environmental information**

1. The state provides measures for the collection and dissemination of environmental information, including through:

1) maintaining and placing in the public domain the register of emissions and transfers of pollutants of the Republic of Kazakhstan;

2) development and publication of the National report on the state of the environment and on the use of natural resources of the Republic of Kazakhstan;

3) maintaining a state fund of environmental information and providing free access to it;

4) regular dissemination of environmental information in mass media, telecommunication networks or online platforms, as well as within the framework of environmental education activities carried out by governmental bodies.

2. State bodies are obliged to support the public in obtaining access to information, including by providing full information on the type and scope of environmental information held by the relevant state bodies, and on the conditions and procedure for providing such information and access to it.

3. The local executive body of the region, the city of republican significance, the capital, annually until May 1, posts on the official Internet resource information for the previous year:



- 1) on the approved environmental quality targets and the actual results of all relevant indicators;
- 2) on the progress of the state environmental policy at the local level;
- 3) on the progress of the action plan for environmental protection and the costs of the local budget for such activities;
- 4) on the total amount of payment for the negative impact on the environment received by the local budget.

4. The authorized body in the field of environmental protection annually, before May 1, posts on the official Internet resource information for the previous year:

- 1) on the progress of the state environmental policy;
- 2) on the implemented measures for remediation of environmental damage;
- 3) on expenditures of the republican budget for environmental protection measures;
- 4) on the results of state environmental control and the total amount of fines collected to the budget for violation of the requirements of the environmental legislation of the Republic of Kazakhstan.

**Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall enter into force upon enactment of the Law of the Republic of Kazakhstan "On Mass Media").**

## **Article 22. Pollutant release and transfer register**

1. Pollutant release and transfer register - a structured electronic database on the state of emissions of pollutants into the environment and levels of environmental pollution, posted in the public domain on the official Internet resource, which is maintained to ensure the right of everyone to access environmental information and participation of the public in the process of decision-making on matters relating to the environment, as well as promoting the prevention and reduction of environmental pollution.

2. Authorized body in the field of environmental protection organizes the maintenance of a pollutant release and transfer register.

The register of emissions and transfer of pollutants is maintained by a subordinate organization of the authorized body in the field of environmental protection.

The rules for maintaining the register of emissions and transfer of pollutants are approved by the authorized body in the field of environmental protection.

3. For the purposes of this article, in relation to a pollutant release and transfer register:

- 1) the term "pollutant" means a substance or group of substances that may be harmful to the environment, life and (or) human health due to their properties and as a result of the introduction of such substances into the environment and which are included in the list of pollutants for reporting by sections of industry, established by the rules for maintaining the register of emissions and transfers of pollutants;

2) the term "release" means any introduction of pollutants into the environment as a result of any activity, regardless of whether it is intentional or accidental, planned or unplanned, including spills on the earth's surface and water bodies, emissions into the atmospheric air, discharges of pollutants into water bodies, injection of pollutants into the subsoil, burial of wastes or their placement on the earth's surface or through sewerage systems without final wastewater treatment;

3) the term "transfer" means the movement outside the facility of pollutants or wastes intended for removal or recovery, as well as pollutants contained in wastewater intended for treatment;

4) the term "facility" means one or more industrial installations on the same site or adjacent sites, which are owned by the same person or operated by the same person.

4. The information of the register of releases and transfers of pollutants is given with reference to the relevant cartographic materials in order to visualize it on the ground.

5. The pollutant release and transfer register is maintained:

1) in relation to specific objects - in relation to reporting on stationary organized sources;

2) separately for each type of pollutant and each type of waste - according to the list of pollutants for reporting by sections of industry, established by the rules for maintaining the pollutant release and transfer register;

3) based on the determination of emissions into the environment - in accordance with the instructional and methodological documents.

Instructional and methodological documents for determining emissions into the environment, including methods for calculating emissions of heavy metals and persistent organic pollutants, are approved by the authorized body in the field of environmental protection.

6. The register of emissions and transfers of pollutants contains information on the environmental quality standards in force in the Republic of Kazakhstan, the impact of pollutants on public health and the environment, other scientifically based information on emissions and transfers of pollutants, as well as information on facilities that emit pollutants in the Republic of Kazakhstan.

7. Information about each object submitted to the pollutant release and transfer register must contain:

1) name, business identification number, postal address, geographical location (object coordinates) and type or types of activity of the object for which reporting is submitted, as well as the name and surname of the first head;

2) name and identification number of each pollutant for which reporting is required;

3) the amount of each pollutant released at the facility during the reporting year (both in aggregate and broken down by emissions into air, water or land, including the injection of pollutants into the subsoil);

4) the amount of waste transferred outside the facility during the reporting year (in case the transfer outside the facility exceeds two tons per year for hazardous waste or two thousand tons per year for non-hazardous waste), with a distinction between hazardous and non-hazardous waste, indicating, respectively, the note " B" or "U" (depending on the purpose of the waste for recovery or disposal), and in the case of transboundary transfer of hazardous waste - the name and address of the entity carrying out the recovery or disposal of waste, the geographical location of the object to which the transfer is received;

5) the amount of each pollutant in the wastewater that is required to be reported and transferred off-site during the reporting year;

6) the type of methodology used to obtain information on the amount of pollutants and wastes, indicating whether the information is based on measurements, calculations or estimates.

8. Operators of the facilities referred to in paragraph 9 of this Article are obliged to submit reports annually by April 1 to the pollutant release and transfer register for the previous calendar year containing information in accordance with paragraph 7 of this Article.

The reporting year is the calendar year to which such information relates.

9. The reporting obligation established by paragraph 8 of this article applies to facility operators, that carry out one or more activities in excess of the applicable production capacity thresholds set out in the rules for maintaining a pollutant release and transfer register and meet any of the following criteria:

1) emit any pollutants in quantities exceeding the applicable thresholds;

2) transfer any pollutant in the wastewater outside the industrial site occupied by the facility intended for treatment in quantities exceeding the applicable threshold values.

Applicable threshold values for the amount of releases and transfers of pollutants in the Republic of Kazakhstan in accordance with part one of this paragraph are established by the rules for maintaining the register of releases and transfers of pollutants.

10. Information is provided to the pollutant release and transfer register by operators by filling out a reporting form in the information system of the pollutant release and transfer register and signing this form with an electronic digital signature of a person authorized by the relevant operator to provide information on his behalf to the specified register.

11. Determination of releases and transfers of pollutants is carried out by the operator using the best available information, which is determined in accordance with the rules for maintaining a register of releases and transfers of pollutants. The data from which the reporting information was obtained, as well as a description of the data collection methodology used, must be kept by the operator for a period of five years from the end of the relevant reporting year.

12. The authorized body in the field of environmental protection places in the public domain the information provided by operators to the pollutant release and transfer register.

The operator is responsible for the completeness and quality of the information provided.

13. Information must be included in the register of releases and transfers of pollutants and be available to the public no later than fifteen months from the end of each reporting year.

14. The pollutant release and transfer register data is available to the public for at least ten previous reporting years from the date of introduction of the pollutant release and transfer register.

15. The pollutant release and transfer register should provide for the possibility of searching for releases and transfers of pollutants and their identification by:

- 1) the object and its geographical location;
- 2) type of activity;
- 3) object operator;
- 4) pollutant and (or) waste;
- 5) each component of the environment into which emissions are made;
- 6) the end point of the transfer of pollutants and, as appropriate, by type of operation for removal or recovery of waste.

**Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

### **Article 23. National report on the state of 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 (hereinafter referred to as the National report) is an analytical report on the state of the environment and on the use of natural resources of the Republic of Kazakhstan, which is compiled on an annual basis in order to inform the population about the actual environmental situation on the territory of the Republic of Kazakhstan and measures taken to improve it.

2. The rules for development of the National report, as well as the development and maintenance of the Interactive report on the state of the environment and on the use of natural resources of the Republic of Kazakhstan, are approved by the authorized body in the field of environmental protection.

3. The National report reflects the following information:

1) on the qualitative and quantitative characteristics of the environment and natural resources;

2) on anthropogenic impact on the environment, including the main socially significant environmental problems;

3) on the environmental situation in the regions, including information on target indicators of the quality of environment;

4) on changes made to the environmental legislation of the Republic of Kazakhstan for the reporting period;

5) on implementation of the state environmental policy and policy in the field of the use of natural resources of the Republic of Kazakhstan, including in terms of the transition of the Republic of Kazakhstan to a "green" economy and sustainable development;

6) on the impacts of climate change, projected impacts of climate change, vulnerability to climate change and measures to adapt to climate change;

7) on fulfillment of international obligations of the Republic of Kazakhstan in the field of environmental protection.

4. Central state bodies and local executive bodies annually, before March 1 of the year following the reporting one, provide information for the preparation of the National report in accordance with the rules for development of the National and Interactive reports on the state of the environment and on the use of natural resources of the Republic of Kazakhstan.

5. The authorized body in the field of environmental protection on the basis of available data, as well as information provided by central state bodies and local executive bodies, organizes the development of the National report and its publication on the official Internet resource.

The National report is developed by the subordinate organization of the authorized body in the field of environmental protection.

**Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 24. Interactive report on the state of environment and on the use of natural resources of the Republic of Kazakhstan**

1. In order to disseminate information on the state of the environment and on the use of natural resources in a form understandable to a wide range of people, and to expand public access to such information, the authorized body in the field of environmental protection organizes the annual development of an Interactive report on the state of the environment and on the use of natural resources of the Republic of Kazakhstan (hereinafter referred to as the Interactive report).

2. An interactive report is developed on the basis of the National report for the previous year and posted on the official Internet resources of the person responsible for its development and the authorized body in the field of environmental protection.

#### **Article 25. State fund for environmental information**

1. The State environmental information fund is a system of centralized collection, accounting, systematization, storage, dissemination of environmental information and other

regulatory, statistical, accounting, reporting, scientific and analytical information relating to environmental issues, natural resources, sustainable development and ecology, in written, electronic, audiovisual or other forms.

2. The State environmental information fund is maintained in order to ensure the realization of the public's right to access to environmental information, environmental education and improvement of the environmental culture of the population, as well as information support for state bodies.

3. The rules for maintaining the state environmental information fund are approved by the authorized body in the field of environmental protection.

4. The authorized body in the field of environmental protection shall organize the maintenance of the state environmental information fund.

The state environmental information fund is maintained by a subordinate organization of the authorized body in the field of environmental protection.

5. Information of the state environmental information fund in electronic form is placed in open access on the Internet resource in accordance with the rules for maintaining the state environmental information fund.

6. State bodies provide information to the state environmental information fund in accordance with the rules for maintaining the state environmental information fund.

7. Sources of information of the state environmental information fund are:

- 1) state cadastres of natural resources;
- 2) state cadastre of waste;
- 3) state cadastre of consumption of ozone-depleting substances;
- 4) state carbon cadastre;
- 5) state register of carbon units;
- 6) National plan for carbon quotas;

7) nationally determined contributions of the Republic of Kazakhstan to reduce greenhouse gas emissions;

8) an action plan to reduce greenhouse gas emissions for the relevant period and reports on implementation of nationally determined contributions of the Republic of Kazakhstan to reduce greenhouse gas emissions;

9) pollutant release and transfer register;

10) national report of the Republic of Kazakhstan on cadastre of anthropogenic emissions from sources and removals by sinks of greenhouse gases not regulated by the Montreal protocol on substances that deplete the ozone layer;

11) state register of objects of historical pollution;

12) materials of environmental impact assessment and state ecological expertise, including protocols of public hearings;

13) materials on strategic environmental assessment in accordance with paragraph 7 of Article 60 of this Code;

14) international treaties on environmental issues, to which the Republic of Kazakhstan is a party;

15) documents of the State Planning System in the Republic of Kazakhstan, affecting the issues of environmental protection and the use of natural resources;

16) regulatory legal acts and regulatory and technical documents in the field of environmental protection and the use of natural resources;

17) reference books on best available techniques developed in accordance with the requirements of this Code;

18) information related to the impacts of climate change, projected impacts of climate change, vulnerability to climate change and measures to adapt to climate change;

19) reports on implementation of research and development work related to environmental protection and the use of natural resources;

20) national reports on the state of the environment and on the use of natural resources of the Republic of Kazakhstan;

21) maps of environmental sensitivity for oil spill response at sea, inland waters and in the buffer zone of the Republic of Kazakhstan;

22) reports on the results of control and law enforcement activities in the field of environmental protection and the use of natural resources;

23) the issued environmental permits, including programs to improve environmental efficiency, waste management programs, action plans for environmental protection, industrial environmental control programs, reports on the results of industrial environmental control, as well as submitted environmental impact declarations;

24) data of state environmental monitoring;

25) register (list) of genetically modified organisms and products;

26) scientific, technical and analytical literature in the field of ecology;

27) action plans for environmental protection, approved by local representative bodies of regions, cities of republican significance, the capital, and reports on their implementation;

28) other materials and documents containing environmental information.

**Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

## **SECTION 2. STATE ADMINISTRATION IN THE FIELD OF ENVIRONMENTAL PROTECTION**

### **Article 26. Competence of the Government of the Republic of Kazakhstan in the field of environmental protection**

In the field of environmental protection, the Government of the Republic of Kazakhstan:

1) develops the main directions of the state environmental policy and organizes their implementation;

2) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

3) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

4) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

5) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (effective after ten calendar days after the date of its first official publication).

### **Article 27. Competence of the authorized body in the field of environmental protection**

1. The authorized body in the field of environmental protection is the central executive body, managing and conducting an inter-sectoral coordination in the field of environmental protection, meteorological and hydrological monitoring.

2. The authorized body in the field of environmental protection forms and implements a unified state environmental policy through:

1) development and approval of regulatory legal acts in the field of environmental protection in cases provided for by this Code;

2) coordination within their competence of the activities of central and local executive bodies in terms of their activities in the field of environmental protection;

3) licensing activities in the field of environmental protection;

4) issuance of environmental permits within its competence established by this Code;

5) receiving notifications about the beginning or termination of entrepreneurial activity in the cases provided for by this Code;

6) conduct of the state ecological expertise within its competence established by this Code

;

7) implementation of state environmental control;

8) development and organization of the environmental protection measures that are important at the republican level;

9) implementation of state regulation in the field of emissions and removals of greenhouse gases;

10) implementation of state regulation in the field of protection of the ozone layer of the Earth;

11) coordination of action plans for environmental protection of local executive bodies of regions, cities of republican significance, the capital;

12) implementation of international cooperation in the field of environmental protection;



12-1) implementation of the state policy on fulfillment of obligations under international treaties of the Republic of Kazakhstan in the field of climate change;

13) performance of other functions assigned to it by this Code, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

The distribution of functions and powers provided for in subparagraphs 4) - 7) of part one of this paragraph, as well as Chapter 7 of this Code, between the authorized body in the field of environmental protection, its departments and territorial divisions shall be established by the authorized body in the field of environmental protection.

**Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 28. Implementation of the unified state environmental policy**

1. The unified state environmental policy of the Republic of Kazakhstan is implemented in the main directions developed by the Government of the Republic of Kazakhstan.

2. Local executive bodies of regions, cities of republican significance, the capital, taking into account the approved target indicators of quality of environment, are responsible for implementation of state environmental policy at the local level in accordance with the legislation of the Republic of Kazakhstan.

3. When implementing the state environmental policy at the central and local levels, the right of the public concerned to participate in the decision-making process on issues related to environmental protection, in accordance with this Code, must be ensured.

4. State bodies and officials, within their competence, provide measures for environmental education and improve the environmental culture of individuals and legal entities, as well as create the necessary conditions for their involvement on a voluntary basis in the implementation of the state environmental policy.

#### **Article 29. Measures for environmental protection, financed at the expense of the budget funds**

1. Environmental protection measures are a set of technological, technical, organizational, social and economic measures aimed at environmental protection and improvement of its quality.

2. Environmental protection measures financed from budgetary funds are determined in accordance with the directions established by the documents of the State Planning System in the Republic of Kazakhstan, as well as decisions of the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan and local representative bodies.

3. Measures for environmental protection are organized:

1) at the local level - by local executive bodies of regions, cities of republican significance, the capital;

2) at the republican level - by the authorized body in the field of environmental protection.

4. Measures for environmental protection include the measures:

1) aimed at ensuring environmental safety;

2) improving the state of environmental components by improving the quality characteristics of the environment;

3) contributing to the stabilization and improvement of the state of ecological systems, the conservation and sustainable use of biodiversity, the reproduction of natural resources;

4) preventing environmental pollution, degradation of the natural environment, causing environmental damage in any form and related threats to human life and (or) health;

5) aimed at ensuring the safe management of hazardous chemicals, including persistent organic pollutants, reducing the level of chemical, biological and physical impacts on the environment, both anthropogenic and natural;

6) improving methods and technologies aimed at environmental protection, sustainable use of natural resources and introduction of international standards for environmental management;

7) increasing the efficiency of industrial environmental control;

8) forming information systems in the field of environmental protection and facilitating the provision of environmental information;

9) contributing to the promotion of environmental knowledge, environmental education and enlightenment for sustainable development;

10) aimed at reducing greenhouse gas emissions and (or) increasing the removal of greenhouse gases.

11) aimed at carrying out research and development work in the field of environmental protection.

5. Measures for environmental protection of local executive bodies of regions, cities of republican significance, the capital are carried out on the basis of and in accordance with the action plans for environmental protection.

The environment protection action plan is developed for a three-year perspective by the local executive body of the region, the city of republican significance, the capital with the participation of representatives of the interested public based on the standard list of environmental protection measures provided for in Annex 4 to this Code.

The draft environment protection action plan is undergoing a public hearing procedure in accordance with the rules of public hearings.

After agreement with the authorized body in the field of environmental protection, the action plan for environmental protection is approved by the relevant local representative body of the region, city of republican significance, the capital.

The procedure for developing an action plan for environmental protection is developed and approved by the authorized body in the field of environmental protection.

6. Local executive bodies of regions, cities of republican significance, the capital annually submit a report on implementation of the environmental protection action plan to the relevant local representative body of the region, city of republican significance, the capital and the authorized body in the field of environmental protection no later than February 1 after the end of the reporting period.

7. The approved action plan for environmental protection is implemented at the expense of budgetary funds in the amount of at least the amount of fees for the negative impact on the environment received by the local budget during the three years preceding the year of development and approval of this action plan.

In case of insufficiency of funds formed from the received amounts of payment for the negative impact on the environment and directed to environmental protection measures, the approved environmental protection action plan may be changed only upon agreement with the authorized body in the field of environmental protection.

8. Measures for environmental protection of local executive bodies of regions, cities of republican significance, the capital may be additionally carried out at the expense of other sources not prohibited by the legislative acts of the Republic of Kazakhstan.

**Footnote. Article 29 as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (effective six months after the date of its first official publication).**

### **Article 30. Interdepartmental interaction in the field of environmental protection**

In order to implement the state environmental policy, state bodies and officials are obliged, within their competence, to assist the authorized body in the field of environmental protection in performance of its functions.

### **SECTION 3. STATE REGULATION OF ENVIRONMENTAL RELATIONS Article 31. Forms and means of state regulation of environmental relations**

State regulation of environmental relations is carried out through the establishment by the state of environmental requirements that are mandatory for the subjects of relations regulated by this Code, and the use of tools of state regulation in the field of environmental protection in accordance with this Code.

### **Article 32. General provisions on environmental requirements**

Environmental requirements are understood as the rules, requirements, restrictions and prohibitions established by the environmental legislation of the Republic of Kazakhstan, which are aimed at ensuring environmental protection.

### **Article 33. Types of instruments of state regulation in the field of environmental protection**

1. Instruments of state regulation in the field of environmental protection are understood as a set of measures, actions and procedures aimed at ensuring compliance with environmental requirements.

2. Instruments of state regulation in the field of environmental protection are:

- 1) licensing of activities in the field of environmental protection;
- 2) environmental regulation;
- 3) technical regulation in the field of environmental protection;
- 4) environmental assessment;
- 5) state ecological expertise;
- 6) environmental permits and environmental impact declarations;
- 7) monitoring of the environment and natural resources;
- 8) state environmental control;
- 9) notification procedure for collection, sorting and (or) transportation of waste;
- 10) instruments of state regulation in the field of emissions and removals of greenhouse gases.

#### **Article 34. Licensing of activities in the field of environmental protection**

1. Types of works and services of individuals and legal entities in the field of environmental protection, subject to licensing, are determined in accordance with the Law of the Republic of Kazakhstan "On permits and notifications".

2. Qualification requirements for a licensed type of activity in the field of environmental protection for their subtypes are approved by the authorized body in the field of environmental protection.

#### **Chapter 5. ENVIRONMENTAL REGULATION Article 35. General provisions**

1. Environmental regulation consists in establishing environmental quality standards, environmental quality target indicators and standards for permissible anthropogenic impact on the environment.

2. Environmental regulation is carried out by the state in order to guarantee the preservation of a favorable environment and ensure the environmental safety of state regulation of human activity in order to prevent and (or) reduce its negative impact on the environment and human health.

3. When developing and approving a regulatory legal act or adopting a non-regulatory legal act, the implementation of which results and (or) may result in a negative impact on the environment, the state body is obliged, based on the principle of integration, to take into account the need to achieve environmental quality standards and environmental quality target indicators established for the respective administrative-territorial units.

During the urban planning for development of territories, it is not allowed to place new residential areas within zones in which compliance with environmental quality standards aimed at protecting human health is not ensured.

4. Decisions, actions (inaction) of a state body or official that violate the requirement of paragraph 3 of this article may be challenged in the manner prescribed by the legislation of the Republic of Kazakhstan.

### **Article 36. Environmental quality standards**

1. Environmental quality standards mean a set of quantitative and qualitative characteristics established by the state in relation to the state of individual components of the environment, the achievement and maintenance of which are necessary to ensure a favorable environment.

2. On the basis of environmental quality standards, an assessment of the current state of the environment is carried out and standards for the permissible anthropogenic impact on it are established.

3. Environmental quality standards are developed and established in accordance with this Code separately for each of the following components of the environment:

- 1) atmospheric air;
- 2) surface and ground waters;
- 3) soils and lands.

4. Environmental quality standards include:

1) standards established for chemical indicators of the state of the components of environment;

2) standards established for physical environmental factors;

3) standards established for biological indicators of the state of the components of environment.

5. Environmental quality standards for chemical indicators of the state of the components of environment are established in the form of maximum permissible concentrations of pollutants.

The maximum permissible concentration of a pollutant is understood as the maximum amount (mass) of a pollutant included in the list of pollutants per unit of volume or mass of atmospheric air, surface or ground water, soil or per unit of area of the earth's surface, which (that) during permanent or temporary impact on a person does not affect his health and does not cause adverse hereditary changes in offspring, as well as degradation of environmental objects, does not violate the stability of ecological systems and biodiversity.

Environmental quality standards for chemical indicators of the state of the components of environment are set separately in terms of the impact on human health and the natural environment (ecosystems, flora and fauna).

6. Environmental quality standards for physical environmental factors are established in the form of maximum permissible levels of negative physical impacts on the environment.

The maximum permissible level of negative physical impact is understood as the maximum level of certain types of physical impact (noise, vibration, electric, electromagnetic, magnetic fields, radiation, heat), at which there is no harmful effect on the state of animals, plants, ecological systems and biodiversity.

7. Environmental quality standards for biological indicators of the state of the components of environment are established in relation to individual species and groups of plants, animals and other organisms used as indicators of the quality of the natural environment at the level of their natural indicators or in the form of an interval of permissible deviation from such natural indicators, taking into account the properties of the natural environment and its ability to maintain and restore its quality.

8. Environmental quality standards in terms of impact on the natural environment are established taking into account the natural conditions formed under the influence of natural factors, typical for a particular territory or water area, as well as the purpose of using such territories or water areas, established in accordance with the legislation of the Republic of Kazakhstan.

9. When establishing environmental standards for the quality of waters of transboundary reservoirs and watercourses, the requirements of the relevant international treaties ratified by the Republic of Kazakhstan should be taken into account.

10. The norms and standards in the field of the use of natural resources, which are established in accordance with the legislation of the Republic of Kazakhstan on the use of the relevant type of natural resources, do not apply to environmental standards.

11. In order to preserve and improve specially protected natural areas for these areas, taking into account their special nature protection status, in accordance with this Code, more stringent environmental quality standards may be developed and approved than those established for the entire territory of the Republic of Kazakhstan.

12. Environmental quality standards are developed by the authorized body in the field of environmental protection on the basis of the results of laboratory tests, scientific research and international experience, as well as for specific territories and water areas - on the basis of long-term (at least five years) observations of the state of the environment in such territories and in such water areas.

13. Environmental quality standards are established in terms of indicators, control over compliance with which is ensured by the presence of control and measuring equipment and relevant measurement techniques (methods), methods of indication, testing and (or) control, approved in accordance with the legislation of the Republic of Kazakhstan.

14. Environmental quality standards are developed and established taking into account the values of the natural background of the corresponding component of the natural environment. The natural background of a component of the natural environment is determined on the basis

of the results of long-term (at least five years) observations of the state of the environment and sampling and (or) measurements of chemical, biological and physical indicators of the component of the natural environment in reference areas.

15. A territory, water area or part thereof, which are located within a representative specially protected natural area (water area), and in the absence of such a specially protected natural area (water area) - on a territory or in a water area that has similar natural features, and the state of which is characterized by the absence of signs of oppression of the living elements of the natural ecological system (plants, animals and other organisms) is taken as a reference site.

The criteria and procedure for selecting a territory, water area or part thereof as a reference site are determined in the rules for the development and revision of environmental quality standards approved by the authorized body in the field of environmental protection.

16. Environmental quality standards are approved by the authorized body in the field of environmental protection for a period of ten years and are subject to revision after the expiry of the specified period on the basis of updated scientific knowledge about the environment, natural and anthropogenic factors affecting its quality, as well as taking into account the development of methods, techniques and technologies for monitoring and control. Environmental quality standards are also subject to revision no later than the first year after the entry into force of the international obligations of the Republic of Kazakhstan on environmental protection, requiring measures to be taken to introduce more stringent environmental quality standards.

### **Article 37. Environmental quality target indicators**

1. The environmental quality target indicators (hereinafter - the quality target) are understood as a set of quantitative and qualitative characteristics of the state of individual components of the environment and other indicators characterizing the level of provision of measures for environmental protection and efficient waste management, which must be achieved over a certain period of time.

2. Quality targets are set at the level of each region, city of republican significance and the capital.

3. Local executive bodies of regions, cities of republican significance, the capital are obliged to develop quality targets for each five-year period.

4. The developed quality targets are subject to agreement with the authorized body in the field of environmental protection and are approved by local representative bodies of the relevant administrative-territorial units.

5. Quality targets developed and approved for each region should contain relevant indicators both for the region as a whole and for the following territories within the region:

- 1) districts;
- 2) settlements with a population exceeding 100,000 people;

3) other settlements within which, according to the results of monitoring the state of the environment, a violation of environmental quality standards was revealed;

4) specially protected natural areas;

5) other territories (water areas), within which, according to the results of monitoring the state of the environment, a violation of environmental quality standards has been revealed.

6. The rules for developing quality targets, including the minimum list of indicators for which quality targets are set, are approved by the authorized body in the field of environmental protection, taking into account the provisions of this Code.

7. The list of minimum indicators for which quality targets are set must include:

1) air quality;

2) quality of surface and ground waters;

3) quality of lands and soils;

4) the total areas of forests and green spaces, taking into account the climate and soil conditions of each individual region;

5) reduction of land degradation and desertification;

6) total emissions by types of pollutants;

7) the total volume of discharges by types of pollutants and for each individual water body and basin;

8) by types of municipal waste - the share of their separate collection, preparation for reuse, processing, recycling and disposal (destruction and (or) dumping);

9) total volumes of reductions of greenhouse gas emissions.

8. For administrative-territorial units, territories (water areas) on (in) which environmental quality standards are not observed, quality targets must be set in such a way as to ensure the gradual achievement of environmental quality standards within a period not exceeding ten years.

9. In the territories of the respective administrative-territorial units where environmental quality standards are observed, quality targets can be set that provide a higher level of environmental quality compared to environmental quality standards, including for indicators that are not included in the list of minimum indicators for which quality targets are set.

### **Article 38. Standards for permissible anthropogenic impact on environment**

1. Standards for permissible anthropogenic impact on the environment - environmental standards that are established for indicators of the impact of anthropogenic activities on the environment.

2. The standards of permissible anthropogenic impact on the environment include:

1) emission standards;

2) technological standards;

3) waste accumulation limits, waste disposal limits;

4) standards for permissible physical impacts on the natural environment;



- 5) limits on placement of sulfur in open form on sulfur maps;
- 6) standards for permissible total anthropogenic load on the environment.

3. Compliance with the standards of permissible anthropogenic impact on the environment, with the exception of technological standards, must ensure compliance with environmental quality standards.

4. Emission requirements for various environmental classes of vehicles and internal combustion engines and for the content of pollutants in fuels are established in the technical regulations of the Eurasian Economic Union.

### **Article 39. Emission standards**

1. Emission standards are understood as a set of limiting quantitative and qualitative indicators of emissions established in an environmental permit.

2. The emission standards include:

- 1) standards for permissible emissions;
- 2) standards for permissible discharges.

3. Emission standards are established for the types of pollutants included in the list of pollutants in accordance with part three of paragraph 2 of Article 11 of this Code.

4. Emission standards are established for individual stationary sources related to objects of categories I and II, at levels not exceeding:

1) in the case of a mandatory environmental impact assessment - the relevant limit values specified in the conclusion based on the results of the environmental impact assessment in accordance with subparagraph 3) of paragraph 2 of Article 76 of this Code;

2) in the event of a screening of the impacts of the planned activity in accordance with this Code, which resulted in a conclusion that there is no need for a mandatory environmental impact assessment - the corresponding values specified in the application for the planned activity in accordance with subparagraph 9) of paragraph 2 of Article 68 of this Code.

For objects in respect of which an integrated environmental permit is issued, emission standards are set for individual stationary sources belonging to objects of categories I and II, at levels not exceeding the corresponding limit values for emissions of marker pollutants associated with the use of the best available techniques given in the conclusions for the best available techniques.

5. Emission standards for the period of operation of the facility, including when significant changes are made to the activity, are calculated and justified in the form of a separate document – draft emission standards (draft standards of permissible emissions, draft standards of permissible discharges), which is developed in conjunction with the relevant design documentation for the operation of the facility.

Emission standards for the period of construction and installation works and works on reclamation and (or) liquidation are calculated and justified as part of the section "

Environmental protection", which is developed in relation to the relevant project documentation.

6. The determination of emission standards is carried out by calculation in accordance with the requirements of this Code according to the methodology approved by the authorized body in the field of environmental protection.

7. The development of draft emission standards is carried out for objects of category I by a person who has a license to perform work and provide services in the field of environmental protection.

8. Emission standards are established for the period of validity of the environmental permit.

9. Volumes of emissions into the environment, the indicators of which exceed the emission standards established by the environmental permit, are recognized as excess.

10. Emissions made during the conduct of the measures to eliminate emergency situations of a natural or man-made nature and their consequences in accordance with the legislation of the Republic of Kazakhstan on civil protection, as well as due to the application of oil spill response methods that comply with the requirements of this Code, are not subject to rationing and are not considered as excess.

11. Emission standards are not established for objects of categories III and IV.

**Footnote. Article 39 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 40. Technological standards**

1. Technological standards in this Code mean environmental standards established in a comprehensive environmental permit in the form of:

- 1) the maximum amount (mass) of marker pollutants per unit of volume of emissions;
- 2) the amount of consumption of electrical and (or) thermal energy, other resources per unit of time or unit of output (goods), work performed, service rendered.

Marker pollutants are understood as the most significant pollutants for emissions of a particular type of production or technological process, which are selected from a group of pollutants typical for such production or technological process and with the help of which it is possible to estimate the values of emissions of all pollutants included in the group.

Marker pollutants, levels of emissions of marker pollutants and levels of consumption of energy and (or) other resources associated with the use of the best available techniques are determined in the conclusions for the best available techniques.

2. Technological standards include:

- 1) technological emission standards;
- 2) technological standards for discharges;
- 3) technological specific standards for water consumption;

4) technological specific standards for consumption of thermal and (or) electrical energy.

3. Technological standards are established in the integrated environmental permit and should not exceed the relevant technological indicators (if any) associated with the use of the best available techniques for specific areas of their application, set in the conclusions for the best available techniques.

4. The rationale for technological standards is provided in the draft technological standards submitted to the authorized body in the field of environmental protection by the operator of the facility along with an application for a receipt of a comprehensive environmental permit.

#### **Article 41. Waste accumulation limits, waste disposal limits**

1. In order to ensure the protection of the environment and favorable conditions for human life and (or) health, reduce the amount of waste to be disposed and stimulate their preparation for reuse, processing and disposal, the following are established:

- 1) waste accumulation limits;
- 2) waste disposal limits.

2. Waste accumulation limits are established for each specific waste accumulation site, which is part of objects of categories I and II, in the form of a maximum amount (mass) of waste by type, allowed for storage in the corresponding accumulation site, within the period established in accordance with this Code.

For sorting, processing, including neutralization, recovery and (or) destruction of waste classified as objects of categories I and II, waste accumulation limits are set based on the design capacity of the equipment or for each specific waste accumulation site.

3. Waste disposal limits are set for each specific waste landfill, which is part of objects of categories I and II, in the form of a maximum amount (mass) of waste by type, permitted for disposal at the corresponding landfill.

4. Waste accumulation limits and waste disposal limits are set in the environmental permit. The waste disposal limit is set for each calendar year in accordance with the production capacity of the respective landfill.

5. Waste accumulation limits and waste disposal limits are substantiated by the operators of facilities of categories I and II in the waste management program upon receipt of an environmental permit in accordance with this Code.

6. A waste management program for objects of category I is developed by a person who has a license to perform work and provide services in the field of environmental protection.

7. The methodology for calculating waste accumulation limits and waste disposal limits is approved by the authorized body in the field of environmental protection.

8. Waste accumulation limits and waste disposal limits are not set for objects of categories III and IV.

Operators of facilities of category III are required to provide information on waste as part of the environmental impact declaration submitted in accordance with this Code.

**Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 42. Standard of permissible physical impact on environment**

The standard of permissible physical impact on the environment is understood as an environmental standard, which is established for each source in the form of permissible levels of exposure to heat, noise, vibration, ionizing radiation, electromagnetic field strength and other physical impacts on the components of the natural environment, in which the negative physical impact from such source in combination with all other sources will not lead to exceeding the established maximum permissible levels of physical impacts on the environment.

#### **Article 43. Limits of sulfur placement in open form on sulfur maps**

1. In order to reduce the accumulation of sulfur generated during exploration and (or) production of hydrocarbons, and to stimulate its involvement in economic circulation, the limits are set for placement of sulfur in open form on sulfur maps.

2. This article applies to technical gas sulfur in any state of aggregation, formed during the exploration and (or) production of hydrocarbons.

3. Limits for the placement of sulfur in open form on sulfur maps are set for a special site – sulfur maps, united by a unified infrastructure and equipped for open ground storage of sulfur, in the form of a limit amount (mass) of sulfur allowed (permitted) for filling and other open placement on such a sulfur map.

The storage of sulfur in a closed way in tanks, silos, other tanks and structures (warehouses) that exclude its impact on the environment is not subject to environmental regulation.

4. Limits for the placement of sulfur in open form on sulfur maps are set in an environmental permit for each calendar year.

5. Limits of the placement of sulfur in open form on sulfur maps are substantiated in the draft standards for open sulfur placement on sulfur maps, which is developed on the basis of data on production volumes in accordance with the approved methodology and submitted along with an application for a receipt of an environmental permit.

The methodology for development of draft standards for the placement of sulfur in an open form on sulfur maps is approved by the authorized body in the field of environmental protection.

Footnote. Article 43 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

#### **Article 44. Standards of permissible total anthropogenic load on environment**

1. The standards of the permissible total anthropogenic load on the natural environment are understood as environmental standards that are established in accordance with the value of the permissible total impact of all sources of anthropogenic impact on the environment and (or) individual components of the natural environment within specific territories and (or) water areas (or parts thereof) and subject to which the sustainable functioning of natural ecological systems is ensured and biodiversity is preserved.

The standards for the permissible total anthropogenic load on individual components of the natural environment within specific territories and (or) water areas (or parts thereof) are established by the authorized body in the field of environmental protection.

2. The authorized body in the field of environmental protection approves the standards for the permissible total anthropogenic load on the environment as a result of emissions of individual pollutants within the entire territory of the Republic of Kazakhstan, if such obligations are accepted in accordance with international treaties of the Republic of Kazakhstan.

3. The rules for development of standards for the permissible total anthropogenic load are approved by the authorized body in the field of environmental protection.

#### **Chapter 6. TECHNICAL REGULATION AND STANDARDIZATION IN THE FIELD OF ENVIRONMENTAL PROTECTION Article 45. Objects and procedure for confirming compliance in the field of environmental protection**

The objects and procedure for confirming compliance in the field of environmental protection are determined by the legislation of the Republic of Kazakhstan in the field of technical regulation.

#### **Article 46. Introduction and application of international standards in the field of environmental protection**

1. The introduction and application of international standards in the field of environmental protection are carried out in accordance with the legislation of the Republic of Kazakhstan in the field of standardization, taking into account the requirements of this Code.

2. The authorized body in the field of environmental protection reviews draft documents on standardization within its competence, as well as prepares proposals for the development,

amendment, 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.

3. The introduction by individuals and legal entities of international standards of the environmental management system is stimulated by:

1) dissemination of information on international standards of the environmental management system applied in the Republic of Kazakhstan;

2) reduction by the authorized body in the field of environmental protection of the degree of risk within the framework of state environmental control for persons who have introduced international standards of the environmental management system and have a document confirming such introduction;

3) application of economic incentive measures provided for by the laws of the Republic of Kazakhstan for introduction of international standards of the environmental management system.

#### **Article 47. Environmental labeling**

1. Environmental labeling means a statement informing about the environmental aspects of products, works or services in the form of a text, sign or graphic image on a product label or packaging, in accompanying documentation, technical description, advertising brochure, public information leaflet or other form.

In this article, environmental aspects refer to elements of an organization's activities, products or services that may have an impact on the environment.

2. Ecological labeling shall be carried out by the manufacturer of products (performer of works, services) on a voluntary basis after confirmation of conformity by persons accredited in accordance with the procedure established by the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

3. Excluded by the Law of the Republic of Kazakhstan dated 10.06.2024 № 90-VIII (effective six months after the date of its first official publication).

4. The objectives of environmental labeling are:

1) informing consumers about the environmental aspects of the products, works and services they purchase;

2) stimulating an increase in the acquisition and consumption (use) of environmentally friendly products, works and services in order to reduce the negative anthropogenic impact on the environment;

3) prevention or minimization of negative anthropogenic impact on the environment throughout the life cycle of products;

4) promoting exports and increasing the competitiveness of domestic products.

5. Environmental labeling must take into account all aspects of the life cycle of a product, work or service.

Footnote. Article 47 as amended by the Law of the Republic of Kazakhstan dated 10.06.2024 № 90-VIII (effective six months after the date of its first official publication).

## **Chapter 7. ENVIRONMENTAL ASSESSMENT Paragraph 1. General provisions on environmental assessment Article 48. The concept of environmental assessment**

1. Environmental assessment means the process of identifying, studying, describing and evaluating possible direct and indirect significant impacts of the implementation of the planned and ongoing activities or a document being developed on the environment.

2. The purpose of the environmental assessment is the preparation of materials necessary for making decisions that meet the goals and objectives of the environmental legislation of the Republic of Kazakhstan on the implementation of the planned activity or the document being developed.

3. Environmental assessment by its types is organized and carried out in accordance with this Code and the instruction approved by the authorized body in the field of environmental protection (hereinafter referred to as the instruction for organizing and conducting of an environmental assessment).

### **Article 49. Types of environmental assessment**

1. Environmental assessment, depending on the subject of assessment, is carried out in the form of:

- 1) strategic environmental assessment;
- 2) environmental impact assessments;
- 3) transboundary impact assessments;
- 4) environmental assessment according to the simplified procedure.

2. Strategic environmental assessment and (or) environmental impact assessment include the assessment of transboundary impacts on environment in the cases provided for by this Code.

3. An environmental assessment according to a simplified procedure is carried out for planned and ongoing activities that are not subject to mandatory environmental impact assessment in accordance with this Code, during:

- 1) development of draft emission standards for objects of categories I and II;
- 2) development of the section "Environmental protection" as part of the design documentation for the planned activity and in the preparation of the declaration on the impact on the environment.

The requirements and procedure for conducting an environmental assessment in a simplified manner are determined by the instructions for organizing and conducting of an environmental assessment.

### **Article 50. Principles of environmental assessment**

In addition to the general principles set out in Article 5 of this Code, environmental assessment is carried out in compliance with the following special principles:

1) the principle of potential environmental hazard: an environmental assessment is carried out based on the assumption that the implementation of the planned activity or the document being developed may cause negative environmental impacts, and the need to study such potential impacts, their significance and likelihood of occurrence in order to determine the necessary measures to prevent, minimize or mitigate them;

2) the principle of a preventive function: the use of environmental assessment to form environmentally sound decisions at the earliest stages of planning of the planned activity or developing a document;

3) the principle of alternativeness: the assessment of impacts should be based on the mandatory consideration of several alternative options for implementation of the planned activity or the document being developed, including the option of refusing to implement them (“zero” option);

4) the principle of long-term forecasting: environmental assessment should take into account the impact of the implementation of the planned activity or the document being developed, taking into account the objectively forecast socio-economic development and environmental quality in the long term;

5) the principle of complexity: consideration within the framework of an environmental assessment in the interrelation of all environmental, technological, technical, organizational, industrial, social and economic aspects of the implementation of the planned activity or the document being developed;

6) the principle of compatibility: the implementation of the planned activity or the document being developed should not lead to a deterioration in the quality of life of the local population and the conditions for the implementation of other types of activities, including in the areas of agriculture, water and forestry;

7) the principle of flexibility: the types of environmental impacts to be considered in the framework of an environmental assessment, as well as the scale, depth and directions of the necessary studies are determined individually in each case, depending on the specific nature of the planned activity or document being developed, including by determining the scope in accordance with this Code.

## **Paragraph 2. Strategic environmental assessment Article 51. General provisions on strategic environmental assessment**

1. Strategic environmental assessment means the process of identifying, studying, describing and evaluating, on the basis of relevant studies of the possible significant impacts of the implementation of state programs in the sectors listed in paragraph 3 of Article 52 of this Code, territorial development programs and master plans for settlements (hereinafter for



the purposes of this chapter of the Code – the Documents) on the environment, which includes the stages provided for in Article 53 of this Code.

2. Strategic environmental assessment is carried out throughout the entire process of developing the Document and should be initiated at the initial stage of its development, which allows timely identification and study of all significant negative environmental impacts that may be caused by the implementation of such a Document, and taking into account, during further development and approval of the Document, of all necessary measures to prevent or, if complete prevention is not possible, to minimize such impacts.

3. Approval, implementation of the Document and financing of the measures envisaged by it without carrying out a strategic environmental assessment, if the obligation to conduct it is provided for by this Code or determined as a result of the screening of the impacts of the Documents, is prohibited.

4. The results of the strategic environmental assessment of the higher level Documents must be taken into account when conducting the strategic environmental assessment of the lower level Documents.

5. The results of the strategic environmental assessment of the Documents developed at lower levels should be taken into account when conducting a strategic environmental assessment of the Documents developed at higher levels.

6. Strategic environmental assessment, as well as screening of the impacts of the Documents is carried out in accordance with this Code and instructions for organizing and conducting of an environmental assessment.

## **Article 52. Subject of strategic environmental assessment**

1. The subject of the strategic environmental assessment is the draft Documents, the implementation of which may have a significant impact on the environment, as well as changes and (or) additions to the existing Documents, the implementation of which may have a significant impact on the environment.

2. In the event of changes and (or) additions to the current Document, the implementation of which may have a significant impact on the environment, such a current Document is subject to strategic environmental assessment together with a draft that provides for the introduction of changes and (or) additions to it.

3. The Documents aimed at the development of agriculture, forestry, fisheries, energy, industry (including exploration and mining), transport, waste management, water management, telecommunications, tourism, planning the development of urban and rural areas, use and protection of land, except for the cases provided for in paragraphs 5 and 6 of this article, are subject to mandatory strategic environmental assessment.

4. Draft Documents that are not subject to paragraph 3 of this article are subject to mandatory strategic environmental assessment if they provide for provisions that are or may become conditions for issuing permits or receiving notifications in the manner prescribed by

the Law of the Republic of Kazakhstan "On permits and notifications" , in relation to activities that have an impact on the environment, and if the need for a strategic environmental assessment is established based on the results of the screening of the impacts of the Documents, carried out in accordance with Article 55 of this Code.

The provisions of part one of this paragraph are not applied to the documents referred to in paragraph 6 of this article.

5. Strategic environmental assessment is not carried out when changes and (or) additions are made to the Documents listed in paragraph 3 of this article, if the absence of the need for a strategic environmental assessment of such changes and (or) additions is established based on the results of screening of the impacts of the Documents.

6. The following do not require a mandatory strategic environmental assessment:

- 1) documents in the financial and budgetary areas;
- 2) documents, the sole purpose of which is to ensure defense, national security, measures for civil protection, prevention and elimination of emergency situations.

### **Article 53. Stages of strategic environmental assessment**

Strategic environmental assessment consists of the following stages:

- 1) determining the need for a strategic environmental assessment based on the criteria established by this Code, including in cases provided for by this Code, based on the results of screening the impacts of the Document;
- 2) defining the scope of the strategic environmental assessment report;
- 3) preparation of a strategic environmental assessment report;
- 4) assessment of the quality of the strategic environmental assessment report;
- 5) consideration of the draft Document prior to its approval for compliance with the strategic environmental assessment report;
- 6) monitoring of significant impacts of the Document on the environment.

### **Article 54. Subjects responsible for the conduct of strategic environmental assessment**

1. Responsibility for ensuring the conduct of a strategic environmental assessment lies with the state body - developer of the Document.

2. The state body - developer of the Documents, in accordance with the requirements of the environmental legislation of the Republic of Kazakhstan, participates in ensuring the public's right to access environmental information and the right of the public concerned to participate in decision-making on issues related to the environment, at all stages of the development and approval of the Document.

3. The preparation of a report on a strategic environmental assessment, the performance of other works and the provision of other services in the process of conducting a strategic environmental assessment are provided by the state body - developer independently and (or)

with the involvement of external experts in the manner established by the legislation of the Republic of Kazakhstan on public procurement.

### **Article 55. Screening of impacts of the Documents**

1. Screening of impacts of the Documents is a process of identifying potential significant impacts on the environment during the implementation of the Documents, carried out in order to determine, based on the criteria established by paragraph 3 of this article, the need or lack of need for a strategic environmental assessment.

2. The screening of the effects of the Documents is mandatory for all Documents subject to paragraph 4 or 5 of Article 52 of this Code.

3. The screening of impacts of the Document is based on the following criteria:

1) the relevance of the Document in terms of the need to take into account the risks associated with the impact on the environment and ensure that the Document complies with the goals of promoting sustainable development;

2) opportunity for implementation of the types of activities established by the Document, taking into account the place, type, scale, conditions of activity, the availability of natural resources and conditions for their use;

3) the degree of impact of such a Document on the implementation of other Documents;

4) environmental risks in the implementation of the Document, including in terms of impact on public health;

5) the relevance of the Document in terms of fulfilling the requirements of the legislation of the Republic of Kazakhstan and its international obligations in the field of environmental protection;

6) features of the environmental consequences of the implementation of the Document, such as the likelihood, duration, frequency and reversibility of consequences, the cumulative nature of the consequences, the magnitude and spatial extent of the impact (geographical area and the number of affected population);

7) the transboundary nature of the consequences in the implementation of the Document;

8) the degree and nature of the possible consequences of the implementation of the Document for specially protected natural areas, objects of the state natural reserve fund, elements of the ecological network associated with the system of specially protected natural areas, natural habitats of rare and endangered species of animals and plants, objects of historical cultural heritage, lands of health-improving, recreational and historical and cultural purposes;

9) the need to assess the possible environmental consequences of the implementation of the Document, in respect of which the strategic environmental assessment was not previously carried out or was carried out, but did not provide sufficient study of all possible environmental consequences of the implementation of the Document;

10) the nature of the proposed changes to the Document, in respect of which a strategic environmental assessment has previously been carried out.

4. Conducting screening of the impacts of the Documents is organized by the state body - developer of the Document at the initial stage of the development of the Document.

5. Screening of the impacts of the Documents is carried out by the authorized body in the field of environmental protection, taking into account:

1) comments and proposals received from the public concerned and interested state bodies in the manner established by Articles 59 and 60 of this Code, and in accordance with the instructions for organizing and conducting of an environmental assessment;

2) the need to conduct an assessment of transboundary impacts in the presence of the grounds provided for in subparagraph 2) of paragraph 1 of Article 80 of this Code.

6. To initiate the screening of the impacts of the Document, the state body that developed the Document sends the following documents to the authorized body in the field of environmental protection:

1) draft Document, including information on the main directions and terms of its implementation;

2) description of the territory where the implementation of the Document is planned;

3) a general description of the potential impact on the environment, life and (or) human health during the implementation of the Document.

7. Within two working days after receiving the documents specified in paragraph 6 of this article, the authorized body in the field of environmental protection places them on the official Internet resource and reports to all state bodies that the authorized body in the field of environmental protection has determined as those interested in accordance with Article 59 of this Code, and the state body-developer informs the interested public about it in the same period by the methods provided for in paragraph 5 of Article 60 of this Code.

8. The authorized body in the field of environmental protection considers the received documents on the basis of the criteria defined in paragraph 3 of this article, and taking into account the comments and suggestions received from interested state bodies and the public, prepares a conclusion on the need or lack of need for a strategic environmental assessment ( hereinafter – conclusion on the results of the screening of impacts of the Document).

If the authorized body in the field of environmental protection concludes that the possible environmental consequences of the implementation of the Document are insignificant, the conclusion on the results of the screening of the impacts of the Document indicates the conclusion that there is no need to conduct a strategic environmental assessment of such a Document.

If the authorized body in the field of environmental protection comes to the conclusion about possible significant environmental consequences of the implementation of the

Document, the conclusion on the results of the screening of the impacts of the Document indicates the conclusion that it is necessary to conduct a strategic environmental assessment of such a Document.

9. Not later than the period specified in paragraph 10 of this article, the authorized body in the field of environmental protection sends a conclusion on the results of screening of the impacts of the Document to the state body - developer and places a copy of such conclusion on the official Internet resource.

10. The term for screening of the impacts of the Document is fifteen working days from the date of receipt by the authorized body in the field of environmental protection of the documents referred to in paragraph 6 of this article.

#### **Article 56. Determining the scope of the strategic environmental assessment report**

1. In determining the scope of the strategic environmental assessment report, the scope and level of detail of information to be included in the strategic environmental assessment report are established based on the nature and content of the Document.

The scoping of a strategic environmental assessment report is carried out in order to:

1) determine the scale of potential impacts on the environment, human life and (or) health during the implementation of the Document;

2) identify the justified and practically applicable alternative solutions that can be included in the Document, including solutions that are the best in terms of environmental protection;

3) inform the public about the planned Document, possible alternative solutions that may be included in it, and the expected results of its implementation;

4) identify the public concerned in relation to a particular Document;

5) provide the state body - developer with the information necessary to justify the costs of preparing a strategic environmental assessment report;

6) determine the range of initial data and other information, which is necessary to obtain during the strategic environmental assessment;

7) identify significant impacts of the planned Document on specially protected natural territories, other territories and objects subject to protection in accordance with the legislation of the Republic of Kazakhstan and (or) international treaties of the Republic of Kazakhstan and having local, national or international significance;

8) determine the likelihood of transboundary impacts on the environment during the implementation of the planned Document;

9) define goals in the field of environmental protection, including those related to ensuring a favorable environment for human life and health, related to the Document and established at the international, national and (or) local levels.

2. Determination of the scope of a strategic environmental assessment report is carried out by the authorized body in the field of environmental protection, taking into account the

comments and suggestions received from interested state bodies and the public in accordance with Articles 59 and 60 of this Code.

3. The procedure for determining the scope of the strategic environmental assessment report is established by the instructions for organizing and conducting of an environmental assessment.

4. The results of determining the scope of a strategic environmental assessment report are drawn up by the authorized body in the field of environmental protection in the form of a conclusion (hereinafter - the conclusion on determining the scope of a strategic environmental assessment report).

#### **Article 57. Strategic environmental assessment report**

1. The strategic environmental assessment report identifies, describes and evaluates the likely significant environmental impacts of the implementation of the Document, as well as reasonable alternatives to the solutions proposed therein, taking into account the objectives and geographical scope of the Document.

2. The content of the strategic environmental assessment report should be consistent with the conclusion on the scoping of the strategic environmental assessment report.

3. The strategic environmental assessment report must contain the information specified in paragraph 4 of this article, corresponding to the level of modern knowledge and assessment methods, the content and level of detail of the Document.

4. The strategic environmental assessment report should include:

1) a summary of the content, main objectives of the Document and its relationship with other Documents;

2) assessment of the current quality of the environment and its likely change in case of refusal to accept the Document;

3) assessment of the quality of the environment in the territories that may be significantly affected by the implementation of the Document;

4) existing environmental problems, the risk of their aggravation or the emergence of new environmental problems during the implementation of the Document, including in terms of the impact of the quality of environment on public health and impacts on specially protected natural areas;

5) goals in the field of environmental protection, including those related to ensuring a favorable environment for human life and health, relevant to the Document, established at the international, national and (or) local levels, as well as the procedure for accounting for these goals and other issues related to environmental protection during the development of the Document;

6) a description of the likely significant environmental consequences of the implementation of the Document, including side, cumulative, short-term, medium-term and long-term, permanent and temporary, positive and negative consequences;

7) measures to prevent, reduce, compensate for any significant negative impacts on the environment during the implementation of the Document;

8) justification for the choice of decisions made in the Document from among the alternative options that were considered during the strategic environmental assessment, and a description of the assessment process, including any difficulties associated with the lack of necessary methodologies or gaps in knowledge, lack of information or technical means in the assessment process;

9) a program for monitoring significant impacts on the environment during the implementation of the Document, including a description of specific measures for its implementation;

10) description of probable transboundary impacts on the environment during the implementation of the Document (if any), comments and suggestions of interested state bodies and the public, including those received during the assessment of transboundary impacts;

11) a summary of the strategic environmental assessment report, including brief and generalized conclusions on subparagraphs 1) - 10) of this paragraph and presented in a form understandable to the public.

5. The state body - developer, within the framework of the development of the Document, ensures the preparation of a strategic environmental assessment report, including, if necessary, with the involvement of external experts in the manner prescribed by the legislation of the Republic of Kazakhstan on public procurement.

6. The state body - developer is obliged to submit a strategic environmental assessment report for quality assessment to the authorized body in the field of environmental protection. The term for development of a strategic environmental assessment report is determined by the state body - developer independently, provided that such a period should provide an opportunity to complete the strategic environmental assessment before the Document is approved and the results of the strategic environmental assessment are taken into account in it.

7. Within two working days after the receipt from the state body - developer of the strategic environmental assessment report, the authorized body in the field of environmental protection places it on the official Internet resource and informs all state bodies that the authorized body in the field of environmental protection has determined as interested in accordance with Article 59 of this Code, and the state body-developer informs the interested public about it in the same period by the methods provided for in paragraph 5 of Article 60 of this Code.

8. The authorized body in the field of environmental protection accepts comments and proposals from interested state bodies and the public within thirty calendar days from the date of posting the strategic environmental assessment report on the official Internet resource.

9. The authorized body in the field of environmental protection considers the strategic environmental assessment report received from the state body - developer for its quality and compliance with the conclusion on determining the scope of the strategic environmental assessment report, taking into account the comments and suggestions received from interested state bodies and the public.

10. Based on the results of the assessment of the quality of the strategic environmental assessment report, the authorized body in the field of environmental protection, within five working days after the expiration of the period specified in paragraph 8 of this article, issues a conclusion on satisfactory or unsatisfactory quality of the strategic environmental assessment report.

If the quality of the strategic environmental assessment report is recognized as unsatisfactory, the conclusion of the authorized body in the field of environmental protection must indicate the aspects of the report that are recognized as unsatisfactory, including with reference to the comments and suggestions received from interested state bodies and the public, as well as recommendations on measures, which must be adopted when finalizing the strategic environmental assessment report in order to recognize its quality as satisfactory.

If the strategic environmental assessment report is recognized as unsatisfactory, the state body-developer finalizes it and, if necessary, the draft Document and submits them to the authorized body in the field of environmental protection for a re-assessment of the quality in the manner prescribed by this article.

Approval of a Document subject to strategic environmental assessment in accordance with this Code is allowed only if there is a strategic environmental assessment report, the quality of which is recognized as satisfactory based on the conclusion of the authorized body in the field of environmental protection.

11. Within two working days after receiving the conclusion of the authorized body in the field of environmental protection on the quality of the strategic environmental assessment report, the state body-developer places a copy of such conclusion on the official Internet resource and informs the public about it in the ways provided for in paragraph 5 of Article 60 of this Code.

#### **Article 58. Consideration of the Document for compliance with strategic environmental assessment report**

1. The state body - developer, after recognizing the strategic environmental assessment report as satisfactory in accordance with paragraph 10 of Article 57 of this Code, if necessary, finalizes the Document, taking into account the conclusions of the strategic environmental assessment report.

2. After the completion of the Document in accordance with paragraph 1 of this article, the state body - developer submits the draft Document for public hearings.



Public hearings are held in accordance with the rules for holding public hearings approved by the authorized body in the field of environmental protection.

**Article 59. Consultations with interested state bodies as part of strategic environmental assessment**

1. Interested state bodies include state bodies, local executive bodies, the functions of which may be affected during the implementation of the Document.

2. The list of interested state bodies in each specific case is determined by the authorized body in the field of environmental protection. At the same time, the authorized body in the field of healthcare, as well as local executive bodies of administrative-territorial units, within the territories of which the Document is supposed to be implemented, is included in the number of interested state bodies without fail.

3. For certain types of Documents, the list of state bodies, local executive bodies subject to mandatory classification as interested state bodies may be established by regulatory legal acts regulating the procedure for development and approval of such Documents.

4. Consultations with interested state bodies represent the process of receiving, considering and taking into account the comments and proposals of interested state bodies when:

- 1) screening the impacts of the Document;
- 2) defining the scope of the strategic environmental assessment report;
- 3) determining the quality of the strategic environmental assessment report;

4) consideration of the draft Document prior to its approval for compliance with the strategic environmental assessment report, the quality of which is recognized as satisfactory in accordance with paragraph 10 of Article 57 of this Code.

5. Consultations with interested state bodies are carried out in accordance with this article and the instructions for organizing and conducting of an environmental assessment.

6. The authorized body in the field of environmental protection is obliged to consider all the comments and suggestions of interested state bodies received by it in the course of screening of the impacts of the Document, determining the scope of the strategic environmental assessment report and determining the quality of the strategic environmental assessment report, if such comments and suggestions are submitted within the relevant time limits established by the instruction for organizing and conducting of an environmental assessment.

State bodies, local executive bodies, referred in accordance with this article to the number of interested state bodies, are obliged to submit their comments and suggestions or a letter of their absence in accordance with the requirements of this Code and instructions for organizing and conducting of an environmental assessment.

7. Based on the results of consultations with interested state bodies, held in accordance with this article, the authorized body in the field of environmental protection draws up a

protocol of consultations with interested state bodies, which reflects all the comments and proposals received from them.

The authorized body in the field of environmental protection is obliged to provide interested state bodies with information on how their comments and suggestions were taken into account at the relevant stages of the strategic environmental assessment, as well as the reasons why certain comments and suggestions were not taken into account.

8. Protocols of consultations with interested state bodies are brought to the attention of the public in the ways provided for in paragraph 5 of Article 60 of this Code.

#### **Article 60. Participation of the public concerned in strategic environmental assessment**

1. The public concerned has the right to express comments or suggestions regarding:

- 1) draft Document - at any stage of the strategic environmental assessment;
- 2) the need or lack of need for a strategic environmental assessment - at the stage provided for in Article 55 of this Code;
- 3) the scope of the strategic environmental assessment report - at the stage provided for in Article 56 of this Code;
- 4) the quality of the strategic environmental assessment report - at the stage provided for in Article 57 of this Code;
- 5) programs for monitoring the significant impacts of the Document on the environment - at the stage provided for in Article 63 of this Code.

2. The state body - developer is obliged to ensure the possibility of participation of the public concerned at all stages of the strategic environmental assessment in accordance with the requirements of this Code and the instructions for organizing and conducting of an environmental assessment, starting from the initial stage of developing the Documents, where a choice of solutions from among the available alternatives is possible.

3. The state body-developer ensures the participation of the public concerned in the strategic environmental assessment by:

- 1) determining the public concerned;
- 2) setting reasonable deadlines that provide the public concerned with the opportunity to make comments and suggestions in a timely manner and with due efficiency at all stages of the strategic environmental assessment;
- 3) informing the public concerned in the cases provided for by this Code, by the methods provided for in paragraph 5 of this article;
- 4) provision of information to the public concerned on the basis of its requests;
- 5) informing the public concerned about the possibility of its participation in consultations in cases of transboundary impact assessment;
- 6) taking into account its comments and suggestions in the process of conducting a strategic environmental assessment.

4. The criteria for determining the public concerned are determined by the instructions for organizing and conducting of an environmental assessment.

5. Mandatory means of informing the public in the process of strategic environmental assessment include:

- 1) posting information on the official Internet resource of the state body - developer;
- 2) placement of information on the official Internet resource of the authorized body in the field of environmental protection;
- 3) in relation to the information specified in subparagraphs 1), 2), 3) and 11) of paragraph 6 of this article - placement of information in at least one mass media (in a print periodical, through a TV channel or radio channel) distributed on the entire territory affected by the implementation of the Document, as well as on paper in places publicly accessible to the public (on bulletin boards of the authorized body in the field of environmental protection and its territorial divisions, local executive bodies and in places specially designed for posting announcements);
- 4) sending letters to legal entities in charge of specially protected natural areas, if they may be affected as a result of the implementation of the Document.

6. Information to be provided to the public concerned in the process of conducting a strategic environmental assessment in the manner prescribed by the instructions for organizing and conducting of an environmental assessment includes:

- 1) information on the beginning of the development of the Document, its name, main directions and terms of implementation;
- 2) the name and location of the state body (official) responsible for receiving and taking into account comments and suggestions from the public concerned;
- 3) the timing, place and method of receiving comments and suggestions from the public concerned at various stages of the strategic environmental assessment;
- 4) draft Documents prior to their approval;
- 5) conclusions about the results of screening of the impacts of the Document;
- 6) statements and conclusions on the definition of the scope of strategic environmental assessment reports;
- 7) strategic environmental assessment reports;
- 8) protocols of consultations with interested state bodies conducted in the course of screening of the impacts of the Document, determining the scope of the strategic environmental assessment report, as well as assessing the quality of the strategic environmental assessment report and the draft Document;
- 9) reports on monitoring significant impacts on the environment during the implementation of the Documents;
- 10) announcements about holding public hearings;
- 11) protocols of public hearings on draft Documents and strategic environmental assessment reports;

12) certificates, including a summary of the comments and proposals of the public concerned, received during public hearings;

13) information on the assessment of transboundary impacts carried out as part of the strategic environmental assessment;

14) conclusions on the quality of strategic environmental assessment reports;

15) approved Documents;

16) other documents and information provided to the authorized body in the field of environmental protection in connection with the strategic environmental assessment.

7. Information on strategic environmental assessment, specified in subparagraphs 5) - 16) of paragraph 6 of this article, must be submitted by the state body - developer to the state environmental information fund.

#### **Article 61. Assessment of transboundary impacts carried out in the course of a strategic environmental assessment**

1. If there are grounds provided for by subparagraph 2) of paragraph 1 of Article 80 of this Code, in the course of a strategic environmental assessment, an assessment of transboundary impacts is carried out.

2. Assessment of transboundary impacts is carried out in accordance with paragraph 4 of this chapter and international treaties of the Republic of Kazakhstan.

#### **Article 62. Features of Documents subject to strategic environmental assessment**

A document subject to a strategic environmental assessment should take into account the data of the strategic environmental assessment report, comments and suggestions of interested state bodies and the public, including the results of public hearings, and in cases of transboundary impact assessment, the results of such an assessment.

#### **Article 63. Monitoring of significant impacts of the Documents on environment**

1. The state body - developer is responsible for ensuring that the monitoring of the significant impacts of the Document on the environment is carried out in accordance with the monitoring program, which is part of the strategic environmental assessment report.

2. The objectives of monitoring of the significant impacts of the Documents on the environment are:

1) timely detection of significant adverse impacts of the Document on the environment that were not previously taken into account, and ensuring the possibility of taking appropriate measures to prevent and eliminate them;

2) assessment of the level of achievement of favorable impacts on the environmental stated in the Document;

3) ensuring compliance of the Document with the objectives of the environmental legislation of the Republic of Kazakhstan, including those related to the impact of the quality of environment on human life and health, established at the international, national and local levels and related to this Document.

3. The procedure for monitoring significant impacts on the environment as a result of the implementation of the Documents is established by the instructions for organizing and conducting of an environmental assessment.

4. The state body - developer of the Document, on an annual basis within the period established in the monitoring program, ensures the preparation of a report on monitoring significant impacts on environment during the implementation of the Documents and submits it to the authorized body in the field of environmental protection, and also informs the public concerned about the results of such monitoring in accordance with paragraph 5 of Article 60 of this Code and the instructions for organizing and conducting of an environmental assessment.

### **Paragraph 3. Environmental impact assessment Article 64. Environmental impact assessment**

1. Environmental impact assessment means the process of identifying, studying, describing and evaluating, on the basis of relevant studies, possible significant impacts on environment in the course of the implementation of the planned activity, which includes the stages provided for in Article 67 of this Code.

2. The planned activity in this Code is understood as the planned activity of individuals and legal entities related to the construction and further operation of production and other facilities, with other kinds of interference with the environment, including through subsoil use operations, as well as introducing significant changes into such activity.

### **Article 65. Mandatory nature of environmental impact assessment**

1. Environmental impact assessment is mandatory:

1) for the types of activities and facilities listed in section 1 of Appendix 1 to this Code, taking into account the quantitative threshold values specified therein (if any);

2) for the types of activities and facilities listed in section 2 of Appendix 1 to this Code, taking into account the quantitative threshold values specified therein (if any), if the obligation to conduct an environmental impact assessment in relation to such activities or such facilities is established in the conclusion on results of screening of the impacts of the planned activity;

3) when making significant changes to the types of activities and (or) the activities of the facilities specified in subparagraphs 1) and 2) of this paragraph, in respect of which an environmental impact assessment was previously carried out;

4) when making significant changes to the types of activities and (or) the activities of the facilities listed in section 2 of Appendix 1 to this Code, in respect of which a conclusion was previously issued on the results of screening of the impacts of the planned activity with the conclusion that there is no need to conduct an environmental impact assessment, in cases where the obligation to conduct an environmental impact assessment of such significant changes is established in the conclusion on the results of the screening of the impacts of the planned activity.

2. For the purposes of conduct of an environmental impact assessment or screening of the impacts of a planned activity, significant changes in an activity are understood any changes that result in:

- 1) the growth of the volume or capacity of production;
- 2) the growth of the amount and (or) the change of the type of natural resources, fuel and (or) raw materials used in the activity;
- 3) the growth of the area of disturbed lands or lands are subject to disturbance that were not previously taken into account when assessing the impact on the environment or screening of the impacts of the planned activity;
- 4) the technology, the management of the production process are changed in another way, as a result of which the quantitative and qualitative indicators of emissions may deteriorate, the area of influence of such emissions may change and (or) the amount of waste generated may increase.

3. Environmental impact assessment is not mandatory for the types and objects of activities not specified in paragraph 1 of this article, and may be carried out on a voluntary basis at the discretion of the initiators of such activities or operators of facilities.

4. The planned activity or its part, as well as the introduction of changes into it, including significant ones are not subject to mandatory environmental impact assessment, if its implementation or introduction of appropriate changes into it is necessary in connection with the prevention, liquidation or elimination of the consequences of an emergency or emergency situations, the introduction of martial law or in connection with emergency measures to ensure the defense or national security of the Republic of Kazakhstan.

5. It is prohibited to carry out the planned activity, including the issuance of an environmental permit for the implementation of the planned activity, without a preliminary environmental impact assessment, if such an assessment is mandatory for the planned activity in accordance with the requirements of this Code.

Based on the conclusion on determining the scope of the environmental impact assessment, prepared by the authorized body in the field of environmental protection in accordance with Article 71 of this Code, the initiator of the planned activity has the right, in the manner established by the land legislation of the Republic of Kazakhstan, to apply for the reservation of a land plot (land plots ) for the implementation of the planned activities for the period of the mandatory environmental impact assessment.

In cases where the planned activity involves the use of land plots that are in private ownership or land use by third parties, the relationship of the initiator with such persons is regulated by the civil legislation of the Republic of Kazakhstan.

**Article 66. Types and objects of impacts to be taken into account when assessing the impact on environment**

1. In the process of environmental impact assessment, the following types of impacts should be taken into account:

1) direct impacts - impacts that can be directly made by the main and accompanying types of the planned activity;

2) indirect impacts - impacts on the environment and public health caused by indirect (secondary) factors that may arise as a result of the implementation of the planned activity;

3) cumulative impacts - impacts that may arise as a result of constantly increasing negative changes in the environment, caused in the aggregate by previous and existing impacts of an anthropogenic or natural nature, as well as reasonably foreseeable future impacts accompanying the implementation of the planned activities.

2. In the process of assessing the impact on the environment, an assessment of the impact on the following objects is carried out, including in their relationship and interaction:

1) atmospheric air;

2) surface and ground waters;

3) surface of the bottom of reservoirs;

4) landscapes;

5) land and soil cover;

6) flora;

7) wildlife;

8) state of ecological systems and ecosystem services;

9) biodiversity;

10) the state of health and living conditions of the population;

11) objects of special ecological, scientific, historical, cultural and recreational value.

3. In cases where the planned activity may have an impact on specially protected natural areas, in the process of assessing the impact on the environment, an assessment of the impact on the relevant natural complexes, including the lands of specially protected natural areas, as well as those located on these lands and lands of other categories of objects of the state natural reserve fund, is also carried out.

4. When conducting an environmental impact assessment, other environmental impacts that may be caused by the occurrence of emergency situations of an anthropogenic and natural nature, emergency environmental pollution are also subject to assessment, possible

measures and methods are determined to prevent and reduce the harmful impact of the planned activity on the environment, as well as the required volume of industrial environmental monitoring.

5. In the process of conducting an environmental impact assessment, negative and positive effects of the impact on the environment and public health should be taken into account.

6. In the process of an environmental impact assessment, the impact caused by greenhouse gas emissions is not taken into account.

#### **Article 67. Stages of environmental impact assessment**

Environmental impact assessment includes the following stages:

1) consideration of the application for the planned activity in order to determine its compliance with the requirements of this Code, as well as in the cases provided for by this Code, screening of the impacts of the planned activity;

2) defining the scope of the environmental impact assessment;

3) preparation of a report on possible impacts;

4) assessment of the quality of the report on possible impacts;

5) issuance of a conclusion based on the results of the environmental impact assessment and its accounting;

6) post-project analysis of the actual impacts during the implementation of the planned activity, if the need for its implementation is determined in accordance with this Code.

#### **Article 68. Application for the planned activity**

1. A person intending to carry out activities for which this Code provides for a mandatory environmental impact assessment or mandatory screening of the impacts of the planned activity is obliged to submit an application for the planned activity to the authorized body in the field of environmental protection, after which this person is recognized respectively as the initiator of the assessment of the impact on the environment or screening of the impacts of the planned activity (hereinafter referred to as the initiator).

2. An application for the planned activity is submitted in electronic form and must contain the following information:

1) for an individual: last name, first name, patronymic (if it is indicated in an identity document), address of residence, individual identification number, telephone number, e-mail address;

2) for a legal entity: name, location address, business identification number, information about the first manager, phone number, e-mail address;

3) a general description of the types of planned activities and their classification in accordance with Appendix 1 to this Code or a description of significant changes made to such types of activities in accordance with paragraph 2 of Article 65 of this Code;



4) information about the proposed location for the planned activity, the rationale for choosing a location and the possibilities for choosing other locations;

5) general expected technical characteristics of the planned activity, including the capacity (productivity) of the facility, its estimated size, product characteristics;

6) a brief description of the proposed technical and technological solutions for the planned activity;

7) estimated dates for the start of the implementation of the planned activities and its completion;

8) description of the types of resources necessary for the implementation of activities, including water resources, land resources, soil, minerals, vegetation, raw materials, energy, indicating their expected quantitative and qualitative characteristics;

9) a description of the expected types, volumes and qualitative characteristics of emissions into the environment and waste that may be generated as a result of the planned activity;

10) a list of permits, the availability of which is expected to be required for the implementation of the planned activity, and state bodies whose competence includes issuing such permits;

11) description of possible alternatives to achieve the goals of the specified planned activity and options for its implementation (including the use of alternative technical and technological solutions and the location of the facility);

12) a description of the possible forms of negative and positive impacts on the environment as a result of the implementation of the planned activity, their nature and expected scale, taking into account their probability, duration, frequency and reversibility;

13) description of possible forms of transboundary impacts on the environment, their nature and expected scale, taking into account their probability, duration, frequency and reversibility;

14) a brief description of the current state of the environmental components in the territory and (or) in the water area, within which the planned activity is supposed to be carried out, as well as the results of baseline studies, if any, from the initiator;

15) the proposed measures to prevent, eliminate and reduce possible forms of adverse impact on the environment, as well as to eliminate its consequences.

3. For the purposes of submitting an application for a planned activity, screening of the impacts of a planned activity or assessing the environmental impact, the initiator does not need to have rights in relation to the land plot necessary for the implementation of the planned activity.

**4. Excluded by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (it is put into effect after sixty calendar days after the day of its first official publication).**

5. Within two working days after receiving an application for the planned activity, the authorized body in the field of environmental protection checks it for the presence of the information specified in paragraph 2 of this article, and:

1) if the application for the planned activity lacks one or more details required in accordance with paragraph 2 of this article, informs the initiator of the need to eliminate the deficiencies and re-submit the application for the planned activity;

2) if the initiator submits an application on the planned activity containing all the necessary information in accordance with paragraph 2 of this article, places the application on the planned activity on the official Internet resource and sends a copy of it to the relevant interested state bodies.

In this paragraph, the interested state bodies are understood as the departments of the authorized body in the field of environmental protection, the authorized body in the field of health care, state bodies whose competence includes the regulation of one or more types of activities that are part of the planned activity, issuing permits or receiving notifications for such types of activities, as well as local executive bodies of administrative-territorial units, which are wholly or partially located within the affected territory.

The affected area in this paragraph means the area within which the environment and the population may be subject to significant impacts of the planned activity.

6. Local executive bodies of the relevant administrative-territorial units, within two working days after receiving from the authorized body in the field of environmental protection, of a copy of the application for planned activities, place it on official Internet resources.

7. The statement on the planned activity, after posting it on the Internet resources of the authorized body in the field of environmental protection and local executive bodies of the relevant administrative-territorial units, must remain continuously available to the public on such Internet resources until the deadline for receiving comments and suggestions specified in part two of paragraph 9 of this Article.

An application for the planned activity posted on the Internet resource must be accompanied by an official notice to the public about the acceptance of comments and proposals regarding the application for the planned activity, indicating the type of the planned activity, postal address and email addresses at which comments and proposals are received, as well as the end date for receiving comments and suggestions.

8. Local executive bodies of the relevant administrative-territorial units, no later than three working days from the date of placement of the application for the planned activities on official Internet resources, additionally organize the distribution of the official announcement specified in part two of paragraph 7 of this article in one of the mass media, and also in other ways in accordance with the Law of the Republic of Kazakhstan "On access to information".

9. Acceptance of comments and proposals of interested state bodies and the public regarding the application for the planned activities is carried out by the authorized body in the field of environmental protection.

Interested state bodies and the public have the right to submit their comments and suggestions regarding the application for planned activities within fifteen working days from

the date of posting the application for planned activities on the official Internet resource of the authorized body in the field of environmental protection.

Comments and proposals of interested state bodies and the public, received after the deadline for receiving comments and proposals, specified in part two of this paragraph, are not accepted by the authorized body in the field of environmental protection for consideration

10. Within five working days from the date of expiry of the deadline for receiving comments and suggestions, the authorized body in the field of environmental protection shall submit all comments and suggestions to the application for planned activities accepted for consideration from interested state bodies and the public in a protocol drawn up in the form of a summary table of comments and suggestions, and also, within the same period, places it on the official Internet resource of the authorized body in the field of environmental protection, together with an opinion on determining the scope of environmental impact assessment and (or) an opinion on the results of screening the impacts of the planned activity and sends copies of them to the local executive bodies of the relevant administrative-territorial units.

The local executive bodies of the relevant administrative-territorial units, within two working days after receiving from the authorized body in the field of environmental protection the copies of the protocol and the conclusion (conclusions) specified in part one of this paragraph, post them on their official Internet resources.

11. If there are grounds for initiating an assessment of transboundary impacts, the authorized body in the field of environmental protection initiates an assessment of transboundary impacts in accordance with Article 80 of this Code.

**Footnote. Article 68 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 69. Screening of the impacts of the planned activity**

1. Screening of the impacts of the planned activity is a process of identifying potential significant impacts on the environment during the implementation of the planned activity, carried out in order to determine the need or lack of the need to conduct an environmental impact assessment based on the criteria established by Article 70 of this Code.

2. Submission of an application for a planned activity for the purpose of screening of its impacts is mandatory:

1) for the types of planned activities and facilities listed in section 2 of Appendix 1 to this Code, taking into account the quantitative threshold values indicated therein (if any);

2) when significant changes are made to the types of activities and (or) the activities of the facilities listed in section 2 of Appendix 1 to this Code, in respect of which the screening of the impacts of the planned activity was previously carried out with the conclusion that there is no need to conduct a mandatory environmental impact assessment.

The implementation of such activities without the screening of the impacts of the planned activity is prohibited.

3. Screening of the impacts of the planned activity is organized by the authorized body in the field of environmental protection in accordance with paragraphs 5-11 of Article 68 of this Code, this Article and instructions for organizing and conducting of an environmental assessment.

4. The deadline for screening the effects of the planned activity is twenty-two working days from the date of registration of the application for the planned activity with the authorized body in the field of environmental protection.

5. When screening the impacts of the planned activity, the authorized body in the field of environmental protection takes into account all comments and suggestions received for consideration in accordance with paragraph 9 of Article 68 of this Code.

6. Not later than the period specified in paragraph 4 of this article, the authorized body in the field of environmental protection issues a conclusion on the results of the screening of the impacts of the planned activity and sends it to the initiator and interested state bodies, followed by posting a copy of it on the official Internet resource within two working days.

7. The conclusion on the results of the screening of the impacts of the planned activity should contain conclusions about the need or lack of the need for a mandatory environmental impact assessment and their reasoned justification.

8. If the conclusion on the results of the screening of the impacts of the planned activity says that it is necessary to conduct a mandatory environmental impact assessment, the authorized body in the field of environmental protection, together with the conclusion on the results of the screening, sends to the initiator a conclusion on determining the scope of the environmental impact assessment, prepared in accordance with Article 71 of this Code.

9. If the application for the planned activity contains alternative options for the implementation of the planned activity, a separate conclusion is drawn up in the conclusion on the results of screening of the impacts of the planned activity for each of the options.

10. Individuals and legal entities have the right to challenge the conclusion on the results of screening of the impacts of the planned activity in the manner prescribed by the legislation of the Republic of Kazakhstan.

**Footnote. Article 69 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

## **Article 70. Criteria of significance of impact on environment**

1. When screening the impacts of the planned activity, the following criteria are considered that characterize the planned activity and the significance of its possible impact on the environment:

1) parameters of the planned activity, taking into account:

the type and scale of the planned activity (volume of production, capacity and other indicators in respect of which section 1 of Appendix 1 to this Code provides for quantitative threshold values);

cumulation of its impact with the impacts of other known activities (implemented, designed, planned) in the area where the proposed facility is located;

types and quantities of natural resources used;

types and quantities of generated waste;

the level of risk of environmental pollution and harm to human life and (or) health;

the level of risk of an emergency and (or) an accident, taking into account the provisions of the legislation of the Republic of Kazakhstan on civil protection;

the level of risk of biodiversity loss;

2) parameters of the affected area, taking into account:

the current designated purpose of the relevant lands and the priorities of the state policy in the field of ensuring sustainable land use;

the relative representation, quantity, quality and capacity for natural regeneration of natural resources in the affected area;

the ability of the natural environment to bear the load, with special attention to the territorial system of ecological stability of the landscape, specially protected natural areas, ecological "corridors" and migration routes of wild animals, important elements of the landscape, objects of historical and cultural heritage, areas of historical, cultural or archaeological significance, densely populated territories and territories experiencing loads in excess of the permissible limit (including previous loads);

3) the potential significance of the impact of the planned activity on the life and (or) health of people and the environment, taking into account the scope of the impact (territory and population), its transboundary nature (in terms of its spread beyond the borders of the state), size, complexity, probability, duration and frequency, as well as the reversibility of consequences (the possibility of restoring the environment or its individual object to a state close to the original).

2. Consideration of the criteria provided for in paragraph 1 of this article is carried out in accordance with the instructions for organizing and conducting of an environmental assessment.

## **Article 71. Determining the scope of the environmental impact assessment**

1. The purpose of defining the scope of an environmental impact assessment is to determine the level of detail and types of information that should be collected and studied in the course of an environmental impact assessment, research methods and the procedure for providing such information in a report on possible impacts.

2. In respect of activities subject to mandatory environmental impact assessment in accordance with this Code, within twenty-two working days from the date of registration of

the application for the planned activity, but not earlier than the expiration of the period established by part two of paragraph 9 of Article 68 of this Code, the authorized body in the field of environmental protection issues an opinion on determining the scope of environmental impact assessments based on the information contained in the statement of planned activities, taking into account the comments and suggestions of interested state bodies and the public received for consideration in accordance with paragraph 9 of Article 68 of this Code, and sends such an opinion to the initiator with a copy of it posted on the official Internet resource.

3. When determining the scope of the environmental impact assessment, the current level of knowledge, advanced research methods, existing technical capabilities in the relevant sector of the economy and the availability of data on the state of the environment should be taken into account.

4. The conclusion on determining the scope of the environmental impact assessment, taking into account the type, localization, nature and scale of possible environmental impacts, as well as the comments and suggestions of interested state bodies and the public, which were included in the protocol in accordance with paragraph 10 of Article 68 of this Code, may include requirements for a report on possible impacts regarding:

1) alternative options for achieving the goals of the planned activity and its implementation, which should be studied when performing an environmental impact assessment;

2) types of impacts and objects of impact that require detailed study;

3) areas of impact assessment and its methods.

**Footnote. Article 71 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

## **Article 72. Report on possible impacts**

1. In accordance with the conclusion on determining the scope of the environmental impact assessment, the initiator ensures the conduct of the activities necessary to assess the environmental impact of the planned activity and the preparation of a report on possible impacts based on their results.

2. The preparation of a report on possible impacts is carried out by individuals and (or) legal entities licensed to perform works and provide services in the field of environmental protection (hereinafter referred to as compilers of the report on possible impacts).

3. Organization and financing of work on environmental impact assessment and preparation of a draft report on possible impacts is provided by the initiator at his own expense.

4. Taking into account the content of the conclusion on determining the scope of the environmental impact assessment, the draft report on possible impacts should contain:

1) a description of the planned activity in respect of which the report is drawn up, including:

description of the proposed location of the planned activity, its coordinates determined according to the geographic information system, with vector files, as well as a description of the state of the environment in the proposed location of the planned activity at the time of the report;

information on the category of lands and the purpose of land use during the construction and operation of facilities necessary for the implementation of the planned activities;

information on the indicators of the facilities necessary for implementation of the planned activity, including their capacity, dimensions (area of occupied land, height), information on the production process, including the expected productivity of the enterprise, its need for energy, natural resources, raw materials and materials;

description of work on post-utilization of existing buildings, structures, facilities, equipment and methods for their implementation, if these works are necessary for the purposes of implementing the planned activity;

information on the expected types, characteristics and amount of emissions into the environment, other negative anthropogenic impacts on the environment associated with the construction and operation of facilities for the implementation of the activity in question, including the impact on water, atmospheric air, soil, subsoil, as well as vibration, noise, electromagnetic, thermal and radiation effects;

information on the expected types, characteristics and amount of waste that will be generated during the construction and operation of facilities as part of the planned activity, including waste generated as a result of the post-utilization of existing buildings, structures, facilities, equipment;

2) a description of possible options for the implementation of the planned activity, taking into account its features and possible impact on the environment, including:

the option chosen by the initiator of the planned activity for application, substantiation of his choice, description of other possible rational options, including the rational option that is the most favorable in terms of protecting the life and (or) health of people, the environment;

3) information on the components of the natural environment and other objects that may be subject to significant impacts of the planned activity, including the life and (or) health of people, the conditions of their living and activities, biodiversity (including flora and fauna, genetic resources, natural habitats of plants and wildlife, wildlife migration routes, ecosystems), land (including land acquisition), soil (including organic composition, erosion, compaction, other forms of degradation), water (including hydromorphological changes, quantity and quality of waters), atmospheric air, resistance of ecological and socio-economic systems to climate change, tangible assets, objects of historical and cultural heritage (including architectural and archaeological), landscapes, as well as the interaction of these objects;

4) description of possible significant impacts (direct and indirect, cumulative, transboundary, short-term and long-term, positive and negative) of the planned activity on the facilities listed in subparagraph 3) of this paragraph, resulting from:

construction and operation of facilities intended for the implementation of the planned activities, including post-utilization of existing facilities, if necessary;

use of natural and genetic resources (including land, subsoil, soil, water, objects of flora and fauna - depending on the availability of these resources and their location, migration routes of wild animals);

emissions into the environment, waste accumulation and disposal;

cumulative impacts from existing and planned production and other facilities;

in the process of the planned activities, application of technical, technological, organizational, managerial and other design solutions, including in the cases provided for by this Code, - the best available techniques in the relevant areas of their application;

5) substantiation of limiting quantitative and qualitative indicators of emissions, physical impacts on the environment;

6) justification of the maximum amount of waste accumulation by their types;

7) justification of the maximum volumes of waste disposal by their types, if such disposal is envisaged within the framework of the planned activity;

8) information on determining the probability of occurrence of accidents and natural hazards, typical, respectively, for the planned activity and the proposed place of its implementation, within the framework of the planned activity, a description of possible significant negative impacts on the environment associated with the risks of accidents and natural hazards, taking into account the possibility of taking measures to prevent and eliminate them;

9) a description of the measures envisaged for the periods of construction and operation of the facility to prevent, reduce, mitigate the identified significant impacts of the planned activity on the environment, including the proposed waste management measures, as well as, if there is uncertainty in the assessment of possible significant impacts - the proposed measures for monitoring of the impacts (including the need to conduct a post-project analysis of actual impacts after the implementation of the planned activity in comparison with the information provided in the report on possible impacts);

10) assessment of possible irreversible impacts on the environment and justification of the need to perform operations that entail such impacts, including a comparative analysis of losses from irreversible impacts and benefits from operations that cause these losses, in environmental, cultural, economic and social contexts;

11) methods and measures for restoration of the environment in case of termination of the planned activity, determined at the initial stage of its implementation;

12) description of the measures aimed at ensuring compliance with other requirements specified in the conclusion on determining the scope of the environmental impact assessment;



13) description of the research methodology and information about the sources of environmental information used in the preparation of the report on possible impacts;

14) description of the difficulties that arose during the conduct of research and related to the lack of technical capabilities and the insufficient level of modern scientific knowledge;

15) a brief non-technical summary summarizing the information specified in subparagraphs 1) - 12) of this paragraph, in order to inform the public concerned in connection with its participation in the environmental impact assessment.

5. The information contained in the report on possible impacts must meet the requirements for the quality of information, including being reliable, accurate, complete and up-to-date. The information contained in the report on possible impacts is publicly available, except for the information specified in paragraph 8 of this article.

6. A draft report on possible impacts must be submitted to the authorized body in the field of environmental protection no later than three years from the date the authorized body in the field of environmental protection issues a conclusion on determining the scope of the environmental impact assessment. If the initiator misses the specified period, the authorized body in the field of environmental protection terminates the environmental impact assessment process, returns the draft report on possible impacts to the initiator and informs him of the need to submit a new application for the planned activity.

7. After the completion of the development of the draft report on possible impacts, the initiator or compiler of the draft report on possible impacts, acting under an agreement with the initiator, sends to the authorized body in the field of environmental protection:

1) a draft report on possible impacts in order to assess its quality and determine the need for revision, taking into account the comments and suggestions of interested state bodies and the public, the results of public hearings and, in the case provided for in paragraph 19 of Article 73 of this Code, the protocol of the expert commission;

2) a cover letter indicating the places, dates and time of the start of public hearings, agreed with the local executive bodies of the relevant administrative-territorial units, or a signed protocol of the relevant public hearings held in accordance with Article 73 of this Code;

3) if there is a commercial, official or other legally protected secret in the report - the documents specified in part one of paragraph 8 of this Article.

8. If there is a commercial, official or other legally protected secret in the report, the initiator or the compiler of the report on possible impacts acting under an agreement with the initiator, together with the draft report on possible impacts, submitted to the authorized body in the field of environmental protection for the purpose of assessing its quality in accordance with paragraph 7 of this Article or to the subordinate organization of the authorized body in the field of environmental protection and local executive bodies of the relevant administrative-territorial units for the purpose of organizing public hearings in accordance with Article 73 of this Code, submits the following:

1) an application, which should indicate specific information in the draft report on possible impacts that is not subject to disclosure, and an explanation is given to which legally protected secret the specified information relates;

2) a second copy of the draft report on possible impacts, in which the relevant information should be deleted and replaced with the text "Confidential Information".

At the same time, in order to ensure the public's right to access environmental information, respectively, the authorized body in the field of environmental protection, the subordinate organization of the authorized body in the field of environmental protection and local executive bodies of the relevant administrative-territorial units must provide public access to a copy of the report on possible impacts specified in subparagraph 2) of part one of this paragraph.

The information on the quantitative and qualitative indicators of emissions, physical impacts on the environment, as well as on the waste generated, accumulated and to be disposed, specified in the report on possible impacts, cannot be recognized as a commercial or other secret protected by law.

9. The authorized body in the field of environmental protection, the subordinate organization of the authorized body in the field of environmental protection and the local executive bodies of the relevant administrative-territorial units bear responsibility, established by the laws of the Republic of Kazakhstan, for ensuring the confidentiality of information specified by the initiator.

10. The authorized body in the field of environmental protection, within two working days after receiving the documents specified in paragraph 7 of this article, sends a draft report on possible impacts to the interested state bodies.

The interested state bodies shall send to the authorized body in the field of environmental protection in writing (on paper or electronic media) their comments and suggestions on the draft report on possible impacts within ten working days from the date of sending by the authorized body in the field of environmental protection the draft report on possible impacts.

Comments and suggestions in writing (on paper or electronic media) received from interested state bodies within the time limit established by part two of this paragraph shall be entered by the authorized body in the field of environmental protection in a summary table, which is posted on the official Internet resource of the authorized body in the field of environmental protection together with the conclusion based on the results of environmental impact assessments in accordance with subparagraph 1) of paragraph 4 of Article 76 of this Code.

**Footnote. Article 72 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

**Article 73. Public hearing on draft report of possible impacts**

1. The draft report on possible impacts shall be submitted by the initiator to public hearings before or during the assessment of its quality by the authorized body in the field of environmental protection. Public hearings are conducted in accordance with this article and the rules of public hearings approved by the authorized body in the field of environmental protection (hereinafter – the rules of public hearings).

If the public hearings are completed before the start of the quality assessment process of the draft report on possible impacts, such a draft should be sent to the authorized body in the field of environmental protection no later than six months from the date of signing the protocol of the public hearings.

2. In order to organize public hearings, the initiator:

1) in accordance with the rules of public hearings, coordinates with the local executive bodies of the relevant administrative-territorial units the places, dates and time of public hearings;

2) sends the following to the subordinate organization of the authorized body in the field of environmental protection and local executive bodies of the relevant administrative-territorial units for posting on official Internet resources:

a draft report on possible impacts;

if there is a commercial, official or other legally protected secret in the report - the documents specified in part one of paragraph 8 of Article 72 of this The Code;

announcement of the holding of public hearings indicating the places, dates and time of the beginning of the public hearings, agreed with the local executive bodies of the relevant administrative-territorial units.

3. The subordinate organization of the authorized body in the field of environmental protection and local executive bodies of the relevant administrative-territorial units, after receiving the documents specified in subparagraph 2) of paragraph 2 of this article, within two working days, post a draft report on possible impacts together with an announcement of public hearings on official Internet resources.

The draft report on possible impacts should be available for review on the official Internet resources of the authorized body in the field of environmental protection and local executive bodies of the relevant administrative-territorial units for at least thirty calendar days from the date of publication.

4. The initiator is obliged to organize the distribution of the announcement of public hearings in the Kazakh and Russian languages in at least one newspaper and through at least one television or radio channel distributed on the territory of the relevant administrative-territorial units, wholly or partially located within the affected territory.

The announcement of holding public hearings must be distributed by the methods specified in part one of this paragraph no later than twenty working days before the start date of public hearings. Start date of the public hearings must be scheduled no earlier than the date of expiration of the period established by part two of paragraph 3 of this article.

The announcement of public hearings must contain the following information:

- 1) the subject of public hearings;
  - 2) the place, date and time of the start of public hearings;
  - 3) a link to the page of the Internet resource of the authorized body in the field of environmental protection, where the draft report on possible impacts, a copy of the application on the planned activity are available;
  - 4) details and contact details of the initiator of the planned activity;
  - 5) email address and phone number to get additional information about the planned activity, holding public hearings, as well as request copies of documents related to the planned activity;
  - 6) the e-mail address and postal address of the local executive body of the relevant administrative-territorial unit, for which the interested public can send in writing (on paper or electronic media) their comments and suggestions to the draft report on possible impacts.
5. The initiator is obliged to provide the public, at its request, with copies of the application on the planned activity, the protocol prepared in accordance with paragraph 10 of Article 68 of this Code, the conclusion on the results of the screening of the impacts of the planned activity (if it is carried out), the conclusion on determining the scope of the environmental impact assessment and draft report on possible impacts (in electronic form).
6. The costs of organizing public hearings, including the distribution of announcements about holding public hearings in the media, providing a venue for such hearings, providing the necessary equipment and materials, are covered by the initiator.
7. Interested state bodies and the public have the right to send their comments and suggestions to the local executive body of the relevant administrative-territorial unit in writing (on paper or electronic media) to the draft report on possible impacts no later than three working days before the start date of the public hearings or to voice their comments and suggestions orally during the public hearings.
- Comments and suggestions in writing (on paper or electronic media) received from interested state bodies and the public are entered by the local executive body of the relevant administrative-territorial unit in a summary table, which is submitted to public hearings together with a draft report on possible impacts.
8. When conducting public hearings, the comments and suggestions of the interested state bodies and the public that are not formulated specifically and do not reflect the essence of the comments and suggestions or are clearly not related to the issues to be studied as part of the environmental impact assessment are not taken into account.
9. Public hearings are open to any person wishing to take part in them, regardless of their place of residence. In the process of holding public hearings, any person participating in them has the right to voice their comments and suggestions on the draft report on possible impacts in accordance with the established rules for holding public hearings.

10. The procedure for holding public hearings, including approval of the regulations, execution of the protocol, submission of the protocol to the authorized body in the field of environmental protection and bringing the protocol to the attention of the public, is established by the rules for holding public hearings.

11. Public hearings are held under the chairmanship of a representative of the local executive body of the relevant administrative-territorial unit.

The local executive body of the relevant administrative-territorial unit provides video and audio recording of the entire course of public hearings. Electronic media with video and audio recording of public hearings is attached to the protocol of public hearings.

12. The term of public hearings should not exceed five consecutive working days.

13. After the completion of public hearings, a protocol is drawn up in the form established by the rules for holding public hearings, which must include:

1) all comments and suggestions of interested state bodies and the public, submitted in writing in accordance with paragraph 7 of this article or voiced during public hearings, with the exception of comments and suggestions that were removed by their authors during public hearings;

2) responses and comments of the initiator on each remark and proposal entered into the protocol in accordance with subparagraph 1) of this paragraph;

3) information on the right to appeal the protocol in the manner prescribed by the legislation of the Republic of Kazakhstan.

14. The secretary of public hearings draws up the protocol of public hearings and is responsible for the completeness and accuracy of the information reflected in it. Protocol is signed by the chairman and secretary of public hearings within two working days from the date of completion of public hearings.

15. The local executive body of the relevant administrative-territorial unit posts the signed protocol on the official Internet resource no later than two working days after its signing.

16. After signing the protocol of public hearings:

1) in the absence of comments and proposals of interested state bodies and the public in the protocol, which were not removed by their authors during the public hearings, the chairman of the public hearings, within two working days, sends the signed protocol to the authorized body in the field of environmental protection to prepare a conclusion on the results of the environmental impact assessment in accordance with Article 76 of this Code;

2) if there are comments and suggestions from interested state bodies and the public in the protocol, which were not removed by their authors during the public hearings, the initiator ensures that the draft report on possible impacts is finalized in accordance with such comments and suggestions and sends the finalized draft report on possible impacts to the authorized body in the field of environmental protection.

17. In case of repeated submission of the draft report on possible impacts to the authorized body in the field of environmental protection, repeated public hearings are not required, except in the following cases:

1) if the re-submitted draft report on possible impacts contains significant changes to the planned activities provided for in paragraph 2 of Article 65 of this Code, which have not previously been considered at public hearings;

2) if the protocol of previously held public hearings contain comments and (or) suggestions from the public that were not withdrawn by their authors during such public hearings;

3) if, during the public hearings, violations of the requirements of the environmental legislation of the Republic of Kazakhstan to the procedure for holding public hearings were committed.

Repeated public hearings shall be held in accordance with paragraphs 1 - 15 and 18 of this article.

18. In the process of conducting repeated public hearings, the draft report on possible impacts is considered in the part finalized in accordance with the comments and suggestions made in the protocol of the initial public hearings, as well as in terms of significant changes to the planned activities provided for in paragraph 2 of Article 65 of this Code, which were made to the draft report on possible impacts and that had not previously been considered at public hearings. If, when finalizing the draft report on possible impacts, any comments and suggestions made in the protocol of the initial public hearings were not taken into account, the reasons for the initiator's refusal to finalize the draft report on possible impacts in this part are also considered during the repeated public hearings.

In the process of conducting repeated public hearings, any person participating in them has the right to voice his comments and suggestions within the scope of issues to be considered during repeated public hearings in accordance with part one of this paragraph. Comments and suggestions that do not relate to these issues are not subject to consideration during repeated public hearings.

If violations of the requirements of the environmental legislation of the Republic of Kazakhstan to the procedure for holding public hearings were committed during the previous public hearings, the draft report on possible impacts is considered in full during the repeated public hearings.

19. In case of disagreement of the initiator with the comments and suggestions of interested state bodies and the public, which were not withdrawn by their authors during the repeated public hearings, the corresponding opinion of the initiator is entered into the protocol of repeated public hearings, which is sent together with an application for a meeting of the expert commission from the local executive body of the relevant administrative-territorial unit to the authorized body in the field of environmental protection, after that, disagreements on controversial issues are resolved in accordance with Article 74 of this Code.

Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).

#### **Article 74. Expert commission**

1. The authorized body in the field of environmental protection within two working days from the date of receipt of the application for holding a meeting of the expert commission and the protocol of repeated public hearings in the case specified in paragraph 19 of Article 73 of this Code:

1) creates an expert commission chaired by a representative of the department of the authorized body in the field of environmental protection;

2) sends copies of the finalized draft report on possible impacts and protocols of initial and repeated public hearings to the members of the expert commission;

3) sets the dates for the meeting of the expert commission.

To form an expert commission, the authorized body in the field of environmental protection sends an invitation to accredited non-profit organizations. The final composition of the expert commission includes one representative from accredited non-profit organizations that have confirmed in writing their desire to participate in the work of the expert commission

2. Expert commissions are collegiate, advisory bodies convened to consider each individual draft report on possible impacts.

3. Expert commissions act in accordance with this Code and the regulation on expert commissions approved by the authorized body in the field of environmental protection.

4. Members of the expert commission are:

1) the chairman of the expert commission represented by a representative of the department of the authorized body in the field of environmental protection, performing the functions of environmental regulation and control;

2) one representative from each interested state body;

3) one representative of the National Chamber of Entrepreneurs of the Republic of Kazakhstan;

4) a representative of accredited non-profit organizations that have expressed a desire to participate in the work of the expert commission.

5. The initiator, members of the expert commission have the right to invite to the meetings of the expert commission the independent experts from among the representatives of the expert community (scientists, recognized practitioners) with relevant professional knowledge and practical experience on issues to be considered by the expert commission. Independent experts invited to the meetings of the expert commission present their independent opinion on

the issues under consideration within the scope of their professional knowledge and practical experience at the meetings of the expert commission and are not entitled to take part in the voting of the expert commission.

6. The meeting of the expert commission must be started no later than twenty working days after sending copies of the draft report on possible impacts and protocols of public hearings to the members of the expert commission.

7. Within a period not exceeding ten working days after the members of the expert commission receive copies of the draft report on possible impacts and protocols of public hearings, all members of the expert commission send their comments and suggestions to the chairman on the controversial issues submitted for consideration of the expert commission.

8. The chairman of the expert commission notifies the initiator of the place and time of the meeting of the expert commission and submits to him the comments and proposals of the members of the commission no later than seven working days before the date of the meeting.

9. The meeting of the expert commission is held with the participation of the initiator and compiler of the draft report on possible environmental impacts.

10. During the meeting of the expert commission:

1) the initiator and compiler of the report on possible impacts make a report on:  
the planned activity;

its expected significant impacts on the environment and the necessary measures to prevent, reduce and (or) mitigate such impacts;

measures taken to finalize the draft report on possible impacts in accordance with the comments and suggestions received during the public hearings;

proposals and comments submitted during the public hearings to the draft report on possible impacts, which were taken into account when finalizing the draft report on possible impacts;

controversial comments and suggestions presented during the public hearings, but not taken into account when finalizing the draft report on possible impacts, and the reasons why such comments and suggestions were not taken into account;

2) members of the expert commission, the initiator and compiler of the report on possible impacts conduct a discussion on controversial issues submitted for consideration of the expert commission, hear the opinions of invited independent experts;

3) the expert commission, by open vote, decides on controversial issues related to the planned activity and its possible environmental impacts, and on the need or lack of need in connection with this to finalize the draft report on possible impacts.

11. Decisions of the expert commission are taken by at least two thirds of all members of the expert commission and recorded in the protocol of the meeting of the expert commission.

Members of the expert commission who voted against the adoption of the decision of the expert commission have the right to draw up a dissenting opinion on the controversial issue, which is attached to the protocol of the meeting of the expert commission.



12. The meeting of the expert commission must be completed no later than five calendar days from the date of its commencement.

Based on the results of the meeting of the expert commission, a protocol of the meeting of the expert commission is drawn up, which reflects all the comments and suggestions made during the meeting by the members of the expert commission, the initiator and compiler of the report, the opinions of invited independent experts, as well as the decisions taken. The protocol is signed by the chairman and all members of the expert commission who participated in the meeting, no later than the period specified in part one of this paragraph.

13. The protocol of the meeting of the expert commission is considered by the authorized body in the field of environmental protection in the process of preparing a conclusion on the draft report on possible impacts.

14. If the expert commission makes a decision on the need to finalize the draft report on possible impacts, the authorized body in the field of environmental protection sends the draft report to the initiator for revision, after which the provisions of Article 73 of this Code are applied again.

15. Members of the expert commission are not entitled to disclose information constituting state secrets, commercial and other secrets protected by law, obtained by them within the framework of the work of the expert commission, except as provided by the laws of the Republic of Kazakhstan, as well as environmental information, the publicity of which is guaranteed by this Code.

**Footnote. Article 74 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 75. Assessment of transboundary impacts carried out in the course of environmental impact assessment**

1. If there are grounds provided for by subparagraph 1) of paragraph 1 of Article 80 of this Code, in the course of environmental impact assessment, an assessment of transboundary impacts is carried out.

2. Assessment of transboundary impacts is carried out in accordance with paragraph 4 of this chapter and international treaties of the Republic of Kazakhstan.

#### **Article 76. Conclusion based on the results of the environmental impact assessment**

1. If there are comments on the draft report on possible impacts, the authorized body in the field of environmental protection sends such comments to the initiator within seventeen working days from the date of registration of the application for an environmental impact assessment. Such comments must be eliminated by the initiator within five working days from the date of sending comments.

The authorized body in the field of environmental protection, within thirty working days from the date of registration of the application for an environmental impact assessment, issues to the initiator an opinion on the results of an environmental impact assessment with a conclusion on the admissibility or inadmissibility of the implementation of the planned activity.

If the signed protocol of public hearings is not submitted to the authorized body in the field of environmental protection before the expiration of the period for eliminating comments established by part one of this paragraph, an opinion is issued on the results of an environmental impact assessment with a conclusion on inadmissibility of the implementation of the planned activity.

The conclusion of the authorized body in the field of environmental protection based on the results of the environmental impact assessment should be based on the draft report on possible impacts, taking into account its possible revision in accordance with this Code, the protocol of public hearings, which established the absence of comments and suggestions from the public, the protocol of the meeting of the expert commission (if any), and in the case of the need for an assessment of transboundary impacts - based on the results of such an assessment.

2. The conclusion based on the results of the environmental impact assessment should contain the following information:

1) description of the types of operations envisaged within the framework of the proposed activity, and the place of their implementation;

2) conclusion about:

possible significant impacts on the environment during the implementation of the proposed activity;

the admissibility of the implementation of the planned activity, subject to the conditions specified in the conclusion;

3) terms under which the implementation of the planned activity is recognized as permissible, including:

terms for the protection of the environment, life and (or) health of people, the observance of which is mandatory for the initiator in the implementation of the proposed activity, including the stages of design, construction, reconstruction, operation, post- utilization of facilities and elimination of consequences in the implementation of the proposed activity, as well as information on the necessary measures aimed at ensuring compliance with such conditions for the protection of life and (or) health of people, the environment, which should be taken into account by the authorized state bodies when making decisions related to the planned activity;

limiting quantitative and qualitative indicators of emissions, physical impacts on the environment;

the maximum amount of waste accumulation by their types;

the maximum amount of waste disposal by type, if such disposal is envisaged as part of the implementation of the planned activity;

if the report on possible impacts establishes the need to conduct a post -project analysis: the objectives, scope and timing of its conduct, requirements for its content, the timing of submission of reports on post -project analysis to the authorized body in the field of environmental protection and, if necessary, to other state bodies;

terms and necessary measures aimed at preventing accidents, limiting and eliminating their consequences;

the obligations of the initiator to prevent, reduce and (or) mitigate negative impacts on the environment during the implementation of the proposed activity, as well as eliminate possible environmental damage, if the implementation of the planned activity may cause such damage;

4) information on the results of the assessment of transboundary impacts (if any).

3. A justification containing the following is attached to the conclusion based on the results of the environmental impact assessment:

1) the main arguments and conclusions that served as the basis for the conclusion;

2) information on the holding of public hearings (distribution of announcements about holding public hearings, providing the public with information and documents, the process of holding public hearings), consideration of the comments and suggestions of the public and on the conclusions obtained as a result of the consideration;

3) generalization of information obtained as a result of consultations with interested state bodies, holding public hearings and assessing transboundary impacts (if any), reviewing a draft report on possible impacts by an expert commission, with an explanation of how this information was taken into account when making conclusions based on the results of the environmental impact assessment.

4. The authorized body in the field of environmental protection within two working days following the day of issuing a conclusion on the results of the environmental impact assessment:

1) posts an opinion on the results of the environmental impact assessment, as well as a summary table with comments and suggestions from interested state bodies on the official Internet resource;

2) excluded by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication);

3) sends the conclusion on the results of the environmental impact assessment to the local executive bodies of the relevant administrative-territorial units located wholly or partially within the affected territory, which post the conclusion on official Internet resources no later than one working day following the day the conclusion was received.

5. The conclusions and terms contained in the conclusion based on the results of the environmental impact assessment are necessarily taken into account by all state bodies when

issuing permits, accepting notifications and other administrative procedures related to the implementation of the relevant planned activity.

6. The design documents developed for the implementation of the planned activity should provide for technical, technological, organizational, managerial and other design solutions, including the use of the best available techniques in cases specified by this Code, ensuring compliance with the environmental legislation of the Republic of Kazakhstan and compliance with the conclusions and conditions contained in the conclusion based on the results of the environmental impact assessment.

7. The conclusion on the results of the environmental impact assessment is valid indefinitely, except for the case provided for in part two of this paragraph.

If, within three years from the date of issuing an opinion on the results of an environmental impact assessment, the initiator or his legal successor does not begin to carry out the relevant planned activities, including for activities involving construction and installation works, to perform such works, - then such an opinion on the results of an environmental impact assessment after the specified period is considered invalid.

**Footnote. Article 76 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 77. Responsibility for the content of the report on possible impacts**

1. The compiler of the report on possible impacts bears civil liability to the initiator for the quality of the report on possible impacts and other results of the environmental impact assessment obtained by the compiler in accordance with the agreement concluded between them.

2. The compiler of the report on possible impacts, the initiator shall bear responsibility, provided for by the laws of the Republic of Kazakhstan, for concealing the information received on environmental impacts and providing false information when conducting an environmental impact assessment.

3. Control over compliance with the requirements of the environmental legislation of the Republic of Kazakhstan during the environmental impact assessment shall be carried out by the authorized body in the field of environmental protection.

#### **Article 78. Post-project analysis of actual impacts during the implementation of the planned activities**

1. A post-project analysis of the actual impacts in the implementation of the proposed activity (hereinafter referred to as the post- project analysis) shall be carried out by the

compiler of the report on possible impacts in order to confirm the compliance of the implemented planned activity with the report on possible impacts and the conclusion based on the results of the environmental impact assessment.

The post -project analysis should be started no earlier than twelve months and completed no later than eighteen months after the start of operation of the relevant facility that has a negative impact on the environment.

Post -project analysis shall be carried out by the operator of the relevant facility at his own expense.

2. Not later than the period specified in part two of paragraph 1 of this article, the compiler of the report on possible impacts prepares and signs a conclusion based on the results of the post- project analysis, in which a conclusion is made on the compliance or non-compliance of the implemented planned activity with the report on possible impacts and the conclusion based on the results of the impact assessment on the environment. If inconsistencies are identified, the conclusion based on the results of the post- project analysis provides a detailed description of such inconsistencies.

The compiler sends the signed conclusion on the results of the post- project analysis to the operator of the relevant facility and to the authorized body in the field of environmental protection within two working days from the date of signing the conclusion on the results of the post- project analysis.

The authorized body in the field of environmental protection, within two working days from the date of receipt of the conclusion based on the results of the post- project analysis, places it on the official Internet resource.

3. The procedure for conducting a post -project analysis and the form of a conclusion based on the results of a post- project analysis are determined and approved by the authorized body in the field of environmental protection.

The receipt by the authorized body in the field of environmental protection of a conclusion based on the results of a post- project analysis is the basis for conducting preventive control without visiting the subject (object) of control.

4. The compiler bears administrative and criminal liability, provided for by the laws of the Republic of Kazakhstan, for concealing information obtained during the post -project analysis , and providing false information in the conclusion based on the results of the post -project analysis.

#### **Article 79. Methodological support for the environmental impact assessment**

1. Environmental impact assessment is carried out in accordance with the instructional and methodological documents for conducting environmental impact assessment, approved by the authorized body in the field of environmental protection.

2. The authorized body in the field of environmental protection, within its competence, exercises control over compliance with the requirements of instructive and methodological

documents for conducting an environmental impact assessment by persons licensed to perform work and provide services in the field of environmental protection.

**Paragraph 4. Assessment of transboundary impacts Article 80. Grounds for conducting a transboundary impact assessment**

1. An assessment of transboundary impacts is carried out if:

1) the planned activity, the implementation of which is provided for on the territory of the Republic of Kazakhstan, may have a significant negative transboundary impact on the environment on the territory of another state;

2) the implementation of the Document on the territory of the Republic of Kazakhstan may have a significant negative transboundary environmental impact on the territory of another state;

3) the implementation of the proposed activity or the implementation of the Document outside the territory of the Republic of Kazakhstan may have a significant negative transboundary impact on the environment in the territory of the Republic of Kazakhstan.

2. The assessment of transboundary impacts is carried out on the condition that it is provided for by international treaties of the Republic of Kazakhstan, and in accordance with the provisions of such treaties and the legislation of the Republic of Kazakhstan.

3. The grounds specified in subparagraphs 1) and 2) of paragraph 1 of this article are identified:

1) by the initiator of the proposed activity, the implementation of which is expected on the territory of the Republic of Kazakhstan, when preparing an application for the proposed activity or later in the course of assessing the impact of such activities on the environment;

2) by the state body - the developer of the Document of the Republic of Kazakhstan during the strategic environmental assessment;

3) by the authorized body in the field of environmental protection in the course of performing its functions in carrying out environmental impact assessment and strategic environmental assessment.

4. The state body-developer begins collecting information necessary to assess the likelihood, nature and extent of possible transboundary environmental impacts during the implementation of the Document, before submitting an application for screening of the impacts of the Document or, if the Document is not subject to screening, at the stage of determining the scope of the report on strategic environmental assessment.

The initiator begins collecting information on possible significant negative transboundary environmental impacts of the proposed activity before submitting an application for a decision on the results of the assessment.

As additional information becomes available, the grounds listed in subparagraphs 1) and 2) of paragraph 1 of this article may be identified in the course of further strategic environmental assessment or environmental impact assessment.

The authorized body in the field of environmental protection checks the existence of the grounds listed in subparagraphs 1) and 2) of paragraph 1 of this article during the screening of impacts during the implementation of the Document or the proposed activity, as well as in the process of strategic environmental assessment or environmental impact assessment.

5. Responsibility for the assessment of transboundary impacts lies with the authorized body in the field of environmental protection.

### **Article 81. Initiation of the assessment of transboundary impacts in cases where the party of their origin is the Republic of Kazakhstan**

1. Upon revealing the grounds listed in subparagraphs 1) and 2) of paragraph 1 of Article 80 of this Code, the authorized body in the field of environmental protection issues an order to start assessing transboundary impacts.

2. The order to start the assessment of transboundary impacts (hereinafter referred to as the order) must contain:

1) a decision to start a transboundary impact assessment and suspend all previously initiated administrative procedures related to strategic environmental assessment or environmental impact assessment;

2) for strategic environmental assessment - a list of documents and (or) information requested from the state body - developer, including:

a statement about the screening of the impacts of the Document;

a statement defining the scope of the strategic environmental assessment report;

conclusion on the results of screening the impacts of the Document;

conclusion on the scoping of the strategic environmental assessment report;

draft concept of the Document, if its development is provided for by the legislation of the Republic of Kazakhstan;

information on the main directions and terms of implementation of the Document, for which the preliminary development of the concept is not provided for by the legislation of the Republic of Kazakhstan;

a fragment of the draft Document containing information on possible transboundary impacts on the environment during its implementation;

a fragment of the strategic environmental assessment report containing information on possible transboundary environmental impacts during the implementation of the Document;

3) for environmental impact assessment - a list of documents and (or) information requested from the initiator of the proposed activity, including:

application of the initiator for making a decision based on the results of the transboundary impact assessment;

statement of planned activities;

conclusion on the results of the screening of the impacts of the proposed activity;

conclusion on the definition of the scope of the environmental impact assessment;

an excerpt from the report on possible impacts containing information on possible transboundary impacts on the environment during the implementation of the proposed activity ;

4) the requirements for the documents and (or) information listed in subparagraphs 2) and 3) of this paragraph, specified in paragraph 3 of this article.

3. Documents and (or) information listed in subparagraphs 2) and 3) of paragraph 2 of this article must be submitted in electronic form in Kazakh or Russian.

4. The authorized body in the field of environmental protection, no later than the working day following the day of the adoption of the order, sends or hands over a copy of it to the state body - the developer or initiator.

5. The authorized body in the field of environmental protection, within three working days following the day of receipt from the state body - the developer or initiator of documents that meet the requirements specified in the order, sends the following documents to the Ministry of Foreign Affairs of the Republic of Kazakhstan for further transfer to the affected parties:

1) a letter containing:

information about the Document or the proposed activity, including all available information on the possible transboundary impact of the document being developed or the proposed activity on the environment;

information on the procedure and legal consequences of approving the Document or making a decision based on the results of the assessment;

information on the procedure for conducting a strategic environmental assessment or environmental impact assessment, including the deadlines for submitting comments and proposals by interested state bodies and the public;

notification of the deadline for the affected parties to submit a response about their intention to participate in the transboundary impact assessment, which should not exceed fifteen calendar days;

2) documents and (or) information provided by the state body - the developer or initiator in accordance with the requirements of the order;

3) additional materials, if they are available and may influence the decision of the affected party to participate in the assessment of transboundary impacts.

6. If the affected parties refuse to participate in the assessment of transboundary impacts or if they fail to provide a response within the period specified in the notification, the authorized body in the field of environmental protection, within the working day following this period, shall issue an order to terminate the assessment of transboundary impacts and resume previously started administrative procedures related to strategic environmental assessment or environmental impact assessment, with notification of this to the relevant state body - the developer or initiator of the proposed activity.



7. If at least one of the affected parties, which received the documents sent to it in accordance with paragraph 5 of this article, informed within the period specified in the notification of its intention to take part in the assessment of transboundary impacts, the authorized body in the field of environmental protection environment, within five working days, organizes initial consultations with such a party in order to exchange information and establish the procedure, timing, place for further consultations, the language of documents to be submitted to the affected party, and (or) information, other conditions for conducting a transboundary impact assessment.

The total period for holding consultations with affected parties on the assessment of transboundary impacts should not exceed one hundred and eighty calendar days.

## **Article 82. Procedure for conducting a transboundary impact assessment**

1. The authorized body in the field of environmental protection organizes consultations with affected parties in accordance with the procedure and conditions agreed during the initial consultations.

During consultations, the parties may agree on the procedure and conditions for the participation of the public of affected parties in the strategic environmental assessment or environmental impact assessment along with the public of the Republic of Kazakhstan.

2. After the completion of the preparation of the report on the strategic environmental assessment and assessment of its quality or the completion of the preparation of the report on possible impacts, the authorized body in the field of environmental protection determines the fragments of the Document, the report on the strategic environmental assessment, the report on possible impacts, other documentation and (or) information related to the strategic environmental assessment or environmental impact assessment, which must be translated into the language determined during the consultations of the Republic of Kazakhstan with the affected parties, and notifies the state body - the developer or initiator of the proposed activity

3. The state body - the developer or initiator of the proposed activity within fifteen working days following the day of receipt of the notification specified in paragraph 2 of this article, shall submit fragments from the Document, the strategic environmental assessment report or the report on possible impacts with other documentation and (or ) information related to the strategic environmental assessment or environmental impact assessment, with their notarized translation into the language specified in the notification, to the authorized body in the field of environmental protection.

The authorized body in the field of environmental protection, within five working days following the day of receipt of information and other documents that meet the requirements of part one of this paragraph, sends them to the Ministry of Foreign Affairs of the Republic of Kazakhstan for further transfer to the affected parties involved in the assessment of transboundary impacts.

4. On the basis of the Document, the strategic environmental assessment report, the report on possible impacts, as well as other information and documents related to the possible transboundary impact of the Document or the planned activity on the environment, the authorized body in the field of environmental protection organizes consultations with the affected parties including a discussion of:

- possible alternative provisions of the Document or options for the implementation of the proposed activity;

- possible measures to reduce transboundary impacts and monitor the consequences of applying such measures at the expense of the party of origin;

- other forms of mutual assistance of the parties in reducing any transboundary impact on the environment during the implementation of the Document or the proposed activity.

5. In the course of consultations with affected parties, the collection of comments and proposals from interested authorities and the public of affected parties can be organized in the manner and terms agreed upon during consultations, as well as the participation of interested authorities and the public of affected parties in public hearings held on the draft Document, a strategic environmental assessment report and a report on possible impacts in accordance with this Code and the rules for conducting public hearings.

6. The authorized body in the field of environmental protection ensures consideration and consideration of comments and proposals received during consultations with affected parties, as well as submitted by interested bodies and the public of affected parties, when performing its functions in the process of strategic environmental assessment or environmental impact assessment.

When preparing a draft Document and a report on a strategic environmental assessment or a report on possible impacts, the state body - the developer and initiator is obliged to consider and take into account the results of consultations with affected parties, comments and suggestions of interested authorities and the public of affected parties.

The state body authorized to approve the Document is obliged to take into account the results of consultations with affected parties, comments and suggestions of interested authorities and the public of affected parties when approving the Document.

7. The state body - the developer and the initiator are obliged to submit to the authorized body in the field of environmental protection the following documents and (or) information with a notarized translation into the language determined in the course of consultations with the affected parties:

- fragments of the environmental report in the final version and the approved Document;

- fragments of the decision on the results of the assessment;

- a statement explaining how the results of consultations with affected parties, comments and suggestions of interested authorities and the public of affected parties were taken into account in preparing the strategic environmental assessment report, approving the Document or making a decision on the results of the assessment, as well as indicating the reasons why

the provisions of the approved Document or decision based on the results of the assessment were selected from among the available alternatives;

a copy of the permit or coupon on acceptance of the notification issued or adopted by the state body on the basis of the decision on the results of the assessment (in the event that the implementation of the proposed activity subject to environmental impact assessment requires obtaining permits or sending notifications to state bodies in accordance with the legislation of the Republic of Kazakhstan permissions and notices).

Fragments of the documents specified in paragraphs two and three of part one of this paragraph are determined by the authorized body in the field of environmental protection.

8. The state body - the developer and the initiator are obliged to submit to the authorized body in the field of environmental protection reports on post -project analysis (if the need for it is established by a decision based on the results of the assessment or an agreement with the affected party) or reports on monitoring significant environmental impacts during the implementation of the Document with a notarized translation into the language determined in consultation with the affected parties.

9. The authorized body in the field of environmental protection, within five working days following the day of submission of the documents specified in paragraphs 7 and 8 of this article, sends them to the Ministry of Foreign Affairs of the Republic of Kazakhstan for further transfer to the affected parties involved in the assessment of transboundary impacts.

10. In the event that the state body - developer, initiator or interested bodies of the Republic of Kazakhstan receives additional information that affects the results of the transboundary impact assessment, or receives a message from the affected party about the appearance of such information, the authorized body in the field of environmental protection conducts with the affected party consultations, during which the parties consider the issue of making appropriate changes to the approved Document, a decision based on the results of the assessment, or taking measures to eliminate or reduce significant negative transboundary impacts.

### **Article 83. Initiation of the assessment of transboundary impacts in cases where the party of their origin is the Republic of Kazakhstan**

1. The initiator and the state body-developer have the right to take part in the assessment of transboundary impacts, including consultations with affected parties.

2. The initiator and the state body - the developer are responsible for:

1) identification of possible significant negative transboundary impacts on the environment during the implementation of the proposed activity or the Document;

2) reflection of complete and substantiated information on possible significant negative transboundary environmental impacts in the documents submitted for screening the impacts

of the Document, determining the scope of the strategic environmental assessment report, screening the impacts of the proposed activity, determining the scope of the environmental impact assessment;

3) proper assessment of possible significant adverse transboundary impacts in a strategic environmental assessment report or a report on possible impacts;

4) submission to the authorized body in the field of environmental protection of documents intended for transfer to the affected parties that meet the requirements of this Code ;

5) ensuring translation services of adequate quality in case of holding public hearings with the participation of representatives of the public of affected parties;

6) assistance to the authorized body in the field of environmental protection during the assessment of transboundary impacts;

7) taking into account the results of consultations with affected parties, as well as all comments and proposals submitted by stakeholders and the public of affected parties, including during public hearings, when preparing the strategic environmental assessment report, the Document and the report on possible impacts;

8) submission to the authorized body in the field of environmental protection for subsequent transmission to the affected parties of a copy of the permit or coupon on acceptance of the notification issued or adopted by the state body on the basis of the decision on the results of the assessment, with a notarized translation into the language determined during the consultations of the Republic of Kazakhstan with affected parties (in the event that the implementation of the proposed activity subject to environmental impact assessment requires obtaining permits or sending notifications to state bodies in accordance with the legislation of the Republic of Kazakhstan on permits and notifications).

3. The initiator bears the burden of costs associated with the assessment of transboundary impacts, if, in accordance with the legislation of the Republic of Kazakhstan, such costs are not reimbursed from the budget, or if, as a result of consultations with the party of origin of the transboundary impact, it is not established that such costs are reimbursed by this party of origin.

4. The authorized body in the field of environmental protection is obliged to:

1) place all materials related to the assessment of transboundary impacts on the official Internet resource and ensure their public availability;

2) transfer to the Ministry of Foreign Affairs of the Republic of Kazakhstan the documents intended for further transfer to the affected parties within three working days following the day they are received from the initiator or state body-developer, unless another period is provided for by this Code and agreed during consultations with the affected party involved in the transboundary impact assessment.

## **Article 84. Participation of the Republic of Kazakhstan as an affected party in the assessment of transboundary impacts**

1. In the event that the Republic of Kazakhstan receives a notification from a foreign state about the planning of activities or the development of the Document, the implementation of which may have a significant negative transboundary impact on the environment in the Republic of Kazakhstan, the authorized body in the field of environmental protection organizes the participation of the Republic of Kazakhstan in the assessment of transboundary impacts as an affected side.

2. Within two working days following the day of receipt of the notification specified in paragraph 1 of this article, the authorized body in the field of environmental protection places a notification on the official Internet resource, as well as an invitation to the public of the Republic of Kazakhstan to express their opinion on the need to assess transboundary impacts and provide comments and suggestions on issues related to the planned activities and the developed Document.

3. If there are grounds to believe that the implementation of activities or the implementation of the Document, planned outside the territory of the Republic of Kazakhstan, may have a significant negative transboundary impact on the environment in the territory of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, on the proposal of the authorized body in the field of environmental protection, has the right to send to the state the origin of such transboundary impacts requesting a transboundary impact assessment.

4. After the start of the assessment of transboundary impacts, the authorized body in the field of environmental protection:

- 1) provides information to the interested public and local executive bodies of the affected territories about the assessment of transboundary impacts;
- 2) ensure the holding of public hearings in accordance with Article 73 of this Code;
- 3) conduct consultations with the state of origin of such transboundary impact within the framework of transboundary impact assessment.

5. The costs of informing the public and local executive bodies of the affected territories about the assessment of transboundary impacts shall be reimbursed from the budget, unless, as a result of consultations with the party of origin of the transboundary impact, it is established that such costs are reimbursed by the party of origin.

## **Chapter 8. ENVIRONMENTAL EXPERTISE Article 85. General provisions on environmental expertise in the Republic of Kazakhstan**

1. An environmental review is an expert activity aimed at establishing the compliance of the documentation submitted for an environmental review with the requirements of the environmental legislation of the Republic of Kazakhstan and carried out in order to prevent possible significant adverse effects of the implementation of such documentation on public

health and the environment, as well as to ensure the environmental foundations of sustainable development of the Republic of Kazakhstan.

2. The implementation of the documentation submitted for environmental review in this Code means the approval of the relevant documentation, the commencement and progress of activities in accordance with the decisions provided for by such documentation, and in relation to the draft regulatory legal act, the adoption and entry into force of such a regulatory legal act. .

3. This Code establishes requirements for the following types of environmental impact assessment:

- 1) state ecological expertise;
- 2) public ecological expertise.

#### **Article 86. Principles of ecological expertise**

In addition to the general principles set out in Article 5 of this Code, the conduct of an environmental review is based on the following special principles:

1) the principle of independence: when conducting an environmental review, experts are free in their assessments and conclusions, guided by the environmental legislation of the Republic of Kazakhstan, facts, scientific principles of their justification;

2) the principle of scientific validity and objectivity: the conclusions of the environmental review must be reasoned, comply with the requirements of the legislation of the Republic of Kazakhstan, the level of modern development of scientific knowledge and scientific and technological achievements, and be based on an impartial and objective opinion of experts.

#### **Paragraph 1. State ecological expertise Article 87. Objects of the state ecological expertise**

The following objects of the state ecological expertise are subject to obligatory state ecological expertise:

1) design documentation for the construction and (or) operation of objects of categories I and II and other design documents provided for by this Code for obtaining environmental permits;

2) design documentation for the construction and (or) operation of objects of category III and other design documents provided for by this Code, necessary when preparing an environmental impact statement;

3) draft regulatory legal acts of the Republic of Kazakhstan developed by central state bodies and local government bodies, the implementation of which may lead to negative impacts on the environment;

4) projects of natural-scientific and feasibility studies on the creation and expansion of specially protected natural areas, including their functional zoning and general infrastructure development plans, the transfer of lands of specially protected natural areas into reserve lands

, the abolition or reduction of territories of state nature reserves of the republican and local significance and state protected areas of republican significance, management plans of an environmental organization, developed in accordance with the Law of the Republic of Kazakhstan "On Specially Protected Natural Territories";

5) materials of survey of territories, substantiating the assignment of these territories to zones of ecological disaster or ecological emergency;

6) projects of economic activity that may have an impact on the environment of neighboring states or for the implementation of which it is necessary to use natural objects common with neighboring states or that affects the interests of neighboring states, including the Baikonur complex, defined by international treaties of the Republic of Kazakhstan;

The procedure and mechanism for conducting an environmental impact assessment in the areas of impact of separating parts of launch vehicles are determined according to the methodology approved by the authorized body in the field of environmental protection;

7) materials of a comprehensive environmental survey of lands where nuclear weapons tests were carried out in the past, as well as which were affected by military test sites;

8) forest management projects of state forest holdings and forest management and (or) special surveys to classify the state forest fund into categories, transfer from one category to another, as well as the allocation of especially protective areas where forest use is prohibited or limited;

9) design and other documents for activities that do not require environmental permits, for which the laws of the Republic of Kazakhstan provide for the mandatory availability of a positive conclusion of the state environmental expertise.

For the objects of the state environmental review specified in subparagraph 1) of this paragraph, the state environmental review is carried out as part of the procedure for issuing environmental permits and a separate conclusion of the state environmental review is not issued.

**Footnote. Article 87 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

## **Article 88. Bodies Carrying out State Ecological Expertise**

1. The state ecological expertise is organized and carried out by the authorized body in the field of environmental protection in relation to:

1) design documentation for the construction and (or) operation of category I facilities within the framework of the procedure for issuing environmental permits, as well as the procedure for revising integrated environmental permits;

2) project documentation for the construction and (or) operation of objects of category II within the framework of the procedure for issuing integrated environmental permits in case they are obtained by operators on a voluntary basis;

3) objects of the state ecological expertise, specified in subparagraphs 3) - 8) of the first part of Article 87 of this Code.

The competence of the authorized body in the field of environmental protection in relation to other objects of state environmental expertise, provided for by the laws of the Republic of Kazakhstan, is determined by the rules for conducting state environmental expertise, approved by the authorized body in the field of environmental protection (hereinafter referred to as the rules for conducting state environmental expertise).

The distribution of functions and powers for conducting state environmental expertise between the authorized body in the field of environmental protection, its structural and territorial divisions is established by the authorized body in the field of environmental protection.

2. The state ecological expertise is organized and carried out by local executive bodies of regions, cities of republican significance, the capital in relation to:

1) project documentation for the construction and (or) operation of category II facilities within the framework of the procedure for issuing environmental impact permits;

2) project documentation for the construction and (or) operation of category III facilities when preparing an environmental impact statement;

3) other objects of the state environmental review, provided for by the laws of the Republic of Kazakhstan, the state environmental review of which is not within the competence of the authorized body in the field of environmental protection.

#### **Article 89. The procedure for conducting state environmental expertise**

1. State ecological expertise is organized and carried out in accordance with this Code and the rules for conducting state ecological expertise.

2. Documentation for the state environmental review shall be submitted in electronic form in accordance with the rules for conducting the state environmental review.

3. The terms for conducting the state environmental review, the procedure and terms for sending the comments of experts and the elimination of such comments by the applicant are determined within the framework of:

1) procedures for issuing integrated environmental permits - Article 115 of this Code;

2) procedures for the revision of integrated environmental permits - Article 118 of this Code.

4. The terms for conducting the state environmental review, the procedure and terms for sending the comments of experts and eliminating such comments by the applicant within the framework of the procedure for issuing environmental permits for impact are determined by Article 123 of this Code.

5. With regard to the objects specified in Article 87 of this Code, with the exception of subparagraphs 1) and 2) of Article 87 of this Code, the terms for conducting the state environmental review, the procedure and terms for sending the comments of experts and



eliminating such comments by the applicant, the grounds for issuing a negative opinion of the state environmental expertise are determined by the rules for conducting state environmental expertise.

6. In relation to the objects specified in subparagraph 2) of Article 87 of this Code, the period for conducting the state environmental review should not exceed fifteen working days from the date of submission of the package of documents in accordance with paragraph 2 of this Article.

The local executive body issuing the conclusion of the state environmental expertise reviews the documents for their completeness and completeness within a period of not more than three working days from the date of registration. During the specified period, the application is accepted for consideration or rejected in case of submission of an incomplete package of documents and (or) incomplete information indicating the reasons for returning such an application.

If there are comments on the projects and the materials attached to them submitted for the state environmental review, the experts within seven working days send to the person who submitted them, such comments, which are eliminated by the customer within three working days from the date of their receipt.

If the remarks are not eliminated, a negative conclusion of the state ecological expertise is issued within the time limits specified in the first part of this clause.

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

#### **Article 90. Conclusion of the state ecological expertise**

1. The positive conclusion of the state ecological expertise contains conclusions about:

- 1) compliance of the documentation submitted for the state environmental review with the requirements of the environmental legislation of the Republic of Kazakhstan;
- 2) the admissibility of making a decision on the implementation of the documentation submitted for the state environmental review.

2. In case of non-compliance of the documentation submitted for the state environmental review with the requirements of the environmental legislation of the Republic of Kazakhstan, a negative conclusion of the state environmental review is issued.

3. The implementation of the documentation submitted for the state environmental review is prohibited until a positive conclusion from the mandatory state environmental review is received.

4. The conclusion of the state environmental expertise shall be signed by the heads of the department of the authorized body in the field of environmental protection, its territorial divisions or local executive bodies within their competence, determined in accordance with Article 88 of this Code.

5. Cancellation of a positive conclusion of the state environmental expertise is carried out by the body that issued it, on the basis of a written request or consent of the person to whom such an opinion was issued.

6. If a violation of the requirements of the environmental legislation of the Republic of Kazakhstan is revealed, the deprivation (revocation) of a positive conclusion of the state environmental review is carried out in a judicial proceeding.

**Footnote. Article 90 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 91. Rights of Heads of Departments Carrying out State Ecological Expertise**

1. Heads of subdivisions carrying out state environmental expertise have the right to:

- 1) determine the methods for conducting the state environmental review;
- 2) reject the documents submitted for the state environmental review that do not meet the requirements of the environmental legislation of the Republic of Kazakhstan in terms of their completeness and completeness;
- 3) in accordance with this Code, send reasoned comments to the documents submitted for the state environmental review, including returning for revision documents containing errors in calculations and other inconsistencies, the correction of which requires additional research, search work or other measures;
- 4) request additional materials necessary for the state environmental review, the submission of which is regulated by the rules for conducting the state environmental review;
- 5) create, in accordance with this Code, expert councils of the state environmental review, head them and organize their activities;
- 6) involve external experts in the process of conducting state environmental expertise to conduct special studies;
- 7) exercise control over the activities of units that carry out state environmental expertise, and established expert councils;
- 8) prepare and transfer relevant materials to law enforcement and other bodies to resolve issues of holding persons accountable for violating the requirements of the environmental legislation of the Republic of Kazakhstan in terms of conducting state environmental expertise.

2. When organizing and conducting the state environmental review, the heads of departments specified in paragraph 1 of this article are independent and act in accordance with the legislation of the Republic of Kazakhstan.

3. The independence of the heads of departments is ensured by the provisions on them, approved by the authorized body in the field of environmental protection, including conditions that do not contradict the legislation of the Republic of Kazakhstan.

## **Article 92. State Ecological Expertise Expert**

1. An expert of the state environmental review is a civil servant of the subdivision of the authorized body in the field of environmental protection, carrying out the state environmental review.

2. A person who is in close relationship or property with the leaders of the customer or developer of the object of state environmental expertise cannot be involved in the conduct of the state environmental review.

3. The expert of the state ecological expertise shall be responsible for the expertise performed by him in accordance with the laws of the Republic of Kazakhstan.

4. It is prohibited to interfere with state bodies, individuals, legal entities and officials in the activities of an expert of the state environmental review, related to the conduct of the state environmental review.

5. The violated rights of an expert of the state ecological expertise are subject to protection, and the persons guilty of such a violation are liable in accordance with the laws of the Republic of Kazakhstan.

6. The expert of the state ecological expertise has the right:

1) request, within the period of the state environmental review, additional materials necessary for its conduct, the submission of which is regulated by the rules for conducting the state environmental review, for the purpose of a comprehensive and objective assessment of the documentation submitted for the state environmental review;

2) to initiate in the process of conducting the state environmental review the involvement of external experts to conduct special studies;

3) to submit proposals to the head of the subdivision carrying out the state environmental review on improving the organization of the work of the state environmental review, methodology, procedure and principles for its implementation;

4) form a dissenting opinion on the documentation submitted for the state environmental review, which is attached to the conclusion of the state environmental review. The dissenting opinion formed by the expert is of an exclusively informative nature and is not mandatory for compliance with the implementation of the documentation submitted for the state environmental review.

7. The expert of the state ecological expertise is obliged to:

1) ensure a comprehensive, objective and high-quality conduct of the state environmental review;

2) to carry out the state ecological expertise in compliance with the requirements of the environmental legislation of the Republic of Kazakhstan;

3) comply with the established terms and procedure for conducting the state environmental review;

4) prepare reasoned conclusions of the state environmental review and timely submit them to the bodies that decide on the implementation of the documentation submitted for the state environmental review, and to customers;

5) substantiate in a well-reasoned way the comments sent to the documents submitted for the state environmental review, indicating the specific norms and requirements of the environmental legislation of the Republic of Kazakhstan and (or) the conclusions of the conclusion based on the results of the environmental impact assessment, if, in accordance with this Code, a mandatory impact assessment is required on the environment;

6) ensure the safety of the documentation submitted for the state environmental review, and coordinate their actions with respect to confidential documents with the person who submitted them, and prevent disclosure of the information entrusted to him.

### **Article 93. Involvement of external experts in the process of conducting state environmental expertise**

1. If the process of conducting the state environmental review requires special knowledge that is not available to the experts of the state environmental review, the bodies that carry out the state environmental review have the right to apply for expert opinions to other state bodies and organizations, as well as to individual national and international experts, with relevant knowledge and experience.

2. Involvement of external experts is carried out in accordance with the legislation of the Republic of Kazakhstan on public procurement.

### **Article 94. Expert Councils of the State Ecological Expertise**

1. Under the authorized body in the field of environmental protection, expert councils of the state ecological expertise are created, which are permanent consultative and advisory bodies, acting in accordance with the provisions on them.

2. Regulations on expert councils of the state ecological expertise of the authorized body in the field of environmental protection, their personal composition are approved by the head of the department of the authorized body in the field of environmental protection and the heads of its territorial bodies.

3. Members of expert councils of the state ecological expertise may be officials of state bodies whose functions are related to environmental protection, scientists from research institutions, higher educational institutions, practitioners and members of the public.

4. The jurisdiction of the expert councils of the state environmental expertise includes:

1) discussion of the problems of ensuring environmental safety, issues of environmental protection, the use and reproduction of natural resources during the state environmental review;

2) consideration of draft conclusions of the state ecological expertise in relation to objects of increased environmental danger.

#### **Article 95. Publicity of the state ecological expertise**

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

2. The public concerned is given the opportunity to express their opinion during the state environmental review.

3. The conclusion of the state environmental review must be posted on the Internet resource of the authorized body in the field of environmental protection or its territorial division within five working days after its issuance and be in the public domain for at least thirty working days from the date of its placement.

4. The interested public has the right to challenge the conclusion of the state environmental review in the manner prescribed by the legislation of the Republic of Kazakhstan.

#### **Article 96. Conducting public hearings**

1. Holding public hearings before or during the implementation of the state environmental assessment is mandatory.

In case of completion of public hearings before the start of the process of conducting a state environmental assessment, an application for conducting a state environmental assessment or an application for an environmental permit must be sent to the authorized body in the field of environmental protection no later than six months from the date of signing the protocol of public hearings.

2. Public hearings within the framework of the state environmental review are held in accordance with the rules for holding public hearings.

3. In case of repeated submission to the authorized body in the field of environmental protection of an application for a state environmental assessment after receiving a refusal to issue an environmental permit (in the case provided for in part two of Article 87 of this Code) or a negative conclusion of the state environmental assessment, the repeated public hearings are not required, except in the following cases:

1) if the re-submitted application and (or) the attached documents imply significant changes to the planned activities provided for in paragraph 2 of Article 65 of this Code, which have not previously been considered at public hearings;

2) if the protocol of previously held public hearings contain comments and (or) suggestions from the public that were not withdrawn by their authors during such public hearings;

3) if, during the public hearings, violations of the requirements of the environmental legislation of the Republic of Kazakhstan to the procedure for holding public hearings were committed.

**Footnote. Article 96 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 97. The procedure for considering disagreements during the state environmental review**

1. Disagreements during the state environmental review are considered through negotiations or in court.

2. Through negotiations, disagreements on issues of state environmental expertise are considered by the authorized body in the field of environmental protection at the request of any of the interested parties.

#### **Paragraph 2. Public ecological expertise Article 98. Public ecological expertise**

1. Public ecological expertise is carried out on a voluntary basis by expert commissions created by non-profit organizations.

2. Public ecological expertise examines any activity for compliance with public interests to preserve the environment, favorable for the life and (or) health of people.

3. Individuals and legal entities may act as initiators of public ecological expertise.

#### **Article 99. Organizer of public ecological expertise**

1. A non-profit organization is recognized as the organizer of a public environmental review, on behalf of which a notification is submitted on the conduct of a public environmental review and measures are taken to organize the activities of the expert commission.

2. The organizer of the public environmental review has the right to:

1) to request from the person whose activity is the object of public environmental expertise documents and materials necessary for conducting public environmental expertise;

2) create an expert commission to conduct a public environmental review;

3) submit to state bodies, local self-government bodies, officials, individuals and legal entities the conclusion of a public environmental review.

3. The organizer of the public environmental review is obliged to:

1) organize a public environmental review in accordance with the requirements of this Code;

2) ensure that the public is informed about the progress and results of the public environmental review and that public opinion is taken into account when preparing the conclusion of the public environmental review;

3) to ensure publicity of the conclusion of the public ecological expertise for the public.

#### **Article 100. Experts of public ecological expertise**

1. An expert of a public environmental review is an individual who has scientific and (or) practical knowledge on the issue under consideration and is involved by the organizer of the public environmental review to conduct such a review.

2. An expert of public ecological expertise cannot be:

1) a representative of a person whose activity is the object of a public environmental review;

2) representative of the compiler of the report on possible impacts;

3) an individual who is in an employment or other contractual relationship with a person whose activities are the subject of a public environmental review, or a compiler of a report on possible impacts;

4) a representative of a legal entity that is in a contractual relationship with a person whose activities are the subject of public environmental review, or the compiler of a report on possible impacts.

3. The expert of the public environmental review participates in its conduct in accordance with the legislation of the Republic of Kazakhstan and the assignment issued by the organizer of the public environmental review.

4. An expert of the public environmental review, when conducting a public environmental review, has the right to express a dissenting opinion on the object of the public environmental review, which is attached to the conclusion of the public environmental review.

5. The expert of public ecological expertise is obliged to:

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

2) ensure the objectivity and validity of the conclusions of the opinion on the object of public environmental expertise, as well as taking into account the comments and proposals on the object of public environmental expertise from the public concerned;

3) ensure the safety of materials and confidentiality of information submitted for public environmental review, as well as prevent violation of intellectual property rights.

#### **Article 101. Rights and obligations of a person whose activity is the object of public environmental expertise**

1. A person whose activity is the object of a public environmental review has the right to:

1) to protect legally protected confidential information contained in the documentation on planned and ongoing activities;

2) receive information and have access to information on the progress and results of the public environmental review;

3) participate in public hearings and other events held within the framework of public environmental expertise;

4) provide their explanations and comments to the conclusion of the public environmental review.

2. A person whose activity is the subject of a public environmental review must submit:

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

2) a written response to the authorized body in the field of environmental protection on the recommendations set out in the conclusion of the public environmental review.

#### **Article 102. Financing of public ecological expertise**

Financing of public ecological expertise is carried out at the expense of:

1) own funds of non-profit organizations that organize and (or) conduct a public environmental review;

2) other sources not prohibited by the laws of the Republic of Kazakhstan.

#### **Article 103. Notice of public environmental review**

1. Public ecological expertise is carried out on the condition that the organizer of the expertise sends a notification about its conduct.

2. Notification of the conduct of a public environmental review shall be submitted by its organizer to the local executive bodies, on the territory of which the object of the environmental review is planned to operate.

3. The notice of the public environmental review must contain:

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

2) the nature of the activities provided for by the charter of the organizer of the public environmental review;

3) information on the composition of the expert commission of public environmental expertise;

4) information about the object of public environmental expertise;

5) the period for conducting a public environmental review, which may not exceed twenty-five working days.

4. Conducting a public environmental review is not allowed if:

1) a public environmental review has previously been carried out twice in relation to this object;

2) the object of public environmental expertise contains information constituting state, commercial and other secrets protected by law;

3) the charter of the organizer of the public environmental review does not provide for the activities of this non-profit organization to conduct a public environmental review.

#### **Article 104. Conclusion of public ecological expertise**



1. The results of the public environmental review are drawn up in the form of a conclusion of the public environmental review, which is advisory in nature.

2. The conclusion of the public ecological expertise must contain:

- 1) the name and legal address of the organizer of the environmental review;
- 2) last name, first name, patronymic (if it is indicated in the identity document) or full name of the person whose activities are the object of public environmental expertise, the name and location of the object of public environmental expertise;
- 3) information on sending a notice of a public environmental review to the local executive body;
- 4) the timing of the public environmental review;
- 5) a list of documents submitted for public environmental expertise, as well as a list of other documents used in the process of its implementation;
- 6) the composition of the members of the expert commission of public environmental expertise;
- 7) presentation of the results of public environmental expertise;
- 8) description of the task for conducting a public environmental review, determined by the organizer of the public environmental review;
- 9) a description of the public environmental review process, including interaction with the public, the person whose activities are the subject of the public environmental review, and other interested parties;
- 10) conclusions of public ecological expertise.

3. The conclusions of the public environmental review must contain a conclusion on the compliance of the object of the public environmental review with the requirements of the environmental legislation of the Republic of Kazakhstan.

4. The conclusion of the public environmental review is signed by the authorized representative of the organizer of the public environmental review, the chairman and members of the expert commission.

5. The conclusion of the public environmental review is sent to:

- 1) to the local executive body, to which the relevant notification on the conduct of the public environmental review was previously sent;
- 2) to the body that carries out the state ecological expertise of this object or issued an environmental permit in respect of it;
- 3) a person whose activity is the object of a public environmental review;
- 4) to state bodies that make decisions on the implementation of the object of public environmental expertise;
- 5) to the media.

## **Article 105. Use of the results of public ecological expertise**

1. A person whose activity is the object of a public environmental review is obliged, within a month from the date of receipt of the conclusion of the public environmental review, to consider the conclusions and recommendations contained therein and send their comments to the authorized body in the field of environmental protection, as well as to the organizer of the public environmental review. expertise.

2. The conclusion of the public environmental review must be considered during the state environmental review. The results of such consideration should be sent to the organizer of the public environmental review and to the authorized body in the field of environmental protection.

3. The conclusion of the public environmental review may also be taken into account when making decisions by local executive bodies, financial organizations and the person whose activity is the object of the public environmental review, when implementing the relevant activities.

4. The results of a public environmental review may also be taken into account when conducting a comprehensive non-departmental review of projects (design estimates) intended for the construction of new or reconstruction (expansion, technical re-equipment, modernization), overhaul of existing buildings and structures, their complexes, engineering and transport communications, conservation of unfinished objects and post- utilization ( demolition) of objects that have exhausted their resource.

## **Chapter 9. ENVIRONMENTAL PERMITS Article 106. General provisions**

1. Environmental permit - a document certifying the right of individual entrepreneurs and legal entities to carry out a negative impact on the environment and determining the environmental conditions for the implementation of activities.

Environmental conditions are understood as individual requirements for the construction and operation of objects of categories I and II in order to ensure compliance with the environmental requirements applicable to such activities established by the environmental legislation of the Republic of Kazakhstan, as well as the conclusions contained in the conclusions based on the results of the environmental impact assessment.

It is prohibited to include conditions in environmental permits that are not aimed at ensuring environmental protection.

2. An operator that has received an environmental permit, as well as individuals and legal entities engaged by the facility operator to perform certain works and (or) provide certain services on the territory of the relevant category I or II facility during its construction, reconstruction or operation, are required to comply with the conditions of such an environmental permits and are responsible for their non-compliance in accordance with the laws of the Republic of Kazakhstan. Obtaining by such individuals and legal entities of a separate environmental permit for the performance of work and (or) the provision of services on the territory of the relevant object of category I or II is not required.

3. An environmental permit is issued for the operation of each individual object of categories I and II and (or) construction and installation works of categories I and II, reclamation works and (or) liquidation of categories I and II.

4. The following types of environmental permits are issued in the Republic of Kazakhstan :

- 1) integrated environmental permit;
- 2) environmental permit for impact.

5. The construction and operation of objects of categories I and II without an appropriate environmental permit is prohibited.

6. Greenhouse gas emissions are not subject to environmental permits, with the exception of emissions of substances identified as pollutants in accordance with this Code.

7. Environmental permit is not required:

to carry out activities for the construction and operation of facilities of categories III and IV, except in cases when they are located within the industrial site of an object of category I or II and are technologically connected with it;

to carry out construction and installation works and works on reclamation and (or) liquidation within the industrial site of an object of category I or II, classified as category III or IV in accordance with the instructions for determining the category of an object having a negative impact on the environment.

Activities for the operation of objects of category III may be carried out subject to the submission of a declaration on the impact on the environment in accordance with Article 110 of this Code.

The rules for issuing environmental permits, submitting an environmental impact declaration are approved by the authorized body in the field of environmental protection ( hereinafter referred to as the rules for issuing environmental permits).

8. The authorized body in the field of environmental protection and local executive bodies of regions, cities of republican significance, the capital maintain a register of environmental permits and declarations on the impact on the environment in the manner determined by the authorized body in the field of environmental protection.

**Footnote. Article 106 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 107. Validity of the environmental permit and declaration of environmental impact when changing the operator of the facility**

1. In the event of a change in the operator of the facility as a result of the alienation of the facility or its transfer to another legal use to another person, the reorganization of the facility

operator by spin-off, separation or acquisition, or in other cases of universal succession, the previously issued environmental permit or submitted environmental impact declaration retains its force and becomes mandatory (obligatory) for the new operator of the object.

2. Within ten working days from the date of the occurrence of the circumstances specified in paragraph 1 of this article, the new operator is obliged to submit to the authorized body in the field of environmental protection an application for reissuing an environmental permit in accordance with Article 108 of this Code.

#### **Article 108. Procedure for reissuing an environmental permit**

1. Re-issuance of an environmental permit is carried out within five working days in the following cases:

1) change in the name, change in the organizational and legal form of the operator of the facility for which an environmental permit has been issued;

2) specified in Article 107 of this Code.

2. Re-issuance of an environmental permit is carried out on the basis of an application for re-issuance of a permit.

In case of reissuing an environmental permit on the grounds provided for in subparagraph 2) of paragraph 1 of this article, a copy of the title document confirming the change of the facility operator must be attached to the application.

#### **Article 109. Suspension, deprivation (revocation) and cancellation of environmental permit**

1. Suspension and deprivation (revocation) of an environmental permit shall be carried out on the grounds and in the manner prescribed by the laws of the Republic of Kazakhstan.

2. The authority that issued the environmental permit shall revoke the environmental permit from the date of receipt of the relevant written request from the operator of the facility or from the date of entry into force of the new environmental permit.

**Footnote. Article 109 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 110. Declaration of impact on the environment**

1. Persons carrying out activities at objects of category III (hereinafter referred to as the declarant) submit to the local executive body of the relevant administrative-territorial unit a declaration on the impact on the environment.

2. The environmental impact statement is submitted in writing or in the form of an electronic document signed with an electronic digital signature.

3. The environmental impact statement must contain the following information:

1) name, legal form, business identification number and address (location) of a legal entity or last name, first name, patronymic (if it is indicated in an identity document), individual identification number, place of residence of an individual entrepreneur;

2) name and brief description of the object;

3) type of main activity, types and volume of products produced, works performed, services rendered;

4) the declared amount of emissions of pollutants, the amount and types of waste (generated, accumulated and transferred to specialized organizations for waste management);

5) for the planned activity - the number and date of issuance of a positive conclusion of the state environmental expertise for objects of category III.

4. Declaration of impact on the environment is submitted:

1) before the start of the planned activity;

2) after the commencement of activities - in the event of a significant change in the technological processes of the main industries, the qualitative and quantitative characteristics of emissions of pollutants and stationary sources, waste (generated, accumulated and transferred to specialized waste management organizations).

5. In the event of a significant change in technological processes, qualitative and quantitative characteristics of emissions of pollutants and stationary sources, waste (generated, accumulated and transferred to specialized waste management organizations), the declarant is obliged to submit a new declaration on the impact within three months from the date of the relevant significant changes. on the environment.

6. The form of the environmental impact declaration and the procedure for filling it out are established by the rules for issuing environmental permits.

7. For failure to submit a declaration on environmental impact and (or) provision of false information contained in this declaration, persons are liable as established by the laws of the Republic of Kazakhstan.

8. On a quarterly basis, by the 5th day of the month following the reporting period, local executive bodies shall send to the territorial subdivision of the authorized body in the field of environmental protection summary data on the adopted environmental impact declarations in the form approved by the authorized body in the field of environmental protection.

**Footnote. Article 110 as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (effective six months after the date of its first official publication).**

#### **Paragraph 1. Integrated environmental permit Article 111. General provisions on integrated environmental permit**

1. The presence of a comprehensive environmental permit is mandatory for objects of category I.

2. Operators of other facilities not specified in paragraph 1 of this article are entitled to voluntarily obtain a comprehensive environmental permit if they have conclusions approved

by the Government of the Republic of Kazakhstan on the best available techniques for the relevant technological process or industry.

3. Integrated environmental permits are issued by the authorized body in the field of environmental protection.

In the case provided for by paragraph 3 of Article 115 of this Code, a comprehensive environmental permit is issued by the authorized body in the field of environmental protection in agreement with the relevant state bodies.

4. A comprehensive environmental permit is valid for an indefinite period, except for the case provided for by part three of this paragraph.

The operator of a facility in respect of which an integrated environmental permit has been issued, in the event of approval of a new conclusion on the best available techniques that establishes requirements that such an object does not comply with, is obliged to submit an application for revision of the integrated environmental permit in accordance with paragraph 2 of Article 118 of this Code.

In the case specified in part two of this paragraph, the previously issued integrated environmental permit shall be terminated after one year after the date of approval of such an opinion on the best available techniques, if such an integrated environmental permit has not been reviewed within the specified period.

#### **Article 112. Content of an integrated environmental permit**

1. A comprehensive environmental permit is a standardized document containing:
  - 1) information about its owner (operator), object and types of activities carried out on it;
  - 2) environmental conditions for the implementation of activities, including:
    - technological standards;
    - standards for emissions into the environment;
    - standards for permissible physical impacts on the environment;
    - waste accumulation limits, waste disposal limits (if you have your own landfill);
    - limits for the placement of sulfur in the open on sulfur maps (during operations for the exploration and (or) production of hydrocarbons);
    - limits for special water use in accordance with the Water Code of the Republic of Kazakhstan if the activity includes special water use;
    - measures to improve energy efficiency and energy saving;
    - waste management program;
    - actions and measures for the operation of the facility in situations that pose a danger to the environment;
    - industrial environmental control program, including requirements for industrial monitoring, including soil and groundwater monitoring and automated emission monitoring;
    - the necessary conditions and measures to prevent pollution of soils and groundwater, as well as the requirements for regular monitoring and control of compliance with such

conditions and measures in order to prevent leaks, spills, accidents and other abnormal situations during the use of equipment or during the storage of waste and other hazardous substances ;

for existing facilities of category I, if they cannot comply with technological indicators related to the use of the best available techniques, a draft program for improving environmental efficiency;

other requirements for environmental protection specified in the conclusion on the environmental impact assessment;

3) substantiation of the reasons for making a decision to issue an integrated environmental permit.

2. Forms of integrated environmental permit forms and the procedure for filling them out are established by the rules for issuing environmental permits.

### **Article 113. The Best Possible Available Techniques**

1. Best available techniques are understood to be the most effective and advanced stage in the development of activities and methods of their implementation, which indicates their practical suitability in order to serve as the basis for setting technological standards and other environmental conditions aimed at preventing or, if this is not practicable, minimization of negative anthropogenic impact on the environment. Wherein:

1) Technicians are understood as the technologies used, as well as the methods, methods, processes, practices, approaches and solutions applied to the design, construction, maintenance, operation, management and decommissioning of the facility;

2) techniques are considered accessible if the level of their development allows the introduction of such techniques in the relevant sector of production on economically and technically feasible conditions, taking into account costs and benefits, regardless of whether such techniques are used or produced in the Republic of Kazakhstan, and only to the extent that they are reasonably available to the facility operator;

3) the best are those available techniques that are most effective in achieving a high overall level of environmental protection as a whole.

2. The use of the best available techniques is aimed at the comprehensive prevention of environmental pollution, minimization and control of negative anthropogenic impact on the environment.

The areas of application of the best available techniques are understood as individual sectors of the economy, types of activities, technological processes, technical, organizational or managerial aspects of conducting activities, for which the best available techniques are determined in accordance with this Code. The areas of application of the best available techniques are defined in Annex 3 to this Code.

3. Best Available Techniques are determined based on a combination of the following criteria:

- 1) use of low-waste technology;
- 2) use of less hazardous substances;
- 3) promoting the recovery and recycling of substances generated and used in the process, as well as waste, as applicable;
- 4) comparability of processes, devices and operating methods successfully tested at the industrial level;
- 5) technological breakthroughs and changes in scientific knowledge;
- 6) the nature, impact and volumes of the relevant emissions into the environment;
- 7) commissioning dates for new and existing facilities;
- 8) the length of time required for the implementation of the best available technology;
- 9) consumption level and properties of raw materials and resources (including water) used in processes and energy efficiency ;
- 10) the need to prevent or reduce to a minimum the overall level of negative impact of emissions on the environment and risks to the environment;
- 11) the need to prevent accidents and minimize negative consequences for the environment;
- 12) information published by international organizations;
- 13) industrial implementation at two or more facilities in the Republic of Kazakhstan or outside it.

4. Technological processes, technical, managerial and organizational methods, methods, approaches and practices, in the application of which the prevention or reduction of negative impact on one or several components of the natural environment is achieved by increasing the negative impact on others, cannot be defined as the best available technology. components of the natural environment.

5. Conclusions on the best available techniques are approved by the Government of the Republic of Kazakhstan on the basis of reference books on the best available techniques. Conclusions on best available techniques include the following:

- 1) conclusions on the best available techniques;
- 2) a description of the best available techniques;
- 3) information necessary to assess the applicability of the best available techniques;
- 4) emission levels associated with the application of the best available techniques;
- 5) other technological indicators related to the use of the best available techniques, including the levels of consumption of energy, water and other resources;
- 6) monitoring requirements related to the application of the best available techniques;
- 7) requirements for remediation .

The emission levels associated with the use of the best available techniques are defined as the range of emission levels (concentrations of pollutants) that can be achieved under normal operating conditions of the facility using one or more of the best available techniques described in the conclusion on the best available techniques, taking into account averaging for



a certain period of time and under certain conditions. The BAT conclusions also describe the conditions under which emission levels at the lower end of the range can be achieved.

Other technological indicators associated with the use of the best available techniques, including the levels of consumption of energy, water and other resources, are defined as the range of values that can be achieved under normal operating conditions of the facility using one or more of the best available techniques described in the conclusion on the best available techniques.

6. The Government of the Republic of Kazakhstan determines the procedure for the development, application, monitoring and revision of handbooks on the best available techniques (hereinafter referred to as the rules for the development, application, monitoring and revision of handbooks on the best available techniques) and approves handbooks on the best available techniques.

Handbooks of best available techniques are developed on the basis of the following principles:

1) openness and transparency of the process of developing handbooks on the best available techniques based on the participation and parity of interests of all interested parties;

2) obligatory participation of representatives of the public, independent domestic and foreign experts with the necessary knowledge and experience in the relevant areas of application of the best available techniques;

3) focus on the best world experience;

4) cyclicity, dynamism and advanced development;

5) wide coverage of public opinion, including the obligation to hold public hearings;

6) the need to reach a consensus of all interested parties.

The first step in the development and/or revision of BAT guides is to conduct a comprehensive technology audit, the rules for which are included in the rules for the development, application, monitoring and revision of BAT guides.

A comprehensive technological audit is a process of expert evaluation of the techniques used at enterprises (technologies, methods, methods, processes, practices, approaches and solutions) aimed at preventing and (or) minimizing negative anthropogenic impact on the environment, including by collecting relevant information and/or site visits that fall within the scope of best available techniques.

A comprehensive technology audit and monitoring of the implemented best available techniques for effectiveness and relevance is carried out by the organization that performs the functions of the Bureau of Best Available Techniques.

7. The organization that performs the functions of the Bureau for the best available techniques is a subordinate organization of the authorized body in the field of environmental protection.

The tasks of the Bureau of Best Available Techniques include:

1) interaction with the authorized body in the field of environmental protection and other state bodies on the development and updating of reference books on the best available techniques;

2) information and analytical support for the development of reference books on the best available techniques and the implementation of the best available techniques;

3) informing interested state bodies, organizations and the public on the development of reference books on the best available techniques and providing them with consulting support in the field of best available techniques;

4) participation in the preparation of proposals for the improvement of regulatory legal acts in the field of the best available techniques;

5) providing organizational, methodological and expert-analytical support for the activities of the authorized body in the field of environmental protection and technical working groups on the development of reference books on the best available techniques, on the transfer of modern technologies and their adaptation in the Republic of Kazakhstan.

8. Handbooks of best available techniques include:

1) general information about a specific application, including a description of the industry, part of the industry, type of activity, processes and techniques;

2) a description of the main environmental issues specific to the application, including current emission levels, as well as consumption of energy and water resources;

3) methodology for determining the best available technique;

4) a description of existing techniques for a specific application that are proposed for consideration in order to determine the best available techniques;

5) methods used in the implementation of technological processes to reduce their negative impact on the environment and do not require technical re-equipment, reconstruction of an object that has a negative impact on the environment;

6) assessment of the benefits of implementing the best available techniques for the environment;

7) data on limitations in the application of the best available technology;

8) economic indicators characterizing the best available technology;

9) information about the latest technologies in respect of which research and development work is being carried out or their pilot industrial implementation is being carried out;

10) other information relevant to the practical application of the best available technology;

11) a conclusion containing conclusions on the best available techniques, including technological indicators associated with the use of such best available techniques;

12) additional comments and recommendations from the technical working group for further work on the handbook.

9. When developing guides on best available techniques, the best world experience in this area is taken into account, including similar and comparable directories officially used in the states that are members of the Organization for Economic Cooperation and Development,

taking into account the need for reasonable adaptation to the climatic and environmental conditions of the Republic of Kazakhstan, which determine the technical and economic availability of the best available techniques in specific areas of their application.

10. Revision of handbooks on best available techniques is carried out every eight years after the approval of the previous version of the relevant handbook and solely in order to reduce the negative impact on the environment, improve resource efficiency, promote the transition of the Republic of Kazakhstan to a "green" economy and low-carbon development, taking into account scientific and technological development and increasing the level of technical and (or) economic accessibility of certain techniques.

11. The introduction of the best available technology is a time-limited process of implementing measures for the design, construction of new or reconstruction, technical re-equipment (modernization) of existing facilities, including by installing new equipment, on the application of methods, methods, processes, practices, approaches and solutions maintenance, operation, management and decommissioning of such facilities. At the same time, these measures in the aggregate should ensure the achievement of a level of environmental protection not lower than the indicators associated with the use of the best available techniques described in published reference books on the best available techniques.

#### **Article 114. Application for an integrated environmental permit**

1. An application for obtaining a comprehensive environmental permit is submitted electronically to the authorized body in the field of environmental protection and must contain :

1) name, organizational and legal form of a legal entity or surname, name, patronymic (if it is indicated in an identity document) of an individual entrepreneur; its business identification number;

2) name and location of the object;

3) type of main activity, types and volume of manufactured products (goods);

4) a description of the current state of the territory where the construction, reconstruction and (or) operation of the facility is planned;

5) a description of the techniques used or proposed for use at the facility in order to prevent or reduce the level of its negative anthropogenic impact on the environment, including calculations and justification of technological standards proposed by the operator for inclusion in the integrated environmental permit;

6) a comparative description of the technique used or proposed for use with the best available techniques given in the conclusions on the best available techniques for the respective areas of their application;

7) mandatory environmental conditions proposed for inclusion in the integrated environmental permit in relation to the stages of construction, operation and post- utilization of the facility, which must comply with the requirements of the environmental legislation of

the Republic of Kazakhstan and the conclusions of the conclusion based on the results of the environmental impact assessment;

8) information on the use (consumption) of raw materials, water, electrical and thermal energy;

9) information about the expected permits and notifications that the operator needs to obtain or submit in order to carry out activities for the construction and operation of the facility;

10) for operating facilities:

information about accidents and incidents that occurred at the facility over the previous seven years, resulting in environmental pollution or environmental damage;

information on the implementation of the environmental efficiency improvement program (if any).

2. The application form for obtaining an integrated environmental permit and the procedure for filling it out are established by the rules for issuing environmental permits.

3. An application for an integrated environmental permit shall be accompanied by:

1) in relation to the planned activity – project documentation for the construction and (or) operation of facilities;

1-1) a conclusion on the results of an environmental impact assessment or a conclusion on the results of screening the impacts of the planned activity, containing a conclusion that there is no need to conduct a mandatory environmental impact assessment;

2) substantiation of technological standards and draft emission standards together with environmental assessment materials according to a simplified procedure;

3) draft waste management program;

4) draft program of industrial environmental control;

5) for existing objects of category I, if they cannot comply with technological indicators related to the use of the best available techniques, - a draft program for improving environmental efficiency, developed in accordance with Article 119 of this Code;

6) draft standards for the placement of sulfur in open form on sulfur pads (during operations for the exploration and (or) production of hydrocarbons).

4. At the request of the operator of the facility, the authorized body in the field of environmental protection, other state bodies and subordinate organizations are obliged to provide him with access to all environmental information at their disposal in relation to the territory affected by the construction and (or) operation of the facility, in the manner established the legislation of the Republic of Kazakhstan.

**Footnote. Article 114 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

**Article 115. Procedure for considering an application for an integrated environmental permit**

1. An application for an integrated environmental permit is subject to consideration provided that the form and content of the submitted materials comply with the requirements of this Code.

2. Within five working days from the date of registration of an application for an integrated environmental permit, the authorized body in the field of environmental protection checks it for completeness and completeness. During the specified period, the application is accepted for consideration or rejected in case of submission of an incomplete package of documents and (or) incomplete information indicating the reasons for returning such an application.

If the application for a comprehensive environmental permit contains all the required information and attached documents, the authorized body in the field of environmental protection conducts a state environmental review of project documentation for the construction and (or) operation of category I facilities in accordance with subparagraph 1) of paragraph 1 of Article 88 of this Code and within the period specified in part one of this paragraph, sends the application accepted for consideration with the documents attached to it to its structural divisions, as well as to the following interested state bodies to receive comments and proposals from them regarding mandatory environmental conditions to be included in integrated environmental permit, within their competence:

- 1) to the state body in the field of sanitary and epidemiological welfare of the population;
- 2) to the authorized body that regulates in the relevant industry to which the object belongs;
- 3) to other authorized state bodies, whose competence includes the issuance of permits necessary for the implementation of activities for the construction and operation of the facility ;
- 4) to the local executive body of the region, cities of republican significance, the capital, on whose territory the object is located or will be located.

If the object is located or will be located within the territories of two or more regions, cities of republican significance, the capital, the application with the attached documents must be sent to each relevant local executive body;

5) with the assistance of the Ministry of Foreign Affairs of the Republic of Kazakhstan - to the state, on the state of the environment of which the construction and (or) operation of the facility may have a significant adverse impact, if the need for transboundary procedures to make decisions on permitting such activities is provided for by international treaties of the Republic of Kazakhstan or established in conclusion based on the results of the environmental impact assessment.

3. The complex environmental permit may include permits issued by other state bodies, if the procedure for combining the relevant state services on the principle of "one stop shop" is determined by joint orders of the authorized body in the field of environmental protection and the relevant authorized state bodies.

4. Within twenty-five working days from the date of receipt of the application, the interested state bodies specified in subparagraphs 1) - 5) of paragraph 2 of this article must submit their conclusions regarding the mandatory environmental conditions to be included in the integrated environmental permit.

5. The conclusions of the interested state bodies received by the authorized body in the field of environmental protection after the expiration of the period specified in paragraph 4 of this article shall not be sent to the applicant and taken into account when making a decision on the application.

6. If there are comments on the application for an integrated environmental permit and (or) documents attached to it at the stage of the state environmental review, the authorized body in the field of environmental protection sends such comments to the applicant within twenty-five working days after the application is accepted for consideration.

The submitted comments must be eliminated by the applicant within ten working days from the day the comments were sent. If the remarks are not eliminated within the specified period, the applicant is given a reasoned refusal to issue an integrated environmental permit.

Within ten working days after the applicant eliminates all comments and receives conclusions from the interested state bodies, the authorized body in the field of environmental protection prepares a draft integrated environmental permit with the involvement of internal and (or) external experts, taking into account the comments and suggestions received, as well as the position of the applicant and sends such a draft to the applicant. The applicant submits its position on the submitted draft integrated environmental permit within five working days.

Within five working days from the date of receipt of the applicant's position, if the applicant approves the draft integrated environmental permit, an integrated environmental permit is issued.

Disagreements arising under the conditions included in the draft integrated environmental permit shall be resolved by the expert commission in the manner prescribed by Article 74 of this Code.

#### **Article 116. Consultations with the affected foreign state**

1. In the case specified in subparagraph 5) of part two of paragraph 2 of Article 115 of this Code, if the affected foreign state presents its position regarding the issuance of an integrated environmental permit upon application, the authorized body in the field of environmental protection, with the assistance of the Ministry of Foreign Affairs of the Republic of Kazakhstan, must hold consultations taking into account the provisions of international treaties ratified by the Republic of Kazakhstan.

2. The term for consideration of an application for an integrated environmental permit shall be suspended until the completion of consultations with the affected state.

#### **Article 117. Issuance of an integrated environmental permit**

1. Within five working days after receiving the applicant's response or the results of the consideration of disagreements in accordance with part five of paragraph 6 of Article 115 of this Code, the authorized body in the field of environmental protection makes a decision to issue an integrated environmental permit or to refuse to issue it.

2. The authorized body in the field of environmental protection refuses to issue a comprehensive environmental permit in the following cases:

1) establishing the unreliability of the documents submitted by the applicant for obtaining an integrated environmental permit, and (or) the information contained in them;

2) non-compliance of the documents submitted by the applicant for obtaining an integrated environmental permit, and (or) the information contained in them with the requirements of the environmental legislation of the Republic of Kazakhstan and (or) the conclusion based on the results of the environmental impact assessment or the conclusion on the results of screening of the impacts of the proposed activity, containing a conclusion about no need to conduct a mandatory environmental impact assessment;

3) disagreement of the applicant with the terms of the integrated environmental permit, determined by the authorized body in the field of environmental protection in the manner prescribed by Article 115 of this Code.

3. If there are no grounds for refusal, the authorized body in the field of environmental protection issues an integrated environmental permit to the applicant within one working day after the adoption of the relevant decision.

4. A copy of the issued integrated environmental permit is posted on the Internet resource of the authorized body in the field of environmental protection.

5. Operators of facilities are required to comply with the environmental conditions provided for by the integrated environmental permit, and are liable in accordance with the laws of the Republic of Kazakhstan for non-compliance with them or carrying out activities without an integrated environmental permit.

#### **Article 118. Revision of the integrated environmental permit**

1. An integrated environmental permit is subject to revision in part or in full in the following cases:

1) introduction by the operator of significant changes to the planned or ongoing activities, requiring an environmental impact assessment in accordance with subparagraphs 3) and 4) of paragraph 1 of Article 65 of this Code;

2) approval of a new opinion on best available techniques in connection with the adoption of a new guide to best available techniques for their respective areas of application, which establishes the requirements that the facility in respect of which such an integrated environmental permit has been issued does not comply;

3) making changes to the program for improving environmental efficiency in accordance with this Code.

2. The operator is obliged to submit an application for revision of the integrated environmental permit in the cases provided for in paragraph 1 of this article, no later than:

1) six months before the expected date of commencement of the implementation by the operator of significant changes in the ongoing activities;

2) within three months from the date of approval of a new conclusion on the best available techniques in the relevant areas of their application in accordance with subparagraph 2) of paragraph 1 of this article.

3. A partial revision of the integrated environmental permit is carried out in the case when the necessary changes affect certain environmental conditions and (or) the standards of permissible anthropogenic impact on the environment, without the need to revise other unaffected conditions of the integrated environmental permit. A partial revision of the integrated environmental permit is carried out by issuing an application to the integrated environmental permit containing the required changes and (or) additions.

The procedure and terms for revision (full or partial) of integrated environmental permits are determined by the rules for issuing environmental permits.

4. The revision of the integrated environmental permit and the introduction of amendments to it may also be carried out at the initiative of the operator.

5. Changes made to the integrated environmental permit that do not affect the environmental conditions contained therein do not require revision of the integrated environmental permit and are carried out by reissuing it.

#### **Article 119. Environmental Efficiency Program**

1. If it is impossible to comply with emission standards (when the state introduces more stringent environmental quality standards or environmental quality targets) and (or) technological standards by operators of existing facilities of category I, for the period of achieving such standards, a program to improve environmental efficiency is mandatory developed in as an annex to the integrated environmental permit.

2. The program for improving environmental efficiency includes:

1) the deadlines by which technological standards must be achieved;

2) the deadlines by which emission standards must be achieved (when the state introduces more stringent environmental quality standards or environmental quality targets);

3) a schedule of planned activities for the reconstruction, re-equipment, modernization of an object of category I, aimed at achieving technological standards, emission standards ( hereinafter - the schedule of planned activities);

4) if it is possible to achieve step-by-step technological standards, emission standards in accordance with design solutions - a schedule for achieving indicators of a phased reduction in the negative impact on the environment, which is determined in relation to the deadlines



for completing the relevant sets of measures for reconstruction, re-equipment, modernization of the facility.

The schedule of planned activities is determined with a breakdown for each calendar year of the implementation of the program to improve environmental efficiency.

If the program for improving environmental efficiency provides for a phased reduction in the negative impact on the environment, the schedule of planned activities is determined separately for each set of activities that ensures the achievement of each relevant indicator of the phased reduction of the negative impact on the environment.

In the schedule of planned activities, and in the case provided for by part three of this paragraph, also separately for each set of activities, the deadlines for completing key activities are additionally determined. Key activities include the delivery of the main process equipment to the site, construction and installation works, commissioning and commissioning. Additional key activities may be identified in the environmental performance improvement program.

3. The operator of the facility has the right to submit to the authorized body in the field of environmental protection an application for revising the integrated environmental permit in terms of the schedule of planned activities, if this does not affect the established deadlines for achieving emission standards, technological standards, and in the case provided for in subparagraph 4) of part one paragraph 2 of this article, - for the terms of achieving the indicators of a gradual reduction of the negative impact on the environment.

The postponement of the implementation of individual activities is carried out once within the period of implementation of the corresponding set of activities, but not more than one year. At the same time, the extension of the total period of the environmental efficiency improvement program is not allowed.

4. Measures aimed at ensuring the operation of buildings, structures, equipment, devices of environmental significance necessary to ensure compliance with environmental requirements that the facility had to comply on the date of filing an application for an integrated environmental permit are not subject to inclusion in the program for improving environmental efficiency.

5. The term for the implementation of the environmental efficiency improvement program cannot exceed four years and is not subject to extension.

6. The environmental performance improvement program is developed in accordance with the rules for issuing environmental permits. Conducting public hearings on the draft program for improving environmental efficiency, including in the event of a complete or partial revision of such a program previously agreed with the authorized body in the field of environmental protection, is mandatory.

7. The authorized body in the field of environmental protection carries out annual monitoring of the implementation of the environmental efficiency improvement program in accordance with the rules for issuing environmental permits.

Operators of facilities that have received integrated environmental permits subject to the implementation of an environmental efficiency improvement program annually submit to the authorized body in the field of environmental protection a report on the implementation of such a program in the form established by the rules for issuing environmental permits.

The operator, within a period of not more than two working days after the start and completion of each key event, notifies the authorized body in the field of environmental protection in writing.

In case of non-fulfillment or incomplete fulfillment of any activity in the calendar year of the implementation of the schedule of planned activities, the authorized body in the field of environmental protection sends an information letter to the operator indicating the amount of unfulfilled obligations of the operator. The operator is obliged to submit an application for revision of the integrated environmental permit in terms of the schedule of planned activities.

In case of violation of the deadline for the implementation of the key event provided for by the schedule of planned activities, the deadline for the implementation of such a stage is extended once in the manner provided for in subparagraph 3) of paragraph 1 of Article 118 of this Code, but not more than for one year.

8. An integrated environmental permit issued subject to the implementation of an environmental efficiency improvement program shall be terminated in the following cases:

1) in case of non - completion of a key event within the extension period provided for by part five of clause 7 of this article;

2) in case of non -achievement of any of the technological standards by more than thirty percent within the time limits set in the program for improving environmental efficiency. If by the relevant deadline the established technological standard is not reached by thirty percent or less, then the period for achieving such a technological standard is extended once for one year;

3) in the case provided for by subparagraph 4) of part one of paragraph 2 of this article, if any of such indicators is not achieved by the deadline set in the schedule for achieving the indicators for the gradual reduction of the negative impact on the environment by more than thirty percent. If by the relevant deadline the established indicator of the gradual reduction of the negative impact on the environment is not achieved by thirty percent or less, then the period for achieving such an indicator is extended once for one year;

4) in case of failure to achieve a technological standard or an indicator of a phased reduction in the negative impact on the environment within the appropriate extension periods provided for in subparagraphs 2) and 3) of this paragraph.

The operator of the facility of category I, within a period of not more than two working days after reaching the technological standard, the indicator of a phased reduction in the negative impact on the environment, notifies the authorized body in the field of environmental protection in writing.

Receipt by the authorized body in the field of environmental protection of a written message from the operator of an object of category I in accordance with part two of this paragraph or failure to receive such a message within the time limits established to achieve the technological standard, an indicator of a phased reduction in the negative impact on the environment, is the basis for the implementation of preventive control with visiting the subject (object) of control.

9. The authorized body in the field of environmental protection, when exercising state environmental control, exercises control over the implementation of programs to improve environmental efficiency.

## **Paragraph 2. Environmental impact permit Article 120. General provisions on environmental impact permit**

1. The presence of an environmental impact permit is mandatory for the construction and (or) operation of objects of category II, as well as for the operation of objects of category I in the case provided for by part two of paragraph 4 of Article 418 of this Code.

2. Persons who, in accordance with the tax legislation of the Republic of Kazakhstan, are payers of the unified land tax, do not receive an environmental permit for impact and do not submit a declaration on the impact on the environment, provided for in paragraph 1 of Article 110 of this Code, for objects used in activities for which a special tax regime applies to peasant or farm enterprises.

3. Environmental impact permits for category I facilities are issued by the authorized body in the field of environmental protection in the case provided for by part two of paragraph 4 of Article 418 of this Code.

Environmental impact permits for objects of category II are issued by local executive bodies of regions, cities of republican significance, the capital.

The distribution of objects of category I, for which an environmental permit for impact is issued, between the authorized body in the field of environmental protection, its structural and territorial subdivisions is established by the authorized body in the field of environmental protection.

4. In relation to an object of category II, individual stationary sources of which are located in the territories of different regions (cities of republican significance, the capital), an application for obtaining an environmental permit for impact can be submitted to any of the local executive bodies of the relevant administrative-territorial units, while local executive bodies of other regions (cities of republican significance, the capital) should be involved in the procedure for issuing an environmental permit for impact as interested state bodies.

5. Environmental impact permits are issued for a period until changes in applied technologies require changes in environmental conditions specified in the current environmental permit, but not more than ten years.

## **Article 121. Content of an environmental impact permit**

1. An environmental impact permit is a standardized document containing:
  - 1) information about its owner (operator), object and types of activities carried out on it;
  - 2) validity period of the environmental impact permit;
  - 3) environmental conditions for the implementation of activities, including:
    - standards for emissions into the environment;
    - waste accumulation limits, waste disposal limits (if you have your own landfill);
    - waste management program;
    - industrial environmental control program, including requirements for industrial monitoring, including monitoring of the state of soils and groundwater;
    - action plan for environmental protection for the period of validity of the environmental impact permit;
    - other requirements for environmental protection specified in the conclusion on the environmental impact assessment (if any).
2. Forms of environmental impact permit forms and the procedure for filling them out are approved by the authorized body in the field of environmental protection.

## **Article 122. Application for an environmental impact permit**

1. An application for obtaining an environmental permit for impact is submitted in the prescribed form in electronic form to the body that issues an environmental permit for impact in accordance with paragraph 3 of Article 120 of this Code.
2. An application for an environmental impact permit shall be accompanied by:
  - 1) in relation to the planned activity - project documentation for the construction and (or) operation of objects of category I or II;
  - 2) a conclusion based on the results of an environmental impact assessment or a conclusion on the results of screening the impacts of the planned activity, containing a conclusion that there is no need to conduct a mandatory environmental impact assessment in the cases provided for by this Code;
  - 3) for types of activities that are not subject to mandatory environmental impact assessment - environmental assessment materials according to a simplified procedure;
  - 4) draft emission standards (for the operation of the facility);
  - 5) draft waste management program (for facility operation);
  - 6) draft program of industrial environmental control (for the operation of the facility);
  - 7) draft plan of measures for environmental protection for the period of validity of the environmental impact permit;
  - 8) draft standards for the placement of sulfur in open form on sulfur pads (during operations for the exploration and production of hydrocarbons).

3. The application form for obtaining an environmental permit for impact is approved by the authorized body in the field of environmental protection.

**Footnote. Article 122 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

### **Article 123. Terms of consideration and issuance of environmental permit for impact**

1. The authorized body in the field of environmental protection within a period of not more than five working days from the date of registration of an application for the issuance of an environmental permit for impact, and the local executive body within a period of not more than three working days from the date of registration of an application for the issuance of an environmental permit for impact, study the submitted documents for their completeness and completeness. During the specified period, the application is accepted for consideration or rejected due to incompleteness and (or) incompleteness of the submitted documents.

If the application is rejected due to incompleteness and (or) incompleteness of the submitted documents, the applicant is sent a refusal with a reasoned justification for the reasons for the rejection.

2. Applications accepted for consideration are considered for compliance with the requirements of this Code and, based on the results of consideration, the authorized body in the field of environmental protection within a period of not more than forty-five working days, and the local executive body within a period of not more than thirty working days from the date of registration of the application issue an environmental permission to influence or a reasoned refusal to issue it.

3. If there are comments on the application for the issuance of an environmental impact permit and (or) the documents attached to it, the state bodies issuing environmental impact permits shall send such comments to the applicant within:

twenty-five working days from the date of acceptance of the application for consideration  
- for objects of category I;

fifteen working days from the date of acceptance of the application for consideration - for objects of category II.

The submitted comments must be eliminated by the applicant within:

ten working days from the date of sending comments - for objects of category I;

five working days from the date of sending comments - for objects of category II.

4. If the remarks are not eliminated within the time limits specified in part two of paragraph 3 of this article, the applicant is given a reasoned refusal to issue an environmental impact permit.

If the comments are eliminated within the time limits specified in part two of paragraph 3 of this article, the applicant is issued an environmental impact permit.

#### **Article 124. Refusal to issue an environmental impact permit**

1. The grounds for refusal to issue environmental impact permits are the following cases:
  - 1) the information contained in the application and (or) the documents attached to it are unreliable;
  - 2) the application and (or) the documents attached to it do not comply with the requirements of the environmental legislation of the Republic of Kazakhstan and (or) the conclusion on the results of the environmental impact assessment or the conclusion on the results of screening the impacts of the proposed activity, containing the conclusion that there is no need to conduct a mandatory environmental impact assessment; Wednesday.
2. Disputes and disagreements in connection with the refusal to issue an environmental permit for impact are considered in the manner prescribed by the legislation of the Republic of Kazakhstan.

#### **Article 125. Plan of measures for environmental protection**

1. The action plan for environmental protection is an annex to the environmental impact permit and must contain a list of measures aimed at reducing the negative impact on the environment, necessary to ensure compliance with the established emission standards, limits on accumulation and disposal of waste, limits on the placement of sulfur in the open. on sulfur pads (during exploration and (or) production of hydrocarbons).
2. An action plan for environmental protection is developed in accordance with the rules for issuing environmental permits.
3. The operator annually submits a report on the implementation of the environmental protection action plan to the relevant authority that issued the environmental permit.

#### **SECTION 4. ECONOMIC REGULATION OF ENVIRONMENTAL PROTECTION Article 126. Types of mechanisms for economic regulation of environmental protection**

The types of mechanisms for economic regulation of environmental protection are:

- 1) payment for negative impact on the environment;
- 2) market mechanisms for managing emissions into the environment;
- 3) environmental insurance;
- 4) economic stimulation of activities aimed at protecting the environment;
- 5) market mechanisms for reducing emissions and absorption of greenhouse gases;
- 6) extended obligations of producers (importers).

#### **Article 127. Payment for negative impact on the environment**

1. Payment for the negative impact on the environment is charged for the following types of it:
  - 1) emissions of pollutants into the atmospheric air;

- 2) discharges of pollutants;
- 3) waste disposal;
- 4) open sulfur placement on sulfur pads.

2. Payment for the negative impact on the environment is carried out by the operator of the facility that has a negative impact on the environment.

3. Rates of payment for negative impact on the environment are established by the tax legislation of the Republic of Kazakhstan.

4. Payment for the negative impact on the environment within the limits established in the environmental permit, or the amount of emissions and buried waste declared by the object of category III in the declaration on the impact on the environment, is charged in the manner established by the tax legislation of the Republic of Kazakhstan.

5. Expenses for payment for the burial of solid municipal waste are taken into account when setting tariffs in the manner determined by the legislation of the Republic of Kazakhstan.

#### **Article 128. Market mechanisms for managing 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 on emissions into the environment, allocating quotas for emissions into the environment and approving the procedure for trading in quotas and obligations to reduce emissions into the environment.

2. Limits of emissions into the environment - the total standard volume of emissions into the environment, established for a calendar year within a certain territory (water area), under which there is no violation of environmental quality standards.

3. Quota for emissions into the environment - a part of the limit for emissions into the environment allocated to a specific person for one calendar year on a paid or free basis.

#### **Article 129. Ecological insurance**

1. The purpose of environmental insurance is to ensure the civil liability of a person to compensate for environmental damage caused by an accident.

2. It is not allowed to operate facilities included in the list of environmentally hazardous types of economic and other activities approved by the authorized body in the field of environmental protection without a contract of compulsory environmental insurance concluded by the operator.

Compulsory environmental insurance is carried out in accordance with the Law of the Republic of Kazakhstan "On Compulsory Environmental Insurance".

3. Voluntary environmental insurance is carried out by individuals and legal entities by virtue of their will. Types, conditions and procedure for voluntary environmental insurance are determined by agreements between insurers and insureds.

## **Article 130. Economic stimulation of activities aimed at protecting the environment**

1. Economic stimulation of activities aimed at protecting the environment is carried out through:

1) application in accordance with the tax legislation of the Republic of Kazakhstan of the coefficient 0 to the rates of payment for negative impact on the environment from the date of receipt of an integrated environmental permit;

2) a guaranteed purchase by the settlement and financial center for the support of renewable energy sources of electric energy produced by energy waste disposal facilities in accordance with the legislation of the Republic of Kazakhstan in the field of supporting the use of renewable energy sources;

3) organization of transfer and adaptation of "green" technologies, as well as assistance in attracting "green" investments;

4) provision of state support measures within the framework of "green" financing on the terms and in the manner established by the laws of the Republic of Kazakhstan;

5) provision of other measures of state support, determined by the laws of the Republic of Kazakhstan.

2. "Green" technologies are understood as environmentally friendly production technologies created on the basis of modern scientific achievements, taking into account the environmental, economic, social aspects of sustainable development, which cover the following areas and are aimed at:

1) production of non-toxic products in a closed cycle "production - disposal - new production";

2) maximizing waste reduction through innovation in technology and consumption patterns;

3) replacement of non-renewable natural resources with alternative renewable sources of raw materials and energy;

4) the introduction of biotechnologies in agriculture, animal husbandry and processing of agricultural products, the production of biological preparations for agriculture;

5) production of energy from renewable energy sources (solar energy, wind energy, hydro-, geothermal energy, biomass, hydrogen), reducing harmful emissions into the atmosphere, increasing the efficiency of fuel use, as well as the energy efficiency of buildings and household appliances;

6) the development of sustainable green spaces with a high absorption effect of greenhouse gases from the environment, aimed at mitigating the effects of climate change;

7) production of building materials that do not contain toxic and carcinogenic substances, using production and consumption waste.

Service operator of "green" technologies - a subordinate organization of the authorized body in the field of environmental protection, providing comprehensive services for



maintaining a register of "green" technologies and projects, commercialization and technological business incubation of "green" technologies, assistance in attracting "green" financing, in including investments and grants for the implementation of "green" projects, the implementation of information and analytical, legal, methodological, consulting and expert and analytical support on the issues of the "green economy", the organization of international cooperation and the exchange of experience under the Green Bridge Partnership Program.

For the introduction and implementation of projects of "green" technologies, "green" investments are attracted, including through grants and (or) investments from national development institutions, local budget funds and other sources of other organizations not prohibited by the legislation of the Republic of Kazakhstan.

The rules for recognizing technologies as "green" technologies are approved by the Government of the Republic of Kazakhstan.

3. "Green" financing means investments aimed at the implementation of "green" projects and attracted with the help of such instruments as "green" bonds, "green" loans and other financial instruments determined by the authorized body for regulation, control and supervision of the financial market and financial organizations.

“Green” projects include projects identified on the basis of an approved classification (taxonomy) aimed at improving the efficiency of using existing natural resources, reducing the level of negative environmental impact, increasing energy efficiency, energy saving, climate change mitigation and adaptation to climate change.

The classification of "green" projects to be financed through "green" bonds and "green" loans is developed by the authorized body in the field of environmental protection and approved by the Government of the Republic of Kazakhstan.

"Green" bonds are recognized as a debt instrument with a fixed income for raising money in order to finance the implementation of "green" projects.

"Green" loans are targeted loans aimed at financing the implementation of "green" projects.

## **SECTION 5. ENVIRONMENTAL DAMAGE Article 131. Environmental damage**

1. Environmental damage is recognized as damage caused to the components of the natural environment specified in Articles 133 , 134 and 135 of this Code, if there is no possibility of their natural restoration within a reasonable period of time to the basic state without taking remediation measures .

For the purposes of this section, the damage caused to the components of the natural environment means a directly or indirectly measurable negative change in the state of the components of the natural environment or a measurable deterioration in their consumer properties or useful qualities.

The base state is understood as the state of a component of the natural environment in which it would be if it had not suffered environmental damage.

2. Damage caused to the components of the natural environment specified in Articles 133 , 134 and 135 of this Code shall also be recognized as environmental damage in cases where the negative consequences referred to in paragraph 1 of this Article occur as a result of atmospheric air pollution or the transfer of pollutants from one environment to another.

3. Damage caused to the components of the natural environment specified in Articles 133 , 134 and 135 of this Code, located within specially protected natural areas and objects of the state natural reserve fund, regardless of the nature and scale of the damage caused to these components of the natural environment, is recognized as environmental damage .

4. Damage caused to state-owned natural resources (land, including soil, water, forest resources, subsoil resources, flora and fauna resources), including through their illegal use, seizure, damage or destruction, and not containing signs , specified in Articles 133 , 134 and 135 of this Code, is a property damage that is not related to the concept of environmental damage, and is subject to compensation in accordance with the legislation of the Republic of Kazakhstan on the relevant types of natural resources, as well as the civil legislation of the Republic of Kazakhstan.

#### **Article 132. Environmental harm to human life and (or) health**

1. Environmental harm to human life and (or) health is recognized as harm to the life and (or) health of individuals caused as a result of exposure to negative environmental consequences.

2. Environmental harm to human life and (or) health is subject to compensation in accordance with the civil legislation of the Republic of Kazakhstan.

#### **Article 133. Ecological damage to flora and fauna**

1. Any damage caused to the components of the natural environment, which has a significant negative impact on the achievement or preservation of a favorable state of animal and plant species and natural areas, is recognized as environmental damage to the animal and plant world.

The significance of the impact specified in part one of this paragraph is assessed taking into account the basic state of the components of the natural environment and other criteria established by the legislation of the Republic of Kazakhstan.

2. Damage to flora and fauna does not include previously identified negative impacts resulting from anthropogenic activities, which were expressly permitted by the authorized state bodies in accordance with the legislation of the Republic of Kazakhstan.

3. The natural area is understood as the area of habitation (growth) and development of a certain type of animal or plant world.

4. The state of natural habitats is understood as the totality of impacts to which a natural habitat and species of animals and plants usually living (growing) within its boundaries are

exposed and which in the long term may affect their natural distribution, structure and functionality, as well as the long-term survival of typical species animals and plants on the territory of the Republic of Kazakhstan or within their natural ranges.

The state of the natural habitat will be considered favorable if:

1) its natural boundaries and the territories covered within such boundaries are stable or expanding;

2) there is a specific structure and functions that are necessary for the long-term conservation of the natural range, and their conservation is expected in the foreseeable future;

3) the natural state of common species of animals and plants within the natural range is favorable in accordance with the criteria specified in paragraph 5 of this article.

5. The state of a species of flora and fauna is understood as a set of impacts to which the corresponding species is exposed and which may affect the long-term reproduction and number of populations in the territory of the Republic of Kazakhstan or within the boundaries of the natural range of this species.

The state of a species of flora and fauna is considered favorable if:

1) the dynamics of the abundance of the corresponding species shows that such a species retains its long-term status as a viable component of the natural range;

2) the natural number of species is not declining and is not expected to decline in the foreseeable future;

3) there is a natural area large enough to support populations and its conservation is expected in the long term.

#### **Article 134. Environmental damage to waters**

Any damage that has a significant negative impact on the ecological, chemical or quantitative state or ecological potential of surface and (or) groundwater, as defined in the environmental and (or) water legislation of the Republic of Kazakhstan, is recognized as environmental damage to waters.

#### **Article 135. Environmental damage to lands**

1. Environmental damage to land is pollution of land as a result of direct or indirect ingress of pollutants, organisms or microorganisms onto the surface or into the composition of the land or soil, which creates a significant risk of harm to public health.

2. Causing environmental damage to lands is also recognized as damage caused in the form of destruction of soils or other consequences that lead to their degradation or depletion, in accordance with the provisions of the land legislation of the Republic of Kazakhstan.

#### **Section 136. Obligation to Eliminate Environmental Damage**

1. In accordance with the “polluter pays” principle, a person whose actions or activity caused environmental damage is obliged to fully and at his own expense remediate the components of the natural environment that suffered environmental damage.

Bringing to administrative or criminal liability a person who caused environmental damage does not relieve such a person from civil liability, established by part one of this paragraph.

2. No one has the right to demand or receive monetary compensation for environmental damage, with the exception of reimbursement of expenses incurred by the state, represented by the authorized body in the field of environmental protection, for the implementation of restoration or remediation measures in accordance with paragraph 4 of Article 137 of this Code.

3. In order to bring an individual or legal entity to liability, established by part one of paragraph 1 of this article, the following conditions must be present simultaneously:

1) the possibility of identifying a specific person or persons whose actions or activities caused environmental damage;

2) the possibility of establishing a causal relationship between environmental damage and the actions or activities of the persons specified in subparagraph 1) of this paragraph;

3) environmental damage must be clearly defined and measurable.

4. The authorized body in the field of environmental protection applies to the court with claims for the elimination of environmental damage to individuals and legal entities that may be held liable in accordance with this article.

5. If the person carrying out or has been carrying out activities that resulted in environmental damage has ceased to exist, the responsibility for causing environmental damage shall be assigned to the legal successor of the specified person.

6. When privatizing property complexes belonging to category I or II objects, the state body authorized to carry out privatization ensures compliance with environmental requirements. The privatization of property complexes related to objects of category I or II is carried out taking into account the results of a mandatory check of the state of the components of the natural environment located in the area of possible impact of such an object of category I or II, for the presence of environmental damage, which should be provided for by the privatization plan and carried out with involvement of specialized organizations (accredited laboratories) and participation of the authorized body in the field of environmental protection.

Responsibility for environmental damage caused as a result of an action or activity preceding privatization is borne by the former owner of the privatization object - the state. The distribution or transfer of the obligation to eliminate such environmental damage to the new owner of the privatized property (object) in such cases is possible only with his consent.

7. In the event that the legal successor cannot be identified or has ceased to exist, the obligation to eliminate environmental damage shall be assigned to the person who was at the time of causing environmental damage or, if such infliction was of a long-term nature, at the

time of termination of the action or activity that caused environmental damage, the owner or land user of the land plot on which the person who caused environmental damage carried out the relevant actions or activities.

8. If the persons specified in paragraphs 5 and 7 of this article cannot be identified or have ceased to exist, the obligation to eliminate environmental damage shall be borne by the current owner or land user of the land plot on which the person who caused the damage carried out his activities, if the authorized body in the field of environmental protection proved in court that at the time of acquiring the rights to the specified land plot, such owner or land user was aware of the presence of environmental damage caused by actions or activities previously carried out on this land plot.

9. If it is impossible to identify or absent the persons specified in paragraphs 5, 7 and 8 of this article, within three years from the moment of establishing the fact of causing environmental damage, the obligation to eliminate environmental damage is assigned to the state. Carrying out the necessary measures to eliminate environmental damage is organized by the relevant local executive body of the region, city of republican significance, the capital in agreement with the authorized body in the field of environmental protection.

#### **Article 137. Identification of the fact of environmental damage and the person who caused environmental damage**

1. In case of detection of environmental damage by the person who caused such damage, such person is obliged:

1) within two hours from the moment of detection, inform the authorized body in the field of environmental protection about the potential fact of causing environmental damage, a preliminary assessment of its nature and scale;

2) no later than one working day after the discovery of the fact of causing environmental damage, start taking all necessary measures aimed at eliminating (stopping) the factors that caused it, as well as controlling, localizing and reducing environmental damage, in order to prevent greater environmental damage or harmful effects on the life and (or) health of the population and the environment;

3) comply with the requirements of the authorized body in the field of environmental protection to eliminate (suppress) the factors that caused environmental damage.

2. The authorized body in the field of environmental protection, if it establishes the fact of environmental damage:

1) take measures to identify the person who is responsible for the elimination of environmental damage in accordance with Article 136 of this Code;

2) within two working days after the identification of the person specified in subparagraph 1) of this paragraph, sends him a notice on the need to develop and agree with the authorized body in the field of environmental protection of the remediation program in accordance with Article 139 of this Code.

3. In case of evasion of the person, who is charged with the obligation to eliminate environmental damage, from the elimination of such environmental damage, the corresponding obligation shall be imposed on such person in a judicial proceeding at the suit of the authorized body in the field of environmental protection.

4. If the person who is responsible for the elimination of environmental damage does not comply with the court decision that has entered into legal force regarding remediation measures within the period established in the court decision, or if such person does not take timely measures to eliminate the consequences or remediation and such a delay leads to further significant environmental damage or significant harm to life and (or) health of people, the authorized body in the field of environmental protection has the right to independently carry out remediation measures and subsequently demand compensation for the costs incurred for the implementation of relevant measures.

5. In order to determine claims for the elimination of environmental damage, the authorized body in the field of environmental protection has the right to involve experts from other state bodies that regulate the use of relevant types of natural resources, as well as accredited laboratories and external independent experts on a contractual basis to study the caused environmental damage, assessment of its nature, scale, as well as the development of possible measures for remediation . The rules for attracting external independent experts, including the qualification criteria for them, are approved by the authorized body in the field of environmental protection.

### **Article 138. Remediation**

1. Remediation is a set of measures to eliminate environmental damage by restoring, reproducing a component of the natural environment that suffered environmental damage, or, if the environmental damage is completely or partially irreparable, replacing such a component of the natural environment.

2. Restoration of a component of the environment is the achievement of the basic state of the disturbed component of the natural environment.

3. The replacement of a component of the natural environment in this article means additional improvements created for protected species of wildlife and their ranges or for another component of the natural environment with similar or similar ecosystem services within the area subject to environmental damage, or within an alternative area, in accordance with paragraphs 5 and 6 of this article.

4. The person who is charged with the obligation to eliminate environmental damage shall carry out direct remediation of the environmental damage caused, which means measures to restore the components of the natural environment that have suffered environmental damage, or create conditions for their natural restoration within a reasonable time to the basic state.

5. If it is objectively impossible to fully achieve the goals of direct remediation , the person who is entrusted with the obligation to eliminate environmental damage, in addition,

in the part in which direct remediation is impossible, carries out alternative remediation , which means measures to protect and improve the environment in the territory of location components of the natural environment that suffered environmental damage, or creates conditions for the restoration of identical components of the natural environment, or performs other environmental protection measures on the territory located as close as possible to the place of environmental damage.

6. The person who is charged with the obligation to eliminate environmental damage, regardless of taking measures for direct and alternative remediation , takes additional measures to improve the territory where the components of the natural environment that suffered environmental damage are located, or the territory located as close as possible to such a territory, in order to replace ecosystem services that are temporarily unavailable due to environmental damage caused in the period from the moment of causing environmental damage to the complete restoration of the disturbed components of the natural environment ( compensating remediation ).

7. The authorized body in the field of environmental protection, in the event that it takes measures to remediate environmental damage in accordance with paragraph 4 of Article 137 of this Code, has the right to recover from the person who caused such environmental damage , all expenses incurred by the authorized body in the field of environmental protection for the relevant remediation measures .

In addition to the remediation costs specified in part one of this paragraph, the person who caused environmental damage must reimburse the state for reasonable expenses arising from environmental damage, including the costs of studying and assessing the nature and extent of environmental damage, determining the necessary measures on remediation , associated administrative costs, costs of legal assistance, enforcement proceedings, data collection, monitoring and control over the implementation of remediation measures .

### **Article 139. Remediation program**

1. The remediation program is a list of measures to eliminate the environmental damage caused. Recommendations on the content, timing, procedure for determining remediation measures depending on the nature of environmental damage, as well as the component of the natural environment that suffered environmental damage, are given in the guidance documents approved by the authorized body in the field of environmental protection.

2. The person who is entrusted with the obligation to eliminate the caused environmental damage, within one month from the date of receipt of the notification specified in subparagraph 2) of paragraph 2 of Article 137 of this Code, determines the necessary measures to eliminate such damage and submits for approval to the authorized body in the field of environmental protection remediation program. If there is a need for a longer period for conducting detailed studies necessary to develop a remediation program, taking into account the nature and scale of the environmental damage caused, the above period, in

agreement with the authorized body in the field of environmental protection, can be extended up to three months.

3. The authorized body in the field of environmental protection, within ten working days, considers the submitted remediation program, agrees on it or makes appropriate adjustments to it and sends the agreed remediation program to the person responsible for eliminating environmental damage.

4. In the event that the authorized body in the field of environmental protection approves the remediation program or the consent of the person responsible for the elimination of the caused environmental damage with the adjustments of the authorized body in the field of environmental protection, the parties shall approve the said remediation program.

The authorized body in the field of environmental protection, no later than ten working days from the date of approval of the remediation program, is obliged to place it on the official Internet resource.

5. In case of disagreement of the person responsible for the elimination of the caused environmental damage with the adjustments of the authorized body in the field of environmental protection or refusal of such a person to approve the remediation program, the corresponding obligation to approve the remediation program may be assigned to the person responsible for the elimination of the environmental damage caused, in a judicial proceeding at the suit of the authorized body in the field of environmental protection.

#### **Article 140. Implementation of the remediation program**

1. If the period for implementing the remediation program exceeds three months, the person responsible for eliminating the environmental damage caused shall send the status report on the implementation of the remediation program to the authorized body in the field of environmental protection at the end of every third month from the moment the program was started and place it on the Internet resource (if available).

The authorized body in the field of environmental protection annually, no later than December 1, posts information on the ongoing remediation on the official Internet resource .

2. Failure to perform or improper performance of the measures provided for by the remediation program within the established time limits, as well as untimely submission of a status report, entails liability under the laws of the Republic of Kazakhstan.

3. Based on the results of the completion of the remediation program , the person responsible for the elimination of the caused environmental damage and the authorized body in the field of environmental protection sign the act of completion of the remediation program . If the activities provided for by the remediation program have not been fully implemented, the authorized body in the field of environmental protection refuses to sign the act of completing the remediation program and agrees on additional deadlines for completing the remediation program .



4. If the implementation of the measures provided for by the remediation program did not lead to the achievement of the goals set by the program to eliminate the environmental damage caused, the person responsible for eliminating the environmental damage caused shall develop an additional remediation program within one month . The order of agreement and approval of the additional remediation program corresponds to the order of agreement and approval of the remediation program.

5. After the completion of the remediation program with the achievement of the goals set by the remediation program to eliminate the caused environmental damage, the person responsible for eliminating the environmental damage caused is responsible for periodic monitoring of the state of the restored components of the natural environment. The procedure, frequency and duration of such monitoring, as well as the reporting procedure, are approved by the authorized body in the field of environmental protection.

6. In the event that, based on the results of the monitoring, it is established that the target indicators of the implemented remediation program or the additional remediation program are not achieved , the person responsible for eliminating environmental damage is responsible for the development and implementation of the additional remediation program .

7. The results of the completed remediation program , as well as the results of monitoring, are subject to mandatory publication on the official website of the person responsible for the elimination of environmental damage, as well as on the website of the authorized body in the field of environmental protection. The publication of these results is carried out at the expense of the person responsible for the elimination of the environmental damage caused.

#### **Article 141. Limitation period for claims related to environmental damage**

The limitation period for claims related to the infliction of environmental damage is thirty years and is calculated from the moment of the event, action or inaction that caused the environmental damage. If the environmental damage was of a long-term nature, the limitation period is calculated from the end of the event, action or inaction that caused the environmental damage.

#### **SECTION 6. OBJECTS OF HISTORICAL POLLUTION Article 142. Historical pollution**

1. Historical pollution is the accumulated environmental damage caused to waters and (or) lands, which arose as a result of previous activities, including the totality of the impacts of various types of anthropogenic activities, the obligations to eliminate which were not fulfilled or were not fulfilled in full.

2. The objects of historical pollution are recognized as territories and water areas or their separate sections, where historical pollution has been identified, as well as ownerless capital construction facilities and storage or disposal of waste, which are a source of historical pollution.

## **Article 143. Identification, evaluation and accounting of objects of historical pollution**

1. Identification of objects of historical pollution is carried out through an inventory and survey of territories and water areas where anthropogenic activities were carried out in the past and (or) where ownerless capital construction facilities and (or) ownerless waste storage or disposal facilities are located.

2. The rules for identifying, assessing and accounting for objects of historical pollution, including maintaining the state register of objects of historical pollution, are approved by the authorized body in the field of environmental protection, taking into account the requirements of this Code (hereinafter - the rules for identifying, assessing and accounting for objects of historical pollution).

3. Identification and assessment of objects of historical pollution are organized by local executive bodies of districts, cities. By decision of the Government of the Republic of Kazakhstan, the authorized body in the field of environmental protection organizes the identification and assessment of individual objects of historical pollution.

To carry out work on the identification and assessment of objects of historical pollution, the state bodies specified in part one of this paragraph involve organizations licensed to perform work and provide services in the field of environmental protection, in accordance with the legislation of the Republic of Kazakhstan on public procurement.

4. Assessment of the object of historical pollution includes the establishment of:

- 1) volume or mass of pollutants, wastes by their types;
- 2) areas of territories and water areas or their sections, on which the object of historical pollution is located, categories and types of lands and waters allowed for use;
- 3) the level and scope of the negative impact on the environment, including the ability of pollutants to migrate to other components of the natural environment, the possibility of pollution of water bodies, including those that are sources of drinking and domestic water supply, the possibility of new environmental damage and harm to life, and (or) human health;
- 4) the presence at the site of historical pollution of hazardous substances specified in international treaties to which the Republic of Kazakhstan is a party;
- 5) the number of people living in the territory, the environment on which is negatively affected by the object of historical pollution;
- 6) the number of people living in the territory, the environment on which is under the threat of negative impact from the object of accumulated environmental damage.

5. Accounting for objects of historical pollution is carried out by including them in the state register of objects of historical pollution within a period not exceeding thirty working days from the date of receipt by the authorized body in the field of environmental protection from the state bodies specified in paragraph 3 of this article, the results of identifying and evaluating objects historical pollution.

The State Register of Historical Pollution Objects is an electronic data bank that collects information about identified objects of historical pollution, including information on the results of the assessment of objects of historical pollution in accordance with paragraph 4 of this article, their origin, property ownership of objects of historical pollution and the necessary work to eliminate historical pollution.

Maintenance of the state register of objects of historical pollution at the expense of budgetary funds is organized by the authorized body in the field of environmental protection.

6. Maintenance of the state register of objects of historical pollution includes:

1) consideration of materials for the identification and evaluation of objects of historical pollution;

2) making a decision on inclusion or refusal to include in the state register of objects of historical pollution;

3) categorization of objects of historical pollution;

4) updating information about the object of historical pollution;

5) exclusion from the state register of objects of historical pollution.

7. Categorization of objects of historical pollution is carried out in relation to objects of historical pollution included in the state register of objects of historical pollution.

The categorization of objects of historical pollution is carried out by comparing their impact on environmental safety in order to justify the priority and sequence of work to eliminate historical pollution, as well as the adoption of other urgent measures.

Based on the results of the categorization of objects of historical pollution, the authorized body in the field of environmental protection determines priority objects in respect of which the elimination of historical pollution, as well as the adoption of other urgent measures, must be carried out as a matter of priority, and the sequence of liquidation works in relation to other objects historical pollution included in the state register of objects of historical pollution

8. The state register of objects of historical pollution is placed in the public domain on the Internet resource of the authorized body in the field of environmental protection.

#### **Article 144. Elimination of historical pollution**

1. The liquidation of historical pollution is carried out in relation to objects of historical pollution included in the state register of objects of historical pollution, taking into account the priority and order defined in such a register.

2. Elimination of historical pollution is carried out in accordance with the rules approved by the authorized body in the field of environmental protection.

A report on the work carried out to eliminate historical pollution is published on the Internet resource of the authorized body in the field of environmental protection.

3. Elimination of historical pollution is organized by local executive bodies of districts, cities. By decision of the Government of the Republic of Kazakhstan, the elimination of

historical pollution in relation to individual objects is organized by the authorized body in the field of environmental protection.

Works on elimination of historical pollution include carrying out the necessary surveys, including engineering surveys, development of a project for the elimination of historical pollution, its coordination and approval, work on the elimination of historical pollution, control and acceptance of the work performed and further monitoring of the state of the environment.

To carry out work to eliminate historical pollution, the state bodies specified in part one of this paragraph shall involve organizations in accordance with the legislation of the Republic of Kazakhstan on public procurement.

4. Funding for the elimination of historical pollution is carried out at the expense of budgetary funds.

## **SECTION 7. ELIMINATION OF THE CONSEQUENCES OF ACTIVITIES AT FACILITIES THAT HAVE A NEGATIVE ENVIRONMENTAL IMPACT Article 145. General provisions on the liquidation of the consequences of activities at facilities that have a negative impact on the environment**

1. After the termination of the operation of objects that have a negative impact on the environment, the operators of the objects are obliged to ensure the elimination of the consequences of the operation of such objects in accordance with the requirements of the legislation of the Republic of Kazakhstan.

2. As part of the liquidation of the consequences of the operation of objects that have a negative impact on the environment, work must be carried out to bring land plots into a condition that ensures the safety of life and (or) human health, environmental protection and is suitable for their further use for their intended purpose, in the manner prescribed by the land legislation of the Republic of Kazakhstan, and also depending on the nature of such objects - on post- utilization of construction sites, liquidation of the consequences of subsoil use, liquidation and conservation of hydrogeological wells, closing of landfills and other places of storage and disposal of waste, including radioactive waste, measures to safe termination of activities for handling nuclear facilities and other works provided for by the laws of the Republic of Kazakhstan.

## **Article 146. Financing the liquidation of the consequences of the operation of facilities that have a negative impact on the environment**

1. Elimination of the consequences of the operation of objects that have a negative impact on the environment is carried out at the expense of the person who is the operator of such an object at the time of termination of the operation of the object.

2. In the cases provided for by this Code, the operator of the facility is obliged to provide financial security for the fulfillment of its obligations to eliminate the consequences of the

operation of facilities that have a negative impact on the environment. The provision of such security does not release the facility operator from the obligation to eliminate the consequences of the operation of facilities that have a negative impact on the environment.

**Article 147. Financial support of claims for obligations related to the liquidation of the consequences of the implementation of activities**

1. Operators of facilities of category I must provide the authorized body in the field of environmental protection with financial security for the fulfillment of their obligations to eliminate the consequences of the operation of such facilities, including with respect to requirements that will arise in the future (hereinafter referred to as financial security).

2. Financial support is carried out in favor of the Republic of Kazakhstan.

3. In case of non-fulfillment (improper fulfillment) by the operator of an object of category I of its obligations to eliminate the consequences of the operation of such an object within the time period established by the laws of the Republic of Kazakhstan, the amount of financial security provided is subject to recovery in favor of the Republic of Kazakhstan by the authorized body in the field of environmental protection, and in this case the corresponding obligations are fulfilled by the state at the expense of the recovered amount.

If the amount of financial security collected in favor of the Republic of Kazakhstan turns out to be insufficient to cover the costs of the relevant project for eliminating the consequences of the operation of a category I facility, the state has the right to receive the missing amount from the property of the operator of the relevant facility.

4. Financial security is provided in the form of:

- 1) guarantees;
- 2) pledge of a bank deposit;
- 3) pledge of property;
- 4) insurance.

5. Financial support must be provided three years after the commissioning of a Category I facility.

6. Financial security is provided in one of several types of financial security provided for in paragraph 4 of this article, or in their combination at the choice of the operator of the facility of category I, provided that the share of financial security in the form of a pledge of a bank deposit should be:

1) after ten years from the date of commissioning of the facility - at least fifty percent of the total amount of financial security;

2) after twenty years from the date of commissioning of the object - one hundred percent of the total amount of financial security.

7. Subject to compliance with the requirements of paragraph 6 of this article, the operator of an object of category I has the right to replace one type of financial security with another type, except for cases when the authorized body in the field of environmental protection has

levied execution on the replaced financial security in accordance with the legislation of the Republic of Kazakhstan.

8. The operator of an object of category I is obliged to ensure the availability of financial security continuously until the full fulfillment of all its obligations to eliminate the consequences of the operation of such an object.

9. The amount of financial security is determined in accordance with the methodology approved by the authorized body in the field of environmental protection, based on the estimated cost of work to eliminate the consequences of the operation of an object of category I and is subject to recalculation every seven years.

10. The cost of work to eliminate the consequences of the operation of a category I facility should include administrative and management costs, as well as costs for:

- 1) dismantling and demolition of capital structures (buildings, structures, complexes);
- 2) dismantling and removal of technological equipment;
- 3) recovery, recycling and (or) disposal of waste;
- 4) reclamation of disturbed lands;

5) monitoring the quality of surface and ground waters, atmospheric air, soil and vegetation conditions;

6) performance of other works to eliminate the consequences of the operation of an object of category I, provided for by the terms of the integrated environmental permit.

10-1. The cost of work to eliminate the consequences of the operation of operating Category I facilities should include the costs of decontamination, dismantling of equipment and demolition of structures that potentially have a negative impact on environmental components after operation is completed.

For capital construction facilities (buildings, structures, complexes), which are not included in the cost of works on liquidation of the consequences of the operation of facilities, plans for their re-profiling and (or) their other operation should be developed in accordance with the methodology approved by the authorized body in the field of environmental protection.

11. Financial security in accordance with this article is not required for:

1) objects of category I, in respect of which the subsoil user has provided security for the fulfillment of obligations to eliminate the consequences of subsoil use or a liquidation fund has been formed in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use;

2) landfills in respect of which the operator of such facilities has formed a liquidation fund in accordance with paragraph 16 of Article 350 of this Code.

12. It is prohibited to operate objects of category I without financial security provided in accordance with this Code, except for the cases provided for in paragraph 11 of this article.

In case of operation of an object of category I without financial support, the authorized body in the field of environmental protection applies to the court with a claim to suspend or prohibit the operation of such an object.

13. The transfer of an object of category I by an operator into the ownership or other legal use of a new operator does not relieve the previous operator from obligations to eliminate the consequences of the operation of the object, eliminate the environmental damage caused during such operation and the availability of financial security until such a new operator provides financial security in accordance with this articles.

14. If, for reasons beyond the control of the operator of an object of category I, the financial security provided by him ceased to meet the requirements of this Code or ceased, such an operator is obliged to provide new financial security within sixty calendar days that meets the requirements of this Code. If such a replacement is not made within the specified period, the operator is obliged to immediately suspend the operation of the corresponding category I facility. The resumption of operation of such an object of category I is allowed only after the provision of financial security that meets the requirements of this Code.

15. The procedure for accounting for the accepted financial security is determined by the authorized body in the field of environmental protection.

**Footnote. Article 147 as amended by the Law dated 08.07.2024 № 121-VIII (shall enter into force upon expiry of sixty calendar days after its first official publication).**

#### **Article 148. Application of a guarantee as financial security**

1. By virtue of a guarantee provided as financial security in accordance with the requirements of Article 147 of this Code, the guarantor undertakes to answer to the Republic of Kazakhstan within the amount of money determined in accordance with this Code, in case of non-performance (improper performance) by the operator of its obligations specified in paragraph 1 of Article 147 of this Code, within the period established by the laws of the Republic of Kazakhstan.

2. A second-tier bank of the Republic of Kazakhstan, a foreign bank or an organization whose shares are traded on the organized securities market may act as a guarantor. If the guarantor is a foreign bank or an organization whose shares are traded on the organized securities market, such guarantors must meet the conditions for the minimum individual credit rating in foreign currency, determined by the authorized body in the field of environmental protection.

3. The obligation of the bank under the guarantee issued by it in accordance with this article shall be terminated not earlier than the completion of the liquidation of the consequences of the operation of an object of category I.

4. The guarantee is provided in the Kazakh and Russian languages in accordance with the standard form approved by the authorized body in the field of environmental protection.

A guarantee issued by a foreign person may be drawn up in a foreign language with a mandatory translation into Kazakh and Russian, the accuracy of which must be certified by a notary.

5. The authorized body in the field of environmental protection accepts a guarantee agreement concluded in accordance with the civil legislation of the Republic of Kazakhstan as financial security.

To accept the guarantee, the operator of a category I facility submits to the authorized body in the field of environmental protection an application in the form approved by the authorized body in the field of environmental protection, with the guarantee agreement attached.

The authorized body in the field of environmental protection, no later than three working days from the date of registration of the application specified in part two of this paragraph, accepts the guarantee as financial security or refuses to accept it, notifying the applicant in writing or electronically within the same period.

6. The authorized body in the field of environmental protection refuses to accept a guarantee as financial security in one of the following cases:

1) the submitted guarantee agreement does not meet the requirements established by the legislation of the Republic of Kazakhstan;

2) the guarantor does not meet the requirements of paragraph 2 of this Article;

3) the guarantor has not previously fulfilled the requirement of the authorized body in the field of environmental protection to pay the amounts due, except for cases when such a requirement is recognized by the court as illegal in accordance with the legislation of the Republic of Kazakhstan.

#### **Article 149. Application of pledge of a bank deposit as financial security**

1. By virtue of a pledge of a bank deposit, the Republic of Kazakhstan (pledge holder) has the right, in case of non-fulfillment (improper fulfillment) by the operator (pledger) of an object of category I, of its obligations specified in paragraph 1 of Article 147 of this Code, within the time period established by the laws of the Republic of Kazakhstan, to receive satisfaction from the amount of the pledged bank deposit, predominantly over other creditors of the operator.

2. The subject of pledge in accordance with this article may only be a bank deposit placed in a second-tier bank of the Republic of Kazakhstan or a National Postal Operator.

3. The deposit can be made in tenge or foreign currency.

4. Re-pledge of a bank deposit that is financial security is prohibited.

5. The procedure for satisfying the claims of the pledgee in the event of liquidation of the operator of an object of category I, which is a legal entity, including its bankruptcy, is regulated by the civil legislation of the Republic of Kazakhstan.



6. The authorized body in the field of environmental protection accepts a pledge of a bank deposit as financial security on the basis of a bank deposit pledge agreement.

To conclude a bank deposit pledge agreement, the operator of a category I facility submits to the authorized body in the field of environmental protection an application in the form approved by the authorized body in the field of environmental protection, accompanied by a copy of the bank deposit agreement and a certificate of the availability of a bank deposit.

7. A bank deposit pledge agreement is concluded between the operator of a category I facility and (or) a third party as a pledger, an authorized body in the field of environmental protection as a pledgee and a second-tier bank of the Republic of Kazakhstan or a National Postal Operator in accordance with a standard bank deposit pledge agreement as financial security for the fulfillment of obligations to eliminate the consequences of exploitation of a category I facility approved by the authorized body in the field of environmental protection.

8. A bank deposit pledge agreement is concluded within ten business days from the date of receipt of an application from the operator of a category I facility to conclude a bank deposit pledge agreement.

9. The authorized body in the field of environmental protection no later than three working days from the date of conclusion of the bank deposit pledge agreement accepts such an agreement as financial security with the notification of the applicant in writing or electronic form within the same period.

**Footnote. Article 149 as amended by the Law of the Republic of Kazakhstan dated 28.12.2023 № 52-VIII (effective sixty calendar days after the date of its first official publication).**

### **Article 150. Application of pledge of property as financial security**

1. By virtue of a pledge of property, the Republic of Kazakhstan (mortgagor) shall have the right, in the event of non-fulfilment (improper fulfillment) by the operator (pledger) of an object of category I, of its obligations specified in paragraph 1 of Article 147 of this Code, within the time period established by the laws of the Republic of Kazakhstan, to levy execution on the pledged property preferentially over other creditors of the operator.

2. The procedure for satisfying the claims of the pledgee in the event of liquidation of the operator of an object of category I, which is a legal entity, including its bankruptcy, is regulated by the civil legislation of the Republic of Kazakhstan.

3. The authorized body in the field of environmental protection accepts property as a pledge as financial security on the basis of a property pledge agreement concluded in accordance with the civil legislation of the Republic of Kazakhstan.

To conclude a property pledge agreement, the operator of a category I facility submits to the authorized body in the field of environmental protection an application in the form approved by the authorized body in the field of environmental protection, with an appraiser's report on the assessment of the market value of the pledged property attached.

4. A property pledge agreement is concluded between the operator of an object of category I and (or) a third party as a pledger and the authorized body in the field of environmental protection as a pledgee in a standard form approved by the authorized body in the field of environmental protection.

A property pledge agreement is concluded within ten working days from the date of receipt of an application from the operator of a category I facility to conclude a property pledge agreement.

The market value of the subject of pledge as financial security is the value determined in the report on the valuation made under the agreement between the appraiser and the pledger in accordance with the legislation of the Republic of Kazakhstan on appraisal activities.

The appraiser's report on the appraisal of the market value of the pledged property must be drawn up no earlier than fifteen calendar days before the date the operator of the Category I facility submits an application to the authorized body in the field of environmental protection to conclude a property pledge agreement.

5. A property pledge agreement is concluded on the condition that the property pledged is insured against loss or damage.

6. The subject of pledge of property as financial security may be any property, with the exception of:

- 1) life support facilities;
- 2) seized property;
- 3) property on which restrictions are imposed by state bodies;
- 4) property encumbered with the rights of third parties;
- 5) property seized from civil circulation in accordance with the legislation of the Republic of Kazakhstan;
- 6) electrical, thermal energy and other types of energy;
- 7) perishable goods;
- 8) property rights, with the exception of cases of pledge of a bank deposit in accordance with Article 149 of this Code;
- 9) property located outside the Republic of Kazakhstan.

7. In case of non-compliance with the conditions established by paragraphs 5 and 6 of this article, the authorized body in the field of environmental protection refuses to conclude a property pledge agreement no later than ten working days from the date of submission by the operator of a category I facility of an application to the authorized body in the field of environmental protection to conclude property pledge agreements.

The authorized body in the field of environmental protection notifies the operator of an object of category I of the refusal to conclude a property pledge agreement no later than one working day from the date of such a decision.

8. When pledging property, the subject of collateral remains with the mortgagor, unless the authorized body in the field of environmental protection decides otherwise.

The mortgagor shall not have the right to dispose of the subject of pledge until the operator of the object of category I fulfills the obligations to eliminate the consequences of operation of the object of category I, secured by the property pledge agreement.

9. Registration of a pledge of property is carried out in accordance with the civil legislation of the Republic of Kazakhstan.

#### **Article 151. Application of an insurance contract as financial security**

1. To ensure its obligations to eliminate the consequences of operation of an object of category I, the operator of the object has the right to conclude an insurance contract with an insurance company, by virtue of which non-fulfillment or improper fulfillment by the operator of the object of obligations to eliminate the consequences of operation of an object of category I in the manner prescribed by the legislation of the Republic of Kazakhstan (insured event) entails the payment of the sum insured in favor of the Republic of Kazakhstan (the beneficiary).

2. The authorized body in the field of environmental protection accepts, as financial security, contracts concluded with insurance organizations that have a license for the right to carry out insurance activities.

The insurance contract specified in paragraph 1 of this article is concluded in accordance with the standard insurance contract as financial security for the fulfillment of obligations to eliminate the consequences of the operation of an object of category I, approved by the authorized body in the field of environmental protection in agreement with the authorized body for regulation, control and supervision financial market and financial organizations.

The object of the insurance contract as a financial security is the property interest of the operator of the object of category I, associated with the fulfillment of his obligations to eliminate the consequences of operation of the object of category I.

An insured event under an insurance contract as a financial security is the fact of non-fulfillment or improper fulfillment of obligations to eliminate the consequences of the operation of an object of category I within the period established by this Code.

In order to accept an insurance contract, the operator of an object of category I shall submit to the authorized body in the field of environmental protection an application in the form approved by the authorized body in the field of environmental protection, with an insurance contract attached.

The authorized body in the field of environmental protection, no later than three working days from the date of registration of the said application, accepts the insurance contract as financial security or refuses to accept it, notifying the applicant in writing or electronically within the same period.

3. The authorized body in the field of environmental protection refuses to accept the insurance contract as financial security in one of the following cases:

1) the presented insurance contract does not correspond to the standard insurance contract as financial security for the fulfillment of obligations to eliminate the consequences of the operation of a Category I facility;

2) the insurance company that concluded the insurance contract presented as financial security, on the day of registration of the application for accepting the insurance contract as financial security, did not earlier fulfill the requirement of the authorized body in the field of environmental protection for insurance payment, except for cases when such a requirement is recognized court illegal in accordance with the legislation of the Republic of Kazakhstan.

4. The requirement of the authorized body in the field of environmental protection for insurance payment is subject to unconditional and mandatory execution by the insurance company within two working days from the date of receipt of such a requirement. In case of non-fulfillment or violation of the deadlines for the fulfillment of the specified requirement, the insurance company shall bear responsibility established by the laws of the Republic of Kazakhstan.

## **SECTION 8. STATE MONITORING OF THE ENVIRONMENT AND NATURAL RESOURCES Article 152. Unified State System for Monitoring the Environment and Natural Resources**

1. The unified state system for monitoring the environment and natural resources is a multi-purpose system provided by the state that combines all systems, subsystems and types of monitoring operating in the Republic of Kazakhstan, covering directly or indirectly the issues of environmental protection, protection, reproduction and use of natural resources, protection life and (or) health of people from the impact of harmful factors of the natural and anthropogenic environment, as well as the impact of climate change and predicted impacts of climate change.

2. The unified state system for monitoring the environment and natural resources includes the following elements:

1) participants in the Unified State System for Monitoring the Environment and Natural Resources;

2) systems, subsystems and types of monitoring included in accordance with this Code in the structure of the Unified State System for Monitoring the Environment and Natural Resources;

3) information system "National data bank on the state of the environment and natural resources of the Republic of Kazakhstan".

3. The tasks of the Unified State System for Monitoring the Environment and Natural Resources are:

1) regular monitoring of the state of the environment and natural resources, the processes, phenomena and changes occurring in them, assessment, forecasting and control of such changes;

2) collection, accumulation, storage, accounting, systematization, generalization, processing and analysis of environmental monitoring data and natural resources;

3) ensuring interaction, coordination and information exchange between the participants of the Unified State System for Monitoring the Environment and Natural Resources in order to make managerial and economic decisions, as well as to perform functions within the competence established by the legislation of the Republic of Kazakhstan;

4) providing state bodies, individuals and legal entities with reliable and comparable information on the state of the environment, including the natural environment (its components, natural and natural-anthropogenic objects, natural complexes, biodiversity) and the anthropogenic environment, as well as on harmful factors of the natural and anthropogenic environment that affect the life and (or) health of people and the environment as a whole.

4. The functioning of the Unified State System for Monitoring the Environment and Natural Resources is carried out on the basis of a unified organizational, methodological, metrological and informational approach that ensures comparability of data and compatibility of information resources.

5. The Government of the Republic of Kazakhstan approves the rules for the organization and functioning of the Unified State System for Monitoring the Environment and Natural Resources, which must contain:

1) unified organizational, methodological, metrological and other requirements for the collection, accumulation, storage, accounting, systematization, generalization, processing and analysis of data from the Unified State System for Monitoring the Environment and Natural Resources;

2) the procedure for interaction and coordination of work processes between the participants of the Unified State System for Monitoring the Environment and Natural Resources;

3) the procedure for the formation and functioning of the information system "National data bank on the state of the environment and natural resources of the Republic of Kazakhstan", its structure and sources of information, as well as the rules, levels, procedure and conditions for access to it by participants in the Unified State System for Monitoring the Environment and Natural resources and other state bodies, individuals and legal entities.

6. Coordination of work processes between the participants of the Unified State System for Monitoring the Environment and Natural Resources is carried out by the authorized body in the field of environmental protection.

7. The exchange of information between the participants of the Unified State System for Monitoring the Environment and Natural Resources, including within the framework of the information system "National Data Bank on the State of the Environment and Natural Resources of the Republic of Kazakhstan", is carried out free of charge.

8. Observations over the state of the environment and natural resources within the framework of systems, subsystems and types of monitoring included in the structure of the Unified state system for monitoring the environment and natural resources are carried out, including with the use of the Earth remote sensing data.

**Footnote. Article 152 as amended by the Law of the Republic of Kazakhstan dated 21.12.2022 № 167-VII (shall be enforced ten calendar days after the date of its first official publication).**

### **Article 153. Participants of the Unified State System for Monitoring the Environment and Natural Resources**

The participants of the Unified State System for Monitoring the Environment and Natural Resources are:

- 1) the authorized body in the field of environmental protection;
- 2) specially authorized state bodies;
- 3) organizations authorized to carry out types of monitoring included in the structure of the Unified State System for Monitoring the Environment and Natural Resources;
- 4) individuals and legal entities that, in accordance with this Code, are obliged to exercise industrial environmental control.

### **Article 154. Structure of the Unified State System for Monitoring the Environment and Natural Resources**

1. The unified state system for monitoring the environment and natural resources includes the following monitoring systems:

- 1) environmental monitoring;
- 2) monitoring of natural resources;
- 3) special monitoring;
- 4) meteorological and hydrological monitoring;
- 5) monitoring of the state of the environment.

2. The rules for the organization and functioning of the Unified State System for Monitoring the Environment and Natural Resources, approved by the Government of the Republic of Kazakhstan, may include additional systems, subsystems and types of monitoring in the structure of the Unified State System for Monitoring the Environment and Natural Resources.

### **Article 155. National data bank on the state of the environment and natural resources of the Republic of Kazakhstan**

1. Accumulation, storage, systematization, integration and provision of automated data exchange, interaction and coordination of work processes between participants in the Unified

State System for Monitoring the Environment and Natural Resources, and also automation of providing access to information for individuals and legal entities, shall be implemented through the operation of the information system “National data bank on the state of the environment and natural resources of the Republic of Kazakhstan”.

2. Organization of the creation, functioning, maintenance and operation of the information system “National data bank on the state of the environment and natural resources of the Republic of Kazakhstan”, as well as coordination of all related work processes shall be exercised by the authorized environmental protection body.

3. The information system “National data bank on the state of the environment and natural resources of the Republic of Kazakhstan” should provide integration and automated data exchange of:

1) data banks of systems, subsystems and types of monitoring included in the structure of the Unified State System for Monitoring the Environment and Natural Resources;

2) state cadasters of natural resources;

3) the state cadastre of waste;

4) state climate cadastre;

5) state carbon cadastre;

6) state cadastre of consumption of ozone-depleting substances;

7) register of emissions and transfer of pollutants of the Republic of Kazakhstan;

8) the state register of environmental permits and environmental impact declarations;

9) register of business entities in the field of waste management;

10) the state register of historical pollution objects.

4. The system of software tools within the framework of the information system “National data bank on the state of the environment and natural resources of the Republic of Kazakhstan” enables the data accumulation, storage and processing on a single methodological basis, ensuring automated and efficient data exchange between its various levels, as well as state cadasters, registers, records, data banks of systems, subsystems and types of monitoring included in the structure of the Unified State System for Monitoring the Environment and Natural Resources.

5. Participants of the Unified State System for Monitoring the Environment and Natural Resources shall be liable, as prescribed by the laws of the Republic of Kazakhstan, for the accuracy of the data provided by them within the framework of the information system “National Data Bank on the State of the Environment and Natural Resources of the Republic of Kazakhstan”.

**Article 156. Conditions for access to the National Data Bank on the state of the environment and natural resources of the Republic of Kazakhstan**

1. Access to the information system “National data bank on the state of the environment and natural resources of the Republic of Kazakhstan” shall be provided subject to the following conditions:

1) the authorized environmental protection body, specially authorized state bodies and organizations authorized to conduct the types of monitoring included in the structure of the Unified State System for Monitoring the Environment and Natural Resources, have the right of unrestricted access to all information (primary data and information products) with the possibility of familiarization, copying and reproduction;

2) individuals and legal entities have the right of unrestricted access to all information products with the possibility of familiarization, copying and reproduction, with the exception of information constituting state secrets, commercial and other secrets protected by law.

2. Primary data shall mean the data obtained from the results of monitoring types and not subjected to generalization, processing or analysis. Raw production monitoring data, including the data obtained from the automated system for monitoring emissions into the environment, shall be classified as primary data.

3. Information products shall be understood as information resulting from the generalization, processing and analysis of primary data. Information products comprise analytical reports, certificates, reports, other documents of textual content, cartographic information, statistical forms and accounts, reports on industrial environmental control, as well as other information of an aggregated (statistical) nature.

4. Access to the information system “National data bank on the state of the environment and natural resources of the Republic of Kazakhstan” shall be provided on gratuitous basis.

#### **Article 157. Levels of the Unified State System for Monitoring the Environment and Natural Resources**

1. The Unified State System for Monitoring the Environment and Natural Resources is maintained at three levels:

1) at the local level, production monitoring, public monitoring and types of monitoring are carried out, organized by local executive bodies in specific areas of settlements, lands outside settlements, surface and underground water bodies, in specially protected natural areas;

2) at the regional level, types of monitoring are carried out within the administrative-territorial units, taking into account the physical, geographical and economic specifics of the regions, the presence of environmentally loaded zones and a complex of natural and anthropogenic factors that affect the state of the environment and the use of natural resources;

3) at the republican level the monitoring covers the entire territory of the Republic of Kazakhstan with the prominence, if necessary, of large regions and individual objects of national significance.



2. Activities in monitoring the environment and natural resources at all levels shall be carried out in compliance with the requirements established by the legislation of the Republic of Kazakhstan in the field of technical regulation, on ensuring the uniformity of measurements and on accreditation in the field of conformity assessment.

#### **Article 158. Financing of the Unified State System for Monitoring the Environment and Natural Resources**

1. The unified state system for monitoring the environment and natural resources shall be financed from budgetary funds and other sources not prohibited by the legislation of the Republic of Kazakhstan.

2. Financing of the Unified State System for Monitoring the Environment and Natural Resources at the expense of budgetary funds shall be focused on pursuit of the following activities:

- 1) creation and maintenance of the monitoring system functioning at the republican level;
- 2) creation of scientific and technical products to support the operation and development of systems, subsystems and types of monitoring, implementation of scientific and technical programs;
- 3) creation and maintenance of the monitoring system operation at the territorial level, creation of scientific and technical products for the purpose of its development;
- 4) creation and maintenance of the operation of the information system "National data bank on the state of the environment and natural resources of the Republic of Kazakhstan".

#### **Article 159. Environmental monitoring**

1. Environmental monitoring is a state-provided comprehensive system of observations, measurements, collection, accumulation, storage, accounting, systematization, generalization, processing and analysis of the obtained data relating to the environment quality, as well as the production of environmental information based on them.

2. Environmental monitoring shall be carried out on a systematic basis for the purposes of :

- 1) assessment of the environment quality;
- 2) determination and analysis of anthropogenic and natural factors of environmental impact;
- 3) forecast and control of changes in the state of the environment under the influence of anthropogenic and natural factors;
- 4) information support of state bodies, individuals and legal entities in making economic and management decisions aimed at protecting the environment, ensuring environmental safety and environmental foundations for sustainable development;

5) ensuring the right of all individuals and legal entities to access to environmental information.

3. The environmental monitoring objects are:

- 1) facilities specified in subparagraphs 2) - 8) of paragraph 6 of Article 166 of this Code;
- 2) groundwater quality;
- 3) the impact of categories I and II facilities on the environment;
- 4) the state of ecological systems and the ecosystem services they provide;
- 5) specially protected natural territories, including the natural course of natural processes and the impact of changes in the state of the environment on the ecological systems of specially protected natural territories;
- 6) the impact of climate change;
- 7) wastes and their management.

4. Environmental monitoring shall be based on:

- 1) observations and measurements conducted by the authorized environmental protection body and (or) specially authorized organizations in accordance with this Code;
- 2) observations and measurements conducted by specially authorized state bodies, other state bodies and organizations within their competence, determined by the laws of the Republic of Kazakhstan;
- 3) official statistical information produced in accordance with the legislation of the Republic of Kazakhstan in the field of state statistics;
- 4) information provided by state bodies at the request of the authorized environmental protection body or within the framework of the Unified State System for Monitoring the Environment and Natural Resources, as well as placed by state bodies in the public domain;
- 5) observations and measurements carried out by individuals and legal entities within the framework of mandatory industrial environmental control;
- 6) other information received by the authorized environmental protection body from state and non-state legal entities.

5. Persons who, in accordance with this Code, are obliged to perform industrial environmental control, shall ensure the collection, accumulation, storage, accounting, processing and free transfer of relevant data to the authorized environmental protection body for the environmental monitoring purposes.

6. Within the environmental monitoring, the authorized environmental protection body shall also collect and prepare data in fulfillment of the obligations of the Republic of Kazakhstan to provide environmental information in accordance with international treaties of the Republic of Kazakhstan.

#### **Article 160. Monitoring of natural resources**

1. Monitoring of natural resources is a set of systems, subsystems and types of monitoring of the state of natural resources types, organized by specially authorized state bodies in accordance with the laws of the Republic of Kazakhstan.

2. Monitoring of natural resources shall include:

1) monitoring of lands, conducted in accordance with the land legislation of the Republic of Kazakhstan;

2) state monitoring of water bodies, conducted in accordance with the water legislation of the Republic of Kazakhstan;

3) state monitoring of subsoil resources, conducted in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use;

4) state monitoring of forests, conducted in accordance with the forest legislation of the Republic of Kazakhstan;

5) monitoring of wildlife, conducted in accordance with the legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of wildlife;

6) state monitoring of flora, conducted in accordance with the legislation of the Republic of Kazakhstan in the field of protection, conservation, restoration and use of flora.

3. Monitoring data of natural resources shall be summarized in the relevant state cadasters in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 160 as amended by the Law of the Republic of Kazakhstan dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 161. Types of special monitoring**

1. Special monitoring shall include the following types:

1) monitoring of military test sites - a system for monitoring environmental pollution caused by the testing of military equipment, including missiles, and weapons on the territory of closed and operating military test sites;

2) monitoring of the Baikonur rocket and space complex - a system for monitoring the state of the environment in the territories affected by the rocket and space activities of the Baikonur complex, whose operation is organized by the authorized body in the field of space activities;

3) sanitary and epidemiological monitoring, conducted in accordance with the legislation of the Republic of Kazakhstan in the field of healthcare;

4) monitoring of the environmental situation in the ecological emergency zones and ecological disaster zones, conducted in accordance with Article 410 of this Code;

5) space monitoring - a system for observing the state of the environment using means of remote sensing of the Earth from space, the organization of the operation of which is conducted by the authorized body in the space activities in accordance with the legislation of the Republic of Kazakhstan in the field of space activities.

2. The organization of the types of special monitoring specified in subparagraphs 1) and 4) of paragraph 1 of this article shall be conducted by the authorized environmental protection body.

**SECTION 9. ACTIVITIES IN METEOROLOGICAL MONITORING, HYDROLOGICAL MONITORING AND ENVIRONMENTAL MONITORING Chapter 10. GENERAL PROVISIONS Article 162. Meteorological monitoring**

1. Meteorological monitoring is an activity in the field of meteorology, including observations, collection, processing, analysis, storage of data, production of meteorological and agro-meteorological information, including the preparation of meteorological and agro-meteorological forecasts, and provision of this information to state bodies, individuals and legal entities. Meteorological information is primary data obtained from the meteorological observation results, as well as operational, regime, climate and forecast information resulting from the processing and analysis of primary meteorological data.

2. Meteorological monitoring shall be carried out for the purpose of determining the state and development of natural meteorological parameters, atmospheric phenomena and processes in the atmosphere at their interaction with other components of the natural environment and to determine climatic characteristics in order to provide state bodies, individuals and legal entities with weather information, compiling short-term, medium-term, long-term meteorological, agro-meteorological forecasts and storm warnings about the possibility of hazardous and natural meteorological phenomena (including avalanches).

3. Producers of meteorological information are the National Hydrometeorological Service, air navigation service providers, departmental meteorological services of the Armed Forces of the Republic of Kazakhstan, legal entities, as well as individual entrepreneurs engaged in the production of meteorological information.

**Article 163. Hydrological monitoring**

1. Hydrological monitoring is an activity in the field of hydrology, including observations of the regime and condition of surface water bodies, collection, processing, analysis, storage of data, production of hydrological information, including preparation of hydrological forecasts, and provision of this information to state bodies, individuals and legal entities. Hydrological information is primary data obtained from the results of hydrological observations, as well as regime, operational and forecast information, resulting from processing and analysis of primary hydrological data.

2. Hydrological monitoring shall be conducted on a regular and (or) periodic basis in order to collect data on the state and regime of rivers, lakes, seas, reservoirs, canals, other

surface water bodies and also include observations on snow and precipitation routes in the mountains, carried out to determine the snow reserves in the mountainous parts of the river basins.

3. Producers of hydrological information are the National Hydrometeorological Service, legal entities, as well as individual entrepreneurs engaged in the production of hydrological information.

#### **Article 164. Monitoring of the state of the environment**

1. Monitoring of the state of the environment is an activity that includes observations, collection, storage, accounting, systematization, generalization, processing and analysis of data, assessment of the state of environmental pollution, production of information on the state of environmental pollution, including forecast information, and provision of the indicated information to state bodies, other individuals and legal entities.

Information on the state of environmental pollution is primary data resulting from monitoring the state of the environment, as well as information resulting from the processing and analysis of such primary data.

Monitoring of the state of the environment shall be conducted on a regular and (or) periodic basis in order to collect data on the state of pollution of individual environmental protection objects.

2. Producers of information on the state of the environment are the National Hydrometeorological Service, legal entities, as well as individual entrepreneurs producing information on the state of environmental pollution.

#### **Article 165. Rights and obligations of producers of meteorological and (or) hydrological information and (or) information on the state of the environment**

1. Producers of meteorological and (or) hydrological information and (or) information on the state of the environment shall have the right to:

1) carry out observations and measurements in the field of meteorological and (or) hydrological monitoring and (or) monitoring of the state of the environment, production of information or perform certain works and provide services that constitute these types of monitoring, in accordance with this Code and other laws of the Republic of Kazakhstan;

2) accept payment for the provision of information in accordance with this Code and other laws of the Republic of Kazakhstan or a contract for the provision of services.

2. Producers of meteorological and (or) hydrological information and (or) information on the state of the environment shall be obliged to:

1) comply with the requirements of this Code in the production of meteorological and (or) hydrological information and (or) information on the state of the environment and (or) performance of certain works and provision of services;

2) carry out activities in accordance with the legislation of the Republic of Kazakhstan in technical regulation, on ensuring the uniformity of measurements and on accreditation in the field of conformity assessment.

Producers of meteorological and (or) hydrological information and (or) information on the state of the environment in accordance with the laws of the Republic of Kazakhstan may have other rights and obligations.

3. Producers of meteorological information shall provide on gratuitous basis the received meteorological information to the National Hydrometeorological Service in accordance with the plans for the provision of information approved by the National Hydrometeorological Service in agreement with the producer of meteorological information, which determine the list of meteorological information provided, the timing, type and methods of its provision.

The rules for providing information to the National Hydrometeorological Service shall be approved by the authorized environmental protection body.

4. Activities in the meteorological monitoring shall be carried out in the Republic of Kazakhstan, subject to sending a notification to the authorized environmental protection body in accordance with the legislation of the Republic of Kazakhstan on permits and notifications.

The National Hydrometeorological Service, air navigation service providers, the Armed Forces of the Republic of Kazakhstan shall not be subject to inclusion in the state register of producers of meteorological information, and when they perform activities in the field of meteorological monitoring, the requirement to direct a notification in accordance with the legislation of the Republic of Kazakhstan on permits and notifications shall not apply to them.

The rules for maintaining the state register of meteorological information producers shall be approved by the authorized environmental protection body.

5. Producers of meteorological information must comply with the following requirements:

- 1) performing state registration as a legal entity or individual entrepreneur;
- 2) availability on the ownership right or on other legal basis of equipment and measuring instruments required for the implementation of the planned activity;
- 3) availability of qualified personnel.

6. State control over compliance with the procedure for organizing and conducting meteorological monitoring by producers of meteorological information, with the exception of the activities of the National Hydrometeorological Service, air navigation service providers, and the Armed Forces of the Republic of Kazakhstan, is carried out by the authorized body in the field of environmental protection in the form of verification and preventive control with a visit to the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

**Footnote. Article 165 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

## **Chapter 11. NATIONAL HYDROMETEOROLOGICAL SERVICE Article 166. State monopoly in the field of meteorological, hydrological and environmental monitoring**

1. The National Hydrometeorological Service shall ensure monitoring of the state of the environment, meteorological and hydrological monitoring using the state observation network, which includes provision of services of national and international significance, of special purposes and preparation of specialized information.

Activities in meteorological and hydrological monitoring and monitoring of the state of the environment, including provision of services of national and international significance, of special purposes and preparation of specialized information using the state observation network, shall be the state monopoly domain and carried out by the National Hydrometeorological Service, a legal entity established by resolution of the Government of the Republic of Kazakhstan in the organizational and legal form of a republican state enterprise with the right of economic management.

Services of national and international significance – shall be understood as services that are important for the security of the population and the state, sustainable functioning of economy and social sphere, provided with the use of the state observation network.

Special purpose services shall mean the services in meteorological and hydrological monitoring, monitoring of the state of the environment, unrelated to services of national and international significance and provided with the use of data from the state observation network on the basis of non-gratuitous contracts for the services rendering.

Specialized information shall mean targeted information resulting from the provision of special-purpose services using data from the state observation network.

2. The National Hydrometeorological Service shall exercise its activities in accordance with the requirements of instructional guidance documents for conducting meteorological, hydrological monitoring, monitoring of the state of the environment using the state observation network, approved by the National Hydrometeorological Service in agreement with the authorized environmental protection body.

3. The authorized environmental protection body shall organize activities for conducting meteorological and hydrological monitoring, monitoring of the state of the environment, which is associated with provision of services of national and international significance.

Prices for goods (works, services) produced and (or) sold by a state monopoly entity shall be set by the authorized environmental protection body in agreement with the antimonopoly body.

4. Services of national and international significance in the field of meteorological monitoring:

1) surface meteorological, actinometric, agrometeorological, aerological, radar-location, ozonometric observations, collection, processing, storage, analysis of received meteorological data and preparation of storm meteorological information, meteorological and

agrometeorological forecasts, meteorological information of general purpose, including directories, bulletins, references, regime information and other meteorological information, as well as providing this information to state bodies, other organizations and individuals in the established procedure;

- 2) maintenance of the state climate cadastre and the state hydrometeorological fund;
- 3) provision of meteorological information for international exchange;
- 4) climate monitoring, including its change.

The state climate cadastre is a systematized set of data based on meteorological information on the totality of atmospheric conditions, including air temperature, cloudiness, atmospheric phenomena, wind direction and speed, precipitation and other atmosphere properties and underlying surface, characteristic of certain territories, and formed basing on a climate database of meteorological data over a multi-year period.

The rules for maintaining the state climate cadastre, as well as composition of the data of the state climate cadastre and the procedure for providing state bodies, other organizations and individuals with its data, shall be approved by the authorized environmental protection body.

State hydrometeorological fund shall mean a set of documented hydrological and meteorological information to be stored in accordance with the legislation of the Republic of Kazakhstan for the purpose of its use.

The rules for maintaining the state hydrometeorological fund shall be approved by the authorized environmental protection body.

#### 5. Services of national and international significance in hydrological monitoring:

1) observations on rivers, lakes (seas), reservoirs, canals and other surface water bodies, collection, processing, analysis of the obtained hydrological data and preparation of hydrological short-term, long-term forecasts, including those with a lead time of five to seven days and the possibility of clarification every three days in the spring season, and issuance of storm warnings about the possibility and fact of the occurrence of dangerous and natural hydrological phenomena;

2) preparation of general-purpose hydrological information, including directories, bulletins, references, as well as providing this information to state bodies, other organizations and individuals in the established procedure;

3) preparation of data for maintaining the state water cadastre under the section "Surface waters" based on the hydrological monitoring findings;

4) provision of hydrological information for international exchange in accordance with the established procedure.

#### 6. Services of national and international significance in the environmental monitoring:

1) observation, collection, processing, analysis of data on the state of pollution of environmental protection objects provided for in subparagraphs 2) - 8) of this paragraph, preparation of general-purpose information on the state of environmental pollution, including



bulletins and reference information, as well as provision of state bodies, other organizations and individuals with this information in accordance with the established procedure;

2) monitoring of atmospheric air pollution - a system for monitoring the state of atmospheric air in residential areas;

3) monitoring of atmospheric precipitation pollution - a system for observing the chemical composition of atmospheric precipitation and snow cover in residential areas;

4) monitoring of water pollution - a system of surface water pollution monitoring in coastal zones;

5) monitoring of soil pollution - a system for monitoring pollutants concentrations in the soils of residential areas;

6) radiation monitoring - a system for monitoring man-made and natural radioactive contamination in residential areas;

7) monitoring of transboundary pollution - a system of observations carried out within the framework of international cooperation with border states for the pollution of transboundary surface waters and coastal soils of transboundary rivers;

8) background monitoring - a system for observing the state of the atmosphere and other environment in their interaction with the biosphere using a specialized network of stations for complex background monitoring of the environment;

9) provision of information on the state of the environment for international exchange in the established procedure.

7. The National Hydrometeorological Service represents the Republic of Kazakhstan on issues of hydrological, meteorological activities and activities in monitoring of the state of the environment in cooperation with international organizations, foreign persons and hydrometeorological services of other states, unless otherwise provided by the laws of the Republic of Kazakhstan.

8. The National Hydrometeorological Service is part of the state system of civil protection and undertakes its activities in the event of emergency situations in accordance with the legislation of the Republic of Kazakhstan on civil protection.

#### **Article 167. State observation network**

1. The state observation network is a system of interconnected stationary and mobile observation points, which are under the economic jurisdiction of the National Hydrometeorological Service, designed to observe the physical and chemical processes taking place in the environment, determine its meteorological, hydrological characteristics and the state of environmental pollution.

In order to obtain reliable information, security zones shall be established around the stationary observation points of the state observation network.

The procedure for establishing and marking the buffer zones' boundaries shall be based on the regulation on stationary observation points and observation points for the state of

atmospheric pollution of the state observation network, approved by the authorized environmental protection body.

2. On land plots through which run the routes or passage to stationary observation points of the state observation network, servitudes may be established as prescribed by the land legislation of the Republic of Kazakhstan.

3. Land plots of base (reference) stationary observation points of the state observation network shall not be subject to withdrawal. Land plots of stationary observation points can be withdrawn for state needs only in exceptional cases, while the transfer is carried out at the expense of the persons initiating such transfer, in agreement with the authorized environmental protection body and the National Hydrometeorological Service.

4. The base station for observations of the state observation network is an observation point that enables the study of multiyear tendencies in climate change, agrometeorological characteristics, hydrological state of land and sea water bodies, geophysical processes under the influence of changing climatic conditions and economic activity.

5. The number of observation points for the state of atmospheric pollution of the state observation network shall be determined depending on the population, terrain, and the actual pollution level.

6. The location (placement) of newly opened or to be transferred stationary observation points and observation points for the state of atmospheric pollution of the state observation network shall be determined by the decision of the National Hydrometeorological Service in agreement with the authorized environmental protection body and local executive bodies.

The activities of stationary observation points and observation points for the state of atmospheric pollution of the state observation network shall be terminated by the decision of the National Hydrometeorological Service in agreement with the authorized environmental protection body.

Organization of the activities of the state observation network shall be performed by the National Hydrometeorological Service.

7. The state observation network, including land plots and parts of water areas allotted for it, as well as property, shall be exclusively in state ownership, under state protection and shall not be subject to privatization.

#### **Article 168. Financing of the National Hydrometeorological Service**

The National Hydrometeorological Service shall be financed at the expense of budgetary funds and other sources in accordance with the current legislation of the Republic of Kazakhstan.

#### **Article 169. Conditions for providing information by the National Hydrometeorological Service**

1. The procedure for providing meteorological, hydrological and environmental information shall be governed by the rules for providing information by the National Hydrometeorological Service, approved by the authorized environmental protection body.

2. Provision of hydrometeorological information to the Armed Forces of the Republic of Kazakhstan, the governing bodies of the state civil protection system, the authorized agro-industrial complex development body shall be carried out by the National Hydrometeorological Service as part of the provision of services of national and international significance.

3. The National Hydrometeorological Service shall have the right to provide other services to state bodies using data obtained by observations using the state observation network, as prescribed by the legislation of the Republic of Kazakhstan.

## **SECTION 10. STATE CADASTRES OF NATURAL RESOURCES OF THE REPUBLIC OF KAZAKHSTAN Article 170. General provisions on the Unified system of state cadasters of natural resources of the Republic of Kazakhstan**

1. The Unified System of State Cadasters of Natural Resources of the Republic of Kazakhstan (hereinafter the Unified System of Cadasters) is created and maintained as an intersectoral information system that unites all types of state cadasters of natural resources of the Republic of Kazakhstan in order to ensure a unified nationwide comprehensive accounting and assessment of the natural and economic potential of the Republic of Kazakhstan.

2. State cadasters of natural resources are a systematized body of information on the quantitative and qualitative indicators of natural resources and operate in the manner prescribed by this Code and other laws of the Republic of Kazakhstan.

3. The objects of the Unified System of Cadasters are constituent parts of the environment : land, water, forest, soil, subsoil, flora and fauna in their interaction.

4. Maintenance of the Unified System of Cadasters shall be organized by the authorized environmental protection body together with specially authorized state bodies that monitor the relevant types of natural resources based on the data on the state and use of natural resources.

The Unified cadastre system is maintained by a subordinate organization of the authorized body in the field of environmental protection.

The rules for maintaining the Unified System of Cadasters shall be approved by the authorized environmental protection body.

5. The systems of state cadasters of natural resources shall contain digital documentary information on each accounting cadastral object about its condition, indicating the geographical reference and organizational and legal form.

6. The main principles of maintaining the Unified System of Cadasters shall be:

- 1) unity of technology for processing and providing cadastral information;
- 2) application of automated information and communication technologies;

- 3) objectivity of the information replenishment and updating;
- 4) public availability of information contained in the Unified System of Cadasters, except for information constituting state secrets and other secrets protected by law.

**Footnote. Article 170 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 171 Structure and content of the Unified system of cadastres**

The structure of the Unified System of Cadasters comprises the following accounting items, monitoring on which shall be conducted by the following specially authorized state bodies and organizations:

- 1) on the state land cadastre - by the central authorized body in the field of land management and the State Corporation “Government for Citizens”;

- 2) on the state water cadastre (surface and underground water bodies, use of water resources) - by authorized bodies in state environmental protection, use and protection of the water reserves, the study of subsoil nationwide, and their territorial bodies - within the river basins and administrative-territorial units;

- 3) on the state forestry cadastre - by the authorized state body in forestry nationwide, and its territorial bodies - within the administrative-territorial units;

- 4) on the unified cadastre of the state subsoil fund - by the authorized state body for the study of subsoil nationwide, and its territorial bodies - within the administrative-territorial units;

- 5) on the state cadastre of specially protected natural areas - by the authorized state body in the field of specially protected natural areas nationwide, and its territorial bodies - within the administrative-territorial units;

- 6) on the state fauna cadastre - by the authorized state body in the field of protection, reproduction and use of the animal world nationwide, and its territorial bodies - within the administrative-territorial units;

- 7) according to the state cadastre of flora – by the authorized body in the field of protection, conservation, restoration and use of flora as a whole in the republic, and by the territorial bodies of the department of the authorized body in the field of protection, conservation, restoration and use of flora – within administrative-territorial units.

**Footnote. Article 171 as amended by the Law of the Republic of Kazakhstan dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 172. Provision of information**

1. The results of objects accounting and registration obtained within the framework of maintaining natural resources cadasters shall be transferred by specially authorized state bodies to the information system of the authorized environmental protection body on gratuitous basis in accordance with the rules for maintaining the Unified System of Cadasters.

2. Data on an object entered in the Unified System of Cadasters must include:

1) reporting materials, object passport, approved by specially authorized state bodies, and statistical information;

2) cartographic material on the spatial position of the object and other data necessary for a comprehensive assessment of the territory.

3. The authorized environmental protection body shall be obliged to provide access to the information contained in the cadasters to specially authorized state bodies that monitor the relevant types of natural resources.

## **SECTION 11. ENVIRONMENTAL CONTROL Chapter 12. STATE ENVIRONMENTAL CONTROL Article 173. State environmental control**

1. State environmental control is the scope of the authorized environmental protection body's activity, aimed to ensure compliance by individuals and legal entities with the requirements of the environmental legislation of the Republic of Kazakhstan.

2. State environmental control shall be carried out in the following areas:

1) compliance with the provisions of this Code in the field of environmental protection;

2) compliance with environmental requirements in the field of specially protected natural areas;

3) compliance with environmental requirements during conservation and liquidation of the consequences of subsoil use operations, reclamation of disturbed lands;

4) fulfillment of extended obligations of producers (importers);

5) fulfillment by the operator of the extended obligations of producers (importers) of the requirements defined by this Code;

6) compliance with qualification requirements and rules for pursuing licensed types of activities in the environmental protection, as well as activities in respect of which a notification procedure has been established;

7) compliance by local executive bodies with the requirements of the environmental legislation of the Republic of Kazakhstan for public services rendering in the field of environmental protection.

### **Article 174. Forms of state environmental control**

1. State environmental control shall be conducted in the following forms:

1) preventive control without visiting the subject (object);

2) preventive control with a visit to the subject (object);

3) inspections.

2. The procedure for conducting state environmental control is established by the rules of this Code and the Entrepreneurial Code of the Republic of Kazakhstan.

Forms of documents relating to the organization and conduct of state environmental control, except for cases provided for by the Entrepreneurial Code of the Republic of Kazakhstan, shall be developed and approved by the authorized environmental protection body.

3. Preventive control without visiting the subject (object) of control is carried out by the authorized body in the field of environmental protection by analyzing data obtained from the mass media and an automated system for monitoring emissions into the environment, documentation and reporting submitted to the authorized body in the field of environmental protection.

At the same time, the results of the analysis of publications in the media about violations or risks of violations in the field of environmental protection, directly affecting the living conditions of the population in a certain area, including in places of mass recreation, conclusions based on the results of post-project analysis, as well as data from the automated monitoring system of emissions into the environment on significant exceedances of emission standards of pollutants into the environment may be the basis for preventive control with a visit to the subject (object) of control or an unscheduled inspection in accordance with paragraph 3 of Article 146 of the Entrepreneurial Code of the Republic of Kazakhstan.

The grounds for conducting preventive control with a visit to the subject (facility) or an unscheduled inspection based on the analysis results of data from the automated system for monitoring emissions into the environment shall be determined by the rules approved by the authorized environmental protection body, which provide for the procedure for processing, transferring, storing and using data from an automated system for monitoring emissions into the environment in accordance with paragraph 4 of Article 186 of this Code.

4. The objectives of preventive control without visiting the subject (object) under control are timely suppression and prevention of violations of the environmental legislation of the Republic of Kazakhstan, providing the subjects under control with the right to independently eliminate violations identified by the authorized environmental protection body based on the findings of preventive control without visiting the subject (object) of control.

5. In the event of violation of the environmental legislation of the Republic of Kazakhstan detected through preventive control without visiting the subject (object) under control by executives of the authorized environmental protection body, exercising state environmental control, an information letter shall be drawn up and directed to the subject of control within ten working days from the date of detected violation.

6. An information letter sent by one of the following methods shall be deemed delivered to the subject of control in the following cases:

1) by mail messenger - from the date of the note in the information letter on receipt;

2) by mail or courier service - from the receipt registration date;

3) electronically - from the date of sending to the electronic address of the subject of control indicated in the letter at the request of the authorized environmental protection body.

7. The subject under control, which received an information letter on the elimination of violations of the environmental legislation of the Republic of Kazakhstan, identified in preventive control without visiting the subject (object) of control, shall be obliged, within ten working days from the day following its delivery date, to submit to the authorized environmental protection body an action plan for eliminating the identified violations with an indication of specific deadlines for their elimination.

8. In case of disagreement with the violations indicated in the information letter, the subject of state environmental control shall have the right to direct objections to the information letter to the authorized environmental protection body within ten working days from the day following the date of receipt of such a letter.

9. Failure to eliminate violations within the established term, identified in preventive control without visiting the subject (object) of control, as well as failure to submit an action plan for eliminating the violations on time shall be grounds for including the relevant subject (object) in the list of preventive control with a visit to the subject (object) of control.

**Footnote. Article 174 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication); dated 21.05.2024 № 86-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 175. Enforcement of orders during state environmental control**

1. When a violation of the requirements of the environmental legislation of the Republic of Kazakhstan is revealed, the executives exercising state environmental control shall issue orders to individuals and legal entities to eliminate such a violation.

2. The procedure for drawing up an order and its content are established by the Entrepreneurial Code of the Republic of Kazakhstan.

3. The obligation of the subject under state environmental control to comply with the order to eliminate the identified violations shall be enforced by penalties accrued to the state revenue.

Penalty shall be accrued for each working day in the amount of ten monthly calculation indices for legal entities that are large-sized businesses.

The fine is accrued from the moment of expired minimum period for the execution of the order to eliminate the identified violations, provided for by the Entrepreneurial Code of the Republic of Kazakhstan.

4. The demand for the payment of a penalty fee shall be issued by executives of the state environmental control only in case of delay in the execution of the order to eliminate the identified violations. In the event that the subject of state environmental control fails to pay

the accrued penalty interest on a voluntary basis within ten working days from the date of issuing the relevant request, the accrued penalty fee shall be collected by the state environmental control executives through court.

**Article 176. Determining economic benefit amount received as a result of breaching the requirements of the environmental legislation of the Republic of Kazakhstan, in the exercise and conduct of state environmental control**

1. To exclude and prevent repeated breaches of the environmental legislation requirements of the Republic of Kazakhstan, the executives exercising state environmental control, in cases provided for by the Code of the Republic of Kazakhstan on Administrative Infractions, when conducting state environmental control, shall determine the amount of economic benefit received by the state environmental control subject as a result of breaking the environmental legislation requirements of the Republic of Kazakhstan.

2. The economic benefit received by the state environmental control subject as a result of breaking the environmental legislation requirements of the Republic of Kazakhstan is an advantage to the state environmental control subject in the form of saving funds or receiving income (revenue) as a result of breached requirements of the environmental legislation of the Republic of Kazakhstan.

3. Executives exercising state environmental control, within a month from the date of establishing the fact that the state environmental control subject committed a violation of the environmental legislation requirements of the Republic of Kazakhstan, entailing the imposition of a fine, expressed as a percentage of the economic benefit amount, shall collect and analyze materials, demand from such subject of control the necessary information for this and determine the economic benefit amount received as a result of breached requirements of the environmental legislation of the Republic of Kazakhstan.

4. The amount of economic benefit in the form of receipt by the state environmental control subject of income (revenue) is determined in the event of a negative impact on the environment by an object newly put into operation without an environmental permit or operated without an environmental impact declaration.

In other cases, the economic benefit amount is determined in the form of saving funds by the state environmental control subject as a result of breached environmental legislation of the Republic of Kazakhstan.

The methodology for determining the economic benefit amount received as a result of breaching the environmental legislation requirements of the Republic of Kazakhstan shall be developed and approved by the authorized environmental protection body.

**Article 177. Executives exercising state environmental control**

1. The executives exercising state environmental control shall include:



- 1) Chief state environmental inspector of the Republic of Kazakhstan;
- 2) deputy chief state environmental inspector of the Republic of Kazakhstan;
- 3) senior state environmental inspectors of the Republic of Kazakhstan;
- 4) state environmental inspectors of the Republic of Kazakhstan;
- 5) chief state environmental inspectors of regions, cities of republican status, the capital;
- 6) senior state environmental inspectors of regions, cities of republican status, the capital;
- 7) state environmental inspectors of regions, cities of republican status, the capital.

2. The executives indicated in paragraph 1 of this article shall be appointed by the authorized environmental protection body.

The procedure for referring the categories of civil servants of the state environmental control units of the authorized environmental protection body to the executives specified in paragraph 1 of this article shall be determined by the authorized environmental protection body.

3. State environmental inspectors shall be provided in accordance with the established procedure with uniforms (without shoulder straps), service certificates and seals of the established form.

The list of positions of executives entitled to wear uniforms (without shoulder straps), uniform dress types (without shoulder straps), the procedure for wearing them shall be determined by the authorized environmental protection body.

4. Chief state environmental inspector of the Republic of Kazakhstan, chief state environmental inspectors of regions, cities of republican status, the capital shall hold document forms with the image of the State Emblem of the Republic of Kazakhstan and the environmental inspector's duty title.

#### **Article 178. Rights and obligations of executives exercising state environmental control**

1. Executives exercising state environmental control shall have the right:

1) for the preventive control with a visit to the inspection subject (object), if there is an appropriate legal ground, to enter the territory and premises of the inspected object, including with measuring instruments and equipment for sampling, and, if necessary, with the involvement in accordance with the legislation of the Republic of Kazakhstan, of specialists, consultants and experts to carry out the necessary measurements, take samples (including samples of goods and materials) and analyze them;

2) to request and receive from the inspected subjects (objects) the laboratory tests results of samples and other materials necessary to determine the volume of anthropogenic impact on the environment;

3) to bring claims to the court on restriction, suspension and prohibition of the state environmental control subject's activities, carried out in violation of the environmental legislation requirements of the Republic of Kazakhstan;

4) to identify facts of causing environmental damage and take part in determining measures to eliminate it in accordance with the requirements of this Code;

5) to apply to the prosecutor's office and other law enforcement bodies for assistance to prevent or suppress the actions of violators of the requirements of the environmental legislation of the Republic of Kazakhstan;

6) to take measures provided for by the laws of the Republic of Kazakhstan to revoke, deprive and suspend permits, conclusions, licenses and other approval documents of individuals and legal entities in connection with the breached requirements of the environmental legislation of the Republic of Kazakhstan.

2. In cases provided for by the legislation of the Republic of Kazakhstan, the executives exercising state environmental control shall have the right to store, carry and use special means (specialized means of communication, photo and video gear, measuring tools).

3. Executives exercising state environmental control are obliged to interact with other state bodies, as well as individuals and (or) legal entities on issues of ensuring compliance with the requirements of the environmental legislation of the Republic of Kazakhstan.

#### **Article 179. The procedure for examining a complaint by the appeals commission**

1. Before resorting to court, the state environmental control subject shall be entitled to lodge a petition with the appeal commission for examination of a complaint against the inspection findings report.

2. The appeal commission must include representatives of the authorized environmental protection body, the National Chamber of Entrepreneurs of the Republic of Kazakhstan.

3. A complaint against the inspection findings report of the authorized environmental protection body shall be examined by the appeal commission within the issues under appeal.

4. A complaint against the inspection findings report shall be submitted in writing in the manner and within the time frames provided for by the legislation of the Republic of Kazakhstan.

5. The decision of the appeal commission is advisory in nature.

6. The Appeals Commission shall annually summarize the outcomes of examined complaints against the inspection findings report and develop recommendations for improving the legislation of the Republic of Kazakhstan.

7. Resorting of the state environmental control subject to court as prescribed by the laws of the Republic of Kazakhstan, shall entail termination of consideration by the appeal commission of the complaint against the inspection findings report.

A complaint against the inspection findings report, lodged after the state environmental control subject applied to the court as prescribed by the laws of the Republic of Kazakhstan, or after the court ruling enforcement, is not subject to consideration.

## **Article 180. Ensuring confidentiality of information in the examination of a complaint by the appeals commission**

State secrets, information constituting commercial and other secrets protected by law, shall be submitted to the members of the appeal commission at the examination of complaints against the reports of inspections carried out by the authorized environmental protection body, as determined by the authorized environmental protection body, without obtaining a written permission of the complainant.

The above information shall not be subject to disclosure by the members of the Appeal Commission.

## **Article 181. Openness of state environmental control**

1. Individuals and legal entities shall have the right to access information on the state environmental control results.

2. The authorized environmental protection body shall ensure the publication on the official Internet resource of:

1) analytical reports on the level and change of the level of compliance by the state environmental control subjects with the requirements of the environmental legislation of the Republic of Kazakhstan;

2) annual reporting on the state environmental control results;

3) information on the revealed facts of breaching the environmental legislation requirements of the Republic of Kazakhstan at categories I and II facilities, bringing the state environmental control subject to the appropriate administrative, criminal and (or) civil liability, including on the imposed penalties, as well as issuance and enforcement of orders for categories I and II facilities;

4) the list of enterprises that systematically break the environmental legislation of the Republic of Kazakhstan.

The information indicated in subparagraphs 1) - 4) of this paragraph shall not include information about the state environmental control subjects and the facts of breaching the requirements of the environmental legislation of the Republic of Kazakhstan committed by them in cases where the period for judicial appeal by such state environmental control subjects of the relevant act (decision) of a state environmental control official has not expired, or when such entities appeal against acts (decisions) of a state environmental control official, before the relevant court ruling enforcement.

3. On the basis of the relevant judicial act or administrative act, operators of categories I and II facilities shall be obliged to place at their own expense information in the media and on their Internet resources about the facts of their violation of the environmental legislation

requirements of the Republic of Kazakhstan, the penalties imposed on them, as well as the undertaken and planned measures to eliminate violations of the environmental legislation requirements of the Republic of Kazakhstan.

4. Information posted on Internet resources in accordance with paragraphs 2 and 3 of this article must be in the public domain for at least one calendar year.

### **Chapter 13. INDUSTRIAL ENVIRONMENTAL CONTROL Article 182. Purpose and objectives of industrial environmental control**

1. Operators of categories I and II facilities shall be obliged to carry out industrial environmental control.

2. The objectives of industrial environmental control are:

1) obtaining information for the facility operator to make decisions regarding the internal environmental policy, control and regulation of production processes that potentially have an impact on the environment;

2) ensuring compliance with the environmental legislation requirements of the Republic of Kazakhstan;

3) minimizing the negative impact of production processes on the environment, life and (or) health of people;

4) enhancing the efficiency of the use of natural and energy resources;

5) prompt anticipatory response to emergency situations;

6) formation of a higher level of environmental awareness and responsibility of managers and employees of the facility operator;

7) public outreach on the environmental activities of the enterprise;

8) improvement of the environmental management system performance.

### **Article 183. The procedure for conducting industrial environmental control**

1. Industrial environmental control shall be conducted by operators of categories I and II facilities on the basis of the industrial environmental control program, which is part of the environmental permit, as well as the program to improve environmental performance.

2. Environmental assessment of the production process efficiency within the framework of industrial environmental control shall be carried out on the basis of measurements and (or) calculations of the emissions level into the environment, harmful production factors, and also the actual consumption volume of natural, energy and other resources.

### **Article 184. Rights and obligations of the facility operator during the industrial environmental control**

1. Operators of categories I and II facilities shall have the right to independently determine the organizational structure of the industrial environmental control service and the responsibility of personnel for its implementation.

2. When conducting industrial environmental control, the facility operator is obliged to:

1) comply with the industrial environmental control program;

2) implement conditions of the industrial environmental control program and submit reports on the industrial environmental control findings in accordance with the requirements for reporting on the industrial environmental control results;

3) in relation to category I facilities- to install an automated system for monitoring emissions into the environment at the main stationary emission sources in accordance with the procedure for conducting automated monitoring of emissions into the environment approved by the authorized environmental protection body and the requirements of paragraph 4 of Article 186 of this Code;

4) create an industrial environmental control service or appoint an employee responsible for organizing and conducting industrial environmental control and interaction with state environmental control bodies;

5) follow procedural requirements and ensure the quality of the data received;

6) systematically evaluate the industrial environmental control results and take the necessary measures to eliminate the identified inconsistencies with the requirements of the environmental legislation of the Republic of Kazakhstan;

7) submit, in accordance with the established procedure, reports on the industrial environmental control findings to the authorized environmental protection body;

8) within three working days, report to the authorized environmental protection body on the facts of breaching the environmental legislation of the Republic of Kazakhstan, identified in the course of the industrial environmental control;

9) ensure public access to industrial environmental control programs and reporting data on industrial environmental control;

10) at the request of state environmental inspectors, submit documentation, analysis results, initial and other materials of industrial environmental control necessary for the fulfillment of state environmental control.

#### **Article 185. Requirements for the content of the industrial environmental control program**

1. The industrial environmental control program must contain the following information:

1) mandatory list of quantitative and qualitative indicators of pollutant emissions and other parameters monitored in the industrial monitoring process;

2) frequency and duration of industrial monitoring, the frequency of measurements;

3) information about the applied instrumental and calculation methods for conducting industrial monitoring;

4) the required number of sampling sites for the parameters traced in the industrial monitoring process (by components: atmospheric air, water, soil), and indication of the measurement sites;

5) methods and frequency of record keeping, analysis and reporting of data;

6) the schedule of internal inspections and the procedure for eliminating breaches of the environmental legislation of the Republic of Kazakhstan, including internal tools for responding to their non-compliance;

7) mechanisms for ensuring the quality of instrumental measurements;

8) protocol of actions in emergency situations;

9) organizational and functional structure of internal responsibility of employees for carrying out industrial environmental control;

10) other information reflecting the issues of organizing and conducting industrial environmental control.

2. The program of industrial environmental control of categories I and II facilities must also comply with the environmental conditions contained in the environmental permit.

3. The program for industrial environmental control of categories I and II facilities shall be developed in accordance with the rules approved by the authorized environmental protection body.

#### **Article 186. Types and organization of industrial monitoring**

1. The industrial monitoring is an element of industrial environmental control, as well as a program to improve environmental performance.

2. Within the industrial monitoring, operational monitoring, monitoring of emissions into the environment and monitoring of impact shall be carried out.

3. Operational monitoring (monitoring of the production process) includes monitoring of the technological process parameters to confirm that the performance of the facility is in the range that is considered viable for its proper design operation and compliance with the conditions of the technological regulation of this production. The content of operational monitoring shall be determined by the facility operator.

4. Monitoring of emissions into the environment is observation of the quantity, quality of emissions and their changes.

Monitoring of emissions into the environment at category I facilities should include the use of an automated system for monitoring emissions into the environment.

Automated system for monitoring emissions into the environment is an automated system for industrial environmental monitoring that tracks the indicators of emissions into the environment at the main stationary emission sources, which provides data transfer to the information system for monitoring emissions into the environment in real time in accordance

with the rules for maintaining an automated monitoring system of emissions into the environment during industrial environmental control, approved by the authorized environmental protection body.

The functioning of the automated monitoring system, measurements carried out by it, their processing, transfer, storage and use must comply with the requirements of the legislation of the Republic of Kazakhstan in technical regulation, on ensuring the uniformity of measurements and on informatization.

5. Monitoring of the impact shall be included in the program of industrial environmental control in cases where it is necessary to monitor compliance with the requirements of the environmental legislation of the Republic of Kazakhstan and environmental quality standards, or it is specified in the integrated environmental permit.

6. Impact monitoring shall be mandatory in the following cases:

- 1) when the activity affects sensitive ecosystems and public health condition;
- 2) at the stage of putting technological facilities into operation;
- 3) after emergency emissions into the environment.

7. Impact monitoring can be carried out by the facility operator individually, as well as jointly with the operators of other facilities in agreement with the authorized environmental protection body.

8. Industrial monitoring of emissions into the environment and impact monitoring shall be performed by laboratories accredited as prescribed by the legislation of the Republic of Kazakhstan on accreditation in the conformity assessment.

The person carrying out industrial monitoring shall be held liable in accordance with the Code of the Republic of Kazakhstan on Administrative Infractions for providing false information on the industrial monitoring results.

9. Industrial monitoring data are used to assess the state of the environment within the framework of the Unified State System for Monitoring the Environment and Natural Resources.

#### **Article 187. Accounting and reporting on industrial environmental control**

1. The facility operator shall keep internal records, generate and submit periodic reports on the industrial environmental control findings in electronic form to the National data bank on the environment and natural resources of the Republic of Kazakhstan in accordance with the rules approved by the authorized environmental protection body.

2. Periodic reports on the industrial environmental control findings must be published on the official Internet resource of the authorized environmental protection body.

#### **Article 188. Industrial environmental control service and persons in charge of industrial environmental control**

1. The person responsible for carrying out industrial environmental control shall be obliged to ensure that logs of industrial environmental control are maintained at the facility or at individual work areas, in which employees must record the discovered facts of breaches of the environmental legislation requirements of the Republic of Kazakhstan, indicating the timing of their elimination.

2. Persons in charge of industrial environmental control, who discovered the fact of breaching the environmental requirements, entailing a threat to life and (or) health of people or the risk of causing environmental damage, shall be obliged to immediately take all measures within their power to eliminate or localize the situation that has arisen and report this to the administration of the facility operator.

#### **Article 189. Organization of internal inspections**

1. The facility operator shall take steps for regular internal verification of compliance with the environmental legislation requirements of the Republic of Kazakhstan and collation of the industrial environmental control results with the conditions of environmental and other permits.

2. Internal inspections shall be carried out by the employee (employees), whom the facility operator puts in charge of organizing and conducting industrial environmental control.

3. In the course of internal inspections, the following areas shall be checked:

- 1) fulfillment of measures provided for by the industrial environmental control program;
- 2) compliance with production instructions and rules related to environmental protection;
- 3) compliance with the conditions of environmental and other permits;
- 4) correctness of accounting and reporting on the industrial environmental control results;
- 5) other information reflecting the issues of organizing and conducting industrial environmental control.

4. An employee (employees) conducting an internal audit is (are) obliged to:

- 1) review the report on the previous internal inspection;
- 2) examine each facility that releases emissions into the environment;
- 3) draw up a written report to the manager, including, if necessary, the requirements for taking measures to eliminate inconsistencies identified during the audit, the timing and procedure for their elimination.

#### **Chapter 14. PUBLIC ENVIRONMENTAL CONTROL Article 190. Public environmental control**

1. Public environmental control is carried out in order to attract public attention to environmental problems, ensure participation and consideration of public opinion at all stages of decision-making related to environmental issues, promote compliance with the



environmental legislation of the Republic of Kazakhstan by individuals and legal entities, state bodies, and facilitate the activities of the authorized body in the field of environmental protection.

2. Public environmental control may be carried out by citizens of the Republic of Kazakhstan and (or) non-profit organizations in the field of environmental protection established in accordance with the legislation of the Republic of Kazakhstan, the charter of which provides for the implementation of public environmental control activities accredited to the authorized body in the field of environmental protection in order to carry out public environmental control.

3. For cooperation and interaction, the authorized environmental protection body shall draw up and publish on the official Internet resource the list of non-profit environmental protection organizations accredited in accordance with this Code for public environmental control.

4. To form the list indicated in paragraph 3 of this article, non-profit organizations that meet the requirements specified in paragraph 2 of this article shall direct to the authorized environmental protection body a statement of their compliance with the requirements and intention to exercise public environmental control, attaching a copy of the charter.

If the non-profit organization meets the requirements specified in paragraph 2 of this article, within five working days the authorized environmental protection body shall include this non-profit organization in the list of non-profit environmental protection organizations accredited in accordance with this Code for conducting public environmental control.

5. The procedure for conducting public environmental control shall be determined by this Code, and also by non-profit environmental protection organizations in accordance with their charters.

6. Public environmental control shall include:

1) informing by non-profit organizations exercising public environmental control of the authorized environmental protection body about the facts of breaching the requirements of the environmental legislation of the Republic of Kazakhstan or the risks of such breaching;

2) hearing at the public council, formed under the authorized environmental protection body, on information from the authorized environmental protection body on the facts of breaching the environmental legislation requirements of the Republic of Kazakhstan by the subjects of control, which are operators of category I facilities, and also on the adopted measures in relation to these subjects and their execution progress;

3) participation of non-profit organizations' representatives in the process of public discussion of the state environmental control results.

7. State bodies shall have the right to involve representatives of accredited public organizations in the environmental protection on a voluntary basis in the work to identify facts of breaching the environmental legislation requirements of the Republic of Kazakhstan.

8. Public environmental control in the part not regulated by this Code is carried out in accordance with the Law of the Republic of Kazakhstan "On Public Control".

**Footnote. Article 190 as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (effective six months after the date of its first official publication).**

## **SECTION 12. ENVIRONMENTAL CULTURE, EDUCATION AND AWARENESS Article 191. Ecological culture**

1. Ecological culture shall be understood to be a system of knowledge, skills and value orientations that expresses and determines the nature of the relationship between man and nature, the measure and method of human involvement in the natural environment conservation and development.

2. Ecological culture is recognized to be among main personal values in the Republic of Kazakhstan, laying the foundation not only for the development of human self-awareness, but also for the growth of the welfare of the state.

3. Instilling the foundations of ecological culture is a fundamental task of public relations pertaining to family education, training (outreach) in educational institutions, corporate culture, public relations in the context of the housing and utilities system.

4. To form an ecological culture, the state shall take measures to promote information that shapes a person's idea of his connection with nature, the impact of his life on the environment, threat of global climate change and environmental foundations of sustainable development of the Republic of Kazakhstan.

5. Everyone shall have the right to take an active part in the discussion of issues related to the environmental situation and state environmental policy, and make appropriate petitions as prescribed by the Administrative Procedural Code of the Republic of Kazakhstan and this Code.

### **Article 192. Purpose, main directions, subjects and objects of environmental education**

1. Environmental education is understood to be a continuous integrated process of training, education and personal development, aimed at building an active stand in everyone's life and improving environmental culture in the society as a whole, based on sustainable development principles.

2. Environmental education includes a set of activities focused on both the target audience and society at large.

3. Educational institutions of all levels, housing and other real estate owners, producers of goods, works and services and their consumers may constitute the target audience of the environmental education system.

4. Environmental education shall be understood as promotion of environmental knowledge, information about the state of the environment and environmental safety, other

environmental information in order to form the foundations of environmental culture in the society.

5. The State shall take the following measures to ensure public awareness of environmental issues and public involvement in the discussion of issues related to environmental protection:

1) provide public access to environmental information on the state of atmospheric air, climate change, condition of water and land resources, biodiversity, energy situation, waste management;

2) inform the population, including housing and other real estate owners through the system of housing and utilities services, about the impact on the state of the environment of the quality of consumption of water and energy resources, about environmentally efficient waste management;

3) inform business entities about measures taken by the state to support resource-saving production, production of goods, performance of work and provision of services using secondary resources;

4) inform consumers about the degree of environmental friendliness of the production of the consumed goods, works and services and measures to stimulate their purchase of goods, works and services obtained through energy-efficient production and using secondary resources;

5) ensure participation in public environmental control in cases established by this Code.

### **Article 193. Ecological education in educational institutions**

1. Environmental education in educational institutions shall be carried out through the integration of environmental technology topics, taking into account landscape regional priorities, climate change, viewed through the Sustainable Development Goals prism, as well as possible introduction of specialized and cross-disciplinary educational programs, integration of environmental aspects into academic disciplines.

2. Educational programs and academic disciplines shall provide for a practice-oriented approach focused on both theoretical study and practical training.

3. State compulsory education standards and model curricula for vocational education with specialization in the environmental protection and the use of natural resources shall be approved by the authorized body in the field of education in agreement with the authorized environmental protection body.

4. Model curricula for vocational education with specialization in the environmental protection and the use of natural resources should provide for mandatory vocational training for the right to work with hazardous waste, and also promote the development of a dual education system.

### **Article 194. State support for environmental education and awareness**

1. The state shall provide support for environmental education and awareness in the following priority areas:

1) determination of a long-term action plan in the field of environmental education in order to facilitate transition of the Republic of Kazakhstan to sustainable development;

2) improvement of the educational-methodological and research-methodological foundations of environmental education and awareness;

3) training of qualified professionals in the environmental protection, promotion of best domestic and foreign innovative pedagogical methods for the formation of environmental culture in general;

4) creation of practice-oriented modules containing integrated solution manuals, game, illustrative, reference and other types of materials that will ensure access of the population of the Republic of Kazakhstan to environmental education and awareness; 5) promoting development of organizations, including non-profit, youth and school organizations, implementing programs and activities for environmental education in society and the family;

6) training on the basis of specialized organizations of specialists in adaptation to climate change;

7) public outreach on predicted man-made impacts, the impacts of climate change, vulnerability of humans and the environment in such conditions and measures to adapt to climate change.

2. State support measures shall include:

1) funding of environmental education in educational institutions (educational and methodological work and activities for environmental education and awareness, advanced training of professionals);

2) active involvement of state bodies in the formation of the state educational order for the training of professionals in environmental protection;

3) provision of a state order for support of innovative methodological practices, research in the environmental education in order to promote sustainable development;

4) provision of state social order to support non-profit organizations in the field of environmental education and awareness;

5) pursuing activities in environmental education and awareness, advanced training, training and retraining of personnel.

## **SECTION 13. ENVIRONMENTAL RESEARCH Article 195. Goals and objectives of environmental research**

1. Environmental research shall be conducted for the purpose of providing scientific support for environmental protection, developing scientifically substantiated measures to improve, restore, ensure the sustainable functioning of natural ecosystems, preserve biodiversity and reproduce natural resources, study the impacts of climate change, develop

measures to mitigate climate impacts and adaptation to climate change, improving the health of the population, ensuring environmental safety and social, economic and environmentally balanced development of the Republic of Kazakhstan.

2. The objectives of environmental research are:

- 1) scientific assessment and forecast of the state of the environment;
- 2) development of scientifically based environmental standards, national standards in the environmental protection;
- 3) development of scientific recommendations to ensure state regulation and management in the environmental protection;
- 4) scientific substantiation, development and implementation of environmentally viable resource-saving technologies;
- 5) providing a scientific basis for the development of measures to mitigate climate impacts and adaptation to climate change.

#### **Article 196. Main directions of ecological scientific research**

1. To address the problems of scientific support in the environmental protection, the following types of scientific research can be carried out:

- 1) development of comprehensive republican, regional, local scientific rationales for the socio-economic sustainable development of territories;
- 2) study of ecosystems' resistance to anthropogenic impact and development of scientific foundations for determining environmental risks;
- 3) study of the state of biodiversity, development of methodology for its conservation and protection against negative impacts, methods for assessing the harm caused to biodiversity;
- 4) assessment of the level of anthropogenic pressure on the environment and the extent of disturbance of ecosystems and landscapes;
- 5) determination of zonal levels of the threshold of anthropogenic impacts on ecosystems and landscapes;
- 6) development of scientifically sound regulatory documents in the environmental protection;
- 7) identification of the influence of environmental factors on the population's health;
- 8) zoning and ranging of the republic's territory according to the degree of environmental tension;
- 9) research related to development of environmental quality targets;
- 10) research related to development of methods and technologies for cleaning emissions into the environment and for remediation;
- 11) research on the integrated use of raw materials, waste processing and disposal;
- 12) research on the search, scientific and technological rationale and implementation of new environmentally viable and resource-saving technologies;

13) development of materials, scientific support for assessing the state of the environment and predicting its changes under the influence of anthropogenic and natural factors;

14) scientific rationale of methods for preventing or mitigating the negative consequences of the impact of anthropogenic or natural factors on the environment;

15) systematic study and generalization of the results of environmental monitoring of quantitative and qualitative indicators of the state of ecosystems and objects based on long-term observations and operational control;

16) scientific support for monitoring the state of the environment;

17) development and scientific substantiation of limits (quotas) for emissions into the environment, the use of natural resources;

18) complex research of climate change, including assessment of its impact on the economy and natural resources of the Republic of Kazakhstan, mitigation of the impact of climate change and adaptation to climate change;

19) study of the ozone layer state, its destruction and restoration processes, elaboration of measures to prevent the impact of human activities on the ozone layer's state;

20) study of the problems of mechanisms for economic regulation of activities that have a negative impact on the environment, development of methods for assessing the economic efficiency and costs of environmental protection measures and scientific support for these activities;

21) participation in the development and scientific substantiation of environmental indicators of the socio-economic development of the Republic of Kazakhstan;

22) conducting scientific research related to the fulfillment of the obligations of the Republic of Kazakhstan under international treaties in the field of environmental protection and the use of natural resources;

23) international scientific cooperation in the field of environmental protection and the use of natural resources;

24) scientific rationale of measures to compensate for biodiversity loss;

25) studies on the economic valuation of ecosystem services and biodiversity.

2. Fundamental and applied scientific environmental research shall be financed at the budgetary funds expense and other funding sources not prohibited by the legislative acts of the Republic of Kazakhstan.

#### **Article 197. Requirements for conducting environmental research**

1. Scientific environmental research shall be conducted by scientific organizations in accordance with this Code and the legislation of the Republic of Kazakhstan on science.

2. Scientific research in the field of environmental protection on the territory of the Republic of Kazakhstan can be conducted by Kazakhstan and foreign individuals and legal entities, as well as international organizations, subject to the obligatory fulfillment of the requirements of the legislation of the Republic of Kazakhstan.

## **SPECIAL PART SECTION 14. AIR PROTECTION Article 198. Atmospheric air and its protection**

1. Atmospheric air is a vital component of the natural environment, which is a mixture of atmospheric gases located outside residential, industrial and other premises.

2. Atmospheric air, in accordance with the environmental legislation of the Republic of Kazakhstan, shall be subject to protection from pollution.

3. Atmospheric air pollution is understood as the presence in the atmospheric air of pollutants in concentrations or physical effects at levels exceeding the environmental standards for atmospheric air quality established by the state.

The atmospheric air pollution sources are recognized as the ingress of pollutants, physical impacts into the atmospheric air as a result of anthropogenic and natural factors, and also formation of pollutants in the atmospheric air as a result of chemical, physical and biological processes occurring in it.

### **Article 199. Emission of pollutants into the atmospheric air**

1. Emission of pollutants into the atmospheric air (hereinafter referred to as “emission”) means the ingress of pollutants into the atmospheric air from emission sources.

2. Sources of emissions are a structure, technical device, equipment, installation, platform, transport or other mobile vehicle, during the operation of which pollutants enter the atmospheric air.

3. Emission sources are divided into stationary and mobile sources.

4. A stationary source is a source of emission that cannot be moved without its dismantling and whose permanent location can be determined with the application of a unified state coordinate system or that can be moved by means of a transport or other mobile vehicle, but requires a fixed (stationary) relative to the earth's surface position during its operation.

Emission from a stationary source is considered organized if it is made through a special structure, system or device (smoke and ventilation pipes, gas ducts, air ducts, ventilation shafts, aeration lamps, deflectors, and others) that ensure direction of the outgoing dust and gas-air mixtures flow. Other types of emissions from a stationary source, in which pollutants are released into the atmospheric air in the form of non-directional diffuse flows, are referred to as fugitive emissions.

5. A mobile source is a transport means or other mobile vehicle, machinery or installation equipped with internal combustion engines operating on various types of fuel and capable of emitting both in a stationary position and in the process of movement.

### **Article 200. Environmental standards of atmospheric air quality**

1. Environmental standards for atmospheric air quality shall be established for:

1) chemical indicators of the atmospheric air state - in the form of maximum permissible concentrations of pollutants in the atmospheric air;

2) physical indicators of the atmospheric air state - in the form of maximum permissible levels of physical impacts on atmospheric air.

2. The maximum permissible concentration of pollutants in the atmospheric air is understood to be the maximum amount (mass) of a chemical substance recognized in accordance with this Code as a pollutant, which, under permanent or temporary impact on man, does not affect his health and does not cause adverse hereditary changes in his posterity, and also does not cause degradation of the natural environment components, does not violate the stability of ecological systems and does not lead to a reduction in biodiversity.

3. The maximum permissible concentration of a pollutant in the atmospheric air shall be established for individual pollutants in the form of:

1) the mass of pollutant per unit volume of atmospheric air and is expressed as a ratio of milligrams per cubic meter;

2) the mass of a pollutant deposited on a unit of the earth's surface per unit of time, and is expressed as a ratio of grams per square meter per calendar year.

4. For pollutants, mass concentrations per unit volume of atmospheric air are determined for standard conditions of 293.15 K and 101.3 kPa.

5. The maximum permissible concentration of a pollutant in the atmospheric air, depending on the pollutant type, is established taking into account the following averaging periods of indicators:

1) annual indicators - average indicators of the concentration of a pollutant in a unit volume of atmospheric air or on a unit of the earth's surface during one calendar year;

2) daily indicators - averaged indicators of the pollutant concentration in a unit volume of atmospheric air for twenty-four hours within one calendar day;

3) hourly indicators - average indicators of the pollutant concentration in a unit volume of atmospheric air per hour.

6. In addition to the periods of averaging indicators, environmental standards for atmospheric air quality determine the maximum permissible quantity of excesses of daily and hourly indicators during one calendar year.

7. If, while meeting the established environmental standards for atmospheric air quality within individual territories, signs of deterioration in the state of living elements of the natural ecological system (plants, animals and other organisms) are found, confirmed by scientific research for a period of at least five years, then for such territories the relevant local representative body of the region, city of republican status, the capital, in agreement with the authorized environmental protection body, shall be obliged to establish more stringent territorial environmental standards for atmospheric air quality in the form of maximum permissible concentrations of pollutants in the atmospheric air and (or) maximum permissible



levels of physical impacts, at which there is no negative deviation of indicators of the state of the most vulnerable group of biological objects used as indicators of environmental quality.

8. Air quality standards inside residential, industrial and other premises, as well as atmospheric air quality standards within industrial (production) zones shall be established by hygienic standards in accordance with the legislation of the Republic of Kazakhstan in the field of healthcare. These standards do not refer to environmental standards and are not regulated by the environmental legislation of the Republic of Kazakhstan.

#### **Article 201. Standards for permissible anthropogenic impact on atmospheric air**

1. In order to ensure the atmospheric air protection, the state shall establish the following standards for permissible anthropogenic impact on atmospheric air:

- 1) standards for permissible emissions;
- 2) technological emission standards;
- 3) standards for permissible physical impacts on atmospheric air.

2. The rules for determining the standards for permissible anthropogenic impact on the atmospheric air shall be approved by the authorized environmental protection body.

#### **Article 202. Permissible emission standards and technological emission standards**

1. Permissible emission standard is an environmental standard, established in an environmental permit and defined as the maximum mass of a pollutant or a mixture of pollutants that is allowed (permitted) for release into the atmospheric air.

2. Permissible emission standards shall be determined for an individual stationary source and (or) a set of stationary sources that are part of a category I or II facility, by calculation using the method of modeling the dispersion of surface concentrations of pollutants in such a way that the total load on atmospheric air within the impact area would not lead to violation of established environmental quality standards or environmental quality targets.

The impact area is the territory (water area) determined by modeling the dispersion of surface concentrations of pollutants.

For a set of stationary sources, the impact area shall be calculated as the sum of the influence areas of individual stationary emission sources.

3. The total load on atmospheric air is understood as the cumulative impact of:

1) emissions of a category I or II facility for which allowable emission standards are being developed, taking into account the levels of existing impact (for existing emission sources) or a reasonably expected impact level (for new and currently under reconstruction emission sources);

2) natural background of atmospheric air, which refers to the mass concentrations of pollutants in the atmospheric air, due to release into the atmospheric air or formation of pollutants in it as a result of natural processes;

3) the basic anthropogenic background of atmospheric air, which is understood as mass concentrations of pollutants in the atmospheric air, due to emissions from other stationary and mobile sources, which are made at the time of determining the standards for permissible emissions in relation to the facility indicated in subparagraph 1) of this paragraph.

4. The total load on atmospheric air shall be determined with regard to geographical, climatic and other natural conditions and features of territories and water areas in respect of which environmental rationing is regulated. When determining the total load on atmospheric air, the variability (seasonality) of the impacts specified in paragraph 3 of this article during the calendar year shall also be taken into account.

5. Permissible emission standards shall be established for each pollutant in the form of:

1) mass concentration of a pollutant, which is understood as the mass of a pollutant per unit volume of dry exhaust gases and which is expressed as a ratio of milligrams per cubic meter;

2) pollutant mass flow rate, which is understood as the mass of the pollutant emitted per unit of time, and which is expressed as a ratio of grams per second.

The indicators relating to the volume and rate of the mass flow of waste gases shall be determined under standard conditions of 293.15 K and 101.3 kPa and, unless otherwise expressly provided by the environmental legislation of the Republic of Kazakhstan, after subtraction of the water vapor content.

Mass concentration indicators of a pollutant shall be determined by averaging the corresponding emission indicators during one calendar day of normal (scheduled) operation of a stationary emission source under the most unfavorable operating conditions from the viewpoint of atmospheric air protection.

Pollutant mass flow rate indicators shall be determined by averaging the corresponding emission indicators during one hour of normal (scheduled) operation of the emission source under the most unfavorable operating conditions from the viewpoint of atmospheric air protection.

6. Emissions are considered above the norm if:

1) the average indicators of mass concentrations per calendar day exceed the established value of mass concentrations;

2) the average indicators of mass concentrations for thirty minutes exceed the established indicators of mass concentrations by two or more times.

7. In order to ensure compliance with the established standards of the permissible total anthropogenic load on the atmospheric air, along with the standards for permissible emissions, the environmental permit shall establish annual emission limits, expressed in tons per year, for each stationary source and facilities of categories I and II as a whole.

8. Permissible emission standards shall be established for standard (regulatory) operating conditions of stationary sources that are part of a category I or II facility, at their maximum

load (power) provided for by design documents, including under the condition of normal (regulatory) functioning of all systems and ventilation devices and gas treatment plants.

Permissible emission standards for a facility of category I or II shall be established for its normal operation conditions, taking into account the development perspective, that is, the load of equipment and its operating modes, including ventilation systems and devices and dust and gas cleaning equipment, provided for by the technological regulations. At the same time, for existing category I or II facilities, the actual maximum load of equipment over the past three years shall be taken into account within the limits established by the project.

9. Emissions from technologically unavoidable flaring of raw gas shall be allowed in case of deviations from the initial data used for calculating emissions in draft standards for permissible emissions and project documentation, provided that the established standards for permissible emissions and technological standards are observed.

Emissions are recognized as excessive in the raw gas flaring, which is not recognized by the authorized body in the field of hydrocarbons as technologically unavoidable combustion in the event of a technological malfunction, failure or deviation in the operation of process equipment.

10. Norms of permissible emissions are not calculated and are not established for emergency emissions. An accidental release is understood to mean an unexpected, unpredictable and unintentional release caused by an accident that occurred during the operation of a category I or II facility.

The rules of accounting for actual accidental releases are determined by this Code.

11. If emissions from a stationary source contain substances for which environmental quality standards have not been established, as part of the mandatory environmental impact assessment, an assessment of their possible negative impact on the environment should also be carried out. The purpose of such an assessment is to determine the type and extent of the negative impact of individual substances on the study area, as well as significant dangerous negative consequences for the population and the environment. Conducting an assessment of the possible negative impact of substances on the environment should be based on best practices and scientific achievements.

In the process of assessing possible negative impact of substances on the environment, the risk of harm to public health shall always be considered as a significant factor, while the negative consequences for natural components are recognized as significant based on the results of consideration and analysis of the following aspects:

1) the designated purpose of land and conditions for land use, determined in accordance with the land legislation of the Republic of Kazakhstan;

2) the intended purpose of water bodies and conditions for water use, determined in accordance with the water legislation of the Republic of Kazakhstan;

3) goals, objectives and activities established within the framework of the state environmental policy implementation at the national and local levels;

4) the rights and legitimate interests of land owners, land users and water users affected by the possible harmful effects of the release of such a substance;

5) measures that are planned or in progress in the relevant territory (in the water area) to protect the environment and improve its quality.

12. If, according to the dispersion calculation results an excess of the established environmental quality norms is revealed at any of the assessment points, an environmental permit can be issued only if one of the following conditions is met:

1) contribution of a stationary source or a group of stationary sources, in respect of which the allowable emission standards are calculated, does not exceed three percent of the annual value of the environmental quality standard established for this pollutant, and provided that the facility operator, within the framework of the environmental protection action plan or environmental performance improvement program undertakes to carry out actions to reduce emissions to a level that exceeds the minimum values of technological emission indicators associated with the implementation of the best available techniques;

2) the facility operator undertakes to take measures to protect the atmospheric air (including by replacing fuel or raw materials with more environmentally friendly ones, making changes to production technology, changing other emission parameters to improve the conditions for dispersing the pollutant and other similar measures), guaranteeing compliance with environmental standards for atmospheric air quality, by the period specified by the environmental permit, not exceeding one calendar year from the date of issue of the environmental permit.

13. For category I facilities, a comprehensive environmental permit, in addition to the standards for permissible emissions, shall establish technological standards.

14. With regard to new and currently under reconstruction category I facilities, if the calculations of the dispersion of surface concentrations of pollutants show that the total load on the atmospheric air will lead to a violation of the established environmental standards for environmental quality or environmental quality targets, stricter emission limits must be established in the integrated environmental permit than those associated with BAT targets, in such a way that environmental quality standards or environmental quality targets are met.

15. With regard to existing category I facilities, if the calculations of the dispersion of surface concentrations of pollutants show an excess of the established environmental quality standards or environmental quality targets, the integrated environmental permit must establish more stringent standards for permissible emissions than those that correspond to performance indicators associated with the application of the best available technologies, to the extent in which achieving such more stringent emission limits is technically feasible at an economic cost acceptable to the facility operator.

16. The surface concentration of a pollutant is the mass of a pollutant per unit volume of atmospheric air in a two-meter layer above the earth's surface.

17. Norms of admissible emissions for mobile sources are not established.

## **Article 203. Environmental emission compliance monitoring**

1. Monitoring of compliance with the standards for permissible emissions from a stationary source and (or) a combination of stationary sources and their impact on atmospheric air quality shall be conducted in accordance with the requirements of this Code and the conditions established in the environmental permit.

2. Monitoring of compliance with permissible emission limits of a stationary source and (or) a set of stationary sources shall be carried out by measurements in accordance with the approved list of measurements related to state regulation. If it is impossible to carry out monitoring by means of measurements, it is allowed to use the calculation method.

In the cases provided for by this Code, at category I facilities, monitoring of compliance with the standards for permissible emissions shall also be ensured through the mandatory use of an automated system for monitoring emissions into the environment.

3. Monitoring of compliance with environmental standards for atmospheric air quality shall be carried out at the assessment points specified in the environmental permit.

4. The location of assessment points within the impact area shall be determined in such a way that:

1) they achieve the maximum values of the impact of emissions, established by the results of modeling of surface concentrations of pollutants and taking into account the averaging period corresponding to each pollutant;

2) the existing natural and anthropogenic backgrounds of atmospheric air are taken into account.

5. The number of assessment points depends on the established averaging period for a particular pollutant and is determined as follows:

1) the level of compliance with environmental standards for atmospheric air quality on pollutants, for which both daily (short-term maximum impact) and annual (long-term impact) values are determined, is assessed at two corresponding points;

2) the level of compliance with environmental standards for atmospheric air quality on pollutants that have only an annual value is assessed at one assessment point.

6. Additional assessment points shall be determined for pollutants for which environmental standards for atmospheric air quality have been established in terms of the impact on ecosystems and vegetation. Points for assessing compliance with such environmental standards should be installed at a distance of at least twenty kilometers from agglomerations and at least five kilometers from other urban developments and industrial zones.

7. If residential areas are located within the impact area, then additional assessment points should be established.

8. Rationale for location and number of assessment points must be provided in the environmental permit.

#### **Article 204. Inventory of stationary emission sources**

1. Local executive bodies of regions, cities of republican status, the capital shall provide an inventory of stationary sources of pollutants emissions into the air in settlements with a population of over ten thousand people.

2. The inventory of stationary emission sources is based on the following initial data:

- 1) issued integrated environmental permits;
- 2) issued environmental impact permits;
- 3) submitted environmental impact declarations;
- 4) statistical information on category IV facilities;
- 5) data of state environmental monitoring;
- 6) state environmental control results.

3. The procedure for conducting an inventory of stationary emission sources, correcting its data, documenting and storing data obtained as a result of such an inventory and adjustment shall be carried out in accordance with the rules approved by the authorized environmental protection body.

#### **Article 205. Summary calculations of atmospheric air pollution and summary volumes of maximum permissible emissions of settlements**

1. Local executive bodies of regions, cities of republican status, the capital shall ensure that summary calculations of atmospheric air pollution in settlements with a population of over ten thousand people are carried out and a summary volume of maximum allowable emissions from a settlement is drawn up on their basis.

2. The summary calculation of atmospheric air pollution of a settlement is a calculation of the cumulative impact on atmospheric air of emissions from all stationary and mobile sources located or operated on the territory of the corresponding settlement, as well as actual and predicted ground concentrations of pollutants.

3. Preparation of summary calculations of atmospheric air pollution shall be carried out in order to assess the total anthropogenic load on the air basin of the corresponding settlement, forecast changes in its quality and develop measures to regulate and reduce emissions, and also to establish environmental quality targets.

4. The following materials shall be used as benchmark data for the calculation of atmospheric air pollution in settlements:

- 1) results of the inventory of stationary emission sources;
- 2) data on new stationary emission sources, the construction or reconstruction of which is at the design stage, including draft standards for permissible emissions, project documentation for the construction (reconstruction) of facilities;
- 3) situational plan of the settlement, indicating the existing and projected stationary emission sources;

4) statistical and analytical information on mobile sources, including the number, composition and dynamics of the increase (decrease) in the fleet of vehicles operated in the settlement, itemized by type of engine and fuel or energy source that is used, maps of the distribution of vehicle flows in settlements;

5) information on ongoing and planned activities aimed at reducing emissions, including approved action plans for environmental protection, programs to improve ecological efficiency;

6) information on ongoing and planned environmental protection measures aimed at reducing emissions within the settlement;

7) other statistical and analytical information.

5. Summary calculations of atmospheric air pollution in a settlement shall be made at least once every five years and shall be used as a basis for developing, adjusting and supplementing a summary volume of maximum allowable emissions from a settlement.

6. The summary volume of maximum allowable emissions of a settlement is a permanent and revised document that determines the actual and predicted environmental capacity of the air basin of a settlement in order to further substantiate urban planning and construction activities, planning of transport infrastructure facilities, state regulation and management in the field of transport, planning of environmental protection activities.

7. The local executive bodies of the respective settlements shall be the ordering customers for carrying out summary calculations of atmospheric air pollution and developing a summary volume of maximum allowable emissions from settlements.

8. Organizations that hold a license to perform work and provide services in the environmental protection under the subtypes "environmental design, regulation for category I facilities" shall be entitled to conduct summary calculations of atmospheric air pollution and develop summary volumes of maximum allowable emissions, on the basis of the agreement with the customer concluded in accordance with the legislation of the Republic of Kazakhstan on public procurement.

The draft consolidated volume of the maximum permissible emissions of the settlement is undergoing a mandatory public hearing procedure in accordance with the rules of public hearings.

9. The summary volume of maximum permissible emissions of a settlement shall be signed by the project developer, agreed with the territorial units of the authorized environmental protection body and the state body in the sanitary and epidemiological welfare of the population and approved by the customer.

10. The summary volume of maximum permissible emissions of a settlement shall be used for:

- 1) conducting an environmental assessment;
- 2) development of urban planning and construction documentation;
- 3) making decisions on the liquidation of objects and complexes;

4) development of plans for the development of public transport, public utilities, measures to stimulate transition of the population to environmentally safer modes of transport, introduction of environmentally sound urban planning and construction solutions;

5) setting norms of permissible emissions;

6) state environmental control in terms of compliance with established standards for permissible emissions;

7) drawing up reports of state bodies on environmental protection issues;

8) planning and implementation of measures for the protection of atmospheric air;

9) development of target indicators of environmental quality.

**Footnote. Article 205 as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (effective six months after the date of its first official publication).**

#### **Article 206. General provisions on environmental requirements for atmospheric air protection**

1. In order to prevent harmful anthropogenic impact on the atmospheric air, the environmental legislation of the Republic of Kazakhstan establishes mandatory environmental requirements for the protection of atmospheric air in the course of human activities.

2. It shall be prohibited to release substances into the atmospheric air whose extent of danger to life and (or) health of people and the environment has not been scientifically established.

3. Local representative bodies of regions, cities of republican significance, and the capital have the right, by their regulatory legal acts, in coordination with the authorized body in the field of environmental protection, to provide for the introduction of special environmental requirements in the field of atmospheric air protection in the territories of the relevant administrative-territorial units, including rules for atmospheric air protection, providing for the regulation of certain issues of operation of motor transport and environmental requirements for objects of the III category, as well as issues related to the organization of low-emission zones, the identification of violations of special environmental requirements, in cases where established environmental standards for atmospheric air quality are not observed in such territories.

**Footnote. Article 206 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 207. Environmental requirements for atmospheric air protection during gas treatment plants operation**

1. It shall be prohibited to place, put into operation and operate category I and II facilities, which do not have the relevant environmental permits provided for by the conditions of gas



purification installations and means of control over emissions of pollutants into the atmospheric air.

2. A gas purification plant shall mean a structure, equipment and devices used to purify waste gases from pollutants and (or) neutralize them.

3. Gas purification plants shall be operated in accordance with the rules approved by the authorized environmental protection body.

4. If the gas purification plants provided for by the conditions of the relevant environmental permits are absent, disabled or do not provide design cleaning and (or) neutralization, the operation of the corresponding source of pollutant emissions is prohibited.

**Footnote. Article 207 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 208. Environmental requirements for atmospheric air protection in the production and operation of transport and other mobile vehicles**

1. It shall be prohibited to manufacture transport and other mobile vehicles in the Republic of Kazakhstan, in whose emissions the content of pollutants does not meet the requirements of the technical regulation of the Eurasian Economic Union.

2. Transport and other mobile vehicles, whose emissions have a negative impact on the atmospheric air, shall be subject to regular inspection (technical inspection) for their compliance with the technical regulation requirements of the Eurasian Economic Union as prescribed by the legislation of the Republic of Kazakhstan.

3. The Government of the Republic of Kazakhstan, central executive bodies and local executive bodies, within their competence, are obliged to implement measures aimed at stimulating the reduction of emissions of pollutants into the atmospheric air from transport and other mobile vehicles.

4. Local representative bodies of regions, cities of republican status, the capital, in the event of revealed in the state environmental monitoring of a regular excess over three consecutive years of atmospheric air quality standards in the territories of the respective administrative-territorial units, shall have the right, by adopting relevant regulatory legal acts within their competence in coordination with the authorized environmental protection body, to impose restrictions on the entry of transport and other mobile vehicles or their certain types into settlements or certain zones within settlements, on the territory of recreation and tourism sites, specially protected natural areas, as well as regulate movement in their boundaries of transport and other mobile vehicles in order to reduce the anthropogenic load on the atmospheric air.

#### **Article 209. Environmental requirements for atmospheric air protection during storage, neutralization, burial and incineration of waste**

1. Storage, neutralization, burial and incineration of waste, which can be a source of atmospheric air pollution, outside specially equipped places and without the use of special facilities, installations and equipment that meet the requirements provided for by the environmental legislation of the Republic of Kazakhstan, shall be prohibited.

2. Legal entities and individual entrepreneurs whose activity wastes are sources of atmospheric air pollution shall be obliged, in accordance with the environmental legislation of the Republic of Kazakhstan, to ensure timely removal of such waste to specialized places for its storage, neutralization, processing, utilization or disposal.

#### **Article 210. Environmental requirements for atmospheric air protection in the event of adverse meteorological conditions**

1. For the purposes of this Code, adverse meteorological conditions mean meteorological conditions that are conducive to accumulation of pollutants in the surface layer of atmospheric air in concentrations that pose a threat to human life and (or) health.

2. In the event of unfavorable meteorological conditions in urban and other populated areas, local executive bodies of the relevant administrative-territorial units shall immediately communicate the necessary information to the population, and also, in accordance with this Code, introduce temporary measures to regulate emissions of pollutants into the atmospheric air for the period of unfavorable meteorological conditions.

3. During short-term atmospheric air pollution in urban and other populated areas caused by adverse meteorological conditions, legal entities, individual entrepreneurs with stationary emission sources within the respective administrative-territorial units shall comply with the requirements temporarily introduced by the local executive body of the relevant administrative-territorial unit to reduce emissions from stationary sources down to partial or complete shutdown of their operation.

The requirement of part one of this paragraph shall not apply to stationary sources, whose partial or complete stoppage of operation is not allowed in accordance with the legislation of the Republic of Kazakhstan.

4. Information on existing or forecast adverse meteorological conditions shall be provided by the National Hydrometeorological Service to the relevant local executive body and territorial unit of the authorized environmental protection body, which provide control over the implementation by legal entities, individual entrepreneurs of measures to reduce emissions of pollutants into the atmospheric air for a period of adverse meteorological conditions.

5. The procedure for communicating information on adverse meteorological conditions, requirements for the composition and content of such information, procedure for its publication and provision to concerned parties shall be established by the authorized environmental protection body.

## **Article 211. Environmental requirements for atmospheric air protection in accidents**

1. When the quality of atmospheric air deteriorates, which is caused by accidental emissions of pollutants into the atmospheric air and poses a threat to people's life and (or) health, emergency measures shall be taken to protect the population in accordance with the legislation of the Republic of Kazakhstan on civil protection.

2. In the event of an emergency at categories I and II facilities, as a result of which a violation of established environmental standards occurs or may occur, the facility operator shall immediately, in any case, within a period of not more than two hours from the moment the emergency is discovered, report this to the authorized environmental protection body and take all necessary measures to prevent air pollution down to partial or complete stoppage of the operation of the relevant stationary sources or the facility as a whole, as well as to eliminate the negative consequences for the environment caused by such an emergency.

## **SECTION 15. PROTECTION OF WATER BODIES Article 212. Water bodies and their protection**

1. Water bodies in accordance with the environmental legislation of the Republic of Kazakhstan shall be subject to protection from:

- 1) anthropogenic pollution;
- 2) clogging;
- 3) depletion.

2. Water bodies in accordance with the environmental legislation of the Republic of Kazakhstan shall be subject to protection in order to prevent:

- 1) causing harm to people's life and (or) health;
- 2) violations of sustainability of the ecological systems functioning;
- 3) desertification, degradation of land, forests and other components of the natural environment;
- 4) reduction of biodiversity;
- 5) causing environmental damage.

3. Pollution of water bodies is the presence of pollutants in surface or ground waters in concentrations or physical effects at levels exceeding the environmental standards for water quality established by the state, with the exception of facilities equipped and intended for waste disposal and wastewater discharge, preventing pollution of the earth's surface, bowels, surface and underground waters.

Ingress of pollutants, physical impacts into water bodies as a result of anthropogenic and natural factors, as well as formation of pollutants in water bodies as a result of chemical, physical and biological processes occurring in them shall be recognized as water bodies' pollution sources.

Protection of water bodies shall be carried out from all types of pollution, including diffuse pollution (pollution through the surface of the earth, soil, subsoil or atmospheric air).

4. Ingress of solid and insoluble wastes into water bodies shall be recognized as clogging of water bodies.

Clogging of water bodies shall be prohibited.

In order to protect water bodies from clogging, the clogging of catchment areas of water bodies, ice and snow cover of water bodies and glaciers shall not be allowed either.

5. Decrease in runoff, surface water reserves or a decrease in groundwater reserves below the minimum permissible level shall be recognized as depletion of water bodies.

Requirements directed to prevention of water bodies' depletion are established by the water legislation of the Republic of Kazakhstan and this Code.

### **Article 213. Discharge of pollutants**

1. Discharge of pollutants (hereinafter referred to as discharge) shall mean ingress of pollutants contained in wastewater into surface and underground water bodies, subsoil or on the earth's surface.

2. Waste water shall mean:

1) water used for industrial or domestic needs and that received additional impurities of pollutants that changed its original composition or physical properties;

2) rain, melt, infiltration, watering and washing, drainage waters flowing from the territories of settlements and industrial enterprises;

3) underground waters drawn along the way during subsoil use operations (quarry, shaft, mine waters, stratal waters extracted along with hydrocarbons).

3. The following shall not be deemed a discharge:

1) injection of stratal waters produced along with hydrocarbons, sea water, desalinated water, industrial water with a salinity of 2000 mg/l or more in order to maintain reservoir pressure;

2) injection into the subsoil of technological solutions and (or) working agents for the extraction of minerals in accordance with the projects and technological regulations for which environmental permits and positive expert opinions have been issued, provided for by the laws of the Republic of Kazakhstan;

3) diversion of water used for water cooling to storage tanks located in the closed (circulating) water supply system;

4) disposal of wastewater into the city sewer networks.

Permissible discharge standards shall not be established in such cases.

4. Discharge of pollutants from sea vessels shall be carried out in compliance with the provisions of international treaties of the Republic of Kazakhstan.

### **Article 214. Environmental standards for water quality**

1. Environmental standards for water quality shall be established:

1) for chemical indicators - in the form of maximum permissible concentrations of pollutants in water;

2) for physical indicators - in the form of maximum permissible levels of physical effects (thermal, radioactive) on water;

3) for biological indicators - in the form of indicators of the state of the most vulnerable group of biological objects used as water quality indicators.

2. The maximum permissible concentration of pollutants in water shall be understood as the maximum amount (mass) of a chemical substance recognized in accordance with this Code as a pollutant, which, when exceeded becomes unsuitable for one or more types of water use, causes degradation of natural environment objects or violates sustainability of ecological systems and biodiversity.

3. Environmental standards for the quality of waters of surface water bodies shall be established for a river basin or part thereof, a water body or part thereof, recorded in the state water cadastre, for sections of internal sea waters and the territorial sea, taking into account their natural features, and also conditions for the intended use of water bodies.

4. Environmental standards for the quality of waters of surface water bodies or their parts (water intake points) used for the purposes of drinking, domestic and drinking water supply and (or) cultural and household water use shall be established according to chemical and biological (microbiological) indicators at the level of hygienic standards approved in the procedure determined by the legislation of the Republic of Kazakhstan in the field of healthcare (hereinafter referred to as hygienic standards).

5. Environmental standards for the quality of waters of surface water bodies or their parts of fishery significance (fishery standards) shall be established in accordance with the legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of wildlife.

6. Environmental standards for the quality of waters of surface water bodies of fishery significance, used simultaneously for the purposes of drinking, domestic and drinking water supply and (or) amenity water use, shall be established at the level of the most stringent indicators (lowest concentrations) from the hygienic or fishery standard.

7. If the natural background concentrations of chemicals in the waters of surface water bodies, that formed under the influence of natural factors and are characteristic of a particular river basin or part of it, a water body or part of it exceed hygienic or fishery standards, environmental water quality standards shall be developed and approved by the authorized environmental protection body at the level of values (within the range of permissible deviation from values) of indicators of natural background concentrations of chemicals in this river basin or part thereof, water body or part thereof.

8. Environmental standards for the quality of waters of groundwater bodies that are used as sources of drinking and (or) domestic and drinking water supply or whose suitability for

these purposes is determined on the basis of sanitary and epidemiological conclusions, as well as groundwater bodies defined as reserved sources of drinking water supply in accordance with the water legislation of the Republic of Kazakhstan, shall be established at the level of the relevant hygienic standards developed and approved in the manner determined by the legislation of the Republic of Kazakhstan in the field of healthcare.

9. If, in compliance with the established environmental standards for water quality, signs of deterioration in the state of living elements of the natural ecological system (plants, animals and other organisms) are found, confirmed by scientific research for a period of at least five years, then for such territories the relevant local representative body of the region, city of the republican status, the capital, in agreement with the authorized environmental protection body, shall establish more stringent territorial environmental standards for water quality, under which there is no negative deviation of the indicators of the state of the most vulnerable group of biological objects used as water quality indicators.

10. If an international treaty ratified by the Republic of Kazakhstan establishes other requirements for water quality standards of transboundary water bodies and watercourses, then the requirements of such an international treaty shall be applied.

#### **Article 215. Standards for permissible anthropogenic impact on water**

1. In order to protect water bodies, the state shall establish the following standards for the permissible anthropogenic impact on water:

- 1) standards for permissible discharges;
- 2) technological standards for discharges;
- 3) standards for permissible physical impacts on surface waters;
- 4) standards for maximum permissible negative impact on water bodies.

2. Standards for maximum permissible negative impact on water bodies shall be established on the basis of:

1) maximum permissible rate of the anthropogenic load, the long-term impact of which does not lead to a change in the ecological system of the water body;

2) maximum allowable mass and concentration of pollutants that can enter the water body and its catchment area.

3. The rules for determining the standards for permissible anthropogenic impact on water bodies shall be approved by the authorized environmental protection body.

#### **Article 216. Permissible discharge standards**

1. Permissible discharge standard shall be understood as an environmental standard, which is established in an environmental permit and is defined as the amount (mass) of a pollutant or a mixture of pollutants in wastewater, the maximum allowable (permitted) discharge per time unit.

2. Development of draft standards for permissible discharges shall be mandatory for facilities that discharge treated wastewater into a water body or onto the terrain.

Discharge of untreated wastewater to the standards of permissible discharge into a water body or onto the terrain shall be prohibited.

3. A discharge limit must be established for each pollutant in each wastewater outlet.

4. The rates of permissible discharge standard shall be determined at levels at which compliance with the relevant environmental standards for water quality in the monitoring section is ensured, taking into account the basic anthropogenic background concentrations of pollutants in the water.

The basic anthropogenic background concentration of pollutants in water shall be understood as the rate of a pollutant concentration in a particular monitoring section of a water body under adverse conditions due to discharges from other sources that are carried out as of the time of determining the permissible discharge standards.

A control point when establishing standards for permissible discharge, should be understood as a section of a surface water body determined in accordance with this Code, on which monitoring and control of compliance with environmental water quality standards are carried out.

5. Discharge of sewage into the subsoil shall be prohibited, except for cases of treated wastewater injection into isolated non-watered underground horizons and underground aquifers, the underground waters of which cannot be used for drinking, balneological, technical needs, irrigation and livestock needs.

Wastewater treatment in the cases specified in part one of this paragraph shall be carried out in accordance with approved design solutions for oil products, suspended particles and hydrogen sulfide.

The discharge of other pollutants not indicated in part two of this paragraph, at waste water injection into the subsoil shall be fixed according to the maximum concentrations of pollutants in accordance with the methodology approved by the authorized environmental protection body. The maximum concentrations of pollutants shall be substantiated during the environmental impact assessment or in the draft standards for permissible discharges of pollutants. The discharge of such substances in excess of the established maximum concentrations of pollutants shall not be considered an excess emission.

It shall be prohibited to inject into underground horizons the wastewater not treated for oil products, suspended solids and hydrogen sulfide in accordance with part two of this paragraph.

### **Article 217. Technological discharge standards**

1. For category I facilities, in addition to the standards for permissible discharges, technological standards for discharges shall be established by an integrated environmental permit.

2. With regard to new and currently reconstructed category I facilities, if calculations of the pollutants concentrations in the control section show that the total load on the water body will lead to violation of the established environmental standards for water quality or environmental quality targets, the integrated environmental permit must establish stricter permissible discharges than those that meet the BAT performance indicators, so that environmental water quality standards or environmental quality targets are met.

3. With regard to the existing category I facilities, if the calculations of the pollutants concentrations in the control section show an excess of the established environmental standards for water quality or environmental quality targets, the integrated environmental permit must establish stricter standards for permissible discharges than those that correspond to the BAT performance indicators, to the extent that achieving such more stringent discharge limits is technically feasible at an economic cost acceptable to the facility operator.

#### **Article 218. Monitoring the compliance with permissible discharge standards**

1. Monitoring of compliance with the standards of permissible discharges and their impact on the quality of the waters of a water body shall be conducted in accordance with the conditions established in the environmental permit in accordance with this Code.

2. Monitoring of compliance with environmental standards for the quality of waters of a surface water body shall be conducted at the control site.

The control site in surface water bodies used for domestic and drinking water supply and fishery purposes shall be installed at a distance of not more than five hundred meters from the wastewater discharge point (sewage discharge points, mining sites, works on a water body).

3. Rationale for determining the location and number of points at which monitoring of compliance with environmental water quality standards within the control site must be provided in the environmental permit.

4. In the event of a periodic (one-time) increase in the background concentration of controlled impurities, the excess of the allowable discharge standard caused by this background change shall not be deemed a violation of the permissible discharge standards.

#### **Article 219. General provisions on environmental requirements for water bodies' protection**

1. To prevent harmful anthropogenic impact on water bodies, the environmental legislation of the Republic of Kazakhstan establishes mandatory environmental requirements for the protection of surface and ground waters when carrying out activities. 2. Local representative bodies of regions, cities of republican status, the capital shall have the right, by their regulatory legal acts, in agreement with the authorized environmental protection body, to provide for the introduction of additional environmental requirements in the field of water bodies protection in the territories of individual administrative-territorial units in cases when on such territories the established environmental water quality standards are not observed.



## **Article 220. General environmental requirements for water use**

1. At water bodies, general water use shall be exercised in accordance with the statutory procedure of the Republic of Kazakhstan.

2. When exercising general water use, individuals and legal entities shall be obliged to comply with the environmental requirements established by the environmental legislation of the Republic of Kazakhstan, requirements of the water legislation of the Republic of Kazakhstan, as well as the rules for general water use established by local representative bodies of regions, cities of republican status, the capital.

3. The right to special water use shall be granted on the basis of a permit for special water use, issued in accordance with the Water Code of the Republic of Kazakhstan.

4. The right of special water use, technologically directly related to the operation of a category I facility, shall be granted on the basis of an integrated environmental permit issued in accordance with this Code, and shall not require a separate permit for special water use.

5. Individuals and legal entities whose activities cause or may cause pollution, clogging and depletion of water bodies shall be obliged to take measures to prevent such consequences.

6. Requirements for the establishment of water protection zones and strips of water bodies, zones of sanitary protection of waters and sources of drinking water supply are established by the water legislation of the Republic of Kazakhstan.

7. In order to protect water bodies from pollution, the following shall be prohibited:

- 1) use of pesticides, fertilizers on the catchment area of water bodies;
- 2) receipt and disposal of waste in water bodies;
- 3) discharge into water bodies of wastewater not treated to the levels established by the standards for permissible discharges;
- 4) carrying out blasting operations at water bodies, in which nuclear and other types of technologies are used, with concurrent release of radioactive and toxic substances.

## **Article 221. Environmental requirements for water withdrawal and (or) use**

1. Withdrawal and (or) use of surface and ground waters in the order of special water use must be carried out in accordance with the terms of a permit for special water use or a comprehensive environmental permit, as well as in compliance with the environmental requirements provided for by this Code.

2. It shall be prohibited to withdraw and (or) use groundwater for purposes not provided for by the terms of a permit for special water use or a comprehensive environmental permit, or in violation of these terms.

3. To ensure state accounting of groundwater, to control its use and protect the environment, the water users engaged in groundwater withdrawal and (or) the use of groundwater in the order of special water use shall be obliged, in accordance with the requirements of the water legislation of the Republic of Kazakhstan to:

- 1) keep primary records of water withdrawn from groundwater bodies and discharged into them;
- 2) equip water intake and sluiceway structures with means for measuring groundwater flow and install control devices on self-flowing hydrogeological wells;
- 3) keep control of the groundwater intake, operational control over the operation of wells and monitor compliance with the technological regime in accordance with frequency and other requirements provided for by the approved project (technological scheme);
- 4) provide primary statistical data on the use of groundwater in accordance with the statistical methodology approved by the authorized state statistics body.

#### **Article 222. Environmental requirements for wastewater discharge**

1. Discharge of sewage into natural surface and underground water bodies shall be allowed only in the existence of an appropriate environmental permit.
2. Persons using sewage reservoirs and (or) artificial water bodies intended for natural biological wastewater treatment are required to take the necessary measures to prevent their impact on the environment, and also to carry out land reclamation after the termination of their operation.
3. Creation of new (expansion of existing) evaporator storage tanks shall be allowed with the permission of local executive bodies of regions, cities of republican status, the capital, if it is impossible to use other methods for the disposal of generated wastewater or prevent the formation of wastewater in the process, which should be substantiated when assessing the impact on environment.
4. Designed (newly commissioned) sewage evaporators must be equipped with an impervious screen to prevent the penetration of pollutants into the subsoil and groundwater. Technological and technical solutions for preliminary treatment of wastewater prior to its placement in storage tanks shall be determined and substantiated during the environmental impact assessment.
5. Operators of categories I and (or) II facilities shall ensure compliance with environmental standards for discharge established in the environmental permit.
6. The temperature of wastewater discharged into surface water bodies should not exceed 30 degrees Celsius.
7. Discharged wastewater should not contain substances that are aggressive to concrete and metal.
8. It shall not be allowed to discharge sewage water, regardless of its purification degree, into surface water bodies in the sanitary protection zones of centralized drinking water supply sources, resorts, in places designated for bathing.
9. Operators of category I and (or) II facilities that discharge wastewater or have a closed water supply cycle must use water volume meters and keep records of water consumption and sanitation in accordance with the water legislation of the Republic of Kazakhstan.

Operators of categories I and (or) II facilities are obliged for the purpose of rational use of water resources to develop and implement measures for the water reuse, recycling water supply.

10. It shall be prohibited to discharge sewage water without preliminary treatment, with the exception of discharges of mine and quarry waters of mining and metallurgical enterprises into storage ponds and (or) evaporation ponds, as well as water used for water cooling, into storage tanks located in a closed ( recirculating) water supply system.

11. When discharging wastewater, water users shall be required to:

1) ensure determination of the chemical composition of discharged waters in their own or other laboratories accredited as prescribed by the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment;

2) transfer to the authorized state bodies in the field of environmental protection, use and protection of the water fund and the state body in the field of sanitary and epidemiological welfare of the population urgent information about emergency discharges of pollutants, as well as violations of the established regime for the intake of surface and ground waters and the object of wastewater discharge (injection).

12. Discharge of waste into surface water bodies shall be prohibited.

**Footnote. Article 222 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

### **Article 223. Environmental requirements for the pursuit of activities in water protection zones**

1. Within the water protection zone, the following shall be prohibited:

1) design, construction and commissioning of new and reconstructed buildings, structures (with the exception of anti-mudflow, anti-landslide and anti-flood facilities) and their complexes, not provided with structures and devices that prevent pollution and clogging of water bodies and their water protection zones and strips;

2) placement and construction outside settlements of warehouses for storing petroleum products, maintenance points for special equipment, mechanical workshops, car washes, waste disposal sites, as well as placement of other facilities that have a negative impact on water quality;

3) construction, dredging and blasting works (with the exception of anti-mudflow, anti-landslide and anti-flood operations), mining, laying cables, pipelines and other communications, drilling, agricultural and other works, except when these works are agreed with the authorized state bodies in the field of environmental protection, use and protection of the water fund.

2. Within settlements, the boundaries of the water protection zone shall be established based on the specific conditions for their planning and development, with mandatory

engineering or forest reclamation of the coastal zone (parapets, dikes, forest and shrub strips), excluding clogging and pollution of the water body.

**Article 224. Environmental requirements for groundwater protection**

1. The project (technological scheme), on the basis of which the abstraction and use of groundwater amounts to two thousand cubic meters per day, shall be subject to state environmental expertise.

2. Subsoil users conducting search and evaluation of deposits and areas of groundwater, as well as water users engaged in the abstraction and (or) use of groundwater, shall ensure:

- 1) exclusion of the possibility of pollution of groundwater bodies;
- 2) exclusion of the possibility of mixing waters of different aquifers and flow from one horizon to another, if this is not provided for by the project (technological scheme);
- 3) exclusion of the possibility of uncontrolled unregulated release of groundwater, and in emergency cases - urgent adoption of measures to eliminate water losses;
- 4) at the end of the activity - reclamation on land plots disturbed in the process of subsoil use, abstraction and (or) use of groundwater.

3. When assessing the environmental impact of the planned activity in terms of impact on groundwater, the associated risks of indirect impact on surface water bodies and other natural environment components shall be taken into account, including in the form of flooding, inundation, desertification, waterlogging of lands, occurrence of landslides, ground subsidence and other similar consequences, as well as the necessary measures to prevent such indirect impact.

4. Water users who abstract and (or) use groundwater shall be obliged to prevent irretrievable losses of water and deterioration of its quality properties due to shortcomings in the operation of wells.

5. Requirements for equipment with control devices, conservation and liquidation of hydrogeological wells are established by the water legislation of the Republic of Kazakhstan.

6. The use of groundwater of drinking quality for needs unrelated to drinking and (or) household water supply shall not be allowed, except for the cases provided for by the Water Code of the Republic of Kazakhstan and the Code of the Republic of Kazakhstan On Subsoil and Subsoil Use.

7. On the catchment areas of underground water bodies that are used or can be used for drinking and domestic water supply, waste disposal, placement of cemeteries, animal burial grounds (biothermal pits) and other objects that have a negative impact on the state of groundwater shall not be allowed.

8. It shall be prohibited to put into operation water intake facilities for groundwater without equipping them with water control devices, water meters, and without establishing sanitary protection zones and creating monitoring points for indicators of the state of groundwater bodies in accordance with the water legislation of the Republic of Kazakhstan.

9. It shall be prohibited to irrigate land with sewage if it has or may have a harmful effect on the state of groundwater bodies.

10. Water users abstracting and (or) using groundwater in the amount of two thousand cubic meters per day shall be obliged to carry out at their own expense research and development work to find new and improve existing methods and technological schemes for the development of groundwater deposits, upgrade technological equipment, means of continuous and periodic monitoring, ensure groundwater protection from depletion and pollution, protection of mineral resources and the environment.

11. In order to protect underground water bodies that are used for domestic and drinking water supply, and the waters of which have natural medicinal properties, sanitary protection zones shall be established in accordance with the Water Code of the Republic of Kazakhstan.

12. In the area where waste water is injected into absorption wells, systematic laboratory monitoring of water quality in nearby wells, springs, boreholes should be organized at the expense of the water user in accordance with the program of industrial environmental control.

#### **Article 225. Environmental requirements for the protection of groundwater bodies in subsoil use operations**

1. When assessing the impact on the environment of the planned subsoil use operations, it shall be mandatory to assess the impact on groundwater bodies and determine the necessary measures for the groundwater protection. Measures for the groundwater bodies' protection during subsoil use operations shall be designed as part of the relevant project document for subsoil use operations.

2. Groundwater bodies exposed during subsoil use operations must be provided with reliable isolation to prevent their pollution.

3. If during subsoil use operations it is planned to open a groundwater body that can be used as a source of drinking and (or) for utility water supply, the toxicological characteristics of chemical reagents used for the preparation (treatment) of drilling and cement mortars must be agreed with the state body in the field of sanitary and epidemiological welfare of the population when issuing an environmental permit.

4. In the event of an undesigned opening of a groundwater body during subsoil use operations, the subsoil user shall immediately take measures to protect groundwater bodies in the manner established by the water legislation of the Republic of Kazakhstan, and notify the authorized state bodies in the environmental protection, use and protection of the water fund, for the study of subsoil, the state body in the field of sanitary and epidemiological welfare of the population.

#### **Article 226. Environmental requirements for pursuit of activities in the safety zone of the Republic of Kazakhstan**

1. The protection zone of the Republic of Kazakhstan is a land area extending five kilometers from the sea coastline towards the land, which may be polluted due to oil spills on the sea and inland water bodies or be a source of sea pollution.

2. Within the safety zone of the Republic of Kazakhstan, it is prohibited to build landfills for waste disposal.

#### **Article 227. Environmental requirements for water bodies' protection in accidents**

1. In case of deteriorated water quality of water bodies used for drinking, household water supply or amenity water use, which is caused by emergency discharges of pollutants and which poses a threat to human life and (or) health, urgent measures shall be taken to protect the population in accordance with the legislation of the Republic of Kazakhstan on civil protection.

2. In the event of an emergency at categories I and II facilities, which results or may result in violation of the established environmental standards for water quality, the facility operator must immediately, in any case, not more than two hours from the moment the emergency is discovered, notify the authorized environmental protection body and take all necessary measures to prevent water pollution down to partial or complete shutdown of the operation of the relevant sources or the facility as a whole, and also eliminate the negative consequences for the environment caused by such an emergency.

#### **SECTION 16. LAND PROTECTION Article 228. General provisions on land protection**

1. Lands shall mean the earth's surface (territorial space), including the soil layer, which is used or can be used in the course of activities to meet the material, cultural and other needs of society.

2. Soil layer (soil) means an independent natural-historical organo-mineral natural body that arose on the surface of the earth as a result of prolonged exposure to biotic, abiotic and anthropogenic factors, consisting of solid mineral and organic particles, water and air and having specific genetic and morphological features, properties that create appropriate conditions for the growth and development of plants.

3. Lands in accordance with the environmental legislation of the Republic of Kazakhstan shall be subject to protection from:

- 1) anthropogenic pollution of the earth's surface and soils;
- 2) littering of the earth's surface;
- 3) degradation and depletion of soils;
- 4) disturbance and deterioration of land in a different way (due to water and wind erosion, desertification, flooding, inundation, swamping, secondary salinization, desiccation, compaction, technogenic changes in natural landscapes).

4. Lands in accordance with the environmental legislation of the Republic of Kazakhstan shall be subject to protection in order to prevent:

- 1) causing harm to people's life and (or) health;
- 2) violations of sustainability of the functioning of ecological systems;
- 3) degradation and loss of forests;
- 4) reduction of biodiversity;
- 5) causing environmental damage.

5. Soil pollution is the presence in the soil of pollutants in concentrations exceeding the environmental standards for soil quality established by the state.

The sources of soil pollution are recognized as the entry of pollutants into the soil as a result of anthropogenic and natural factors, as well as formation of pollutants in soils as a result of chemical, physical and biological processes occurring in them.

6. Pollution of the earth's surface is recognized as the entry of pollutants onto the earth's surface and into the upper layer of soil in an amount that prevents the use of such land in accordance with its intended purpose.

7. Land protection shall be carried out from all types of pollution, including as a result of the ingress of pollutants from physical media (atmospheric air and water) contacting with the earth's surface and soil.

8. Cluttering of the earth's surface is unorganized placement of solid waste on the earth's surface, which prevents the use of land for its intended purpose or worsens its aesthetic value.

9. Soil degradation is understood as deterioration of the properties and composition of the soil, which determine its fertility (soil quality), as a result of the impact of natural or anthropogenic factors.

Soil depletion is understood to be complete loss of the fertile properties of the soil.

#### **Article 229. Environmental standards for soil quality**

1. Environmental standards for soil quality shall be established for chemical indicators in the form of maximum permissible concentrations of pollutants in the soil.

2. The maximum permissible concentration of pollutants in soil shall be understood as maximum amount (mass) of a chemical substance recognized in accordance with this Code as a pollutant, which) when exceeded becomes unsuitable for one or more types of land use, causes degradation of natural environment components or violates sustainability of ecological systems and biodiversity.

3. Soil quality standards shall be developed and established taking into account the natural features of the territories and land categories established in accordance with the land legislation of the Republic of Kazakhstan.

4. Natural background content of a substance in the soil - is the content of a substance in the soil corresponding to its natural composition.

5. If, in compliance with the established environmental standards for soil quality, signs of deterioration in the state of living elements of the natural ecological system (plants, animals and other organisms) are found, confirmed by scientific research for a period of at least five years, then for such territories the relevant local representative body of the region, city of the republican status, the capital, in agreement with the authorized environmental protection body, shall establish more stringent territorial environmental standards for soil quality, under which there is no negative deviation of the indicators of the state of the most vulnerable group of biological objects used as soil quality indicators.

#### **Article 230. Environmental requirements in zoning and use of agricultural land**

1. When zoning agricultural land, environmental safety and agricultural land quality must be ensured.

2. Zoning of agricultural land shall be based on indicators of the degree of environmental distress, the criteria of which are physical degradation and chemical pollution.

3. The level of chemical contamination of lands shall be determined with the use of the maximum permissible concentrations of chemicals in the soil, approved by the authorized environmental protection body and the state body in the sanitary and epidemiological welfare of the population.

4. Environmental criteria for assessing lands in order to determine the need for their transfer from more valuable to less valuable, conservation, as well as assignment to an ecological disaster zone or a zone of environmental emergency shall be approved by the authorized environmental protection body (hereinafter referred to as environmental criteria for assessing land).

#### **Article 231. Environmental requirements for land zoning and use in populated localities**

1. Zoning of the lands of populated localities shall be based on environmental criteria for lands assessment.

2. When transferring lands of populated localities to lands of other categories, the possibility of pollutants ingress from such lands into the atmospheric air and waters of such territories and their direct impact on the people's life and (or) health shall be taken into account.

3. For the ecological emergency zone, a special use mode shall be established, which does not entail further deterioration of the environmental situation.

#### **Article 232. Environmental requirements in zoning and use of industrial, transport, communications, defense and other non-agricultural lands**

1. When zoning industrial, transport, communications, defense and other non-agricultural lands, environmental safety shall be ensured.



2. In order to ensure environmental safety and create the necessary conditions for the operation of industrial, transport and other facilities, zones shall be established with regard to creation of special conditions for the use of these lands, contributing to the environment improvement.

3. When transferring lands of industry, transport, communications, defense and other non-agricultural purposes to lands of other categories, zones shall be taken into account within which the types of activities that are incompatible with the purposes of establishing zones shall be restricted or prohibited.

4. An additional environmental criterion when transferring lands of industry, transport, communications, defense and other non-agricultural purposes to lands of other categories is their contamination with chemicals above the levels established in the environmental criteria for assessing lands. The lands referred to the highest pollution level shall be subject to conservation and transferred to reserve lands.

### **Article 233. Environmental requirements for the use of lands of specially protected natural areas and recreational lands**

1. The mode of the use of lands of specially protected natural territories is regulated by the Land Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan On Specially Protected Natural Territories.

2. In order to maintain favorable environmental and sanitary and epidemiological conditions, sanitary protection zones shall be established on the territory of recreational lands during their zoning.

3. Persons engaged in tourist operator and (or) tourist agency activities, when forming and selling a tourist product that involves tourism in a specially protected natural area, must be guided by the following ecological tourism principles:

1) compliance of the planned number of tourists simultaneously staying in a certain territory with the recreational loads established in relation to such a territory;

2) prevention of harm to the environment;

3) choice of vehicles that have the least negative impact on the environment;

4) minimizing the formation of solid household waste and ensuring their placement in the places designated for their collection or independent removal from specially protected natural areas;

5) informing tourists about the places visited and instructing them on the rules of conduct in them;

6) involvement of persons permanently residing in the visited territories and (or) near them, in the organization and conduct of tours and obtaining economic benefits.

### **Article 234. Environmental requirements for the use of forestry fund lands**

1. The mode of forestry fund lands use is regulated by the Land Code of the Republic of Kazakhstan and the Forest Code of the Republic of Kazakhstan.

2. The state of vegetation as an indicator of the ecological state of the territory should be considered as an ecological criterion for classifying lands as forestry fund.

3. Agricultural land not used for the needs of forestry on the lands of the forestry fund may be transferred to the category of agricultural land in accordance with the forest legislation of the Republic of Kazakhstan.

4. The transfer of forestry fund lands to lands of other categories shall be allowed in the presence of a positive conclusion of the state ecological expertise in accordance with the requirements of the forest legislation of the Republic of Kazakhstan.

5. When transferring forestry fund lands to lands of other categories, environmental indicators should be taken into account, reflecting the impact of the land condition on grass and woody vegetation in accordance with the environmental criteria for land assessment.

#### **Article 235. Environmental requirements for zoning and use of the water fund lands**

1. When zoning the water fund lands, the protection of water bodies shall be ensured.

2. Land plots from the water fund lands may be provided for temporary land use by local executive bodies in agreement with the authorized state body in the use and protection of the water fund to individuals and legal entities for the needs of agriculture, forestry, fishing, hunting and other purposes, not contradicting the main intended purpose of the land plot, which do not entail pollution and land degradation and, accordingly, environmental degradation.

3. The transfer of the water fund lands to lands of other categories shall be allowed in the existence of positive conclusions of state environmental and sanitary-epidemiological examinations in accordance with the requirements of the water legislation of the Republic of Kazakhstan in the event of:

1) termination of the existence of a water body or a significant change in its environmental and hygienic indicators;

2) referring them to the lands of specially protected natural areas;

3) changes in the boundaries (features) of the populated localities, entailing a change in the environmental situation.

4. The lands allotted as water protection strips cannot be transferred to the categories of lands of populated localities and industry; a special regime of economic activity shall be established on them to prevent pollution, clogging and depletion of water.

#### **Article 236. Environmental requirements for zoning and use of reserve lands**

1. When zoning reserve lands, the area of showing negative changes and spatial heterogeneity of the distribution of sites of varying degradation degrees at the researched area shall be taken into account.

2. The degradation rate of ecosystems shall be calculated based on fifty-year series of observations. Assessment of ecosystem degradation degree shall be carried out in accordance with the environmental criteria for land assessment.

3. Reserve lands can be transferred to lands of other categories, depending on the purposes of further use, only after the boundaries of the lands, into the category of which they are transferred, are established on the ground. When transferring reserve lands to other categories, preliminary selection of a land plot shall be made in accordance with environmental requirements for this category of lands.

4. The transfer of disturbed lands from the category of reserve lands is possible after accomplished reclamation and measures to improve the quality of lands and the environmental situation.

5. Land plots from the reserve lands, where nuclear weapons tests were carried out in the past, can be provided for ownership or land use only after completion of all measures to eliminate the consequences of nuclear weapons testing and a comprehensive environmental survey in the presence of positive conclusions from state environmental and sanitary and epidemiological expertise.

6. The provisions of paragraphs 3, 4 and 5 of this Article shall not apply to the lands of the nuclear safety zone provided to the authorized organization for ensuring the functioning of the Semipalatinsk nuclear safety zone in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 236 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective from January 1, 2024).**

#### **Article 237. Environmental requirements for optimal land use**

1. The main environmental requirements for optimal land use shall be:

1) scientific rationale and forecasting of the environmental consequences of the proposed land transformations and land redistribution;

2) rationale and implementation of a uniform state environmental policy in the planning and organization of land use and protection of all categories of land;

3) ensuring the targeted use of land;

4) formation and placement of environmentally sound compact and optimal land plots;

5) development of a set of measures to maintain sustainable landscapes and protect the land;

6) development of measures for the protection of land;

7) preservation and strengthening of environment-forming, water protection, protective, sanitary-epidemiological, health-improving and other useful natural properties of forests in the interests of protecting human health and the environment;

8) conservation of biodiversity and ensuring sustainable functioning of ecological systems

2. Provision of land plots for the placement and operation of enterprises, structures and other facilities shall be in compliance with environmental requirements and take into account the environmental consequences of the activities of these facilities.

3. For the construction and erection of facilities unrelated to agricultural production, lands unsuitable for agricultural purposes, with the lowest soil quality score, should be allocated.

### **Article 238. Environmental requirements for the use of land**

1. When using land, individuals and legal entities must not allow land pollution, littering of the earth's surface, soil degradation and depletion, and are also obliged to ensure the removal and preservation of the fertile soil layer when necessary to prevent its irretrievable loss.

2. In subsoil use operations, the subsoil users and other persons, when performing construction and other works related to land disturbance, shall:

1) keep the occupied land plots in a condition suitable for their further use for their intended purpose;

2) prior to the start of work related to disturbance of lands, remove the fertile soil layer and ensure its preservation and use in the future for the purposes of reclamation of the disturbed lands;

3) carry out reclamation of disturbed lands.

3. When carrying out subsoil use operations, construction and other works related to disturbance of land, the following shall be prohibited:

1) violation of the vegetation cover and soil layer outside the land plots (lands) allotted in accordance with the legislation of the Republic of Kazakhstan for subsoil use operations, construction and other relevant works;

2) removal of the fertile soil layer for the purpose of selling or transferring it to the ownership of other persons.

4. When choosing the direction of reclamation of disturbed lands, the following should be taken into account:

1) the nature of the violation of the surface of the earth;

2) natural and physiographic conditions of the facility location area;

3) socioeconomic features of the facility location, taking into account the prospects for the development of such an area and environmental protection requirements;

4) the need to restore the main area of disturbed lands for cropland in the black earth and intensive agriculture zone;

5) the need to restore disturbed lands in the immediate vicinity of settlements for gardens, farming and recreation areas, including creation of reservoirs in the worked-out area and decorative garden and park complexes, landscapes on stripping soils dumps and enrichment waste;

6) performance of planning works on the territory of an industrial facility, elimination of unnecessary excavations and embankments, removal of construction waste and improvement of the land plot;

7) ravines and gullies on the used land, which must be filled or flattened out;

8) mandatory landscaping of the territory.

5. In the event of using land plots for the accumulation, storage, disposal of industrial waste, they must meet the following requirements:

1) comply with the sanitary and epidemiological rules and standards for the design, construction and operation of industrial waste disposal sites;

2) have low-filtering soils where groundwater stands no higher than two meters from the bottom of the storage with a slope on the ground of 1.5 percent in the direction of the water reservoir, agricultural land, forests, industrial businesses;

3) location on the leeward side of the settlement and lower in the direction of the groundwater flow;

4) location on the ground, not inundated by flood and storm waters;

5) have engineering impervious protection, fencing and landscaping along the perimeter, access roads with a hard surface;

6) surface and underground runoff from the land should not flow into water bodies.

6. Introduction of new technologies, implementation of measures for land reclamation and soil fertility improvement shall be prohibited in case of their non-compliance with environmental requirements, sanitary and epidemiological norms and rules, other requirements provided for by the legislation of the Republic of Kazakhstan.

7. The procedure for using lands subjected to radioactive and (or) chemical contamination, establishing security zones, preserving residential buildings, industrial, commercial and socio-cultural facilities on these lands, carrying out reclamation and technical work on them shall be determined taking into account the maximum permissible levels of radiation and chemical influences.

8. In order to protect land, the land owners and land users shall take measures to:

1) protect lands from water and wind erosion, mudflows, landslides, flooding, inundation, swamping, secondary salinization, drying out, compaction, contamination with radioactive and chemical substances, littering, biogenic pollution, as well as other negative impacts;

2) protect lands from contamination with quarantine objects, alien species and especially dangerous harmful organisms, their spread, overgrowth with weeds, shrubs and small forests, as well as from other types of land deterioration;

3) eliminate the consequences of pollution, including biogenic, and littering;

- 4) maintain the achieved level of melioration;
- 5) reclaim disturbed lands, restore the soil fertility, timely involve lands into circulation.
9. On the lands of settlements, the use of cooking salt for de-icing shall be prohibited.

## **SECTION 17. NATURE PROTECTION Chapter 15. GENERAL PROVISIONS Article 239.**

### **General provisions**

1. Biological diversity means variability of living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part, and includes diversity within species, between species and ecosystem diversity.

2. Ecological system (ecosystem) shall be understood as a dynamic complex of communities of plants, animals and other organisms, their inanimate habitat, which is an objectively existing part of the natural environment, interacting as a single functional whole and interconnected by the exchange of matter and energy, which has spatial and territorial boundaries.

Habitat refers to the type of terrain or natural habitat of an organism or population.

3. A natural landscape is a territory that has not been changed as a result of human activities and is characterized by a combination of certain types of terrain, soils, vegetation, formed in uniform climatic conditions.

4. Biological resources are understood as genetic resources, organisms or their parts, populations or any other biotic components of ecological systems that have actual or potential utility or value for humanity.

5. Activities that threaten destruction of the genetic fund of living organisms, loss of biodiversity and disruption of the sustainable functioning of ecological systems shall be prohibited.

### **Article 240. Measures for biodiversity conservation**

1. For the purpose of biodiversity conservation, the following hierarchy of measures shall be applied in descending order of their preference:

- 1) measures to prevent negative impacts are in priority;
- 2) when the negative impact on biodiversity cannot be prevented, measures should be taken to minimize it;
- 3) when the negative impact on biodiversity cannot be prevented or minimized, measures should be taken to mitigate its consequences;
- 4) to the extent that negative impacts on biodiversity have not been prevented, minimized or mitigated, measures must be taken to compensate for the loss of biodiversity.

Measures to prevent negative impacts on biodiversity shall be understood as measures aimed at avoiding any impacts on biodiversity from the very early stage of planning activities and throughout the entire period of its implementation.

Measures to minimize the negative impact on biodiversity shall be understood as measures to reduce the duration, intensity and (or) level of impacts (direct and indirect) that have not been prevented.

Measures to mitigate the consequences of a negative impact on biodiversity shall be understood as measures aimed at creating favorable conditions for the conservation and restoration of biodiversity.

2. When conducting a strategic environmental assessment and environmental impact assessment, the following shall be required:

1) determining of negative impacts of the developed Document or planned activities on biodiversity (through research);

2) measures for prevention, minimization of negative impacts on biodiversity, mitigation of the consequences of such impacts;

3) in case of identifying the risk of biodiversity loss, an assessment of biodiversity loss shall be carried out with measures provided for their compensation.

#### **Article 241. Loss of biodiversity and compensation for loss of biodiversity**

1. The loss of biodiversity shall be understood as disappearance or significant reduction in populations of a species of flora and (or) fauna in a certain territory (in the water area) resulting from anthropogenic impacts.

2. Compensation for the loss of biodiversity should be focused on a permanent and long-term increase in biodiversity and is carried out in the form of:

1) restoration of biodiversity lost as a result of the activities carried out;

2) introduction of the same or another type of biodiversity that is no less important for the environment in the same territory (in the water area) and (or) in another territory (in the water area), where such biodiversity is more important.

3. It shall not be allowed to implement the Document or the proposed activity if:

1) this will lead to the loss of biodiversity in terms of flora and (or) fauna or their communities, which are rare or unique, and there is a risk of their destruction and impossibility of reproduction;

2) this will lead to the loss of biodiversity in terms of flora and (or) fauna or their communities that are an integral part of the unique landscape, and there is a risk of its destruction and impossibility of restoration;

3) this will lead to the loss of biodiversity and there are no sites with conditions suitable for compensating for the loss of biodiversity without deteriorating the state of ecosystems;

4) this will lead to the loss of biodiversity and there are no technologies or methods to compensate for the loss of biodiversity;

5) this will lead to the loss of biodiversity and compensation for the loss of biodiversity is impossible for other reasons.

4. Measures to compensate for the loss of biodiversity shall be subject to mandatory implementation.

5. The procedure for performing compensation for the loss of biodiversity shall be determined by the authorized body for the protection, reproduction and use of wildlife.

#### **Article 242. Ecosystem services**

1. Ecosystem services shall be understood as the benefits received by individuals and legal entities from the use of ecosystems, their functions and useful properties, including:

1) supplying ecosystem services - products derived from ecosystems, such as food, fuel, fiber, fresh water and genetic resources;

2) regulating ecosystem services - benefits derived from the regulation of ecosystem processes, such as air quality maintenance, climate regulation, soil erosion prevention, regulation of human diseases and water purification;

3) cultural ecosystem services are understood as non-material benefits received from ecosystems through spiritual enrichment, cognitive development, reflection, recreation and aesthetic experience;

4) supporting ecosystem services - services necessary for the production of all other ecosystem services, such as production of primary products, oxygen production and soil formation.

2. Assessment of the state of ecosystems and ecosystem services shall be carried out on the basis of methods aimed at determining sustainability of the ecosystem and its components, as well as linking ecosystem services with the population's well-being.

3. The procedure for assessing ecosystem services includes four steps:

1) determination of the scope of works and services provided by ecosystems that will be affected by the planned activities of individuals and legal entities;

2) determination of the background state - assessment of the state of ecosystems and ecosystem services for ecosystems that will be affected by the planned activities of individuals and legal entities, determination of users of ecosystem services and the benefits that they can receive from the services provided;

3) impact assessment - determination of the potential impact on ecosystems and its components, ecosystem services and their users, significance of this impact and the most significant ecosystem services;

4) assessment of measures to reduce the negative and residual impact - determining the list of measures that can be taken to predict and prevent the negative impact on the most significant ecosystem services, in cases when it is impossible to prevent the impact, taking measures to minimize it; if there is a residual impact after adoption of mitigation measures, steps shall be taken to compensate for it. Mitigation measures should aim to reduce adverse impacts to a low or non-significant level.



### **Article 243. Payments for ecosystem services**

1. Payments for ecosystem services are voluntary payments made by consumers of ecosystem services to providers of ecosystem services as a reward for the fulfillment by the latter of certain actions or conditions necessary for such consumers to receive benefits from ecosystem services.

Providers of ecosystem services are any individuals and legal entities whose activities are directed or associated with creation or maintenance at some level of individual ecosystem services.

Consumers of ecosystem services are individuals and legal entities that derive benefit, including economic, from the use of ecosystem services and are interested in maintaining such ecosystem services at a certain level.

2. Payments for ecosystem services do not relate to taxes and other obligatory payments to the budget and are made on a contractual basis in accordance with the civil legislation of the Republic of Kazakhstan.

Payments for ecosystem services can be in cash or in kind. The amount and form of payments for ecosystem services shall be determined by consent of the parties to the relevant agreement.

### **Chapter 16. ECOLOGICAL REQUIREMENTS FOR THE USE OF WILDLIFE Article 244.**

#### **Ecological requirements for the general use of wildlife**

1. The wildlife general use shall be exercised without removal of wildlife objects from the habitat in accordance with the legislation of the Republic of Kazakhstan on the protection, reproduction and use of wildlife.

2. In the order of general use of the animal world, the use shall be made of the beneficial properties of the vital activity of animals, as well as the use of objects of the animal world for scientific, cultural-educational, educative, aesthetic and other purposes, not prohibited by the legislative acts of the Republic of Kazakhstan.

3. When exercising the general use of wildlife, it shall be prohibited to withdraw animals, destroy their dwellings and other structures, disturb animals during the breeding season, disturb the habitat of animals and worsen the conditions for their reproduction.

### **Article 245. Environmental requirements in the implementation of urban planning and construction activities**

1. When conducting a mandatory environmental impact assessment or a strategic environmental assessment, the impact of the proposed activity or document being developed on the state of the animal world, habitat, migration routes and breeding conditions of animals must be taken into account and assessed, and measures must be determined to preserve the habitat and breeding conditions for wildlife objects, migration routes and places of

concentration of animals, inviolability of sites of particular value as a habitat for wild animals should be ensured.

2. It shall be prohibited to put into operation buildings, structures and their complexes without technical and engineering means of protecting animals and their habitat.

3. When placing, designing and building railways, roads, main pipelines, communication lines, wind power plants, as well as canals, dams and other hydraulic structures, measures must be developed and implemented to ensure preservation of migration routes and prevention of death of animals.

4. Explosive and other works that are a source of increased noise shall be limited in animal breeding areas by the legislation of the Republic of Kazakhstan.

5. The operation of hydraulic and other structures at water bodies, establishment of the hydrological regime of water bodies and the regime of water consumption from them, as well as other activities that affect or may affect the state of the habitat of wild animals, must be carried out taking into account the requirements for the protection of wildlife, the interests of fish and hunting farms.

#### **Article 246. Environmental requirements in the construction and operation of electric power networks**

1. When placing, designing, building, operating, repairing, reconstructing and upgrading electric power networks, measures must be developed and implemented to ensure prevention of the death of birds and other wild animals, preservation of habitats, breeding conditions, migration routes and places of concentration.

2. Entities operating electrical networks shall carry out regular inspection of electric power networks to identify their negative impact on birds and other wild animals and, if necessary, take measures to reduce it.

#### **Article 247. Environmental requirements for mowing dry coastal-aquatic vegetation**

Mowing of dry coastal-aquatic vegetation, with the exception of vegetation on the territory of water bodies of special state significance, is allowed in order to reduce the risk of fires, as well as in case of economic necessity in coordination with the authorized state body in the field of protection, reproduction and use of wildlife.

**Footnote. Article 247 as amended by the Law of the Republic of Kazakhstan dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 248. Environmental requirements for transportation, storage and use of plant protection products, mineral fertilizers and other agents used in the activity, creation of new agents**

1. When transporting, storing and using plant protection products, mineral fertilizers and other agents used in activities, creating new agents, individuals and legal entities shall be

obliged to comply with the rules for the transportation, storage and use of these agents and take measures to ensure prevention of disease and death of animals.

2. When creating new remedies, standards for their use in the environment should be developed.

3. To prevent the death of animals and deterioration of their habitat, at the proposal of the authorized state body in the protection, reproduction and use of the animal world, the authorized environmental protection body may determine certain territories on which the use of pesticides, weed killers and other chemicals is limited or prohibited.

4. It shall be allowed to use pesticides that are included in the list of pesticides approved by the authorized body for plant protection in agreement with the authorized environmental protection body and the state body in the sanitary and epidemiological welfare of the population.

5. Inclusion in the list of pesticides specified in paragraph 4 of this article shall be allowed after toxicological studies, hygienic regulation of their handling, establishment of hygienic and environmental standards and state registration of these pesticides.

6. State registration of pesticides shall be carried out in the procedure determined by the authorized body for plant protection in agreement with the authorized environmental protection body and the state body in the sanitary-epidemiological welfare of the population.

7. In the presence of potentially hazardous chemical and biological substances in mineral fertilizers and other agents, the authorized body for plant protection, on the proposal of the authorized state body in the field of protection, reproduction and use of wildlife or the authorized environmental protection body, shall conduct toxicological studies, on the basis of which environmental standards are established for these mineral fertilizers and other agents.

8. The following shall be forbidden:

1) extraction of animal world objects with the use of explosive devices, pesticides and other chemicals, with the exception of the use of pesticides and other chemicals in the extermination of field rodents, as well as in cases of mass epizootics, rabies and other animal diseases in agreement with the authorized state body in the field of protection, reproduction and use of wildlife;

2) the use of pesticides, weed killers, mineral fertilizers and other agents:

in protected areas in specially protected natural zones;

in designated rest zones in places of mass accumulation of animals during the migration and breeding season, as well as in areas of particular value as a habitat for wild animals;

in designated habitats and artificial breeding of rare and endangered animal species;

3) leave in agricultural and other lands on the surface of the earth treated seeds that are not embedded in the soil and are available for eating by wild animals.

9. In order to protect fish and other aquatic animals from pollution of their habitat with pesticides, weed killers and other chemicals, within two kilometers from the existing shores of fishery reservoirs and (or) sites, the following shall be prohibited:

1) application of the aerial pollination method in the control of pests, plant diseases and weeds;

2) construction of warehouses for storage of pesticides, weed killers, mineral fertilizers and petroleum products, construction of runways for conducting aerial chemical work, as well as sites for filling ground equipment with pesticides, weed killers and baths for bathing sheep.

**Article 249. Environmental requirements for introduction, reintroduction and hybridization of plant and animal species**

**Footnote. The title of Article 249 as amended by the Law of the Republic of Kazakhstan dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication).**

1. The introduction, reintroduction and hybridisation of animal species within the territory of the Republic of Kazakhstan shall be allowed for research and economic purposes by permission of the authorised state body in the field of protection, reproduction and use of fauna based on biological justification.

Introduction refers to the intentional or accidental transfer of plant species outside their natural habitat and animals outside their habitat.

Introduction of plants is carried out in accordance with the legislation of the Republic of Kazakhstan in the field of protection, conservation, restoration and use of flora.

2. The introduction of hybrid animals into the natural environment shall be prohibited.

3. The unauthorised introduction, reintroduction and hybridisation of animal species shall be prohibited to natural and legal persons.

4. Natural and legal persons who keep or breed wild animals in captivity and (or) semi-free conditions, as well as domestic animals that may cross-breed with wild animals or cause harm to them, shall be obliged to take measures to prevent such animals from releasing into the natural environment.

**Footnote. Article 249 as amended by the Law of the Republic of Kazakhstan dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication).**

**Article 250. Environmental requirements for the import into and export from the Republic of Kazakhstan of animals**

The import into and export from the Republic of Kazakhstan of animals covered by the Convention on International Trade in Endangered Species of Wild Fauna and Flora shall be allowed under a permit issued in obedience to the procedure determined by the authorised state body in the field of protection, reproduction and use of fauna.

Animals from the Republic of Kazakhstan shall be exported in the manner prescribed by the legislation of the Republic of Kazakhstan and international treaties of the Republic of Kazakhstan.

### **Article 251. Environmental requirements in fisheries**

1. Rules of fishery, objects of fishery, procedure of assignment of fishery ponds and (or) areas for fish management and fishery, provision of fish resources and other aquatic animals shall be established by the legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of fauna.

2. In the order of common use of wildlife, in cases stipulated by the legislation of the Republic of Kazakhstan, natural persons shall be allowed free recreational (sport) fishing in the reserve fund of fishery water bodies and (or) sites up to five kilograms per angler per fishing trip. Herewith, the established rules, regulations, restrictions and prohibitions in the field of wildlife protection, reproduction and use shall be observed.

3. Hydromelioration works in wetlands, habitats, distribution areas of fish resources, and other aquatic animals shall be carried out under the permission of the authorized state body in the field of protection, reproduction and use of fauna.

### **Article 252. Environmental requirements for the use of beneficial properties and products of animal life**

1. Use of the beneficial properties and products of animals shall be permitted without taking or destroying animals, degrading their habitat or causing harm to animals.

2. Use of wild animals for the purpose of obtaining their wildlife products shall be allowed without taking or destroying the animals or degrading their habitat.

3. The use of wild animals for the purpose of obtaining products of their vital functions shall be carried out in compliance with the rules established by the authorised state body in the field of protection, reproduction and use of fauna.

### **Article 253. Environmental requirements for zoological collections**

1. Creation and replenishment of zoological collections (collection of stuffed animals, eggs, preparations and parts of fauna objects, fauna objects, including wild animals of zoos, zoological gardens, circuses, zoological nurseries, aquariums, oceanariums) by taking animals from the natural environment shall be performed by Natural and legal persons based under permits issued by the authorized state body in the field of protection, reproduction and use of fauna.

2. Zoological collections of scientific, cultural-educational, educational and aesthetic value, and of national importance shall be subject to state accounting.

3. Creation, replenishment, conservation, use, alienation and state accounting of zoological collections, their trade, as well as their import into the Republic of Kazakhstan, transfer and export outside the Republic of Kazakhstan shall be carried out in accordance with the rules, established by the authorised state body in the sphere of protection, reproduction and use of fauna.

## **Article 254. Environmental requirements in the regulation of animal populations**

1. Measures aimed at regulating the number of certain species of wild animals shall be implemented for the protection of public health and safety, prevention of diseases among agricultural and other domestic animals, damage to the environment, economic and other activities. These measures shall be implemented in ways that ensure the conservation of wildlife habitat, biodiversity and avoid ecological damage to protected species and their natural habitats.

2. Rules for the regulation of the number of animals shall be approved by the authorised state body in the field of protection, reproduction and use of fauna.

## **Article 255. Environmental requirements for hunting and fishing**

The following environmental requirements shall apply to hunting and fishing operations:

1) prevent the deterioration of the ecological condition of animal habitats as a result of their own activities, and apply environmental conservation techniques during production processes;

2) conduct primary records of the number and use of wild animals, study their condition and characteristics of the hunting grounds, and provide this information to the authorised state body in the field of protection, reproduction and use of fauna;

3) comply with the established rules, norms, regulations, limits and time limits for harvesting animals;

4) protect wildlife species, including rare and endangered species of animals in the assigned territory;

5) carry out comprehensive activities aimed at breeding, including artificial, of wild animals, preservation and improvement of their habitat;

6) carry out activities concerning the protection, reproduction and use of fauna;

7) carry out comprehensive measures to prevent and control diseases, immediately inform authorized state bodies in the field of protection, reproduction and use of fauna, veterinary science and state body in the field of sanitary and epidemiological welfare of population about detection of animal diseases, deterioration of animal habitat, occurrence of threat of destruction and cases of animal death;

8) independently terminate the use of fauna objects in cases of deterioration of their condition and habitat conditions, reduction of reproduction ability, and the threat of animal destruction, as well as take immediate measures to eliminate the negative impact on animals and their habitat.

## **Article 256. List of rare and endangered animal species**

1. The list of rare and endangered animal species shall be approved by the authorized body in the field of environmental protection and shall include rare and endangered species (

subspecies, populations) of animals (vertebrates and invertebrates) living in a state of natural freedom permanently or temporarily on land, water, atmosphere and soil in the Republic of Kazakhstan, including on the continental shelf and in the exclusive economic zone of the Republic of Kazakhstan, as well as those that have disappeared in their natural habitat.

2. Animals classified as rare and endangered species shall be the state property, while animals bred and kept in captivity and/or semi- captive conditions may be in both public and private ownership.

3. Natural and legal persons shall be entitled to use animals classified as rare and endangered species within the limits and in obedience to the procedure established by the legislation of the Republic of Kazakhstan.

#### **Article 257. Protection and reproduction of rare and endangered animal species living in the state of natural freedom**

1. Actions that may lead to the death, reduction in numbers or disturbance of rare and endangered animal species shall be prohibited.

2. Natural and legal persons shall ensure the protection of animals within the assigned territories, and shall report to the authorized state body in the field of protection, reproduction and use of fauna about cases of death of animals classified as rare and endangered species that have become known or have been detected. The procedure for investigating such cases shall be determined by the authorised state body for the protection, reproduction and use of fauna.

3. Rare and endangered species of animals shall be assisted in cases of their mass diseases , threatened death by natural disasters and due to other reasons in compliance with the legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of fauna.

4. In order to prevent the death of animals classified as rare and endangered species, their removal shall be prohibited, excluding exceptional cases by decision of the Government of the Republic of Kazakhstan.

5. Rare and endangered wildlife species in their natural state of freedom may be reproduced with:

- 1) improvement of natural reproduction conditions;
- 2) relocation;
- 3) release of artificially bred animals into the habitat.

6. The activities referred to in paragraph 5 hereof shall be carried out with the permission of the authorised state body in the field of protection, reproduction and use of fauna based on biological justification.

7. For the protection and reproduction of rare and endangered animal species in their natural state of freedom, specially protected natural areas shall be established, and protection zones may be established around them with a prohibition of any activities within these zones that negatively affect the state of the fauna.

8. The design and implementation of activities shall develop measures to conserve habitats and breeding conditions, migration routes and concentration areas of rare and endangered animal species, as well as shall ensure the integrity of designated areas of special value as habitat for these animals.

**Article 258. Use of rare and endangered animal species living in their natural state of freedom**

1. If the use of rare and endangered species of animals living in a state of natural freedom for scientific, cultural, educational and aesthetic purposes is carried out without removing animals from their habitat, the authorised state body in the field of protection, reproduction and use of fauna shall be entitled to introduce restrictions on visiting certain places and at certain times. Information on these restrictions shall be published in the district and regional media, and special warning signs shall be posted at appropriate locations.

2. Natural and legal persons interested in keeping and breeding rare and endangered animal species in captivity and/or semi-free conditions, within the prescribed time limits shall be obliged to release into the habitat an appropriate number of rare and endangered animal species that have been artificially bred. Animals shall be released under handover act in the presence of officials of the authorised state body for the protection, reproduction and use of fauna.

**Article 259. Captive and/or semi-free keeping and breeding of rare and endangered species as well as species included in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora**

1. Induced breeding of rare and endangered animal species as well as species included in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora may be in captivity (cage and aviary keeping) or semi-free conditions (keeping in parks and other areas with conditions close to natural habitat).

2. Captive and/or semi-free breeding and keeping of rare and endangered animal species as well as species included in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora shall be permitted to natural and legal persons, if they comply with the following requirements:

1) existence of facilities for keeping animals, including a legally designated area or premises equipped with enclosures, cages and other installations;

2) implementation of zootechnical, veterinary, sanitary and epidemiological measures to the necessary extent;

3) presence of zootechnical, zootechnical and veterinary specialists and other persons with skills in keeping animals in captive or semi- captive conditions;

4) availability of a permit from the authorised state body in the field of protection, reproduction and use of fauna.



3. The permit for the maintenance and breeding in captivity and (or) semi-free conditions of rare and endangered species of animals, as well as species included in the annexes of the Convention on international trade in endangered species of wild fauna and flora, specifies the mandatory requirements. If individuals and legal entities do not comply with the conditions of the permit, after two warnings within six months, the permit may be revoked or cancelled.

4. Captive and/or semi-free breeding of rare and endangered animal species in specialised zoological breeding centres shall be carried out in accordance with the regulations on such breeding centres.

5. Owners of animals classified as rare and endangered species, as well as species listed in the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and held in captivity and/or semi-free conditions, shall carry out non-removable ringing or tagging of these animals and hold animal passports.

6. Individuals and legal entities that keep animals classified as rare and endangered species in captivity or semi-free conditions have the right to acquire, sell and exchange these animals within the Republic of Kazakhstan.

In the case of a transaction, individuals and legal entities are required to send a notification to the authorized state body in the field of protection, reproduction and use of wildlife about the transaction within five working days.

The notification is sent in writing, indicating the number and date of the relevant transaction.

7. Natural and legal persons owning animals classified as rare and endangered species, as well as species included in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, held in captivity and (or) semi-freezing conditions, shall be permitted to use them for the purposes of international trade in the manner prescribed 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-freezing conditions may cause ecological and/or economic damage to the state, the Government of the Republic of Kazakhstan shall be entitled to impose restrictions on such trade.

**Footnote. Article 259 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Chapter 17. FOREST CONSERVATION Article 260. Environmental requirements for the use of areas of the state forest fund in the regeneration of forests and afforestation on specially protected natural territories**

Areas of the state forest fund in the regeneration of forests and afforestation on specially protected natural territories shall be used in obedience to the legislation of the Republic of Kazakhstan.

**Article 261. Environmental requirements for the protection, conservation, regeneration and use of wood and shrub vegetation in areas of the state forest fund, transferred for use to forest owners and (or) forest users**

1. Protection, conservation, regeneration and use of wood and shrub vegetation in areas of the state forest fund, transferred in the order, established by the legislation of the Republic of Kazakhstan, for use to forest owners and (or) forest users for integrated management of agriculture and forestry, shall be made in compliance with the requirements of the Forest Code of the Republic of Kazakhstan.

2. Forest owners and (or) forest users who have been transferred areas of the state forest fund, shall be obliged to carry out forest management therein and participate in the state accounting of the forest fund in the manner prescribed by the Forest Code of the Republic of Kazakhstan.

3. Control over the condition, protection, conservation, regeneration and use of the wood and shrub vegetation referred to in paragraph 1 hereof shall be exercised by the authorised state body in the field of forestry.

**Article 262. Environmental requirements in the conservation, protection of areas of the state forest fund, use of such areas, regeneration of forests in areas of the state forest fund, located among land plots of other owners or land users**

1. For conservation, protection, use of areas of the state forest fund, regeneration of forests on the areas of the state forest fund, located among land plots of other owners or land users, the state forest owners shall have right of limited purposeful use of another's land plot (easement) in the order, established by the Land Code of the Republic of Kazakhstan.

2. Protection zones of twenty metres in width shall be established to protect forests of natural origin from adverse external influences along the borders of state forest fund plots located among land plots of other owners or land users.

3. Activities that have a negative impact on the condition of forests in areas of the state forest fund shall be prohibited within the protection zone.

**Article 263. Environmental requirements for the conservation, protection and use of protective plantations on railway right-of-way, highways, canals, trunk pipelines and other linear structures**

1. Protective plantings located on the right-of-way of railways, highways, canals, trunk pipelines and other linear structures shall be intended to protect these facilities from adverse natural phenomena, prevent environmental pollution and reduce noise impacts.

2. In areas with protective plantations located on the right-of-way of railways, highways, canals, trunk pipelines and other linear structures, forest maintenance cutting, sanitary cutting,

cutting related to reconstruction of low value plantations as well as plantations losing their protective, water protection and other functions, and other cutting shall be permitted in compliance with projects of protective plantations.

3. Conservation, protection and use of protective plantations, indicated in paragraph 1 hereof, shall be carried out by land users, on whose lands they are located, in obedience to the Forest Code of the Republic of Kazakhstan.

#### **Article 264. Protection of the green fund of urban and rural settlements**

1. The green fund of urban and rural settlements shall be the total area of forest and other plantations.

2. The protection of the green fund of urban and rural settlements shall involve a system of measures that ensure the conservation and development of the green fund and are necessary for the normalisation of the ecological situation and the creation of a favourable environment.

3. Activities that have a negative impact on these areas and prevent them from fulfilling their ecological, sanitary-hygienic and recreational functions shall be prohibited in the areas of the green fund.

4. Conservation, protection and regeneration of forests, afforestation in the territories indicated in paragraph 1 hereof shall be carried out pursuant to the forestry legislation of the Republic of Kazakhstan.

#### **Article 265. Regime of special protection of natural objects located in green belts**

1. A limited regime of activities shall be established for the special protection of natural objects located in green belts.

2. A restricted regime of activities in the green belts shall be implemented in compliance with the principles:

1) priority for activities and technologies that do not cause adverse change in the condition of natural objects located in green belts;

2) balancing solutions to socio-economic objectives and the special protection of natural objects located in the green belts.

3. In areas that are part of green belts, the following shall be prohibited:

1) use of toxic chemicals, pesticides, agrochemicals;

2) disposal of hazardous waste;

3) location of facilities that have a negative impact on the environment, classified as hazardous production facilities pursuant to the legislation of the Republic of Kazakhstan on civil protection;

4) exploitation of mineral deposits, with the exception of the exploitation of mineral water and therapeutic mud deposits and the use of other natural healing resources;

5) creation of capital construction facilities (except for hydraulic engineering structures, communication lines, power lines, pipelines, roads, railway lines, other linear facilities, buildings, structures, constructions that are an integral technological part of said facilities, as well as healthcare, education, recreational and tourism facilities);

6) construction of livestock and poultry complexes and farms, construction of manure storages;

7) placement of cattle burial grounds;

8) location of pesticide and mineral fertilizer warehouses.

4. Recultivation of disturbed land, protection of land from erosion, waterlogging, flooding, swamping, secondary salinization, desiccation, pollution with wastes, chemical substances, contamination and other negative impacts in green belts shall be carried out on a priority basis

5. Green area reclamation measures shall include the implementation of sanitary measures in forests and the elimination of pest outbreaks, including the use of chemicals that do not cause degradation of natural ecological systems, depletion of natural resources or other negative changes in the environment.

6. Clear-cutting of forest and other plantations shall be prohibited in green belts, except as otherwise required by applicable forest legislation of the Republic of Kazakhstan.

7. Reforestation activities shall be carried out in the green belts as a priority, but no later than one year after the felling of the relevant forest and other plantations.

8. Peculiarities of use, conservation, protection, regeneration of forests located in green belts shall be established by the authorized state body in the field of forestry.

**Chapter 18. PROTECTION OF THE GENETIC POOL OF PLANTS, ANIMALS, MICRO-ORGANISMS AND THE USE OF GENETIC RESOURCES Article 266. Environmental requirements for the protection and reproduction of the gene pool of plants and animals in the state of natural freedom**

1. Actions that may lead to the death, reduction of the population or destruction of habitat of rare, endangered, endemic and relic species of plants and animals that are valuable gene pool and national treasure of the Republic of Kazakhstan shall be prohibited.

2. Sites where objects of valuable natural gene pool - populations of rare, endangered, endemic and relict species of plants and animals, as well as objects of valuable agro-biodiversity, including relatives of cultivated plants and animals, which are used in breeding or are potential sites for breeding in the future - may be designated in compliance with the procedure established by law as separate types of specially protected natural territories, genetic reserves and other protected objects, around which protection or buffer zones with special conditions for the use of natural resources are established.

3. The objects of flora and fauna referred to in paragraph 2 hereof may be included in the list of objects of the natural reserve fund, and their areas of growth and habitat, places of

concentration and breeding, migration routes shall be under protection, ensuring the conservation of objects of flora and fauna, a special regime of use of these areas.

Natural gene pool areas shall be protected from quarantine objects and alien species.

4. The reproduction and use of plant and animal species referred to in paragraph 2 hereof shall be carried out in a manner that ensures the conservation of the mother species and meets the ethical requirements of scientific research in the field, as well as of relevant advances in science, practice and traditional knowledge relevant to genetic resources.

#### **Article 267. Environmental requirements for maintenance and use of natural science collections and collections of plant genetic resources**

**Footnote. The title of Article 267c is amended by the Law of the Republic of Kazakhstan dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication).**

1. Genetic collections of plants (including herbarium collections), animals and micro-organisms, including gene banks, DNA and RNA collections shall be maintained under conditions which ensure their conservation, access and use.

The procedure, conditions for access and use of the collections specified in part one of this paragraph, with the exception of botanical collections and collections of plant genetic resources, are determined by the authorized body in the field of science.

The procedure for the formation, storage, accounting and use of botanical collections, collections of plant genetic resources is determined by the authorized body in the field of protection, conservation, restoration and use of flora.

2. Natural science collections and collections of genetic resources may be in state or private ownership on the grounds, conditions and within the limits established by legislative acts of the Republic of Kazakhstan.

Regardless of the form of ownership, natural science collections, with the exception of botanical collections and collections of plant genetic resources, and their holders are subject to state recording and registration in accordance with the procedure established by the authorized body in the field of science.

**Footnote. Article 267 as amended by the Law of the Republic of Kazakhstan dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Chapter 19. STATE CONSERVATION AREA IN THE NORTHERN PART OF THE CASPIAN SEA Article 268. Boundaries of the state conservation area in the northern part of the Caspian Sea**

The boundaries of the state conservation area in the northern part of the Caspian Sea shall be established by the Government of the Republic of Kazakhstan.

#### **Article 269. Restrictions on the regime of activities in the state conservation area in the northern part of the Caspian Sea**

1. Within the state conservation area in the northern part of the Caspian Sea, protected areas with a total ban on activities shall be allocated based on functional zoning, and additional temporary restrictions shall be imposed on certain types of work in obedience to the Law of the Republic of Kazakhstan “On Specially Protected Natural Areas”.

2. The following usage regime shall be established in the protected area in the northern part of the Caspian Sea:

1) to ensure normal fish spawning and juvenile fish migration to the sea, construction and geophysical works, well testing and navigation shall be prohibited from April 1 to July 15 in the Ural and Volga Rivers estuaries within a radius of 50 kilometres from the most seaward point of the Kazakhstani part of the Volga River land delta and the most seaward point of the Ural River land delta, as well as in a strip 15 kilometres wide from the coastline as of 1 January 1994 between the boundaries of the above-mentioned areas and further eastward to the Emba River. At the same time, navigation of vessels engaged in fishing and transportation of fish, display, replacement, removal and inspection of navigation aids, scientific research works shall be allowed upon agreement with the authorised state body in the field of protection, reproduction and use of fauna;

2) during the period specified in sub-paragraph 1) of this paragraph, the oil production process shall be converted to autonomous provision of equipment, chemical reagents, fuel and lubricants and other materials, foodstuffs. All measures shall be taken to ensure the accumulation and storage of wastes from the oil production process for their subsequent removal at the end of the prohibition period;

3) in order to preserve birds in nesting sites (reed beds, sandy coastal spits and islands), construction work and well testing shall be prohibited during the period referred to in sub-paragraph 1) of this paragraph;

4) carrying out of works at times other than those specified in sub-paragraph 1) of this paragraph within the reed beds (natural biological filter) at the land-sea border shall be regulated by decisions of the authorised public authorities in the field of environmental protection and specially protected natural areas with due regard for the season of the year;

5) in order to conserve the Caspian seal population, hydrocarbon exploration and/or extraction operations from October to May shall be carried out no closer than 1,852 metres (one nautical mile) from their concentration sites. Considering rookeries change, all possible measures shall be taken to identify seal concentrations;

6) to avoid negative impacts on birds and Caspian seals, overflight of aircraft over designated habitats and breeding areas below one kilometre shall be prohibited, except in cases of research and rescue work with prior notification to authorised state environmental authorities and specially protected natural territories.

3. to ensure the sustainable existence of the ecosystem of the state conservation area in the northern part of the Caspian Sea, construction of drilling bases, well testing and navigation shall be limited as much as possible when designing offshore exploration and production.

## **Article 270. Water protection zone of the Caspian Sea**

The width of the water protection zone along the shore of the Caspian Sea shall be taken to be two thousand metres from the mean annual sea level mark for the last decade, which is minus 27 metres, except in the cases provided for in Article 223, paragraph 2 hereof.

## **Article 271. Protection areas of coastal waters in the northern part of the Caspian Sea at public water use areas**

1. Protection areas of coastal waters in the northern part of the Caspian Sea at public water use areas shall be established by local executive authorities within their competence with allowances made for actual and prospective water use. The width of such an area towards the sea shall not be less than 3.9 kilometres from the mean annual sea level mark for the last decade.

2. The coastal strip of land allocated as part of the coastal water protection areas in the northern part of the Caspian Sea, in places where people use water shall correspond to the water protection zone of the Caspian Sea, both in terms of defining the borders and the protection regime.

## **Article 272. Environmental requirements when carrying out activities within the zone of influence of the Caspian Sea level fluctuations**

1. The Caspian Sea level fluctuation zone has no clearly defined boundaries and tentatively extends from absolute levels of minus 29 metres within the water area to minus 26 metres on land.

2. Within the zone of influence of the Caspian Sea level fluctuations, the following shall be prohibited:

1) design, construction and commissioning of new and reconstructed facilities without structures and devices to prevent pollution and littering of water bodies and their water protection zones and strips;

2) location and construction outside populated areas of storage facilities for oil products, vehicle maintenance facilities, mechanical workshops, car washes, the organisation and arrangement of waste disposal sites, and the location of other facilities that have a negative impact on water quality;

3) construction, dredging and blasting, extraction of minerals, laying of cables, pipelines and other communications, drilling, agricultural and other works without an environmental permit.

## **Article 273. General environmental requirements for activities in the state conservation area of the northern part of the Caspian Sea**

The following environmental requirements must be complied with when carrying out activities in the state conservation area in the northern part of the Caspian Sea:

1) excavation and earthmoving activities shall be permitted with a special permit issued by the competent public authority for subsurface exploration, with the exception of salvage and rescue work;

2) construction, installation and dismantling of structures may only be carried out using technologies that ensure the collection of all types of pollutants;

3) blasting in the water column and on the seabed shall be prohibited in all kinds of construction and other works;

4) blasting under the seabed may be carried out by permission of the authorized state bodies in the field of environmental protection, use and protection of water fund and subsoil investigation;

5) disturbance of nesting places of waterfowl and near-water birds, as well as obstruction of access to spawning grounds of sturgeon fish shall be prohibited;

6) withdrawal of water from the sea shall be permitted only if water intake facilities are equipped with fish protection devices;

7) technical devices shall be installed at water intake facilities to continuously monitor the effectiveness of fish protection devices;

8) it shall be prohibited to discharge waste into the sea;

9) discharge of wastewater into the sea shall be prohibited, except for a limited list of treated wastewater, including water from cooling and fire-fighting systems, oil-treated sea water, ballast water discharged by permission of authorised state bodies for environmental protection, use and protection of the water fund, as well as the state body for sanitary and epidemiological welfare of the population;

10) water temperature as a result of discharge outside the control station shall not increase by more than five degrees compared with the average monthly water temperature during the discharge period of the last three years;

11) transport routes shall be selected in such a way as to prevent or reduce their impact on marine mammals, fish and birds;

12) laying of railway tracks, highways and main pipelines not provided for by the projects in the area of special requirements shall be prohibited.

For works in the water protection zone and shallow coastal areas not exceeding ten metres in depth, vehicles shall be used to ensure that highly productive bottom communities and spawning grounds are preserved. If necessary, special vehicles on extended tracks, low-pressure tyres, air cushion, that minimally disturb the integrity of the ground cover and existing biocoenosis, may be used for environmental monitoring.

**Article 274. Environmental requirements for exploration and/or extraction of hydrocarbons at sea in the state conservation area in the northern part of the Caspian Sea**



1. When carrying out exploration and/or extraction of hydrocarbons at sea in the state conservation area in the northern part of the Caspian Sea, the subsoil user shall ensure compliance with the environmental requirements set out herein in addition to other environmental requirements stipulated by this Code.

2. If previously drilled wells are discovered within the contract area, the subsoil user shall be obliged to take them into account and monitor them.

3. Flaring of fluids during well operation shall be prohibited unless there is a threat of an emergency.

4. The flaring of hydrocarbons during well testing shall be kept to a minimum by using the best available technique that is the safest for the environment. Justification for the use of appropriate techniques shall be made during the environmental impact assessment.

The subsoil user shall carry out hydrocarbon flaring during well testing using the best available technique specified herein only when weather conditions are favourable to disperse the plume of smoke, and the design of the flares shall ensure complete combustion of the hydrocarbons.

5. If the borehole is located along bird migration routes, organisational and technical measures shall be taken to avoid damage to the bird fauna.

6. Emissions from offshore exploration and/or production of hydrocarbons in the state conservation area in the northern part of the Caspian Sea shall be monitored and controlled in obedience to the requirements of the legislation of the Republic of Kazakhstan and in compliance with the principles and methods adopted in international environmental protection practice for hydrocarbon exploration and (or) production operations.

7. Drilling waste may not be injected into the subsoil without prior decontamination operations as defined in the approved project document for subsoil use operations.

8. The injection of associated gas into the subsurface in the northern part of the Caspian Sea, which provides enhanced oil recovery by maintaining reservoir pressure, in excess of the norms provided for in the approved project document for subsoil use operations, and the injection of associated gas in excess of the design parameters, shall be prohibited.

9. All operations for the decontamination and storage of drilling waste (cuttings and mud) that are not reused and not injected into the subsoil shall be carried out at a special landfill located outside the state conservation area in the northern part of the Caspian Sea. Such a dedicated landfill must be commissioned no later than the date of commencement of drilling operations.

10. Marine facilities recognised as such in obedience to the Code of the Republic of Kazakhstan “On Subsoil and Subsoil Use” and the vessels serving them must be equipped with an installation for the treatment and disinfection of sewage or for the collection, storage and subsequent transfer of sewage to specialised vessels or onshore reception facilities.

Appropriate facilities must be provided for the collection or treatment of waste (shredding or baling). Medical and food waste may be incinerated using best available techniques pursuant to the approved project document.

11. Comprehensive environmental protection programmes, including measures to protect spawning grounds and the reproduction of valuable commercial fish, as well as the preservation of seal habitat in the state conservation area in the northern part of the Caspian Sea, shall be developed at the expense of the subsoil user before the start of oil extraction activities.

12. Drilling and grouting fluids shall not contain any substances that have not been agreed as part of the approved engineering design.

13. Drilling rigs shall be equipped with internal combustion engines that meet the requirements of the International Maritime Organisation for carbon monoxide emission limits.

14. Power plants shall be equipped with internal combustion engines or dual fuel turbines (diesel to gas).

15. When carrying out an environmental impact assessment of proposed offshore hydrocarbon exploration and/or production activities in the state conservation area in the northern part of the Caspian Sea, an analysis of the current state of the previously studied area of the proposed activity shall be based on the results of field studies carried out no earlier than four years before the submission of the environmental impact assessment report.

16. A mandatory element in the environmental impact assessment shall be the analysis of alternatives, including the avoidance of exploration in particularly sensitive areas of the Caspian Sea and coastal zone.

17. In the water protection zone and in shallow coastal areas no deeper than ten metres, boreholes shall be drilled using electrically powered rigs from external grids. If drilling is carried out with a diesel-powered generator set, the release of untreated exhaust gases into the atmosphere from such rigs must be reduced to a minimum.

18. During offshore hydrocarbon exploration and/or production operations, each offshore facility and each vessel transporting oil and oil-containing cargo shall accommodate resources for oil spill response at sea, inland water bodies and in the protection zone of the Republic of Kazakhstan, determined in compliance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use.

#### **Article 275. Environmental requirements for geophysical work**

1. When conducting geophysical work in the state conservation area in the northern part of the Caspian Sea, the following shall be prohibited:

1) use explosive seismic wave sources and pneumatic sources with parameters detrimental to the fish fauna and its habitat;

2) use apparatus and methods whose safety has not been documented or based on experimental geophysical work;

3) leaving seismic buoys at sea unmonitored to prevent them from breaking off and drifting away, and towing them along the seabed.

2. To conserve the Caspian seal population, seismic surveys and other geophysical activities during the period from October to May shall be adjusted by setting off seismic profiles at least 1,852 metres (one nautical mile) from seal concentrations on island and ice rookeries. Aerial overflights shall be envisaged to identify high concentrations of seals due to frequent rookery changes.

3. The seismic survey may include the use of fish deterrents from the work area.

#### **Article 276. Environmental requirements in the design and construction of oil and gas pipelines**

1. The design and construction of oil and gas pipelines and accompanying facilities in the zone of influence of storm surges shall lean against their maximum amplitudes.

2. The design of automatic shut-off valves on oil and gas pipelines shall consider an assessment of the risks associated with possible damage to the integrity of oil and gas pipelines.

3. The construction of oil and gas pipelines shall use facilities and equipment that minimise seabed disturbance and use technologies and techniques that localise the spread of suspended matter into the water column.

4. In the state conservation area in the northern part of the Caspian Sea, oil and gas pipelines must be buried to protect them from damage by moving ice, ship anchors and other anthropogenic influences.

5. Along the oil and gas pipelines, exclusion zones shall be established in the form of sections of water space from the water surface to the bottom, enclosed between parallel planes offset from the axis of the outermost pipeline strings by five hundred metres on each side.

6. Water discharge during hydrotesting of oil and gas pipelines shall be carried out outside the boundaries of the state conservation zone in the northern part of the Caspian Sea.

#### **Article 277. Environmental requirements for onshore supply bases and onshore infrastructure**

1. Construction of coastal bases, including fuel and lubricant depots, vehicle maintenance stations, other than ports and jetties, shall be carried out outside the water protection zone of the Caspian Sea coast, using existing infrastructure. Construction of facilities and works shall be permitted in the water protection zone provided for by the legislation of the Republic of Kazakhstan.

2. Wharf and supply base areas shall be planned in such a way that supply, maintenance and refuelling operations shall be carried out in compliance with all requirements to ensure environmental and public health safety.

3. Upon completion of the operation of the coastal infrastructure facilities and their dismantling, land reclamation shall be carried out in compliance with the design documentation agreed with the competent environmental authority.

**Article 278. Environmental requirements for shipping**

1. The use of equipment and apparatus, as well as vessels previously operating in other water basins, shall be prohibited without an environmental survey to avoid accidental introduction of flora and fauna into the Caspian Sea.

2. All types of vessel movements shall be presented as part of the pre-design and project documentation. At the detailed design stage and during the organisation of the works, the timetable of ship movements by seasons shall be determined and ship routes shall be indicated on the mapping materials. When selecting routes, hydrometeorological conditions, including ice conditions, as well as spawning and migration periods and locations of valuable fish species, seal rookeries and bird nesting sites shall be taken into consideration.

3. Vessels shall be equipped with closed fuel bunkering systems, waste water and rubbish collection tanks equipped with devices to prevent discharge into open bodies of water.

4. Bulk materials, chemicals and dangerous goods must be transported in closed containers and special containers that prevent their release into the environment pursuant to the requirements of the legislation of the Republic of Kazakhstan on merchant shipping.

5. The hulls of ships, other vessels, offshore installations and platforms shall be coated with modern certified anti-corrosion materials.

6. Ships at sea shall be fuelled using systems that prevent spills and leaks of fuel and lubricants.

7. Noise and vibration from ships shall not exceed the maximum permissible noise levels established by the sanitary and epidemiological rules and standards, hygienic regulations.

8. Construction equipment for special purpose vessels shall be fitted with noise and vibration reduction devices.

9. Double-hull tankers shall be used for the tanker transportation of hydrocarbons and other hazardous substances in the Caspian Sea.

10. Ships shall be equipped with equipment that prevents pollution of ship decks with oil products and discharge of polluted wastewater into water bodies. It shall be prohibited to discharge from vessels oil, pollutants and wastewater containing them, untreated ballast water, food waste, household rubbish and all types of plastics into water bodies. Measures to prevent pollution from vessels shall be taken in compliance with the requirements of the legislation of the Republic of Kazakhstan on merchant shipping.

11. The navigation regime shall be established in agreement with the authorised public authorities in the field of protection, reproduction and use of fauna, use and protection of the water fund.

## **Article 279. Environmental requirements for mothballing and abandonment of objects of hydrocarbon exploration and/or production operations**

1. Conservation or liquidation of objects for offshore exploration and/or production of hydrocarbons, exploration, including solid minerals, mineral and/or drinking water, shall be carried out in obedience to the legislation of the Republic of Kazakhstan on subsoil and subsoil use.

2. If wells are mothballed after testing has been completed, the subsoil user must carry out mothballing work, ensure the safety of the drilling footing and securely seal the well until work can be resumed.

3. When abandoning wells drilled from a bulk foundation (subsea berm or island), the subsoil user must ensure that they are sealed and control the condition of the artificial foundation, having previously cleaned it from possible contamination by hydrocarbons and other chemicals. If an island (berm) is eroded, the subsoil user must mark it (it) with a milestone or a buoy before final levelling of the foundation is carried out and transmit the coordinates to the authorised state subsoil study authorities, inland waterways transport authorities for marking on marine maps to ensure the safety of navigation.

4. When abandoning wells drilled from platforms of any type, platform structures shall be completely dismantled and removed, and the heads of sealed wells shall be cut off at bottom level to avoid interference with fishing and navigation.

5. The decision to dispose of decommissioned bulk mining islands must be based on an environmental impact assessment of the abandonment activities.

6. Conservation and liquidation of flooded and waterlogged old wells must be carried out under projects that have passed state environmental expertise and examination carried out in obedience to the legislation of the Republic of Kazakhstan on subsoil and subsoil use. At the same time, a plan for preparedness and action for oil spill response at sea, inland water bodies and in the Republic of Kazakhstan safety zone must be developed and approved, and monitoring of canned and abandoned wells must be ensured. Work shall not be carried out without the necessary resources for oil spill response at sea, inland water bodies and in the Republic of Kazakhstan safety zone in compliance with the preparedness and action plan for oil spill response at sea, inland water bodies and in the Republic of Kazakhstan safety zone.

## **Article 280. Environmental monitoring of the state conservation area in the northern part of the Caspian Sea**

1. State environmental monitoring shall be carried out in the state conservation area in the northern part of the Caspian Sea by an authorised body for environmental protection on a mandatory basis.

2. A subsoil user carrying out subsoil use operations in the state conservation area in the northern part of the Caspian Sea shall be obliged to conduct annual industrial environmental

monitoring (by climatic season) throughout the contract area, except for monitoring during the winter period in the sea water area covered by ice, in order to prevent negative impacts on the marine environment.

3. The environmental impact assessment materials of each phase of hydrocarbon exploration and/or production operations (geophysical survey, geotechnical survey, drilling, construction, development, operation, abandonment, etc.) shall provide for production monitoring, which shall include:

1) in-situ environmental studies of production facilities at each stage of hydrocarbon exploration and/or production operations;

2) pollution source monitoring;

3) environmental monitoring;

4) monitoring the consequences of accidental environmental pollution.

4. State environmental and industrial environmental monitoring shall include observations of the following parameters:

1) The level of pollution of water, as well as bottom sediments by physical, chemical and hydrobiological indicators in different status (regime) areas of the Caspian Sea;

2) the balance and transformation of pollutants in certain areas of the Caspian Sea (at reference sampling points in the open sea, bays, estuaries, rivers flowing into the sea, areas of hydrocarbon exploration and/or production operations), at the air-water interface and their accumulation in bottom sediments (bottom settings);

3) natural circulation processes, hydrometeorological indicators (water temperature, currents, wind speed and direction, precipitation, atmospheric pressure, air humidity).

5. If necessary and if requested by the competent authority for environmental protection, the subsoil user must carry out additional investigations into the state of the environment.

6. The subsoil user shall determine the types and methods of environmental observation in compliance with the procedure established by the competent authority for environmental protection.

7. In carrying out production monitoring, the subsoil user shall consider the results of previous years' observations and use readings from already existing stations located in the work area (within and around the contract area) to continue the long-term series of observations.

8. In the event of emergencies, monitoring of the consequences of accidental environmental pollution shall be organised without delay.

9. The subsoil user must transmit the results of industrial monitoring to the authorised body for environmental protection.

**SECTION 18. CLIMATE AND THE OZONE LAYER IN THE ATMOSPHERE Chapter 20.  
PUBLIC REGULATION OF GREENHOUSE GAS EMISSIONS AND REMOVALS Article 281.  
Greenhouse gases**

1. Greenhouse gases are defined as gaseous substances (chemical compounds) in the Earth's atmosphere, whether of natural or anthropogenic origin, which are capable of absorbing or reflecting infrared radiation.

2. The following types of greenhouse gases shall be covered by this Code:

1) carbon dioxide (CO<sub>2</sub>);

2) methane (CH<sub>4</sub>);

3) nitrous oxide (N<sub>2</sub>O);

4) hydrofluorocarbons (HFCs);

5) perfluorocarbons (PFCs);

6) sulphur hexafluoride (SF<sub>6</sub>);

7) other substances as determined by the competent authority for environmental protection compliance with paragraph 3 hereof.

3. Designation of certain substances as greenhouse gases by an authorised body in the field of environmental protection shall be carried out in the event of entry into force of international commitments of the Republic of Kazakhstan, requiring the adoption of measures for public regulation of emissions and absorption of greenhouse gases in respect of such substances.

#### **Article 282. Emissions and removals of greenhouse gases**

1. Greenhouse gas emissions shall refer to the release of greenhouse gases into the atmosphere because of anthropogenic processes.

2. Absorption of greenhouse gases shall mean the absorption (removal) of a greenhouse gas from the atmosphere occurring as a result of any natural process or activity.

3. Greenhouse gas emissions and removals shall be measured and calculated in tonnes of carbon dioxide equivalent.

A tonne of carbon dioxide equivalent shall be one metric ton of carbon dioxide or a mass of another greenhouse gas equivalent in terms of global warming potential to one metric ton of carbon dioxide.

Global warming potentials shall be determined by an authorised body in the field of environmental protection in accordance with the provisions of the international climate change treaties of the Republic of Kazakhstan.

#### **Article 283. National contributions of the Republic of Kazakhstan to the global response to climate change**

1. The Republic of Kazakhstan aims to ensure that by 31 December 2030, the carbon balance of the Republic of Kazakhstan will be no less than fifteen per cent below the 1990 carbon balance.

The carbon balance of the Republic of Kazakhstan shall be defined as the volume of actual greenhouse gas emissions minus the volume of actual removals of greenhouse gases for a specified period.

The objective referred to in part one of this paragraph shall be the nationally determined contribution of the Republic of Kazakhstan to the global response to climate change ( hereinafter referred to as the national contribution).

2. The authorized body in the field of environmental protection shall develop further national contributions of the Republic of Kazakhstan in obedience to the international treaties ratified by the Republic of Kazakhstan.

Subsequent national contributions of the Republic of Kazakhstan shall be approved by the Government of the Republic of Kazakhstan.

3. The authorised body for environmental protection shall be the working body for the implementation of the international climate change treaties of the Republic of Kazakhstan and shall carry out public regulation of greenhouse gas emissions and removals pursuant to this Code in order to ensure that the national contributions of the Republic of Kazakhstan as defined in compliance with this Code are achieved.

4. State bodies and officials of the Republic of Kazakhstan, within the limits of their competence, shall be obliged to take actions aimed at ensuring the fulfilment of the national contributions of the Republic of Kazakhstan.

#### **Article 284. Public regulation of greenhouse gas emissions and removals**

1. Public regulation of emissions and absorption of greenhouse gases shall mean state activity aimed at creating conditions for reducing emissions and increasing absorption of greenhouse gases with due regard for the need to ensure sustainable development of the Republic of Kazakhstan and the fulfilment of its international obligations.

2. Public regulation of greenhouse gas emissions and removals shall be carried out by:

- 1) the application of instruments of public regulation of greenhouse gas emissions and removals pursuant hereto;
- 2) establishing a market-based carbon trading mechanism.

3. Public regulation of greenhouse gas emissions and removals shall be carried out in compliance with this Code and the rules of public regulation of greenhouse gas emissions and removals approved by the authorised body in the field of environmental protection.

#### **Article 285. Instruments of public regulation of greenhouse gas emissions and removals**

The public regulation of greenhouse gas emissions and removals shall be carried out using the following instruments:

- 1) setting a carbon budget;
- 2) carbon quotas establishment;



3) administration of plant operators.

### **Article 286. Carbon budget**

1. The carbon budget shall mean the maximum allowable amount for the carbon balance of the Republic of Kazakhstan for the carbon budgeting period established pursuant to the procedure provided for in this Code.

2. The carbon balance of the Republic of Kazakhstan for the carbon budgeting period shall not exceed the established carbon budget for such period.

3. The carbon budgeting period shall be five consecutive calendar years.

4. The carbon budget shall determine the amount of quota and non-quota greenhouse gas emissions.

5. A carbon budget shall be developed and approved by the designated environmental authority for each successive carbon budgeting period at least six months before the start of the relevant carbon budgeting period.

6. The carbon budget shall be developed for the account taken of the need to respect national contributions in accordance with the international treaties of the Republic of Kazakhstan in such a way that:

1) for the carbon budgeting period 2021-2025, the carbon budget for 2021 shall be at least 1.5 per cent below the 1990 carbon budget level, and in subsequent years shall be reduced by at least 1.5 per cent annually from the previous year's carbon budget level;

2) for the carbon budgeting period 2026-2030, the carbon budget for each calendar year shall be reduced by at least 1.5 per cent of the previous year's carbon budget;

3) for further carbon budgeting periods, the carbon budget for each calendar year shall be at least fifteen per cent below the 1990 carbon balance.

### **Article 287. Facilities subjected to public regulation for greenhouse gas emissions and removals**

1. The instruments of public regulation of emissions and removals of greenhouse gases provided for in this Code shall apply to installations whose greenhouse gas emissions exceed the relevant thresholds established by this section.

2. An installation shall mean a stationary source of greenhouse gas emissions or several stationary sources of greenhouse gas emissions connected by a common technological process and located at the same industrial site.

A stationary greenhouse gas emission source shall be one which cannot be relocated without dismantling and the permanent location of which can be determined using a single national coordinate system, or which can be relocated by transport or other means of transport but which requires a fixed (stationary) position relative to the earth's surface during its operation.

3. In this Code, the operator of an installation shall be defined as the natural or legal person who owns or otherwise lawfully uses the installation.

#### **Article 288. Operator of the carbon unit trading system**

1. The operator of the carbon unit trading system shall be a subordinate greenhouse gas emission regulation organisation of the authorised body for environmental protection, providing technical and expert support for public regulation and international cooperation in the field of greenhouse gas emissions and removals.

2. The operator of the carbon trading system shall carry out activities for:

- 1) formation and maintenance of the state carbon cadastre;
- 2) implementation of the state inventory of greenhouse gas emissions and removals;
- 3) formation and maintenance of the state register of carbon units;
- 4) support the implementation of the system of trade in carbon units in the Republic of Kazakhstan;
- 5) sale and purchase of carbon units.

#### **Article 289. Carbon quota establishment**

1. Carbon quota establishment shall mean the establishment by the State, for the period of carbon budgeting, of a quantitative cap on the total amount of quotable greenhouse gas emissions by quota-free installations in the economic sectors referred to in paragraph 2 hereof, and the distribution of carbon credits to quota entities in obedience to this Code.

Quotable greenhouse gas emissions shall be emissions of carbon dioxide.

2. The electricity, oil and gas, mining, metallurgical and chemical industries, as well as the manufacturing industry with regard to cement, lime, gypsum and bricks shall be subject to carbon quota establishment (hereinafter referred to as regulated sectors of the economy).

3. A quotable facility shall be an installation with a greenhouse gas emission allowance exceeding twenty thousand tonnes of carbon dioxide per year in regulated sectors of the economy.

The operator of a quotable facility shall be recognised as the entity subjected to quota assignment (quota holder).

4. A carbon quota shall mean the quantitative amount of quotable greenhouse gas emissions assigned to a quotable facility for the period of the National Carbon Quota Plan in accordance with Article 290, paragraph 4, of this Code and credited to the corresponding account of the operator of the quotable facility in the State Register of Carbon Units.

The carbon quota shall be formed through the distribution of carbon quota units among quota holders and through their purchase of carbon units on the carbon market.

5. Carbon quota unit shall mean a carbon unit used to calculate the volume of the carbon quota.

6. The operation of a quotable facility by a quota holder without obtaining carbon credits shall be prohibited.

7. The quota holder may independently allocate its available carbon quota units among its installations within the quota period.

8. The quota holder shall be entitled to transfer outstanding carbon quota units between reporting periods within the National Carbon Quota Plan period.

9. The quota holder shall be entitled to sell or buy carbon quota units, except for the units received in concordance with Article 295, Paragraph 8 of this Code.

10. Carbon quotas shall be assigned in obedience to this Code and the rules of public regulation on emissions and removals of greenhouse gases.

11. In the event of exceeding the established carbon quota, the quota holder shall be entitled to compensate for the shortfall in the carbon quota with purchased carbon units, additional carbon quota and (or) offsetting units.

It shall be prohibited for a quotable facility to emit more greenhouse gases than the number of carbon units held in the relevant account of the operator of the quotable facility in the State Registry of Carbon Units.

#### **Article 290. National Carbon Quota Plan**

1. The National Carbon Quota Plan shall be the document that establishes the total number of carbon quota units to be distributed among the quotable entities in the regulated sectors of the economy, as well as the amount of carbon quota units reserve.

2. A National Carbon Quota Plan shall be developed and approved by the competent authority in the field of environmental protection.

3. The period of validity of the National Carbon Quota Plan shall correspond to the period of carbon budgeting.

The reporting period of the National Carbon Quota Plan shall be one calendar year.

4. The total number of carbon credit units to be distributed free of charge among entities subjected to quota assignment by regulated sectors of the economy shall be calculated in accordance with the rules of public regulation of greenhouse gas emissions and removals.

5. The National Carbon Quota Plan reserve category shall include carbon units for the purpose of:

1) The free allocation of carbon quota units for new quota plants commissioned during the relevant period of the National Carbon Quota Plan;

2) free distribution of carbon quota units for the previously unaccounted quota plants identified during the relevant period of the National Carbon Quota Plan;

3) free allocation of additional carbon quota units in the case of an increase in the capacity of quota installations during the relevant period of the National Carbon Quota Plan;

4) free allocation of carbon quota units for the installations of the entities of administration that are transferred to the category of quota installations during the relevant period of the National Carbon Quota Plan;

5) sale of carbon quota units under auction conditions.

6. The amount of the reserve of carbon quota units shall be calculated based on the average indicator of the projected annual growth rate of the gross domestic national product for the relevant period according to the information of the authorised body in the field of state planning.

7. The National Carbon Quota Plan reserve shall be managed by the responsible environmental authority.

8. The installation of the entities of administration shall be included in the category of quota installations under a verified report on the inventory of greenhouse gas emissions, confirming that the emissions of the installation exceed twenty thousand tonnes of carbon dioxide per year.

The installation referred to in part one hereof shall be subject to carbon offsetting with effect from 1 January of the year following the year in which the relevant verified greenhouse gas emission inventory report is submitted.

9. A new quotable facility to be commissioned shall be subject to a carbon allowance from 1 January of the year following the year in which it is commissioned.

10. The carbon units included in the reserve category specified pursuant to sub-paragraph 5) of paragraph 5 hereof shall be transferred to the operator of the carbon unit trading system to organize their sale under the terms of an auction.

11. Funds from the sale of carbon units from the reserve shall be credited to the account of the operator of the carbon trading system to finance activities, programmes, and projects for the regulation of emissions and removals of greenhouse gases.

#### **Article 291. Distribution of carbon quota units**

1. The distribution of carbon quota units to quota holders shall be carried out on a free allocation and auction basis, within the limits of the amounts determined by the National Carbon Quota Plan.

2. The number of carbon quota units for the quotable facilities to be distributed free of charge shall be calculated by applying benchmarks in accordance with the rules of public regulation in the field of emissions and removals of greenhouse gases.

Benchmark shall refer to the specific amount of quoted greenhouse gas emissions per unit of production.

A list of benchmarks in regulated sectors of the economy shall be developed and approved by the authorised body for environmental protection.

3. Distribution of carbon quota units by auction shall be carried out in obedience to Article 299 of this Code.

4. In order to transfer carbon quota units, the operator of the carbon units trading system automatically opens an account in the state register of carbon units in accordance with the rules for maintaining the state register of carbon units approved by the authorized body in the field of environmental protection.

5. The carbon quota shall be credited to the relevant account of the operator of the quotable facility in the State Register of Carbon Units within ten working days from the date of approval of the National Carbon Quota Plan.

6. The units of carbon quota within the National Carbon Quota Plan may be transferred from one reporting period to another.

7. Unused (unredeemed) carbon quota units shall not be transferred to the next National Carbon Quota Plan.

8. The validity period of the carbon quota units ends on the first of October of the year following the last reporting year of the corresponding National Carbon Quota Plan on the basis of which they were distributed.

**Footnote. Article 291 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 292. Redemption of carbon units**

1. Redemption of carbon units shall refer to the withdrawal of carbon units from circulation by debiting them from the relevant account of the quota holder and crediting them to the redemption account in the State Registry of Carbon Units.

2. Redemption of carbon units shall be carried out annually in an amount equal to the actual quota emissions of greenhouse gases produced by the quotable facility, which shall be determined according to the registered verified report on the inventory of greenhouse gas emissions for the reporting year.

3. Within five working days of the registration of the verified greenhouse gas inventory report, the carbon trading system operator shall transfer the redeemed carbon units from the quota holder's account to the redemption account.

#### **Article 293. Monitoring of greenhouse gas emissions from quotable facilities**

1. The entity subjected to quota assignment shall develop a mandatory monitoring plan for greenhouse gas emissions of the quotable facility (hereinafter referred to as the monitoring plan) for the duration of the National Carbon Quota Plan.

2. The quota subject shall, by April fifteenth of the first year of the National Carbon Quota Plan, fill out a validated electronic form of the monitoring plan in the state carbon cadastre in accordance with the rules of state regulation in the field of greenhouse gas emissions and removals.

If the electronic form of the monitoring plan is not filled in within the time period established by part one of this paragraph, the account of the quota subject in the state register of carbon units within five working days shall be blocked until the specified requirements are fulfilled.

3. The greenhouse gas emissions of a quotable facility shall be monitored in compliance with the rules of public regulation of greenhouse gas emissions and removals.

4. The form of the monitoring plan shall be established by the rules of the public regulation in the field of emissions and absorption of greenhouse gases.

**Footnote. Article 293 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 294. Inventory of greenhouse gas emissions of quotable facilities**

1. An inventory of greenhouse gas emissions shall mean the determination of the actual amounts of greenhouse gas emissions and removals during the reporting period.

2. The quota subject must fill out a verified electronic report form on the inventory of greenhouse gas emissions for the previous year in the state carbon cadastre by the fifteenth of April of the current year.

The form of the report on the inventory of greenhouse gas emissions shall be established by the rules of public regulation in the field of emissions and absorption of greenhouse gases.

3. Methodologies for calculating greenhouse gas emissions and removals shall be developed and approved by the authorised body in the field of environmental protection.

4. The entity subjected to quota assignment shall submit by means of the state carbon register the completed electronic form of the report on the inventory of greenhouse gas emissions for verification to the accredited body on validation and verification.

5. The accredited body on validation and verification shall verify the greenhouse gas emissions inventory report for the reporting year in the state carbon inventory. If it is necessary to adjust the report on the inventory of greenhouse gas emissions, the accredited body on validation and verification shall send it to the entity subjected to quota assignment for revision.

6. The carbon trading system operator shall, within twenty working days of sending the verified greenhouse gas emission inventory report, review it for compliance with the approved form, availability of verification, correctness of greenhouse gas emission calculations and application of the factors used to calculate greenhouse gas emissions, and based on the results of the review, shall:

1) register the report on the inventory of greenhouse gas emissions, in case of its compliance with the requirements of the first paragraph of this paragraph;

2) if the greenhouse gas emissions inventory report does not meet the requirements of the first paragraph of this paragraph, send it to the entity subjected to quota assignment for

revision and also notify the authorised body in the field of environmental protection to take measures in relation to accredited bodies for validation and verification.

7. Based on the registered reports on the inventory of greenhouse gas emissions, the operator of the carbon trading system shall analyse and forecast greenhouse gas emissions and removals and, if necessary, make proposals to the authorised body in the field of environmental protection to improve the legislation of the Republic of Kazakhstan in the field of regulation of greenhouse gas emissions.

8. Control of inventory of greenhouse gas emissions shall be carried out in accordance with the rules of public regulation in the field of greenhouse gas emissions and absorption.

**Footnote. Article 294 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

### **Article 295. Modification of the carbon quota**

1. The entity subjected to quota assignment shall apply to the authorised body in the field of environmental protection to obtain an additional carbon quota in the absence or insufficiency of the volume of the main carbon quota in the case of an increase in the capacity of the quota facility during the period of the National Carbon Quota Plan.

An increase in capacity means an increase in the annual volume of extraction, production, processing and (or) transportation of products.

2. In order to obtain an additional carbon quota, the subject of the quota not earlier than the fifteenth of April, but not later than the first of August of the year following the reporting year, submits to the authorized body in the field of environmental protection an application in electronic form for a change in the carbon quota and calculations justifying the change in the carbon quota.

In case of applying for an additional carbon quota during the last year of the National Carbon Quota Plan, the quota subject submits to the authorized body in the field of environmental protection the documents specified in part one of this paragraph no earlier than April fifteenth, but no later than July first of the year following the reporting one.

3. The additional carbon quota shall be calculated according to the following formula:

$$M = (X - Y) \times Z,$$

where:

M is the additional carbon quota requested;

X - the verified production volume as reported in the verified greenhouse gas emissions inventory report for the previous reporting year;

Y - the output value used to calculate the carbon quota for the facility for one year under the current National Carbon Credit Plan;

Z - benchmark.

4. The authorized body in the field of environmental protection shall, by the first of September of the year following the reporting year, review the documents submitted by the quota subject in order to obtain an additional carbon quota.

5. In case of a positive decision to issue an additional carbon quota, within three working days, the authorised body for environmental protection shall send relevant notifications to the quota holder and the operator of the carbon trading system, indicating the quota holder, the quotable facility and the amount of the additional carbon quota.

6. In cases of submission of incomplete package of documents and (or) their non-compliance with requirements of paragraphs 1, 2 and 3 hereof, the authorised body in the field of environmental protection shall send them for revision.

The quota subject submits the finalized documents within five working days.

After the quota subject submits the finalized documents, the authorized body in the field of environmental protection considers them within fifteen working days from the date of their receipt.

7. Information on the additional carbon quota issued shall be published on the official website of the carbon trading system operator.

8. Carbon units generated by reducing the capacity of the quotable facility may not be sold and shall be returned to the National Carbon Quota Plan reserve in the manner prescribed by the rules of public regulation in the field of greenhouse gas emissions and removals.

A capacity reduction shall be defined as a reduction in the annual volume of extraction, production, processing and/or transport of products.

9. In case of liquidation (decommissioning) of a quotable facility, the quota holder shall notify thereof the authorised body in the field of environmental protection within ten working days since the decision on liquidation with attaching the report on inventory of greenhouse gas emissions for the last reporting period, in which the relevant facility was operated.

Within three working days of receiving notification from the quota holder, the authorised environmental authority shall notify the operator of the carbon trading system of the transfer of unused carbon credit units from the decommissioned plant account to the National Carbon Quota Plan reserve account.

10. Unallocated carbon reserve units earmarked for issuance of an additional carbon allowance shall be redeemed after ninety working days after the reporting deadline date for the last reporting year of the relevant National Carbon Plan.

**Footnote. Article 295 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 296. Change of operator of a quotable facility**

1. In the event of a change of quotable facility operator, all rights and obligations of the previous operator under this section shall pass to the new operator of the quotable facility.



2. Within ten working days, the new operator of a quotable facility shall be obliged to submit to the carbon trading system operator an application for the introduction of the corresponding changes to the state register of carbon units accompanied by a notarised copy of the corresponding document of title in respect of the quotable facility (sale and purchase agreement, certificate of acceptance of the unit or other document confirming the right of ownership or other lawful use of the new operator in relation to the quotable facility).

3. Within five working days of receipt of the application and the documents provided for in paragraph 2 hereof, the operator of the carbon unit trading system shall make the appropriate changes to the State Register of Carbon Units.

#### **Article 297. Change of name and/or legal form of the quotable facility operator**

1. In the case of change of its name and (or) legal form, the operator of the quotable facility shall apply in electronic form to the operator of the carbon units trading system for the introduction of appropriate changes in the state register of carbon units within ten working days.

2. Within five working days after receipt of the application provided for in paragraph 1 hereof, the carbon unit trading system operator shall make the appropriate changes to the state register of carbon units.

#### **Article 298. Carbon offset**

1. Carbon offsets shall refer to reductions in greenhouse gas emissions and/or increases in greenhouse gas removals achieved as a result of activities or activities in any sector of the economy in the Republic of Kazakhstan aimed at reducing greenhouse gas emissions and (or) increasing greenhouse gas removals.

Carbon offsets may not be recognised for the reduction of quoted greenhouse gas emissions of a quotable facility.

2. A natural or legal person carrying out the activity or activities referred to in the first part of paragraph 1 hereof (hereinafter referred to as the project applicant) shall be entitled to submit its project for consideration to the authorised body in the field of environmental protection in order to obtain approval of carbon offsetting and obtain offsetting units.

3. Offset unit shall mean a carbon unit used for the purposes of calculating the carbon offset.

4. The approval of carbon offset and the granting of offset units shall be carried out in accordance with regulations drawn up and approved by the competent authority in the field of environmental protection.

5. Introduction into circulation of offset units shall be carried out by the operator of the carbon units trading system by transferring them to the account of the project applicant in the state register of carbon units.

6. Offset units shall be indefinite in duration, except where they are limited in duration at the time of entry into circulation.

7. The project applicant shall be entitled to sell the offset units in the manner determined by the authorised body for environmental protection.

8. The quota holder shall be entitled to reduce the redemption of carbon quota units by the amount of offset units received (purchased).

#### **Article 299. Carbon units and carbon market**

1. A carbon unit shall be the accounting unit of a carbon quota or carbon offset and be equal to one tonne of carbon dioxide equivalent.

2. A carbon unit (carbon quota unit, offset unit) shall be a commodity allowed for turnover between the carbon market entities in the Republic of Kazakhstan in obedience to this Code.

3. The carbon market entities shall be:

- 1) entities subjected to quota assignment;
- 2) natural persons and legal entities involved in the sale of carbon offsets;
- 3) the operator of the carbon trading system.

4. The carbon trading system in the Republic of Kazakhstan shall consist of primary and secondary carbon markets.

In the primary carbon market, the operator of the carbon trading system shall sell carbon units from the appropriate category of the National Carbon Quota Plan reserve to the carbon market entities on an auction basis.

In the secondary carbon market, carbon market actors shall buy and sell carbon units between themselves through a direct transaction or through a commodity exchange.

5. Rules for trading in carbon units shall be developed and approved by the authorized body in the field of environmental protection.

6. Trading of carbon units on the commodity exchange shall be organised pursuant to the legislation of the Republic of Kazakhstan on commodity exchanges.

7. The commodity exchange on which carbon units are traded shall be determined by the authorised environmental authority in accordance with the carbon trading rules.

8. The sale and purchase of carbon units by the operator of the carbon unit trading system shall be carried out through the commodity exchange.

9. The entity subjected to quota assignment, the applicant of the project shall be entitled to sell carbon quota units and offset units by direct sale under the contract of sale at a price not lower than the level of the exchange quotation of the carbon quota unit and offset unit on the day of the transaction.

In the absence of an exchange quotation for a carbon quota unit or an offset unit on a commodity exchange on the day of the transaction, the price shall be determined by the last available price quotation for a carbon quota unit or an offset unit.

10. Carbon units that have been cancelled, extinguished, withdrawn from circulation or withdrawn from circulation by decision of the competent authority for environmental protection may not be traded.

11. The rules of trade in carbon units, issued in circulation in the Republic of Kazakhstan, on the carbon market of a foreign state, as well as trade in carbon units, issued in circulation in a foreign state, on the carbon market of the Republic of Kazakhstan shall be determined by the international treaties of the Republic of Kazakhstan.

### **Article 300. State Register of Carbon Units**

1. State Register of Carbon Units shall be an electronic system for recording transactions related to the introduction into circulation, storage, transfer, acquisition, reservation, blocking, redemption, cancellation, withdrawal from circulation of carbon units.

2. A separate account shall be opened in the State Register of Carbon Units for each quotable facility.

3. Development and maintenance of the State Register of Carbon Units shall be organized by the authorized body in the field of environmental protection.

4. The State Register of Carbon Units shall be formed and maintained by the operator of the carbon unit trading system in accordance with the rules approved by the authorised body in the field of environmental protection.

5. The main functions of the State Registry of Carbon Units shall be to ensure accurate accounting of carbon units that are put into circulation, stored, transferred, purchased, reserved, blocked, cancelled, redeemed, withdrawn from circulation, as well as data exchange with other national registries.

### **Article 301. Administration of facilities**

1. An administrable facility shall be an installation greenhouse gas emissions allowance of which is between ten thousand and twenty thousand tonnes of carbon dioxide per year in the regulated sectors of the economy.

The operator of an administrable facility shall be recognized as the administering entity.

2. By the first day of April of the current year, the administering entity shall complete in the State Carbon Cadastre an electronic form of the report on the inventory of greenhouse gas emissions of the administrable facility for the previous year.

3. The greenhouse gas emission inventory report of an administrable facility shall not be subject to verification.

4. The administering entity shall be entitled to participate as an applicant for a project aimed at reducing greenhouse gas emissions or increasing greenhouse gas removals, for the purpose of obtaining a carbon offset.

5. The competent authority for environmental protection shall control the amount of greenhouse gas emission allowances of administrable facilities.

#### **Article 302. State greenhouse gas emissions and removals inventory system**

1. The state greenhouse gas emissions and removals inventory system shall be a set of organisational arrangements for the collection, processing, storage and analysis of data required to determine the actual amounts of emissions and absorption of greenhouse gases in the Republic of Kazakhstan for the relevant period.

2. Collection of information for the state greenhouse gas emissions and removals inventory system shall be based on the data from the fuel and energy balance of the Republic of Kazakhstan, statistical reporting, as well as on the information provided in the reports on the inventory of greenhouse gas emissions, in accordance with the legislation of the Republic of Kazakhstan.

3. The authorised body in the field of environmental protection shall organise and coordinate the functioning of the state system of inventory of greenhouse gas emissions and removals.

4. Preparation of the state greenhouse gas emissions and removals inventory system shall be carried out by the operator of the carbon unit trading system.

5. The completeness, transparency and accuracy of the state greenhouse gas emissions and removals inventory system shall be monitored annually in concordance with the rules approved by the competent authority in the field of environmental protection.

#### **Article 303. State Carbon Cadastre**

1. The State Carbon Cadastre shall be a system for recording the sources of greenhouse gas emissions, the amount of emissions produced by them, and the amount of reductions in emissions or increases in removals of greenhouse gases within the boundaries established for the operator of the installation.

2. The authorized body in the field of environmental protection shall organize development and maintenance of the State Carbon Cadastre.

3. The State Carbon Cadastre shall be maintained by the operator of the carbon trading system in accordance with the rules approved by the authorised body in the field of environmental protection.

4. The State Carbon Cadastre shall contain information on sources of greenhouse gas emissions, operators of installations, amount of emissions and absorption of greenhouse gases

5. Based on data from the State Carbon Cadastre, the authorised body in the field of environmental protection shall ensure the organisation of a system of state control over the volume of emissions and absorption of greenhouse gases, the fulfilment of obligations of the

Republic of Kazakhstan on annual reporting in compliance with the international treaties of the Republic of Kazakhstan.

#### **Article 304. Validation and verification**

1. Validation shall be the systematic, independent and documented process of assessing compliance with the requirements established by international standards and legislation of the Republic of Kazakhstan, and validating the monitoring plan and documentation as part of the development of projects to reduce emissions or increase removals of greenhouse gases.

2. Verification shall be a systematic, independent and documented process for assessing compliance with the requirements established by international standards and legislation of the Republic of Kazakhstan, and for verifying the reliability of the information provided in the greenhouse gas inventory report and in the report on implementation of projects to reduce emissions or increase greenhouse gas removals.

3. Validation and verification bodies shall be accredited in obedience to the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

The validation and verification body shall be responsible for the reliability of validation and verification.

5. Validation and verification shall be carried out at the expense of the plant operator.

6. The validation and verification body may not validate or verify a greenhouse gas emission inventory report or monitoring plan developed with its involvement.

7. Validation and verification of the same project to reduce emissions or increase removals of greenhouse gases may not be carried out by the same validation and verification body.

8. Validation and verification shall be performed in accordance with the rules of validation and verification, approved by the authorized body in the field of environmental protection, and the national standards, approved by the authorized body in the field of standardization, unless otherwise provided by the international treaties, ratified by the Republic of Kazakhstan.

#### **Chapter 21. PROTECTION OF THE OZONE LAYER IN THE ATMOSPHERE Article 305.**

##### **Ozone layer and its protection**

1. Ozone layer shall mean the layer of atmospheric ozone above the boundary layer of the atmosphere of planet Earth.

2. Protection of the ozone layer shall mean a system of measures implemented by state bodies, legal entities and individual entrepreneurs to prevent destruction of the ozone layer and to restore it to protect human life and (or) health and protect the environment from adverse consequences caused by destruction of the ozone layer.

#### **Article 306. Ozone-depleting substances and their handling**

1. Ozone-depleting substances (hereinafter referred to as ozone-depleting substances) shall mean chemical substances that exist alone or in a mixture, are used in an activity or are the product of an activity and may have a harmful impact on the Earth's ozone layer.

2. Chemicals not classified as ozone-depleting under this Code shall be recognised as ozone-safe substances.

#### **Article 307. Public regulation of activities in the field of protection of the ozone layer**

Public regulation of activities in the field of protection of the ozone layer shall be carried out by the authorised body in the field of environmental protection and shall include:

- 1) regulation of consumption of ozone-depleting substances;
- 2) regulation of handling of ozone-depleting substances.

#### **Article 308. Regulation of consumption of ozone-depleting substances**

1. Consumption of ozone-depleting substances shall mean the total quantity of ozone-depleting substances imported into the Republic of Kazakhstan for permanent disposal on its territory minus ozone-depleting substances exported from the Republic of Kazakhstan for permanent disposal outside its territory for a certain period.

2. Regulation of consumption of ozone-depleting substances shall be carried out by the authorized body in the field of environmental protection by:

1) establishment of limits (quotas) for consumption of ozone-depleting substances in accordance with the international treaties of the Republic of Kazakhstan on substances that deplete the ozone layer;

2) licensing of import of ozone-depleting substances and products containing them into the territory of the Republic of Kazakhstan from states that are not members of the Eurasian Economic Union and export from the territory of the Republic of Kazakhstan to these states;

3) issuance of permits for import to the territory of the Republic of Kazakhstan from the member states of the Eurasian Economic Union and export from the territory of the Republic of Kazakhstan to these states of ozone-depleting substances and products containing them.

Rules for issuing permits for import to the territory of the Republic of Kazakhstan from the states - members of the Eurasian Economic Union and export from the territory of the Republic of Kazakhstan to these states of ozone-depleting substances and products containing them shall be approved by the authorised body in the field of environmental protection.

#### **Article 309. Regulation of the handling of ozone-depleting substances**

1. Handling of ozone-depleting substances shall include the following operations:

1) the use of ozone-depleting substances in production, maintenance or repair operations, including refuelling operations of products and equipment, or in other technological processes (hereinafter referred to as the use of ozone-depleting substances);

- 2) transportation of ozone-depleting substances;
- 3) storage of ozone-depleting substances
- 4) recovery of ozone-depleting substances, which means removal, collection and storage of ozone-depleting substances contained in machines and equipment, their parts and containers, during their maintenance or prior to their decommissioning;
- 5) ozone-depleting substances recovery, which means treatment of recovered ozone-depleting substances in order to restore consumer properties of ozone-depleting substances;
- 6) disposal of ozone-depleting substances, which means a complex of measures aimed at collection and storage of ozone-depleting substances extracted from mechanisms, equipment, containers and other devices during their maintenance or before write-off for the purpose of recycling or decontamination of ozone-depleting substances not subject to recovery.

2. Recycling of ozone-depleting substances - reuse of recovered ozone-depleting substances after their recovery.

3. Neutralisation of ozone-depleting substances - elimination of hazardous properties of ozone-depleting substances through destruction resulting in their permanent transformation or decomposition into components having no adverse impact on the environment, including the ozone layer.

4. Handling of ozone-destroying substances shall be regulated by the authorized body in the field of environmental protection by means of issuing permits for carrying out works with the use of ozone-destroying substances, repair, installation, maintenance of equipment containing ozone-destroying substances, transportation, storage, recovery, recovery, utilization of ozone-destroying substances.

Rules for issuance of permits for carrying out of activities referred to in part one of this paragraph shall be approved by the authorized body in the field of environmental protection.

### **Article 310. State Cadastre and inventory of ozone-depleting substances**

1. The State Cadastre of Ozone-Depleting Substances shall be a periodically updated and updated system for recording the consumption and handling of ozone-depleting substances, including data on their location, component composition, quantitative and qualitative characteristics, and conditions of use.

2. All types of ozone-depleting substances shall be subject to accounting in the State Ozone-Depleting Substances Cadastre.

3. The development and maintenance of the State Ozone-Depleting Substances Cadastre shall be organised by the authorised body in the field of environmental protection.

4. Rules for maintenance of the State Ozone-Depleting Substances Cadastre shall be approved by the authorised body in the field of environmental protection.

5. State Ozone-Depleting Substances Cadastre shall be maintained to provide state bodies, interested natural and legal persons with information for assessment, forecasting,

development of technological, economic, legal and other decisions in relation to environment protection, as well as to maintain a nation-wide comprehensive record of ozone-depleting substances in order to fulfil international commitments of the Republic of Kazakhstan.

6. Based on data from the State Ozone-Depleting Substances Cadastre, the authorised body in the field of environmental protection shall analyse and forecast consumption of ozone-depleting substances, ensure organisation of the system of state control over ozone-depleting substances to meet the obligations of the Republic of Kazakhstan on annual reporting in accordance with international treaties on protection of the ozone layer, ratified by the Republic of Kazakhstan.

7. In order to maintain the State Ozone-Depleting Substances Cadastre, legal entities and individual entrepreneurs handling ozone-depleting substances and (or) having equipment containing ozone-depleting substances on their balance sheet shall submit to the authorised body in the field of environmental protection a report on handling of ozone-depleting substances and a report on inventory of ozone-depleting substances in the forms approved by the authorised body in the field of environmental protection.

8. Inventory of ozone-depleting substances shall mean determination of the amount of ozone-depleting substances contained in equipment and technical devices.

Rules for the State Ozone-Depleting Substances Cadastre shall be approved by the authorised body in the field of environmental protection.

9. The report on the handling of ozone-depleting substances shall be submitted annually as of 1 January, no later than the first quarter of the year following the reporting year, on paper and/or electronically by filling in an electronic form in the State Ozone-Depleting Substances Cadastre system in accordance with the rules for maintaining the State Ozone-Depleting Substances Cadastre and by signing the electronic digital signature of the official responsible for providing information.

Report on inventory of ozone-depleting substances shall be submitted initially as of January 1, no later than the first quarter of the year following the reporting year, on paper and /or electronically by filling in the form in the information system of the State Cadastre of Ozone-Depleting Substances in accordance with the rules for maintaining the State Cadastre of Ozone-Depleting Substances and signing by electronic digital signature of an official responsible for providing information, and submitted repeatedly - in case of making.

10. The consolidated data of the State Cadastre of Ozone-Depleting Substances shall be open and accessible.

11. State Cadastre of Ozone-Depleting Substances shall be placed and updated in the information system and on the website of the authorized body in the field of environmental protection.

**Article 311. General requirements for the handling and consumption of ozone-depleting substances**



1. When handling ozone-depleting substances, legal entities and individual entrepreneurs shall be obliged to:

1) reduce consumption of ozone-depleting substances and take necessary measures to completely stop their consumption in accordance with international commitments of the Republic of Kazakhstan on protection of the ozone layer;

2) comply with the requirements of this Code and regulations on the handling of ozone-depleting substances;

3) upon the request of the authorised body in the field of environmental protection in the course of the state environmental control, to submit for control available ozone-depleting substances and products containing ozone-depleting substances, as well as documentation on handling of ozone-depleting substances;

4) not to exceed the established limits for consumption of ozone-depleting substances;

5) keep an inventory and record of handling and consumption of ozone-depleting substances in accordance with the rules of inventory of ozone-depleting substances and the rules of record of handling and consumption of ozone-depleting substances;

6) ensure their safe use, storage, transportation, recovery, recycling and disposal;

7) develop and implement measures for the collection of ozone-depleting substances and their storage in sealed containers for disposal, recovery, recuperation and/or neutralisation.

2. The following shall be prohibited:

1) movement of ozone-depleting substances by individuals for personal use (for non-commercial purposes);

2) handling of ozone-depleting substances and products containing ozone-depleting substances, in respect of which a ban on import into the customs territory of the Eurasian Economic Union and (or) export from the customs territory of the Eurasian Economic Union has been established, except for their utilisation, recycling and recovery (or) decontamination;

3) emission of ozone-depleting substances into the atmospheric air, except for technological losses of such substances in the volumes established by the design, construction and other technical documentation;

4) design, reconstruction, technical re-equipment, expansion, new construction of facilities using technologies, equipment, substances and materials providing for the handling of ozone-depleting substances, in respect of which the ban on import into the customs territory of the Eurasian Economic Union and (or) export from the customs territory of the Eurasian Economic Union has been established, except for their utilisation, recycling and recovery (or) decontamination.

Part one of this paragraph shall be enacted in the event of a ban on the import into and export from the territory of the Republic of Kazakhstan of ozone-depleting substances.

3. Rules on handling of ozone-depleting substances shall be approved by the authorized body in the field of environmental protection.

## **Chapter 22. PUBLIC ADMINISTRATION FOR CLIMATE CHANGE ADAPTATION Article**

### **312. Climate change and adaptation**

1. Climate change shall refer to a statistically significant variation in average climate state or climate variability over a decade or longer, which is directly or indirectly caused by human activities that alter the composition of the global atmosphere and is superimposed on natural climate variability observed over comparable time periods.

2. Adaptation to climate change shall be carried out in accordance with this Code and the international treaties of the Republic of Kazakhstan on climate change and shall mean the process of prevention and reduction of losses and use of benefits associated with observed and projected impacts of climate change.

Climate change impacts shall mean observed and projected positive and negative effects in ecological systems, society and economy caused by climate change and related extreme meteorological and other natural phenomena.

Vulnerability to climate change shall refer to the exposure of ecological systems, societies and economies to the adverse impacts of climate change.

### **Article 313. Objectives, priority areas of public administration and basic principles of adaptation to climate change**

1. Adaptation to climate change shall be undertaken to prevent and reduce the adverse effects and damages of climate change on human health, ecological systems, society, and the economy, to reduce vulnerability to climate change, and to take advantage of opportunities associated with climate change.

2. Priority areas for climate change adaptation shall be: agriculture, water management, forestry, civil protection.

3. The climate change adaptation process shall be based on the following principles:

1) the mandatory consideration of climate change impacts in medium- and long-term socio-economic development plans;

2) phased implementation of the process of adaptation to climate change, starting with priority areas;

3) cross-sectoral approach of local executive bodies to climate change adaptation, covering all priority areas indicated in paragraph 2 hereof;

4) links between climate change adaptation measures and the reduction of adverse impacts of climate change.

### **Article 314. General requirements for the process of adaptation to climate change**

1. The process of adapting to climate change shall include the following stages:

1) information gathering and assessment of vulnerability to climate change;

2) planning for adaptation to climate change;

- 3) development of measures for adaptation to climate change;
- 4) implementation of measures on adaptation to climate change;
- 5) monitoring and evaluating the effectiveness of climate change adaptation measures;
- 6) reporting on climate change impacts and effectiveness of measures on adaptation to climate change;
- 7) adjusting climate change adaptation measures based on the results of monitoring and evaluation.

2. The process of adapting to climate change shall be carried out by authorised central executive bodies for the areas of public administration identified as priorities for climate change adaptation, and by local executive bodies of oblasts, cities of republican significance, and the capital city.

3. Within the framework of the development and implementation of relevant state programmes on the priority areas of public administration for adaptation to climate change referred to in paragraph 2 of Article 313 of this Code, the authorised central executive bodies and local executive bodies of regions, cities of republican significance and the capital shall implement the stages of the climate change adaptation process specified in paragraph 1 hereof

4. The requirements for the implementation of the stages referred to in paragraph 1 hereof shall be implemented in compliance with the rules for the organization and implementation of the climate change adaptation process approved by the competent authority for environmental protection.

5. The authorized body in the field of environmental protection shall carry out reporting on the results of adaptation to climate change pursuant to international treaties on climate change.

#### **Article 315. Information gathering and vulnerability assessment requirements for climate change**

1. Authorized central executive bodies for priority areas of public administration for adaptation and local executive bodies of oblasts, cities of republican significance and the capital shall organize an assessment of vulnerability to climate change for planning, development and implementation of measures on adaptation to climate change.

2. Assessment of vulnerability to climate change shall be based on the collection of information and data on:

- 1) current and past climate trends and events;
- 2) prediction of future climate change;
- 3) current and past climate impacts;
- 4) projected climate change impacts.

3. Assessment of vulnerability to climate change in priority areas at the national level shall be organised by authorised bodies in the fields of agriculture, water management, forestry and civil protection according to their competencies.

4. Assessment of vulnerability to climate change at the local level shall be organised by local executive bodies of oblasts, cities of republican significance and the capital on priority spheres of public administration for climate change adaptation.

5. The authorized body in the area of environmental protection shall provide information and methodological support for climate change vulnerability assessment in accordance with the rules of organization and implementation of the climate change adaptation process.

#### **Article 316. Planning for adaptation to climate change**

1. Climate change adaptation shall be planned according to the main directions of the state policy of the Republic of Kazakhstan on adaptation to climate change and be based on the results of the climate change vulnerability assessment.

2. At the national level, climate change adaptation planning shall be carried out by considering climate change impacts and considering climate change adaptation measures in the relevant government programmes for the priority areas of public administration for climate change adaptation referred to in paragraph 2 of Article 313 of this Code.

3. At the local level, climate change adaptation planning shall be performed by the local executive bodies of regions, cities of republican significance, and the capital through consideration of climate change impacts and consideration of climate change adaptation measures as part of the implementation of the state environmental policy at the local level.

#### **SECTION 19. WASTE Chapter 23. GENERAL PROVISIONS ON WASTE Article 317. Concept of waste**

1. Waste shall be defined as any substance, material or item generated in the course of production, work, service or consumption (including goods that have lost their consumer properties) which its owner explicitly recognises as waste or is required by law to submit to disposal or recovery operations or intends to submit to or is subject to disposal or recovery operations.

2. Waste shall not include:

1) substances discharged into the atmosphere as part of waste gases (dust and air mixtures );

2) waste water;

3) contaminated land in its natural state, including unremoved contaminated soil layer;

4) real estate facilities firmly connected to the land;

5) removed uncontaminated soils;

6) commonly occurring solid minerals that have been extracted from their natural occurrences during excavation activities during construction activities and that are or will be used in their natural state for construction purposes in compliance the project document on the same construction site where they have been separated;

7) firearms, ammunition and explosives to be disposed of in accordance with the legislation of the Republic of Kazakhstan in the field of state control over the circulation of certain types of weapons.

#### **Article 318. Owners of waste**

1. The owner of waste shall be defined as the generator of waste or any person in whose legal possession the waste is located.

2. A waste generator shall be any person during whose activities waste is generated (primary waste generator) or any person who carries out treatment, blending or other operations that change the properties of such waste or its composition (secondary waste generator).

#### **Article 319. Waste management**

1. Waste management shall refer to the operations carried out on waste from its generation to its final disposal.

2. Waste management operations shall include:

- 1) accumulation of waste at the point of generation;
- 2) collection of waste;
- 3) transportation of waste;
- 4) waste recovery;
- 5) waste disposal;
- 6) auxiliary operations performed in the course of operations stipulated by sub-paragraphs 1), 2), 4) and 5) of this paragraph;
- 7) monitoring of waste collection, transportation, recovery and (or) disposal operations;
- 8) activities on maintenance of liquidated (closed, decommissioned) waste disposal facilities.

3. Persons engaged in waste management operations, except for housekeeping, must comply with national standards in waste management included in the list approved by the authorised body in the area of environmental protection when carrying out relevant activities. Violation of the requirements provided by such national standards shall entail liability established by the laws of the Republic of Kazakhstan.

4. Persons carrying out waste management operations, other than households, shall submit waste management reports in obedience to the procedure established by the competent authority for environmental protection.

#### **Note**

**Paragraph 5 until 01.01.2027 is valid only on the territory of the cities of Almaty and Astana in accordance with Article 418 of this Code.**

5. The specifics of regulation and organization of activities for the prevention of formation, separate collection, preparation for reuse, processing, utilization and disposal (destruction and (or) burial) of waste may be established by local representative bodies of regions, cities of republican significance and the capital in coordination with the authorized body in the field of environmental protection in the territories of the relevant regions, cities of republican significance and the capital.

**Footnote. Article 319 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 320. Waste accumulation**

1. Waste accumulation shall be understood to mean the temporary storage of waste in specially designated places for the periods specified in paragraph 2 hereof, carried out in the course of waste generation or further waste management until its final recovery or disposal.

2. Waste accumulation sites shall be intended for:

1) temporary storage of waste at the place of generation for a period not exceeding six months prior to the date of its collection (transfer to specialized organizations) or independent removal to a facility where such waste shall be subjected to recovery or disposal operations;

2) temporary storage of non-hazardous waste in the process of its collection (in containers, at transfer and sorting stations), except for retired vehicles and (or) self-propelled agricultural machinery, for a period not exceeding three months before the date of their removal to the facility where this waste will be subjected to recovery or disposal operations;

3) temporary storage of wastes at a facility where these wastes will be subject to recovery or disposal operations, for a period not exceeding six months before they are sent for recovery or disposal.

For retired vehicles and (or) self-propelled agricultural machinery, the period of temporary storage during their collection shall not exceed six months;

4) temporary storage of mining and processing wastes, including metallurgical and chemical-metallurgical wastes, at the place of their generation for a period not exceeding twelve months before the date of their transfer for recovery or disposal.

3. Accumulation of waste shall be permitted only in specially established and equipped in accordance with the requirements of the legislation of the Republic of Kazakhstan (on sites, in warehouses, storage facilities, containers and other storage facilities).

4. Accumulation of waste in excess of the terms specified in paragraph 2 hereof, and (or) in excess of the established waste accumulation limits (for facilities of categories I and II) or waste accumulation volumes specified in the declaration on environmental impact (for facilities of category III) shall be prohibited.

#### **Article 321. Waste collection**

1. Waste collection shall be defined as the activity of organised reception of waste from natural and legal persons by specialised organisations for the purpose of further forwarding such waste for recovery or disposal.

Waste collection operations may include auxiliary operations for sorting and accumulation of waste in the process of collection.

Waste accumulation in the process of collection shall mean storage of waste in places specially equipped in accordance with the requirements of the legislation of the Republic of Kazakhstan, where the waste removed from the place of its formation is unloaded in order to prepare it for further transportation to the facility, where this waste will be subjected to recovery or disposal operations.

2. Persons carrying out waste collection operations shall ensure separate collection of waste in compliance with the requirements of this Code.

Separate collection of waste shall mean collection of waste separately by types or groups to facilitate further specialised waste management.

3. Requirements for separate waste collection, including types or groups (aggregate of types) of waste subject to mandatory separate collection shall be determined by the authorized body in the field of environmental protection in accordance with the requirements of this Code and with allowance made for technical, economic and environmental feasibility.

4. Separate collection shall be carried out according to the following fractions:

- 1) "dry" (paper, cardboard, metal, plastic and glass);
- 2) "wet" (food waste, organic and other).

5. Mixing of separately collected waste in all further stages of waste management shall be prohibited.

#### **Article 322. Transportation of waste**

1. Waste transportation shall mean the activity associated with movement of waste using specialised vehicles between places of its generation, accumulation in the process of collection, sorting, treatment, recovery and (or) disposal.

2. Waste transportation shall be carried out in compliance with the requirements of this Code.

#### **Article 323. Recovery of waste**

1. Waste recovery shall be any operation intended to reduce waste, the main purpose of which is to use the waste to perform a useful function in order to replace other materials that would otherwise have been used to perform that function, including auxiliary operations to prepare the waste for that function, carried out at a particular production facility or in a particular sector of the economy.

Waste recovery operations shall include:

- 1) preparation of waste for reuse;
- 2) recycling of waste;
- 3) waste recycling.

2. The preparation of waste for re-use shall involve condition checking, cleaning and/or repair, by which waste products or components thereof are prepared for re-use without any other treatment.

3. Processing of waste shall mean mechanical, physical, chemical and (or) biological processes, aimed at extraction of useful components, raw materials and (or) other materials, suitable for further use in production (manufacturing) of products, materials or substances, regardless of their destination, except for the cases, envisaged by paragraph 4 hereof.

4. Waste management shall refer to the process of using waste for purposes other than recycling, including as a secondary energy resource for the extraction of heat or electricity, the production of fuels, and as a secondary material resource for construction, filling (backfilling) of excavated spaces (voids) in the ground or subsoil or for engineering purposes when creating or modifying landscapes.

#### **Article 324. Energy waste management**

1. Energy waste management shall mean the process of thermal treatment of waste in order to reduce its volume and obtain energy, including its use as secondary and (or) energy resources, except for biogas and other fuel production from organic waste.

2. Waste on the list approved by the authorised body in the field of environmental protection shall not be subject to energy recycling.

3. The operation of energy waste management facilities shall be carried out in accordance with the environmental requirements for the operation of energy waste management facilities approved by the authorised environmental authority.

The environmental requirements for operation of energy waste management facilities must be equivalent to Directive 2010/75/EC of the European Parliament and of the Council of the European Union “On Industrial Emissions (on Integrated Pollution Prevention and Control”).

Energy waste management facilities shall include a set of technical devices and facilities for energy waste management and the associated facilities and infrastructure technologically necessary for energy waste management.

4. Reimbursement of the costs of construction and operation of new energy waste management facilities shall be performed through the purchase by the Settlement and Financial Centre for Renewable Energy Support of electricity produced by energy producing organisations using energy waste management and supplied by them to the unified power system of the Republic of Kazakhstan, at auction prices determined by the results of the auction, subject to indexation, as determined by the Government of the Republic of Kazakhstan.



5. The authorised environmental authority shall approve the ceiling auction prices for electricity produced through energy waste recycling in obedience to the rules for determining the ceiling auction prices for electricity produced through energy waste recycling, including the procedure for indexation of auction prices, approved by the Government of the Republic of Kazakhstan.

6. Energy producing organisations that are included in the list of energy producing organisations that use energy-based waste management and new technical devices and installations that have not previously been in operation, and are technologically necessary for the operation of energy-based waste management facilities approved by the authorised environmental authority shall be permitted to participate in the auction bidding for the selection of energy-based waste management projects.

The rules for making the list of energy producing organisations using energy waste management shall be approved by the authorised body in environmental protection.

7. Social relations arising in the process of electricity production by waste energy facilities, its transmission and consumption shall be regulated by the legislation of the Republic of Kazakhstan on electricity and in the field of support for the use of renewable energy sources.

#### **Article 325. Waste disposal**

1. Waste disposal shall be any operation that is not a recovery operation for the disposal or destruction of waste, including supporting operations for the preparation of waste for disposal or destruction (including sorting, treatment, neutralisation).

2. Waste disposal shall be the storage of waste in places specially designated for its safe storage for an indefinite period of time, without the intention of withdrawal.

3. Waste destruction shall be a method of waste disposal by thermal, chemical or biological processes that substantially reduces the volume and/or mass and changes the physical condition and chemical composition of the waste, but which does not have as its primary objective the production of products or the recovery of energy.

#### **Article 326. Supporting operations in waste management**

1. Supporting operations shall include waste sorting and treatment.

2. Waste segregation shall mean operations on separation of waste by its types and (or) fractions or segregation of waste by its components, carried out separately or during accumulation of waste prior to its collection, during collection and (or) at the facilities where waste undergoes recovery or disposal operations.

3. Waste treatment shall refer to operations in which waste is subjected to physical, thermal, chemical or biological effects that alter its characteristics in order to facilitate its further management, and which take place separately or at waste accumulation prior to

collection, in the collection process and/or at facilities where waste is subjected to recovery or disposal operations.

Waste neutralization shall mean the mechanical, physico-chemical or biological treatment of waste to reduce or eliminate its hazardous properties.

#### **Article 327. Fundamental environmental requirement for waste management operations**

Persons carrying out waste management operations shall carry out the relevant operations in a manner that does not endanger human life and/or health, environmental damage, and in particular without:

- 1) risk to waters, including groundwater, atmospheric air, soil, fauna and flora;
- 2) negative impact on landscapes and specially protected natural territories.

#### **Article 328. Principles of state environmental policy in the field of waste management**

In addition to the general principles set out in Article 5 of this Code, the state environmental policy in the field of waste management shall be based on the following special principles:

- 1) hierarchy;
- 2) proximity to the source;
- 3) responsibility of the waste generator;
- 4) extended obligations of producers (importers).

#### **Article 329. Principle of hierarchy**

1. Waste generators and owners shall apply the following hierarchy of waste prevention and waste management measures in descending order of preference in the interests of environmental protection and sustainable development of the Republic of Kazakhstan:

- 1) prevention of waste generation;
- 2) preparation of waste for re-use;
- 3) recycling of waste;
- 4) waste recycling;
- 5) waste disposal.

When carrying out operations stipulated in sub-paragraphs 2) - 5) of part one of this paragraph waste owners may carry out auxiliary sorting, treatment and accumulation operations if necessary.

2. Waste prevention shall mean measures taken before a substance, material or product becomes waste and aimed at:

- 1) reducing the amount of waste generated (including by reusing products or extending their useful life);
- 2) reducing the negative impact of generated waste on the environment and human health;

3) reducing the content of harmful substances in materials or products.

Reuse in sub-paragraph 1) of paragraph one of this paragraph shall mean any operation whereby products or components thereof which have not yet become waste are reused for the same purpose for which such products or components thereof have been created.

3. Where the measures provided for in paragraph 2 hereof cannot be implemented, the waste shall be subject to recovery.

4. Waste which cannot be recovered shall be disposed of by safe methods which shall comply with the requirements of Article 327 of this Code.

5. The precautionary principle and the principle of sustainable development, technical and economic feasibility as well as the overall level of impact on the environment, human health and socio-economic development of the country shall be counted in applying the hierarchy principle.

#### **Article 330. Principle of proximity to the source**

Generated waste shall be recovered or disposed of as close as possible to its source, if technically, economically and environmentally justifiable.

#### **Article 331. Principle of responsibility of the waste generator**

Entities which are waste generators shall be responsible for ensuring the proper management of such waste from the time it is generated until it is transferred in accordance with paragraph 3 of Article 339 of this Code to the possession of the person carrying out waste recovery or disposal operations under a licence.

#### **Article 332. Principle of extended producer (importer) obligations**

Natural and legal persons which manufacture certain types of goods in the territory of the Republic of Kazakhstan according to the list approved pursuant to paragraph 1 of Article 386 of this Code, or import such goods into the territory of the Republic of Kazakhstan, shall bear enhanced obligations in accordance with this Code, including for the purpose of reducing the negative impact of such goods on life and (or) health of people and the environment.

#### **Article 333: Termination of waste status**

1. Certain types of waste shall cease to be waste and become a finished product or a secondary resource (material or energy) once they have been subjected to recovery operations and the resulting substances or materials meet the criteria established in obedience to this Code.

2. Types of waste lose the status of waste in accordance with paragraph 1 of this article, include waste of plastics, plastic, polyethylene, polyethylene terephthalate packaging, waste paper (waste paper and cardboard), used glass containers and cullet, scrap of non-ferrous and

ferrous metals, used tires and textile products, as well as other types of waste according to the list, approved by the authorized body in the field of environmental protection.

3. The criteria referred to in paragraph 1 hereof shall be developed and approved by the authorised body for environmental protection under the following conditions:

- 1) the substance or materials can be used in production for certain purposes;
- 2) there is a market or demand for sale of the substance or materials in the Republic of Kazakhstan or abroad;
- 3) the substance or materials comply with environmental and sanitary and epidemiological requirements for the relevant products or their use for certain purposes;
- 4) the use of the substance or materials will not result in a harmful impact on the environment or human health.

As a criterion for termination of waste status, the legislation of the Republic of Kazakhstan may define the maximum concentrations of pollutants in substances or materials generated as a result of waste recovery.

**Footnote. Article 333 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 334. Waste management regulation**

1. Waste accumulation limits and waste disposal limits shall be established for Category I and II facilities based on the relevant environmental permit.

2. Accumulation and (or) disposal of waste at facilities of categories III and IV shall not be subject to environmental regulation.

3. Development and approval of limits of accumulation of wastes and limits of disposal of wastes, submission and control of reporting on waste management shall be carried out in accordance with the rules approved by the authorized body in the field of environmental protection.

#### **Article 335. Waste management programme**

1. Operators of facilities in categories I and (or) II, as well as persons carrying out waste sorting, treatment, including decontamination, recovery and (or) disposal operations, shall develop a waste management programme in accordance with the rules approved by the authorised body for environmental protection.

2. The waste management programme shall be an integral part of the environmental permit.

3. The waste management programme shall be developed in obedience to the hierarchy principle and shall include information on the volume and composition of waste generated and/or received from third parties, the methods of its accumulation, collection, transportation,

neutralisation, recovery and disposal, as well as a description of proposed measures to reduce waste generation and increase the proportion of its reuse, recycling and disposal.

4. Waste management programme for Category I facilities shall be developed with due regard for the need to use the best available techniques in accordance with best available techniques conclusions developed and approved in accordance with this Code.

#### **Article 336. Licensing of activities in the field of recovery and disposal of hazardous waste**

1. To carry out works (services) on recycling, neutralisation, utilisation and (or) destruction of hazardous waste, business entities shall be obliged to obtain a licence to carry out works and services in the field of environmental protection for the relevant subfield of activity in accordance with the requirements of the Law of the Republic of Kazakhstan “On Permits and Notifications”.

2. A licence for the purposes of carrying out the types of activities specified in paragraph 1 hereof shall specify:

1) type and quantity of hazardous wastes in respect of which a person may carry out relevant operations;

2) types of hazardous waste operations;

3) technical and other site requirements for each type of operation;

4) the method to be used for each type of operation.

3. A licence shall not be required for waste collection operations.

4. The requirement of paragraph 1 hereof shall not apply to business entities which are generators of hazardous waste as regards the recovery, decontamination and disposal of their own hazardous waste.

5. The requirements hereof shall not apply to the activity on radioactive waste management, subject to licensing in accordance with the legislation of the Republic of Kazakhstan in the field of atomic energy use.

#### **Article 337. Notification regime of business entities in the field of waste management**

1. Entities planning or carrying out business activities to collect, sort and (or) transport waste, recover and (or) destroy non-hazardous waste must submit a notification of the commencement or termination of activities to the authorised body in the field of environmental protection in the manner prescribed by the Law of the Republic of Kazakhstan “On Permits and Notifications”.

2. The authorized body in the field of environmental protection shall accept notifications from the entities specified in paragraph 1 hereof, shall form and maintain a state electronic register of permits and notifications (hereinafter - the register of business entities in the field of waste management) in accordance with the Law of the Republic of Kazakhstan “On Permits and Notifications”.

The procedure for maintaining the register of waste management business entities shall be established by regulations approved by an authorized body in the field of environmental protection.

3. Conducting business activities on collection, sorting and (or) transportation of waste, recovery and (or) destruction of non-hazardous waste without notification in accordance with paragraph 1 hereof shall be prohibited.

4. Entities in the field of waste management referred to in Paragraph 1 hereof shall be removed from the register of business entities in the field of waste management based on a decision of the authorised body in the field of environmental protection in cases of:

- 1) liquidation of the business entity;
- 2) coming into force of a court decision;
- 3) an application by a business entity to voluntarily terminate its activities.

In this case, the business entity must fulfil all its obligations prior to submitting the application.

5. Entities in the sphere of waste management, specified in paragraph 1 hereof, shall be excluded from the register of business entities in the sphere of waste management under a court decision in cases of:

1) carrying out activities with systematic (more than three times within twelve consecutive calendar months) violation of the requirements of the environmental legislation of the Republic of Kazakhstan;

2) non-implementation of the activities within twelve consecutive calendar months from the date of inclusion into the Register of entrepreneurs in the sphere of waste management.

6. The requirement of paragraph 1 of this article does not apply to business entities that are waste generators in terms of accumulation and sorting of their own waste at the place of their formation before their collection; restoration and (or) destruction of their own non-hazardous waste.

**Footnote. Article 337 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

### **Article 338. Types of waste and their classification**

1. Waste type shall mean a set of wastes having common characteristics according to their origin, properties and technology of their management.

Types of waste shall be determined based on the waste classifier approved by the authorised body in the field of environmental protection (hereinafter referred to as the waste classifier).

2. The waste classifier shall be developed factoring in the origin and composition of each type of waste and, where necessary, shall determine limiting indicators of concentration of hazardous substances in order to classify them as hazardous or non-hazardous ones.

3. Each type of waste in the waste classifier shall be identified by assigning a six-digit code.

4. Waste types shall be classified as hazardous or non-hazardous in accordance with the waste classifier with due regard for the requirements of this Code.

Certain types of waste in the waste classifier may be defined simultaneously as hazardous and non-hazardous ones with assignment of different codes ("mirror" types of waste) depending on levels of concentration of hazardous substances contained therein or the degree of impact of hazardous characteristics of a type of waste on life and/or health of people and the environment.

5. Classification of waste as hazardous or non-hazardous and to a specific waste classifier code in accordance with this article shall be made by the waste owner himself.

6. Inclusion of a substance or material in the waste classifier shall not be a determining factor in categorizing such substance or material as waste. A substance or material included in the waste classifier shall be recognised as waste if it meets the definition of waste in accordance with the requirements of Article 317 of this Code.

### **Article 339. Ownership and responsibility for waste management**

1. Waste shall be an object of proprietary rights. Public relations, associated with occurrence, change and termination of proprietary rights to wastes, shall be regulated by the civil legislation of the Republic of Kazakhstan in view of the specifics, stipulated by this Code.

2. Waste generators shall be the owners of the wastes produced by them.

3. In compliance with the "polluter pays" principle, the waste generator, the current and former owners of wastes shall be responsible for ensuring compliance with the environmental requirements for waste management until such wastes are transferred to the possession of the person, carrying out operations on recovery or disposal of wastes under a license in accordance with Article 336 of this Code, except for cases, stipulated by this Code.

Municipal waste generators shall be responsible for ensuring compliance with environmental waste management requirements from the time they generate waste until it is transferred to waste collectors, recoverers or disposers.

Persons carrying out waste collection operations shall be responsible for ensuring compliance with environmental requirements for waste management from the moment they take possession of waste until the moment of transfer of such waste to a person carrying out waste recovery or disposal operations under a licence in accordance with Article 336 of this Code, except for cases stipulated by this Code.

4. Waste owners shall carry out safe waste management themselves or ensure safe waste management by transferring waste to business entities carrying out waste management operations in obedience to the principle of hierarchy and the requirements of Article 327 of this Code.

5. The state shall be the owner of wastes that are generated at state-owned facilities or by a court decision are recognised as having come into state ownership, as well as in other cases stipulated by legislative acts of the Republic of Kazakhstan.

6. If waste is left by its owner on a land plot owned or used by another person in order to give up ownership of it, the person owning or using such land plot shall be entitled to transfer ownership of such waste by starting to use it or by performing other actions indicating that he/she received ownership of it and also to claim in court compensation for losses incurred due to the waste left by its former owner.

7. Transfer of waste to business entities engaged in waste collection, recovery or disposal operations shall mean simultaneous transfer of ownership of the waste to such entities, including when the waste is placed in containers placed in container sites or in designated waste collection sites, unless otherwise agreed by the parties.

8. If the owner of the land plot or the land user on whose land plots the wastes are located changes, the issue of ownership of the wastes shall be resolved in accordance with the legislation of the Republic of Kazakhstan.

9. Upon privatisation of state-owned facilities, ownership of waste, as well as the obligation to safely manage, reclaim and rehabilitate land, shall be transferred to the new owner, unless otherwise provided for in the conditions of privatisation of these facilities in accordance with the Republic of Kazakhstan Law “On State Property”.

#### **Article 340. Management of ownerless waste**

1. Waste which has no owner or the owner of which cannot be established shall be recognised as ownerless by a court decision and shall be transferred to the possession of a person on the person's application.

2. Owners of land plots or land users upon identification of ownerless waste on their land plots shall have the right to turn this waste into their ownership by starting to use it or by performing other actions indicating that the waste is turned into their ownership.

3. Local executive body of the region (the city of republican significance, the capital) shall be responsible for identification of ownerless waste on its territory and shall notify the authorised body in environmental protection and apply to the court with a claim for recognition of such waste as national or municipal property within six months after receipt of notification about presence of such waste.

In case of discovery of ownerless waste, the environmental authority shall also apply to the court with a claim to recognize such waste as received into the republican or communal property.

4. Ownerless hazardous waste shall be transferred to republican or communal ownership by court decision.

5. The procedure for management of ownerless hazardous waste shall be approved by the authorised body in the field of environmental protection. Management of such wastes shall be



carried out by a subordinated organization of the authorized body in the field of environmental protection or by local executive bodies.

6. A local executive authority shall manage ownerless waste recognised as coming into state ownership by a court decision in compliance with the rules of management of ownerless waste approved by the authorised body in the field of environmental protection.

**Article 341. Incentives to reduce waste generation and increase the recovery rate of waste generated**

Local executive authorities shall identify and implement measures to stimulate the reduction of waste generation, increase the recovery rate of waste generated, reduce its hazard level, economic activities of business entities that introduce technologies aimed at reducing waste generation, plan for the recovery of waste generated during the production of products (works, services), collect and procure such waste, construct appropriate facilities.

**Chapter 24. HAZARDOUS WASTE Article 342. General provisions on hazardous waste**

1. Hazardous waste shall be defined as waste having one or more of the following properties:

HP1 explosiveness;

HP2 oxidising properties;

HP3 flammability;

HP4 irritants;

HP5 specific systemic toxicity (aspiration toxicity to the target organ);

HP6 acute toxicity;

HP7 carcinogenicity;

HP8 corrosive properties;

HP9 infectious properties;

HP10 toxicity to procreation;

HP11 mutagenicity;

HP12 formation of toxic gases in contact with water, air or acid;

HP13 sensitisation;

HP14 ecotoxicity;

HP15 ability to exhibit the hazardous properties listed above, which are derived indirectly from the original waste;

C16 persistent organic pollutants (POPs).

Waste which does not possess any of the properties listed in part one of this paragraph and does not pose an immediate or potential hazard to the environment, human life and (or) health on its own or in contact with other substances shall be recognised as non-hazardous waste.

2. Wastes shall not be mixed or diluted to reduce the initial concentration of hazardous substances below the threshold defined for the purpose of categorising the waste as hazardous

3. Generation and accumulation of hazardous wastes shall be minimised.

### **Article 343. Hazardous waste passport**

1. Hazardous waste passport shall be prepared and approved by natural and legal persons whose activities generate hazardous waste.

2. The hazardous waste passport shall include the following mandatory sections:

1) name of hazardous waste and its code pursuant to the waste classifier;

2) waste generator details: individual identification number for a natural person and business identification number for a legal person and its location;

3) location of hazardous waste generating facility;

4) origin of waste: name of technological process, which resulted in waste generation or a process, which resulted in loss of consumer properties of goods (products) with name of original goods (products);

5) a list of the hazardous properties of the waste;

6) chemical composition of the waste and description of hazardous properties of its components;

7) recommended methods of waste management;

8) required precautions for waste management;

9) waste transportation and handling requirements;

10) prevention and elimination of natural and industrial emergencies and their consequences associated with hazardous waste, including during transportation and handling;

11) additional information (other information to be communicated by the waste generator)

3. The form of the hazardous waste passport shall be approved by the authorised body in the field of environmental protection, completed separately for each type of hazardous waste and submitted in the order determined by Article 384 of this Code, within three months from the moment of waste generation.

4. The passport of hazardous wastes shall be an open-ended document.

5. In case of changes of hazardous waste properties caused by changes of technological regulations of the process causing such change of waste properties, or if more detailed and specific additional information becomes available, the hazardous waste passport shall be subject to revision.

6. The updated hazardous waste passport shall be sent to the competent authority for environmental protection within three months.

7. The waste generator shall submit copies of passports of hazardous wastes to a natural or legal person, transporting a batch of such wastes or its part, as well as to each consignee of such batch (part of the batch) of hazardous wastes.

8. When processing the received batch of hazardous waste, including its mixing with other materials, the generator of such waste shall draw up a new passport of hazardous waste and submit it to the authorized body in the field of environmental protection.

9. Chemical and component composition of the hazardous waste shall be confirmed by test reports of samples of this waste performed by an accredited laboratory. Information on the component composition of the original goods (products) in accordance with technical specifications shall be indicated for the hazardous waste presented by goods (products) that have lost their consumer properties.

#### **Article 344. Environmental requirements in hazardous waste management**

1. Hazardous waste mixing may only be carried out by undertakings holding an appropriate environmental permit, subject to the requirements of Article 327 of this Code.

Mixing shall be carried out to minimise the negative impact on human life and/or health and the environment when recovering or disposing of hazardous waste in compliance with the technological regulations and/or best available techniques.

2. Disposal of hazardous wastes shall be permitted in specially equipped places with an environmental permit, and in case of disposal of hazardous wastes in the subsoil, including non-watered underground mine workings of mines, mines and transport gradients - also with the approval of the authorized body in the field of subsoil use.

Other activities not related to hazardous waste management shall be prohibited in the area designated for accumulation or disposal.

3 The hazardous waste disposal site shall be marked on the ground with clearly visible identification signs indicating the type of waste, its hazard grade and date of disposal.

4. A business entity carrying out entrepreneurial activities to collect, transport, recover and (or) dispose of hazardous waste shall develop a plan of actions in case of emergency and emergency situations that may arise in the course of hazardous waste management.

#### **Article 345. Environmental requirements for the transport of hazardous waste**

1. The transport of hazardous waste shall be kept to a minimum.

2. Hazardous wastes shall be transported under the following conditions:

1) availability of appropriate packaging and labelling of hazardous waste for the purposes of transport;

2) availability of specially equipped and labelled vehicles;

3) availability of hazardous waste passport and documentation for hazardous waste transportation and transfer stating the quantity of transported hazardous waste, purpose and destination of its transportation;

4) compliance with safety requirements for transporting hazardous waste and for loading and unloading operations.

3. Hazardous waste packaging and labelling procedure for transportation purposes shall be established by the legislation of the Republic of Kazakhstan on transport.

4. The procedure for transportation of hazardous waste in vehicles, requirements for loading and unloading operations and other requirements to ensure environmental and sanitary and epidemiological safety shall be determined by norms and rules approved by the authorised state transport and communications authority and agreed with the authorised authority for environmental protection and the public authority for the sanitary and epidemiological welfare of the population.

5. From the moment the hazardous waste is loaded onto a vehicle, accepted by the person or entity transporting the hazardous waste, until it is unloaded at the designated place from the vehicle, the responsibility for the safe handling of such waste shall lie with the transport operator or the person who owns the vehicle.

#### **Article 346: Transboundary movement of hazardous wastes**

1. For the purposes hereof, hazardous wastes shall be groups of wastes recognised as hazardous under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (hereinafter the Basel Convention) and (or) other international treaties ratified by the Republic of Kazakhstan.

2. Import into, export from and transit of hazardous and other wastes through the territory of the Republic of Kazakhstan shall comply with the requirements of the Basel Convention, other international treaties ratified by the Republic of Kazakhstan and the laws of the Republic of Kazakhstan in the manner determined by the Government of the Republic of Kazakhstan.

3. Transboundary transportation of hazardous wastes through the territory of the Republic of Kazakhstan shall be carried out based on conclusion of the authorized body in the field of environmental protection. The conclusion shall be issued in the order and form approved by the authorized body in the field of environmental protection.

4. It shall be prohibited to export hazardous waste from the territory of the Republic of Kazakhstan to the Basel Convention member states and developing countries that have banned the import of hazardous waste under national legislation, as well as if there is reason to believe that such waste will not be used in an environmentally sound manner. In addition, export of hazardous waste for disposal to countries to the south of 60 degrees south latitude shall be prohibited.

5. In transboundary movements of hazardous wastes, the owners of such wastes shall provide the States concerned with information on the intended transboundary movement of hazardous wastes, indicating the possible effects of such movement on the environment, human life and/or health.

6. During transboundary movement, hazardous waste shall be packaged, labelled and transported in accordance with generally accepted international rules and regulations in the field of packaging, labelling and transportation.

7. Import into the territory of the Republic of Kazakhstan from states that are not members of the Eurasian Economic Union and export from the territory of the Republic of Kazakhstan to these states for the purpose of their further recovery shall be carried out under a licence issued by a state body determined by the Government of the Republic of Kazakhstan

8. Import to and export from the territory of the Republic of Kazakhstan of hazardous wastes by individuals for personal use (for non-commercial purposes) shall be prohibited.

9. It shall be prohibited to import hazardous waste into the territory of the Republic of Kazakhstan for the purpose of its burial and neutralisation.

10. Import of disposable products into the territory of the Republic of Kazakhstan may be limited or completely prohibited by the decision of the authorised body in the field of environmental protection, if it leads to generation of waste, management of which is associated with high environmental risk or economically unreasonable.

11. It shall be prohibited to import into the territory of the Republic of Kazakhstan products, the use of which generates hazardous wastes, for the neutralisation and recovery of which the operating facilities in the Republic of Kazakhstan do not have sufficient capacity to carry out such operations.

12. Production and import to the territory of the Republic of Kazakhstan of products, as a result of the use of which hazardous wastes containing persistent organic pollutants, established by the international treaties of the Republic of Kazakhstan on persistent organic pollutants shall be prohibited.

#### **Article 347. Accounting for hazardous waste**

1. Persons carrying out hazardous waste recovery or disposal operations, generators of hazardous waste, business entities engaged in the collection, transportation and/or neutralisation of hazardous waste shall keep chronological records of the quantity, type, origin of waste, destination, collection frequency, transportation method and treatment method provided for hazardous waste, and submit this information to the authorised environmental authority in accordance with paragraph.

2. Hazardous waste records shall be kept for at least five years, except for such records of undertakings engaged in hazardous waste transport activities, which shall be kept for at least twelve months.

3. Persons referred to in paragraph 1 hereof shall submit a hazardous waste inventory report annually as of 1 January by 1 March of the year following the reporting year in electronic form.

4. Documentary confirmation of completion of the hazardous waste management operation shall be submitted by the persons specified in Paragraph 1 hereof, upon request of the authorised body in the field of environmental protection or the former owner of the waste.

5. The primary statistical data in the field of waste management shall be formed by the subordinated organization of the authorised body in the field of environment protection according to the data of the state cadastre of wastes on the basis of the reporting submitted by persons, carrying out waste management, in the order determined by article 384 of this Code, and shall be sent to the authorised body on statistics according to the legislation of the Republic of Kazakhstan on the state statistics.

#### **Chapter 25. WASTE LANDFILL SITES Article 348. General provisions on waste landfill sites**

A waste landfill site (hereinafter referred to as a landfill) shall be a specially equipped place for permanent disposal of waste without the intention to remove it, which complies with environmental, construction and sanitary and epidemiological requirements.

#### **Article 349. Classes of landfill sites**

1. Each landfill must be assigned to one of the following classes:

Class 1 - hazardous waste landfill;

Class 2 - landfill for non-hazardous waste;

Class 3 - landfill of solid domestic waste.

2. Lists of waste types to be disposed at landfills of different classes shall be determined by the authorised body in the field of environmental protection.

3. It shall be prohibited to dispose of hazardous waste at non-hazardous waste landfills.

#### **Article 350. Environmental requirements for landfill sites**

1. It shall be prohibited to bury waste within residential areas, in forest park, resort, health resort, recreational and water protection zones, in the catchment areas of underground water bodies used for drinking and household drinking water supply, as well as in areas classified as objects of historical and cultural heritage.

2. It shall be prohibited to dispose of waste in mineral deposits and mining operations where there is a risk of contamination of mineral deposits and the safety of mining operations.

3. Only non-hazardous wastes can be landfilled without pre-treatment.

4. Hazardous wastes shall be subjected to decontamination, stabilisation and other treatment to reduce or eliminate the hazardous properties of such wastes before they are disposed of.

5. It is forbidden to dispose of municipal solid waste without first sorting it.

6. The criteria for accepting waste for disposal in a landfill of a certain class shall include the following requirements:

1) protection of the environment (especially ground and surface waters) and human health ;

2) provision of methods of waste stabilization within the limits of landfill;

3) ensuring the quality composition of the accepted waste;

4) limitation on quantity of accepted waste and availability of its organic components for biodegradation;

5) limitation on the amount of potentially hazardous components in accordance with the protection criterion;

6) reducing the ecotoxic properties of the waste and the leachate produced.

7. It shall be prohibited to store waste outside of designated storage or disposal areas.

8. Each landfill shall be equipped with a system for monitoring leachate and wastewater generated in the deposited wastes to prevent their negative impact on the environment.

Solid waste landfills shall also be equipped with an emission monitoring system (landfill gas).

9. Solid domestic waste landfills shall be equipped with leachate and landfill gas collection and disposal systems. Requirements for design, construction and operation of leachate and landfill gas collection and disposal systems shall be established by the public regulations on architecture, urban planning and construction, national standards included in the list approved by the authorized body in the field of environmental protection.

10. Newly built solid domestic waste landfills shall be equipped with an impervious blanket. Requirements for the design and construction of impervious blankets shall be established by the public regulations in the field of architecture, urban planning and construction and shall be binding for legal entities and individual entrepreneurs regardless of the organizational and legal form.

11. The quantity and hazardous properties of waste destined for landfill shall be reduced before it enters the landfill.

12. The landfill operator shall take measures to reduce methane emissions from the landfill by reducing the disposal of biodegradable waste and installing landfill gas collection and disposal systems.

Biodegradable waste shall be defined as waste that can undergo anaerobic or aerobic decomposition, including garden and park waste and food waste comparable to food industry waste, waste paper.

13. The landfill operator shall develop a uniform waste acceptance procedure based on waste classification.

14. Organization of work at the landfill shall be determined by the technological scheme of the landfill operation, developed as part of the landfill construction project, and shall

ensure environmental protection, maximum productivity of mechanization means and safety measures.

15. The main planning document shall be the schedule of landfill operation, agreed with the authorized body in the field of environmental protection.

16. The landfill design shall provide for establishment of a liquidation fund for its closure, land recultivation, environmental impact monitoring and pollution control after the landfill closure.

The liquidation fund shall be formed by the landfill operator according to the procedure established by the regulations approved by the authorised environmental authority.

It shall be prohibited to operate the landfill without a liquidation fund.

17. Control over observance of the requirements to waste disposal at landfills and maintenance of landfills shall be carried out by the authorized body in the field of environmental protection.

### **Article 351. Waste not acceptable for landfills**

1. It shall be prohibited to accept the following wastes for disposal in landfills:

- 1) any waste in liquid form (liquid waste);
- 2) hazardous waste which is explosive, corrosive, oxidising, highly flammable or flammable under landfill conditions;
- 3) wastes which are reactive with water;
- 4) medical wastes;
- 5) biological wastes determined in accordance with the legislation of the Republic of Kazakhstan in the field of veterinary medicine;
- 6) whole used tyres and their fragments, except for their use as stabilising material in reclamation
- 7) waste containing persistent organic pollutants;
- 8) pesticides;
- 9) waste that does not meet the criteria for acceptance;
- 10) plastic, plastic and polyethylene waste, polyethylene terephthalate packaging;
- 11) waste paper, cardboard and paper waste;
- 12) mercury-containing lamps and appliances;
- 13) glass container;
- 14) glass scrap;
- 15) non-ferrous and ferrous metal scrap;
- 16) lithium, lead-acid batteries;
- 17) electronic and electrical equipment;
- 18) vehicles which have been withdrawn from use;
- 19) construction waste;
- 20) food waste.



2. Mixing of waste for the purpose of meeting acceptance criteria shall be prohibited.

3. Municipal solid waste landfills shall be subject to compulsory sorting of wastes according to the types specified in sub-paragraphs 6), 10), 11), 12), 13), 14), 15), 16) and 17) of paragraph 1 hereof. Sorting of solid domestic waste shall be carried out in accordance with the national standards included in the list, approved by the authorized body in environmental protection.

Operation of the landfill of solid domestic wastes, where the requirement stipulated by part one of this paragraph is not ensured, shall be prohibited.

4. Local authorities shall organise measures to encourage the reduction of biodegradable waste disposal, including measures to recycle it, in particular through composting and disposal, including for biogas and/or energy production.

The composting of biodegradable waste shall comply with environmental, sanitary and hygienic requirements.

#### **Article 352. Industrial solid and sludge waste, the disposal of which is prohibited in landfills designed for the disposal of municipal solid waste**

The following industrial solid and sludge waste shall not be disposed of in landfills designated for the disposal of municipal solid waste:

1) waste from the chemical industry for the production of chlorine:

graphite sludge from the production of synthetic rubber, chlorine, caustic soda containing mercury and its compounds;

methanol, wastes of plexiglass production containing methanol;

sludge from the production of salts of monochloroacetic acid containing hexachlorane, methanol, trichlorobenzene;

paper bags used to transport DDT, urotropine, zyneb, copper trichlorophenolate, tiuram-D

;

copper trichlorophenolate production sludge containing trichlorophenol;

spent catalysts from plastics production containing benzene and dichloroethane;

coagulum and omega polymers containing chloroprene;

wastes from trichlorobenzene, fertilizer production, containing hexachlorane, trichlorobenzene;

2) waste from the chemical industry producing chromium compounds:

sodium monochromate and sodium chloride production sludge, potassium bichromate production waste containing hexavalent chromium;

3) zinc waste from soda production industry containing zinc;

4) wastes of man-made fibre production:

sludge containing dimethyl terephthalate, terephthalic acid, zinc, copper;

waste from caprolactam filtration containing caprolactam;

methanol plant waste containing methanol;

- 5) waste from the paint industry:  
films of varnishes and enamels, equipment cleaning wastes containing zinc, chromium, solvents, oxidising oils;  
sludge containing zinc and magnesium;
- 6) waste from the chemical and photographic industry:  
hyposulphite and anhydrous sulphite production waste containing phenol;  
waste magnetic varnish, collodion, paints containing butyl acetate, toluene, dichloroethane, methanol;
- 7) plastic production wastes containing phenol;
- 8) wastes of nitrogen industry:  
sludge (resins) from coke gas purification unit and waste oils from synthesis and compression shop containing carcinogenic substances;  
residue from the distillation of monoethanolamine containing monoethanolamine;
- 9) wastes of the refining and petrochemical industry:  
aluminosilicate adsorbent from purification of oils, paraffin containing chromium and cobalt;  
sulphuric acid tars containing more than thirty per cent sulphuric acid;  
fusses and fusosmol residues of coke production and semi-coke gasification containing phenol;  
waste catalysts containing chromium;  
waste clay containing oils;  
filtration residues from alkylphenolic additive plants containing zinc;
- 10) engineering wastes:  
chromium-containing sewage sludge containing chromium;  
cyanide-containing sewage sludge containing cyanide;  
organic-binder core blends containing chromium;  
sludge from vacuum filters, galvanic neutralisation stations containing zinc, chromium, nickel, cadmium, lead, copper, chlorophos, thiokol;
- 11) waste from the pharmaceutical industry:  
syntomycin production waste containing bromine, dichloroethane, methanol;
- 12) enrichment waste and sludge containing heavy metal salts.

### **Article 353. General requirements for hazardous waste landfills**

1. The location of a landfill intended for hazardous waste disposal shall comply with the requirements concerning:

1) the distance from the boundary of the hazardous waste landfill to residential and recreational areas, water bodies, agricultural land and settlements;

2) presence of underground, surface waters and their water protection zones and belts or specially protected natural areas;

- 3) geological and hydrogeological conditions;
- 4) risk of floods, depressions, landslides or avalanches at the site;
- 5) protection of objects of the state natural reserve fund.

2. Depending on the characteristics of the hazardous waste landfill and meteorological conditions, provision must be made for:

- 1) control of sudden inflow of water into the landfill body;
- 2) prevention of surface and (or) groundwater inflow to the waste disposal site;

3) collection and treatment of contaminated water and leachate to the permissible discharge standards established for waste water.

3. The collection, purification and use of landfill gas must be carried out in a manner that minimizes damage or deterioration of the environment and the risk to human health, with the exception of those landfills where hazardous waste is buried that is not capable of forming landfill gas.

4. The landfill operator shall take measures to minimise:

- 1) the spread of odours and dust;
- 2) wind-borne materials, compounds and aerosols;
- 3) noise and traffic;
- 4) birds, vermin and insects;
- 5) fires.

5. The hazardous waste landfill must be designed so that contamination from the site is not carried out onto public roads and the surrounding area.

6. The landfill must be protected from unauthorised access by unauthorised persons. The control and access system for each technical facility must contain a programme of measures to detect and discourage unlawful use of such facilities.

7. A hazardous waste landfill shall be managed by natural or legal persons that have the technical means to operate the landfill and provide professional technical training and development to the employees of the landfill.

8. The level of permissible impacts shall be determined in the environmental permit for waste disposal factoring in the specific hydrogeological conditions at the landfill site based on the landfill design.

9. The landfill shall be assigned an individual registration number included in the state waste cadastre of the Republic of Kazakhstan. The landfill operator shall develop a document management system designed to keep records of wastes received at the landfill.

**Footnote. Article 353 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

**Article 354. Waste acceptance procedures**

1. Waste owners delivering waste to the landfill shall provide the landfill operator with reliable information on their qualitative and quantitative characteristics confirming the assignment of waste to a certain type, and in case of hazardous waste - additionally with a copy of the hazardous waste passport.

2 The landfill operators shall be entitled to accept to the landfill for disposal only those types of waste which are permitted for disposal at the given landfill and the right for disposal of which is confirmed by the environmental permit.

3. When accepting waste the landfill operator shall perform:

1) checking of waste documentation, including a hazardous waste passport;

2) visual inspection of waste upon its receipt;

3) reconciliation of received waste with the description in the documentation provided by the waste owner;

4) keeping the record of quantity and characteristics of the waste to be disposed with specification of its origin, date of delivery, identification of waste generator or, in case of municipal solid waste, the person collecting the waste, and in case of hazardous waste - exact location of the waste in the landfill;

5) dosimetric monitoring of each waste batch received at the landfill to exclude the release of radioactive substances to the landfill.

4. The landfill operator shall be required to provide written confirmation of receipt of each waste lot received at the site at all times and to maintain this documentation for a period of five years from the date the waste is received at the landfill.

5. Weighing equipment shall be installed at the reception facilities to determine the weight of incoming waste.

#### **Article 355. Control and monitoring during the operational phase of the landfill**

1. Every year the landfill operator shall submit a report on the environmental impact monitoring to the authorised body in the field of environmental protection.

2. The landfill operator shall notify the authorised body for environmental protection on the negative environmental impact identified as a result of control and monitoring, and agree with the authorised body for environmental protection the nature and timing of the corrective measures to be taken.

3. Control, monitoring and (or) analyses shall be carried out by accredited laboratories.

4. Leachate and surface water shall be sampled at representative points. The sampling and measurement of leachate volume and composition shall be performed separately at each point of the site where leachate is generated.

5. Gas monitoring shall be carried out for each section of the solid waste landfill in accordance with the methodology approved by the authorised environmental authority.

6. The frequency of sampling and analysis shall be justified in the monitoring programme attached to the environmental impact permit.

7. The parameters to be measured and substances to be analysed shall be adjusted depending on the composition of the disposed waste.

8. The parameters to be analysed from groundwater samples shall be conditioned by the expected leachate composition and groundwater quality of the location. The rate and direction of groundwater flow shall be determined in the process of selecting parameters for analytical accounting. The parameters may include indicative indicators to ensure early detection of changes in water quality.

**Article 356. Procedures for closure, reclamation and monitoring of a landfill (part of a landfill)**

1. A landfill (part of a landfill) may only be closed after obtaining an environmental permit.

2. A landfill (part of a landfill) may be considered as closed only after officials of the authorized body in the field of environmental protection and the state sanitary and epidemiological service body carry out a final inspection in the field, evaluate all information provided by the landfill operator and inform it about approval of closing the landfill (part of a landfill). In doing so, the landfill operator shall not be exempt from the conditions of the environmental permit.

3. After closure of a landfill (part of a landfill), the landfill operator shall recultivate the area and monitor landfill gas and leachate emissions for thirty years for class 1 landfills, twenty years for class 2 landfills, and five years for class 3 landfills. Funds for reclamation of disturbed land and subsequent monitoring shall come from the landfill liquidation fund.

4. Landfill reclamation shall include measures for waste stabilization in the landfill body, erosion control and landscaping of the landfill slopes considering natural and climatic conditions of the landfill location area. Requirements for landfill reclamation shall be established by public regulations in the field of architecture, urban planning, and construction.

5. After the landfill operator has performed the landfill (part of the landfill) reclamation in accordance with the design conditions and the performed works are accepted by the acceptance commission act with the participation of the authorised body in the field of environmental protection, the landfill operator shall stop performing environmental monitoring.

**Chapter 26. FEATURES OF MINING WASTE MANAGEMENT Article 357. Concept of mining waste**

1. Mining wastes in this Code shall be defined as wastes generated during the exploration, extraction, processing and storage of solid minerals, including overburden, host rock, dust, poor (substandard) ore, sludge from mechanical treatment of pit and mine water, tailings and concentration sludge.

For the purposes of this Code, the processing of solid minerals shall include mechanical, physical, biological, thermal or chemical processes, or combinations thereof, applied to solid minerals in order to extract useful components from them, including by resizing (crushing, grinding), classifying (sorting), separating and leaching, enriching, and re-treating previously disposed mining waste, but shall not include smelting, thermal processing.

2. Waste from energy industries (ash and ash slag) shall not be recognised as mining waste for the purposes of this Code.

3. The provisions of Chapters 23 and 24 of this Code shall apply to mining waste management relations to the extent not inconsistent with the provisions of this Chapter. The requirements of Chapter 25 of this Code shall not apply to facilities for the long-term or permanent storage of mining waste.

4. The requirements of this chapter shall not apply to wastes generated in the exploration, extraction, processing and storage of solid minerals which are not the direct result of such operations.

#### **Article 358. Management of mining waste**

1. Mining waste shall be managed in obedience to the principle of hierarchy established by Article 329 of this Code.

2. The storage of mining waste must be carried out in designated areas defined by a project document developed in compliance with the legislation of the Republic of Kazakhstan and compliant with the conditions of the environmental permit.

3. It shall be prohibited to store mining waste outside designated areas.

4. Mixing or co-disposal of mining waste with other types of waste that are not mining waste or mixing or co-disposal of different types of mining waste, shall be prohibited, unless expressly provided for in the terms of an environmental permit.

5. Mining waste generated from the treatment of previously stockpiled mining waste shall not have a hazard level higher than that of the original waste.

6. Disposal of mining wastes shall be carried out in accordance with the approved design documentation considering provisions of this Code, industrial safety requirements and sanitary and epidemiological norms.

#### **Article 359. Requirements for the design, construction and operation of waste storage facilities**

1. A waste storage facility shall be a specially designated place designed for storage and long-term storage of mining waste in solid or liquid form or in the form of a solution or slurry for a period exceeding twelve months.

The storage and long-term storage of mining waste for the purposes of setting limits in environmental permits and applying fees for negative environmental impacts are equated to waste disposal.

2. When designing, constructing (reconstructing), operating and managing a waste disposal facility, the following requirements shall be observed:

1) the requirements of this Code, as well as geological, hydrological, hydrogeological, seismic and geotechnical conditions shall be taken into account when selecting the location of a waste storage facility;

2) in a short-term and long-term perspective:

ensuring prevention of soil, atmospheric air, ground and (or) surface water pollution, effective collection of polluted water and leachate;

ensuring the reduction of erosion caused by water or wind;

ensuring the physical stability of the waste storage site;

3) ensuring minimal damage to the landscape;

4) take steps to close the waste storage site and remediate the topsoil;

5) plans and arrangements shall be in place for regular monitoring and inspection of the waste storage facility by qualified personnel, and for taking action in the event that instability in the operation of the waste storage facility or contamination of water or soil is detected;

6) arrangements shall be made for the period of environmental monitoring following closure of the waste storage site.

Information and documents relating to the monitoring referred to in sub-paragraph 6) of this paragraph shall be kept together with the authorisation documents.

3. The operator of a waste storage facility shall submit an annual report on monitoring of environmental impact to the authorised body in the field of environmental protection.

4. Within forty-eight hours, the operator of a waste storage facility shall notify the competent environmental authority of any circumstances which may affect the physical or chemical stability of the waste storage facility and any significant adverse effects on the environment identified in the monitoring process, and shall take appropriate corrective action in consultation with the competent environmental authority.

The obligations under this paragraph shall apply for the monitoring period after the closure of the waste storage site.

5. The deposit of mining wastes into open-pit or underground mine workings for the purposes of construction, closure of a waste storage facility and rehabilitation of disturbed lands shall be subject to the following requirements:

1) ensuring physical stability of the waste storage facility;

2) prevention of soil, surface and underground water pollution in accordance with the requirements of this Code;

3) monitoring in accordance with the requirements of this chapter.

**Footnote. Article 359 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

## **Article 360. Mining waste management programme**

1. The operator of a waste storage facility is obliged to develop a waste management program for the mining industry to minimize the formation, recovery and disposal of waste in accordance with the rules provided for in paragraph 1 of Article 335 of this Code.

2. The mining waste management programme shall be developed with consideration to the use of Best Available Techniques in accordance with the Best Available Techniques Information and Technical Guides developed and approved in accordance with this Code.

3. The objectives of the mining waste management programme shall be:

1) preventing or reducing the generation of waste and its hazards;

2) encouraging the recovery of mining waste through recycling, reuse where this is in line with environmental requirements;

3) ensuring safe waste management in the short and long term, in particular by selecting an appropriate design option that:

assumes minimal or no need for monitoring, control and management of the closed waste storage site;

aims at preventing or reducing the long-term adverse effects of waste disposal;

ensures the long-term geotechnical stability of dykes and waste dumps projecting above the ground surface.

4. The mining waste management programme shall be an integral part of the environmental permit and be subject to revision every five years in case of significant changes in the operating conditions of the waste disposal facility and/or the type, nature of the waste deposited. The changes shall be subject to approval by the authorised environmental authority.

5. The mining waste management programme shall be developed in compliance with the principle of hierarchy and shall include information on the volume and composition of waste generated and/or received from third parties, the methods of its accumulation, collection, transportation, neutralisation, recovery and disposal, as well as a description of proposed measures to reduce waste generation, increase the share of recycling and utilisation.

**Footnote. Article 360 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

## **Article 361. Prevention of degradation of water, air, and soil pollution**

1. When managing mining waste, it shall be mandatory to comply with the environmental requirements established by this Code to prevent water pollution by:

1) assessing the potential for leachate generation, including pollutants contained in leachate, of stockpiled waste during operation and after closure of the waste storage facility, determining the water balance of the waste storage facility;



2) prevention or minimisation of leachate generation and pollution of surface or ground water and soil;

3) collection and treatment of contaminated water and leachate to the level required for their discharge.

2. The operator of a waste storage facility shall take measures to prevent or reduce dust and gas emissions.

3. When disposing of mining waste back into open-pit or underground mine workings that are prone to flooding, the operator of the waste storage facility shall take the necessary measures to prevent or minimise deterioration of water and soil.

4. If cyanide is present in the storage pond, the operator shall ensure that the concentration of cyanide in the liquid waste is reduced to the lowest possible level using the best available techniques.

#### **Article 362. Prevention of major environmental accidents**

1. Before commencing mining waste storage activities, the operator of the waste storage facility shall develop a programme to prevent major environmental incidents in the management of mining waste, as well as an internal plan to respond to such incidents pursuant to the regulations approved by the competent environmental authority in cooperation with the competent authority in the field of industrial safety.

2. To implement and monitor such a programme, the operator of the waste storage facility shall appoint a responsible person.

3. The authorised body in the field of environmental protection shall develop an external major environmental incidents response plan, stipulating activities to be carried out outside the site where such incidents occur. The operator of a waste storage facility shall provide to the authorised environmental protection body information required for the development of an external major environmental incident response plan.

4. In the event of a major environmental incident, the operator of the waste storage facility shall immediately notify the competent body for environmental protection and provide all necessary information and assistance to minimise the consequences of such an incident for human life and/or health and to assess the extent of actual or potential environmental damage.

#### **Article 363. Closure of a waste storage facility and post-closure monitoring**

1. Where a mining waste disposal facility or part thereof is closed, the provisions of Article 356 of this Code shall apply factoring in that monitoring obligations for the period following closure of such a facility shall not be limited in time.

2. Financing of measures on closure of a waste storage facility, recultivation of disturbed lands and subsequent monitoring shall be carried out in the manner prescribed by the Code of the Republic of Kazakhstan “On Subsoil and Subsoil Use”.

## **Article 364. Inventory of mining waste storage sites**

1. The authorised body for environmental protection shall organise the maintenance of a register of closed (decommissioned, liquidated) and abandoned (ownerless) mining waste storage facilities that cause significant adverse environmental impacts or pose a threat to life and/or health of the population, as well as to the environment in the short or medium term.

2. The register shall be updated periodically based on data submitted by local executive bodies in accordance with Article 340 of this Code, but at least once a year.

3. The said register shall be made publicly available on the official websites of the person responsible for its maintenance, as well as of the authorised body in the field of environmental protection.

## **Chapter 27. SPECIAL FEATURES OF THE MUNICIPAL WASTE MANAGEMENT Article 365 . Environmental requirements in the field of municipal waste management**

1. Municipal wastes shall be understood to mean the following consumer wastes:

1) mixed wastes and separately collected household wastes, including, among others, paper and cardboard, glass, metals, plastic materials, organic waste, wood, textiles, packaging, used electrical and electronic equipment, batteries and accumulators;

2) mixed wastes and separately collected wastes from other sources, if such wastes in their nature and composition are similar to household wastes.

Municipal wastes shall not include the wastes from production, agriculture, forestry, fisheries, septic tanks and sewers, as well as from sewage treatment plants, including sewage sludge, decommissioned vehicles or construction waste.

Consumer wastes shall include the wastes which are formed as a result of human activities, that have fully or partially lost their consumer qualities, products and (or) devices, their package and other substances or their residues, the expiration date or useful lifetime of which has expired, regardless of their state of aggregation, and also from which the owner independently physically got rid of or by documents transferred to the category of consumer waste.

2. An authorized body in the field of environmental protection shall implement state policy in the field of municipal waste management through:

1) approval of the rules for municipal waste management;

2) approval of model rules for calculation of standards for formation and accumulation of municipal wastes;

3) organizing methodological support of local executive bodies on the issues of municipal waste management.

3. Local representative bodies of districts, cities of regional significance, cities of republican significance, the capital, shall implement state policy in the field of municipal waste management through:

- 1) approval within their competence of the program on municipal waste management;
- 2) approval of standards for formation and accumulation of municipal wastes;
- 3) approval of the tariffs for the public for collection, transportation, sorting and disposal of solid domestic waste.

4. Local executive bodies of districts, cities of district and regional significance, cities of republican significance, the capital, shall implement the state policy in the field of municipal waste management through:

- 1) organizing the development of programs on municipal waste management and ensuring their performance;

- 2) development and submission of the standards for formation and accumulation of municipal wastes for the approval by relevant local representative bodies;

- 3) allocation of land plots for construction and (or) placement of municipal waste management facilities, including for the arrangement of container sites and points for the collection of secondary raw materials;

- 4) ensuring the construction of facilities for disposal and burial of municipal wastes;

- 5) carrying out control over circulation of municipal wastes in accordance with this Code, rules for municipal waste management, as well as development of measures and economic instruments aimed at reducing the volume of municipal waste formation, increasing the level of their preparation for reuse, processing, disposal and reducing the volume of municipal waste to be disposed of, including through public-private partnerships;

- 6) approval of the rules for calculation of the standards for formation and accumulation of municipal wastes;

- 7) development and submission of tariffs for the public for collection, transportation, sorting and burial of solid domestic waste, calculated in accordance with the methodology that is developed and approved by the authorized body in the field of environmental protection, for the approval by relevant local representative bodies;

- 8) determining the procedure of distribution of the tariff between entities carrying out operations for the collection, transportation, sorting and burial of solid domestic wastes;

- 9) organizing rational and environmentally safe collection system for municipal waste, providing for their separate collection, including transportation and accumulation until recovery or disposal;

- 10) ensuring the creation and functioning of necessary infrastructure for business entities that carry out activities for collection, transportation, sorting, recovery and disposal of municipal wastes, including through the public-private partnership;

- 11) ensuring the achievement of target indicators of the quality of environment in municipal waste management;

- 12) stimulation of separate collection of organic municipal wastes and their recovery, including through composting;

13) ensuring the access for organizations that carry out activities for collection, transportation, sorting, recovery, including processing and disposal of municipal wastes, to information on registration of the population for the purposes of identification of the number of citizens, registered at the place of residence;

14) informing the population on rational system of collection, utilization and processing of solid domestic wastes, including separate collection;

15) organizing of work on removal of wastes for the owners of energy waste disposal facilities.

5. Local executive bodies of villages, settlements, rural districts shall implement state policy in the field of municipal waste management through:

1) stimulation of separate collection of organic municipal wastes and their recovery including through composting;

2) organizing regular removal of municipal wastes;

3) ensuring the compliance with environmental requirements in municipal waste management;

4) prevention and suppression of unauthorized incineration of municipal waste.

6. Hazardous components of municipal wastes (electronic and electrical equipment, mercury-containing waste, batteries, accumulators and other hazardous components) should be collected separately and transferred for the recovery to the specialized enterprises.

#### **Article 366. Public private partnership in the field of solid domestic waste management**

1. Design, construction, creation, reconstruction, modernization and operation of infrastructure and carrying out activities for collection, transportation, sorting, burial of solid domestic wastes, liquidation of natural dumping places (hereinafter referred to as the solid domestic waste management) can be carried out through implementation of projects of public-private partnership in accordance with the legislation of the Republic of Kazakhstan in the field of public-private partnership.

The liquidation of natural dumping places shall be understood to mean the collection, transportation and the transfer of wastes allocated beyond specially designated places intended for their accumulation or disposal, to specialized organizations for sorting, neutralization, processing, utilization or disposal.

2. Application of the funds of disposal payment for implementation of public-private partnership projects on solid domestic waste management shall be used taking into account special provisions stipulated by this article. At the same time, such projects shall apply only for activities for solid domestic waste management that is carried out at the expense of the tariff for the population for collection, transportation, sorting and disposal of solid domestic wastes.

3. The authorized body in the field of environmental protection shall develop and approve the procedure and conditions of implementation of public-private partnership projects on solid domestic waste management, which include:

- 1) the procedure and conditions of the competitive tender on determining a private partner ;
- 2) model competitive tender documentation of a public-private partnership project and model agreements;
- 3) the procedure, conditions and limits of reimbursement of private partner's expenses;
- 4) the procedure for development and approval of the marginal tariff for the population for collection, transportation, sorting and disposal of solid domestic wastes.

4. Local executive bodies of regions, cities of republican significance and the capital, in accordance with subclauses 1) – 3) of clause 3 of this article, shall act as organizers of the competitive tender in relation to local public-private partnership projects, develop and approve competitive tender documentation in coordination with the authorized body in the field of environmental protection.

5. Reimbursement of private partner's expenses under public-private partnership projects on solid domestic waste management shall be carried out at the expenses of funds received from the tariff for the population for collection, transportation, sorting and disposal of solid domestic wastes, and other funding sources, not prohibited by the legislation of the Republic of Kazakhstan.

6. The operator of extended obligations of manufacturers (importers), in accordance with subclause 3) of clause 3 of this article, shall reimburse under a public-private partnership project the difference between the marginal tariff and the current tariff for the population for collection, transportation, sorting and disposal of solid domestic wastes.

7. The size of a marginal tariff for each public-private partnership project for collection, transportation, sorting and disposal of solid domestic wastes shall be developed and approved by the authorized body in the field of environmental protection, and shall reflect actual and investment expenses for the specified operations in the respective city, district.

#### **Article 367. The centralizes system of solid domestic waste collection**

1. The solid domestic wastes shall be understood to mean domestic waste in a solid form.
2. The centralizes system of solid domestic waste collection (hereinafter referred to as the centralizes system) – a system organized by local executive bodies within the framework of provision of individuals and legal entities, notwithstanding their forms of ownership and type of activities, residing (located) and (or) carrying out their activities in residential buildings or stand-alone buildings (facilities) and not having on the right of ownership any container yards and containers, as well as those having on the right of ownership container yards and containers located on common-use lands, services for the collection and transportation of solid domestic wastes. Container yards are special yards for accumulation of wastes, on

which containers for solid domestic waste collection are placed, with available approach roads for specialized transport that carries out transportation of solid domestic wastes.

3. Individuals, who live in residential buildings, shall be obliged to use the centralized system based on public agreements and to pay the waste transportation services, according to the tariffs approved by the local representative body.

Legal entities and individual entrepreneurs that carry out activities in residential buildings or stand-alone buildings (facilities) when using the centralized system, shall be obliged to conclude an agreement for transportation of solid domestic wastes with business entities in the field of waste management that carry out collection and transportation of solid domestic wastes, determined by local executive bodies in accordance with this Code.

Legal entities and individual entrepreneurs that carry out activities in stand-alone buildings (facilities), when using services of business entities in the field of waste management, not related to the centralized system, shall be obliged to conclude an agreement for transportation of solid domestic wastes with the business entities in the field of waste management that are included into the register of permissions and notifications in accordance with the Law of the Republic of Kazakhstan “On Permissions and Notifications”.

4. The centralized system shall be arranged by a local executive body through a competitive tender (tender) on determining the participants of solid domestic waste market, carrying out the collection and transportation of solid domestic wastes in accordance with the requirements of this Code and the rules for municipal waste management.

5. Business entities collecting and transporting solid domestic wastes shall be obliged to use only specially equipped transportation means corresponding the rules for municipal waste management and not designated for transportation of other types of wastes, except as otherwise provided by such rules.

6. When independently removing solid domestic waste, legal entities and individual entrepreneurs shall be obliged to comply with the requirements of this Code, as well as conclude agreements with business entities engaged in the processing and (or) disposal of solid domestic waste.

7. Business entities collecting and transporting solid domestic wastes, or a waste owner independently removing solid domestic wastes, shall ensure the delivery of such wastes to business entities that carry out the recovery of solid domestic waste.

8. The removal of waste directly to the landfill for solid domestic waste shall be carried out in the absence of business entities engaged in the recovery of solid domestic waste, or insufficiency of production capacity of such entities in this locality, with the exception of the waste specified in Article 351 of this Code.

#### **Article 368. Requirements for transportation of municipal waste**

Footnote. The title of Article 368 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

1. Transportation (including removal) of municipal waste must be carried out by vehicles that comply with the requirements of this Code.

2. Business entities engaged in the transportation of municipal waste are required to transmit complete navigation information on the movement of transport to the information system "National Data Bank on the state of the environment and natural resources of the Republic of Kazakhstan".

3. The development and maintenance of the relevant subsection of the information system "National Data Bank on the state of the environment and natural resources of the Republic of Kazakhstan" for tracking the movement of vehicles carrying out the removal of municipal waste, according to satellite navigation systems, are organized by the authorized body in the field of environmental protection.

4. Business entities engaged in the transportation of municipal waste, when providing appropriate services, must comply with the following requirements:

1) use specially equipped vehicles designed for the transportation of municipal waste;  
2) equip the vehicles specified in subclause 1) of this clause with satellite navigation systems connected to the information system "National data bank on the state of the environment and natural resources of the Republic of Kazakhstan", and keep these systems constantly in working condition;

3) conclude contracts with owners of municipal waste in accordance with the standard form established by the rules of municipal waste management;

4) meet the requirements of the current legislation of the Republic of Kazakhstan.

5. Requirements for the transportation of municipal waste, painting, supply of special distinctive signs and equipment of vehicles, as well as for loading and unloading operations are established by national standards of the Republic of Kazakhstan included in the list approved by the authorized body in the field of environmental protection.

Footnote. Article 368 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

## **Chapter 28. SPECIAL FEATURES OF RADIOACTIVE WASTE MANAGEMENT Article 369. Radioactive waste and their classification**

1. The radioactive waste includes the following substances in any state of aggregation that are not subject to further use:

1) materials, products, equipment, objects of biological origin, in which the content of radionuclides exceeds the levels set forth by the legislation of the Republic of Kazakhstan;

2) spent nuclear fuel that is not subject to reprocessing;

3) life-expired or damaged radionuclide sources;

4) extracted and stored in disposal areas and tailings rocks, ores and tails from ore dressing and leaching, in which the content of radionuclides exceeds the levels set forth by the legislation of the Republic of Kazakhstan.

2. The basis of classification of radioactive waste is their state of aggregation, origin, level of radioactivity, half-life of radionuclides.

3. By the state of aggregation, radioactive waste is divided into liquid and solid.

Liquid radioactive waste includes solutions of inorganic substances, pulps of filter materials, organic liquids.

Solid radioactive waste includes products, parts of machines and mechanisms, materials, biological objects, exhausted sources of radioactive radiation.

4. Waste shall be classified as radioactive if the specific activity of the radionuclides contained in it is higher than the values regulated by the radiation safety standards for radioactive materials subject to control, and if the radionuclide composition is unknown, the specific activity is higher:

1) one hundred kilobecquerel per kilogram for beta-emitting radionuclides;

2) ten kilobecquerel per kilogram for alpha-emitting radionuclides (excluding transuranium);

3) one kilobecquerel per kilogram – for transuranium radionuclides.

5. According to the sources of formation, radioactive waste shall be classified as follows:

1) ore mining wastes;

2) wastes from research and power nuclear units;

3) nuclear explosion wastes;

4) unused radioactive radiation sources and sources with expired service life.

6. According to the level of radioactivity, solid radioactive waste is classified as follows:

1) low active waste – wastes with specific activity (kilobecquerels per kilogram): less than a thousand - for beta-emitting radionuclides; less than one hundred - for alpha-emitting radionuclides (excluding transuranic ones); less than ten - for transuranium radionuclides;

2) medium active waste – waste with a specific activity (kilobecquerels per kilogram): from a thousand to ten million - for beta-emitting radionuclides; from one hundred to one million - for alpha-emitting radionuclides (excluding transuranic ones); from ten to one hundred thousand - for transuranium radionuclides;

3) high active waste – waste with a specific activity (kilobecquerels per kilogram): more than ten million - for beta-emitting radionuclides; more than one million - for alpha-emitting radionuclides (excluding transuranium); more than one hundred thousand - for transuranium radionuclides.

7. State control and supervision in the field of ensuring radiation safety, including activities related to radioactive waste management, shall be carried out by the authorized body in the field of nuclear energy use.



State control and supervision in the field of radiation safety is carried out by the authorized body in the field of atomic energy use in the form of inspection and preventive control with a visit to the subject (object) of control and supervision in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

**Footnote. Article 369 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 370. Environmental requirements in the field of radioactive waste management**

1. Individuals and legal entities shall be obliged to comply with the rules for the production, storage, transportation, use, disposal and disposal of radioactive materials established by the authorized body in the field of the use of nuclear energy, to prevent violation of the standards for the maximum permissible level of radiation exposure, to take measures to prevent and eliminate radiation pollution of the environment. environments.

2. Activities for the collection, storage, transportation and disposal of radioactive waste shall be carried out in accordance with the legislation of the Republic of Kazakhstan on the use of nuclear energy.

3. In the event of emergency situations during the transportation of radioactive materials, the requirements of the legislation of the Republic of Kazakhstan in the field of the use of nuclear energy, radiation safety of the population and technical regulations should be observed in order to ensure the protection of the health of citizens, their property, the environment.

#### **Article 371. Classification of storage and (or) burial facilities for radioactive waste**

1. Storage and (or) burial facilities for radioactive waste include naturally-occurred ( natural) or artificial areas, containers or premises used for storage and (or) burial of radioactive waste.

2. Facilities for burial of radioactive waste include facilities, in which such wastes are placed without an intention of their further recovery.

3. Facilities for storage of radioactive waste are subdivided according to the acceptance of radioactive waste:

1) resulted from geological prospecting, mining and processing activities, containing predominantly natural radionuclides;

2) from nuclear power facilities, as a result of nuclear explosions and the production of radioisotope products containing mainly artificial radionuclides.

4. According to the scale of radioactive waste collection area, storage and (or) burial facilities for radioactive waste are divided into local and regional. Local include the facilities

intended for disposal of waste from one facility or one area, and regional - two or more facilities and (or) areas.

**Article 372. Environmental requirements during the storage and burial of radioactive waste**

1. Radioactive waste generated on the territory of the Republic of Kazakhstan should be disposed of in such a way as to ensure radiation protection of the population and the environment for a period of time during which they may pose a potential hazard.

2. Storage and burial of radioactive waste shall be carried out on the basis of licenses issued by the authorized body in the field of nuclear energy use, and these types of activities shall not be subject to environmental regulation and obtaining environmental permits. Standards for radioactive waste shall be set by the authorized body in the field of nuclear energy use.

3. The disposal of radioactive waste should be provided for by the design and engineering documentation as an obligatory stage of any type of activity leading to the formation of radioactive waste. Management of radioactive waste shall be carried out in accordance with the legislation of the Republic of Kazakhstan on the use of nuclear energy, taking into account the environmental requirements provided for by this Code.

4. During the storage and burial of radioactive waste, the operators should:

1) exclude the possibility of spontaneous chain nuclear reactions and provide protection against excessive heat release;

2) ensure effective protection of the public and the environment by applying established methods of protection in accordance with the rules and regulations of radiation safety;

3) keep a record of biological, chemical and other risks that may be associated with the storage of radioactive waste;

4) maintain records relating to the location, design and contents of the disposal facility;

5) exercise control and eliminate the possibility of unauthorized access to radioactive materials and unplanned release of radioactive substances into the environment.

**Article 373. Environmental requirements for storage and (or) of radioactive waste burial facilities**

1. All projects on creation and organization of operation of storage and (or) burial facilities for radioactive waste shall be subject to sanitary and epidemiological expertise and expertise, conducted in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use. Projecting shall be carried out according to building codes and regulations approved in accordance with the legislation of the Republic of Kazakhstan.

2. The project should include:

1) sources of radioactive waste formation, other sources of radioactive impact on the environment within the predicted range of radioactive waste storage and (or) disposal facilities, their quantitative and qualitative characteristics;

2) organizational structure of storage and (or) burial facilities for radioactive waste, scope and procedure for conducting industrial radiation monitoring;

3) calculations of dose loads on the population, permissible and controlled levels and assessment of the impact of all radiation sources within the radius of the predicted impact of radioactive waste on the environment and the population.

3. The project should justify the choice of a site for the construction of a storage and (or) burial facility from a number of alternative options based on special surveys and economic assessments, taking into account the impact on the environment, including an assessment of dose loads on critical population groups.

4. Engineering surveys, including geodetic, geological, hydrogeological and hydrometeorological, should provide justification:

1) the choice of a site for the construction and placement of a storage and (or) burial facility for radioactive waste and its engineering protection from the adverse effects of natural and man-made factors;

2) activities on environmental protection.

5. The projects on creation and organization of operation of storage and (or) burial facilities for radioactive waste should provide for remediation of disturbed lands after decontamination or other activities.

6. A sanitary protective zone shall be established around the burial facilities for radioactive waste with boundaries defined in accordance with the legislation of the Republic of Kazakhstan on the sanitary and epidemiological well-being of the population.

7. Placement of burial facilities for radioactive waste shall not be allowed:

1) in residential areas;

2) on the area of occurrence of minerals - without the consent of the authorized state body for the study of subsoil;

3) in active karst zones;

4) in areas of landslides, mudflows, snow avalanches and other hazardous geological processes;

5) in wetlands;

6) in feeding areas of underground sources of drinking water;

7) in the zones of sanitary protection of resorts;

8) in green areas of cities;

9) in specially protected natural areas;

10) in the territories of I, II and III belts of zones of sanitary protection of underground and surface sources of domestic and drinking water supply, treatment facilities for water pipelines, main water pipelines;

11) in watershed areas;

12) on lands occupied or intended for occupation by forests, forest parks and other green spaces that perform protective and sanitary and hygienic functions and are places of recreation for the population.

8. When choosing a land plot for the construction of a storage and (or) burial facility for radioactive waste, the following conditions should be met:

- 1) lack of groundwater suitable for drinking, balneological and technical needs;
- 2) high sorption-capacitive properties of host rocks;
- 3) significant depth of groundwater (sixty or more meters);
- 4) groundwater level not closer than four meters from the bottom of a storage and (or) burial facility for radioactive waste;
- 5) geological layers that are not aquifers and do not have a hydraulic connection with underlying aquifers;
- 6) lack of fault tectonics and intense fracturing, the distance to a seismically dangerous fault should be more than forty kilometers;
- 7) very low sensitivity to faulting, subsidence, downwarplings;
- 8) absence of erosion;
- 9) geomorphological stability;
- 10) the presence of hard and very dense soils and foundation rocks;
- 11) the presence of impermeable foundation rocks with a thickness of more than ten meters;
- 12) gentle terrain with slopes of no more than five percent;
- 13) the distance to the nearest groundwater and groundwater intake or from a surface water source is not closer than four kilometers;
- 14) the actual use of the land does not have a significant economic effect and the potential use of the land also does not have a recognized value;
- 15) cultural and nationally significant values are absent at a distance of four kilometers;
- 16) the area is not of tourist value and is rarely visited by residents of nearby settlements.

9. If one of the conditions specified in clause 8 of this article is not observed, measures should be developed to protect the environment from the harmful effects of a storage and (or) burial facility for radioactive waste or to protect it from the harmful effects of natural and man-made factors by:

- 1) creation of engineering barriers from low-permeable and sorption-capacitive materials (polyethylene, concrete, ceramics, clay, zeolite);
- 2) creation of drainage systems that ensure the passage of surface, ground and underground waters bypassing such points.

10. For low-level waste from uranium and non-uranium mining and processing enterprises, previously completed mine workings can be used with the placement of radioactive waste below the aeration zone and among other rocks with higher sorption-capacitive properties (excluding the possibility of migration of radionuclides outside the point).

11. For medium-level waste from uranium and non-uranium mining and processing enterprises, past mine workings can also be used with the additional installation of technical barriers made of clay, zeolite and other radionuclide-sorbing materials.

12. Natural terrain depressions may be used for long-term placement of low-active solid and liquid radioactive waste if there is a natural or artificial bed of impermeable rocks or other material.

13. The burial of liquid radioactive waste is prohibited. Liquid radioactive waste should be dehydrated to the moisture content of loose rocks in the environment or solidified.

14. Provision of security measures and signaling shall be mandatorily made for storage and (or) burial facilities for medium-level radioactive waste, for storage and (or) burial facilities for low-level radioactive waste shall be provided with security measures without alarm.

15. The calculation of dose loads and the development of effective measures for the radiation protection of the population shall be carried out on the basis of the calculation of doses for critical groups of the population. The critical population group shall be determined based on the analysis and identification of the critical path through which radioactive substances reach this population group.

16. The calculation of the spread of radioactive contamination of surface, ground and underground waters shall be carried out on the basis of special hydrological and hydrogeological studies carried out to determine the filtration rate of solutions and pollution, their migration abilities and sorption capabilities of water-bearing rocks.

17. The damage caused to the environment by the impact of accidental radioactive contamination shall be estimated at the cost of the implementation of measures and protective measures for remediation work.

#### **Article 374. Transboundary movement of radioactive waste**

1. The import of radioactive waste from other states into the Republic of Kazakhstan for the purposes of storage or burial, except for the Republic of Kazakhstan's own radioactive waste exported for processing to other states, shall be prohibited. In addition, burial (disposal) of radioactive waste on the earth's surface or in the interior without carrying out measures to prevent the ingress of radioactive substances into the environment shall be prohibited.

2. The import into the Republic of Kazakhstan of radioactive waste, semi-finished products, raw materials, components containing radioactive substances above the withdrawal levels established by radiation safety standards is carried out in accordance with the legislation of the Republic of Kazakhstan in the field of control of specific goods and is subject to state recording of nuclear materials and sources of ionizing radiation in accordance with the legislation of the Republic of Kazakhstan in the field of the use of atomic energy.

3. In case of transboundary movement of radioactive waste, the operator shall be obliged to take measures to ensure movement in compliance with international law. Whereas:

- 1) the operator shall be obliged to take measures to ensure movement on permission and prior notice, as well as with the consent of the state of destination;
- 2) transboundary movement through transit states should be subject to the fulfillment of international obligations that relate to the specific modes of transport used;
- 3) shipping spent nuclear fuel or radioactive waste for storage or burial to a destination south of 60 degrees south latitude shall be prohibited.

**Footnote. Article 374 as amended by the Law of the Republic of Kazakhstan dated 28.12.2022 № 173-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 375. Environmental requirements for the transport of radioactive waste**

1. Transportation of radioactive waste shall be carried out in accordance with the rules for the transportation of radioactive substances and radioactive waste, approved by the authorized body in the field of nuclear energy use, and international treaties ratified by the Republic of Kazakhstan.

2. The rules for the transportation of radioactive waste should provide for the rights, duties and responsibilities of the consignor, carrier and consignee, security measures, physical protection, a system of coordinated measures to prevent incidents and accidents, requirements for packaging, labeling and vehicles, measures to localize the consequences of possible accidents.

#### **Chapter 29. SPECIAL FEATURES OF THE MANAGEMENT OF CERTAIN TYPES OF WASTE Article 376. Environmental requirements in the field of construction waste**

1. The construction waste shall be understood to mean the waste generated in the process of demolition, dismantling, reconstruction, repair (including capital) or construction of buildings, structures, industrial facilities, roads, engineering and other communications.

2. The construction waste shall be subject to compulsory separation from other types of wastes immediately at the construction site or in a specially designated area.

3. Mixing of construction waste with other types of wastes shall be prohibited except for cases of restoration of construction waste in accordance with the approved designs solutions.

4. Accumulation of construction waste outside specially designated areas shall be prohibited.

#### **Article 377. Environmental requirements in the field of medical waste management**

1. Medical waste is the waste generating in the process of provision of medical services and conducting medical manipulations.

2. The procedure for handling with medical waste shall be determined by the authorized body in the field of healthcare.

3. Processing and disposal of medical waste using thermal and (or) chemical processes should be carried out in compliance with the requirements of this Code.

**Article 378. Environmental requirements in the field of biological waste management**

1. Biological waste shall be determined in accordance with the legislation of the Republic of Kazakhstan in the field of veterinary.

2. The procedure for handling with biological waste shall be determined by the authorized body in the field of veterinary.

3. Processing and disposal of biological waste using thermal and (or) chemical processes should be carried out in compliance with the requirements of this Code.

**Article 379. Environmental requirements in the field of management of waste containing persistent organic pollutants**

1. Storage facilities for waste containing persistent organic pollutant should be with protective equipment to prevent the impact of persistent organic pollutants on the environment and human health.

2. Accounting for waste containing persistent organic pollutants shall be maintained in strict accounting journals.

3. The change of the possessor and owner of waste containing persistent organic pollutants without notifying the authorized body in the field of environmental protection shall be prohibited.

4. Cadastre of waste containing persistent organic pollutants shall be maintained as a separate section within the state waste cadastre.

5. Disposal of wastes containing persistent organic pollutants provided for by international treaties of the Republic of Kazakhstan on persistent organic pollutants shall be prohibited. The export and import of such wastes shall be permitted only for the purpose of their destruction.

**Article 380. Environmental requirements in the field of management of certain types of wastes and the processes of their life cycle**

1. When handling certain types of waste, waste owners should ensure compliance with environmental, sanitary and epidemiological requirements, as well as national standards in the field of management of certain types of waste included in the list approved by the authorized body in the field of environmental protection.

2. Special environmental requirements for the management of materials and products that have passed into the category of waste (tires, electronic and electrical equipment, packaging, paper, used oils, chemical current sources, mercury-containing waste), as well as other hazardous waste, shall be determined as included in the list approved by the authorized body

in the field of environmental protection, national standards in the field of management of certain types of wastes.

**Article 381. Environmental requirements in the field of waste management in the design of buildings, structures, units and other facilities**

When designing buildings, structures, units and other facilities, in the course of construction (erection, creation) of which waste generation is envisaged, it is necessary to provide for places (sites) for the collection of such waste, in accordance with the rules, standards and requirements in the field of waste management, established by the authorized body in the field of environmental protection and a state body in the field of sanitary and epidemiological welfare of the population.

**Chapter 30. STATE WASTE CADASTRE Article 382. State waste cadastre**

1. The State waste cadastre is a systematized on the basis of geographic information systems, periodically supplemented and updated set of unified information for each waste disposal facility (indicating their spatial position), as well as types of waste, their origin and physical and chemical properties (taking into account the danger to the population and the environment), component composition, quantitative and qualitative indicators, technical, hydrogeological and environmental conditions of storage, disposal and discharge, technologies for their use and neutralization.

2. All types of wastes and waste disposal facilities shall be subject to registration in the State waste cadastre.

Organizing the maintenance of the State waste cadastre shall be carried out by the authorized body in the field of environmental protection.

The maintenance of the State waste cadastre shall be carried out by the subordinate organization of the authorized body in the field of environmental protection.

**Article 383. Purpose and objectives of the State waste cadastre**

1. The 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 384. Maintenance of the State waste cadastre**



1. The operators of facilities shall submit to the authorized body in the field of environmental protection the following documentation:

- 1) The passport of hazardous waste;
- 2) a waste inventory report;
- 3) Cadastral file on the waste disposal facility, including:

decision of the local executive body of the relevant administrative territorial unit to allocate a 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 the relevant administrative territorial unit within its competence, 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 for the project on creation of waste disposal facilities.

2. The forms of documents, specified in clause 1 of this article, instructions for their completion, shall be approved by the authorized body in the field of environmental protection

3. The documentation, specified in subclause 2) of clause 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 completing thereof in the information system of the State waste cadastre and signing with an electronic digital signature of an official of the operator of the facility, responsible for providing information.

4. The documentation, specified in subclauses 1) and 3) of clause 1 of this article, shall be re-submitted on paper and (or) electronic carrier by completing thereof in the information system of the State waste cadastre and signing with an electronic digital signature of an official of the operator of the facility, responsible for providing information, in case of its change.

#### **Article 385. Information about the results of keeping the State waste cadastre**

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 field of environmental protection.

2. The State waste cadaster shall be placed and actualized in the information system on the Internet resource of the authorized body in the field of environmental protection.

#### **Chapter 31. EXTENDED OBLIGATIONS OF MANUFACTURERS (IMPORTERS)**

**Article 386. Requirements for the fulfillment of 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 certain types of products (goods) according to the list, approved by the authorized body in the field of environmental protection, shall be obliged to ensure the collection, transportation, preparation for reuse, sorting, processing, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of such products (goods) (hereinafter referred to as the extended obligations of manufacturers (importers)).

2. The manufacturers and importers, specified in clause 1 of this article, shall fulfill the extended obligations of manufacturers (importers) in one of the following methods:

1) using own system of collection, transportation, preparing for reuse, sorting, processing, processing, neutralization and (or) disposal of waste;

2) conclusion of an agreement with the operator of extended obligations of manufacturers (importers) on the organization of collection, transportation, preparation for reuse, sorting, processing, processing, neutralization and (or) disposal of waste, filing an application in accordance with the rules for the implementation of extended obligations of manufacturers (importers) approved by the Government of the Republic of Kazakhstan, and depositing money into the bank account of the operator of extended obligations of manufacturers (importers) in the form of a disposal payment.

The disposal payment (hereinafter referred to as the disposal payment) shall be understood to mean a payment to the operator of extended obligations of manufacturers (importers), carried out by the manufacturer (importer) for organizing the collection, transportation, preparation for reuse, sorting, processing, processing, neutralization and (or) disposal of waste, generated after the loss of consumer properties of such products (goods), to which the extended obligations of manufacturers (importers), and its (their) packaging, apply.

An agreement on the organization of collection, transportation, preparation for reuse, processing, neutralization and (or) disposal of waste means an agreement concluded between the operator of extended obligations of manufacturers (importers) and the manufacturer (importer) on the basis of a standard agreement on the organization of collection, transportation, preparation to reuse, sorting, processing, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products (goods) to which (which) shall be subject to extended obligations of manufacturers (importers), and its (their) packaging.

3. The method, provided for in subparagraph 1) of paragraph 2 of this article, does not apply to manufacturers and importers of motor vehicles, self-propelled agricultural machinery

4. Requirements for the manufacturer or importer's own system for collecting, transporting, preparing for reuse, sorting, processing, processing, neutralization and (or) disposal of waste shall be determined by the authorized body in the field of environmental protection.

5. In the case of using the method provided for in subclause 2) of clause 2 of this article, the manufacturer or importer shall submit an application in accordance with the rules for the implementation of extended obligations of manufacturer (importers) approved by the Government of the Republic of Kazakhstan, and shall make a disposal payment to the bank account of the operator of extended obligations of manufacturers (importers). The methodology for calculating the disposal charge shall be approved by the authorized body in the field of environmental protection.

6. Extended obligations of manufacturers (importers) shall not apply to:

1) manufacturers 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, packaging of combined materials produced on the territory of the Republic of Kazakhstan and (or) imported to the territory of the Republic of Kazakhstan, 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 important food products are packed , the list of which is approved by the authorized body in the field of regulation of trade activities;

6) manufacturers in the part of the produced polymeric packaging made of preforms for which payment has been made;

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;

9) individuals who imported vehicles into the territory of the Republic of Kazakhstan before September 1, 2022, who did not pass the initial registration of the vehicle.

At the same time, the procedure, conditions and terms of import, as well as the categories of such vehicles are determined by the Government of the Republic of Kazakhstan.

7. Rules for the implementation of extended obligations of producers (importers), providing for requirements for the fulfillment of extended obligations of producers (importers), shall be developed by the authorized body in the field of environmental protection and approved by the Government of the Republic of Kazakhstan.

**Footnote. Article 386 as amended by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication); dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication); dated 05.07.2024 № 115-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).**

#### **Article 387. Legal status of the operator of extended obligations of manufacturers (importers)**

1. The operator of extended obligations of producers (importers) is a state enterprise, a joint-stock company, a limited liability partnership, one hundred percent of the shares (participation shares in the authorized capital) of which directly or indirectly belong to the state, determined by a decision of the Government of the Republic of Kazakhstan for the purposes of implementing the principle of extended obligations of producers (importers).

2. The operator of extended obligations of manufacturers (importers) shall have the exclusive right to collect the disposal payment and should dispose and manage these payments in the manner prescribed by this Code and other legislative acts of the Republic of Kazakhstan.

**3. Excluded by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication).**

**Footnote. Article 387 as amended by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 388. Directions of activity of the operator of extended obligations of manufacturers (importers)**

1. 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 in accordance with article 366 of this Code of the costs of entities, carrying out collection, transportation, burial of solid domestic wastes, liquidation of natural dumping places;

2) compensation to manufacturers of socially significant food products for expenses related to making a disposal payment by the manufacturers (importers) of polymeric, glass,

paper, cardboard and (or) metal packages, packaging made of combined materials used for packaging of socially significant food products, in accordance with the procedure, established by the rules approved by the authorized body in the field of environmental protection;

3) stimulation of production in the Republic of Kazakhstan of environmentally clean motor vehicles (corresponding to environmental class established by technical regulations of the Eurasian Economic Union; with electric motors) and their components, as well as self-propelled agricultural machinery, corresponding to environmental requirements, defined by technical regulations, through:

financing of their manufacturers 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;

4) excluded by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication);

5) organization of collection, transportation, preparation for reuse, sorting, processing, recycling, neutralization and (or) disposal of waste generated after the loss of consumer properties of products (goods) to which the extended obligations of manufacturers (importers) apply, by means of payments in accordance with the procedure determined by the authorized body in the field of environmental protection.

The amounts of payments to business entities in the field of waste management within the framework of a signed standard agreement with the operator of extended obligations of producers (importers) are approved by the Government of the Republic of Kazakhstan. The amount of payments is calculated by the operator of the extended obligations of producers (importers) in accordance with subparagraph 9) of this part.

The provisions provided for in part one of this subparagraph do not apply to manufacturers (importers) who have their own waste collection, processing and disposal system;

6) organization of collection, transportation, preparation for reuse, sorting, processing, recycling, neutralization and (or) disposal of waste outside the Republic of Kazakhstan generated after the loss of consumer properties of products (goods), which (which) are subject to extended obligations of manufacturers (importers), for which there are no facilities on the territory of the Republic of Kazakhstan for neutralization, processing and (or) disposal, by payment in accordance with the procedure determined by the authorized body in the field of environmental protection.

The amounts of payments to business entities in the field of waste management, for which there are no facilities for neutralization, processing and (or) disposal on the territory of the Republic of Kazakhstan, within the framework of a signed standard agreement with the

operator of extended obligations of producers (importers), are approved by the Government of the Republic of Kazakhstan. The amount of payments is calculated by the operator of the extended obligations of producers (importers) in accordance with subparagraph 9) of this part;

7) organizational, technical and information support for collection, transportation, processing, disinfection, use and (or) utilization of wastes and secondary resources, financing of promotional activities, educational and marketing researches in the field of wastes management and secondary resources;

8) 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;

9) financing of experimental, design, scientific-research works in the field of collection, transportation, preparation for reuse, processing, reprocessing, disinfection, use and (or) utilization of wastes;

10) introduction in the Republic of Kazakhstan of new technologies for collection, transportation, preparation for reuse, processing, sorting, reprocessing and (or) utilization of wastes, construction of plants (production facilities) for preparation for reuse, processing, reprocessing, sorting and (or) utilization of wastes, improvement of material and technical base of organizations carrying out collection, transportation, preparation for reuse, processing, sorting, reprocessing and (or) utilization of wastes, organizing energy waste disposal;

11) creation and development of a network of electric filling stations, including through the acquisition, placement and organization of the activities of electric filling stations;

12) financing of activities related to the implementation by the operator of extended obligations of manufacturers (importers) of its functions;

13) financing or co-financing the construction of facilities for energy waste disposal on a repayment basis in the manner and on terms determined by the Government of the Republic of Kazakhstan;

14) organization of collection, transportation, preparation for reuse, sorting, processing, processing, neutralization, disposal, destruction of waste containing persistent organic pollutants in the manner and under the conditions determined by the authorized body in the field of environmental protection;

15) financing of an organization, fifty or more percent of voting shares (stakes in the authorized capital) of which are directly or indirectly owned by the state and (or) the national managing holding, for further financing of projects in the manufacturing industry aimed at improving the state of the environment, in the manner and on the terms determined by the Government of the Republic of Kazakhstan.

The legal relations provided for in subparagraphs 5) and 6) of part one of this paragraph are not subject to the legislation of the Republic of Kazakhstan on public procurement.

2. The rules for stimulating the production in the Republic of Kazakhstan of environmentally friendly motor vehicles (corresponding to the ecological class established by

the technical regulations of the Eurasian Economic Union; with electric motors) and their components, as well as self-propelled agricultural machinery that meets environmental requirements defined by technical regulations, are approved by the authorized body in the field of environmental protection together with the authorized body in the field of state incentives for industry and establish:

1) a model agreement form between manufacturers of environmentally friendly motor vehicles (corresponding to the environmental class established by the technical regulations of the Eurasian Economic Union; with electric motors) and their components and the operator of extended obligations of manufacturers (importers), indicating the terms and amounts of financing;

2) a model agreement form between manufacturers of self-propelled agricultural machinery that meets environmental requirements defined by technical regulations and the operator of extended obligations of manufacturers (importers) indicating the terms and amounts of financing;

3) a reporting form on the production of environmentally friendly motor vehicles (corresponding to the environmental class established by the technical regulations of the Eurasian Economic Union; with electric motors) and the timing of its submission to the operator of extended obligations of manufacturers (importers);

4) a reporting form on the production of self-propelled agricultural machinery and the timing of its submission to the operator of extended obligations of manufacturers (importers);

5) requirements for manufacturers of environmentally friendly motor vehicles and (or) their components;

6) requirements to manufacturers of self-propelled agricultural machinery;

7) conditions and procedure for financing, including the procedure for determining the amount of financing of the discount provided by the manufacturer to individuals and legal entities when selling vehicles and (or) self-propelled agricultural machinery produced in the Republic of Kazakhstan, when submitting a document confirming the delivery of decommissioned vehicles and (or) self-propelled agricultural machinery for disposal, providing for the right to receive a discount on the purchase of a vehicle and (or) self-propelled agricultural machinery manufactured in the Republic of Kazakhstan on the territory of the Republic of Kazakhstan.

**3. excluded by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

4. Rules for organization of collection, transportation, preparation for reuse, sorting, processing, recycling, neutralization and (or) disposal of waste generated after the loss of consumer properties of products (goods), which are subject to extended obligations of manufacturers (importers), and waste generated after the loss of consumer properties of products (goods) which (that) are subject to the extended obligations of producers (importers) for whom there are no facilities for neutralization, recycling and (or) disposal on the territory

of the Republic of Kazakhstan, are approved by the authorized body in the field of environmental protection.

5. The amount of monetary payments of the operator of extended obligations of manufacturers (importers) at the expense of money received into his bank account from manufacturers and importers to business entities engaged in collecting, transporting, preparing for reuse, sorting, processing, recycling, neutralization and (or) disposal of waste generated after the loss of consumer properties of products (goods), which are subject to extended obligations of producers (importers), are approved by the Government of the Republic of Kazakhstan. The amount of payments is calculated by the operator of the extended obligations of producers (importers) in accordance with subparagraph 9) of part one of paragraph 1 of this Article.

**Footnote. Article 388 as amended by the Law of the Republic of Kazakhstan dated 27.12.2021 № 87-VII (shall be enforced ten calendar days after the date of its first official publication); dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 389. Powers of the operator of extended obligations of manufacturers (importers)**

1. The powers of the operator of extended obligations of manufacturers (importers) shall include:

1) concluding of an agreement with manufacturers (importers) on organization of collection, transportation, preparation for reuse, sorting, processing, reprocessing, disinfection and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of manufacturers (importers), on the basis of a model agreement on organization of collection, transportation, preparation for reuse, sorting, processing, reprocessing, disinfection and (or) utilization of wastes, generated after the loss of consumer properties products (goods), which is (are) subject to extended obligations of producers (importers);

2) collection of a disposal payment, transferred by manufacturers (importers) to the bank account of the operator of extended obligations of manufacturers (importers) on the basis of an agreement on organization of collection, transportation, preparation for reuse, sorting, processing, reprocessing, disinfection and (or) utilization of wastes, generated after the loss of consumer properties of products (goods), which is (are) subject to extended obligations of manufacturers (importers);

3) carrying out the control for the correctness of calculation, completeness and timeliness of the transfer of a disposal payment by manufacturers (importers);

4) return and (or) offset against future payments of overpaid amounts, made in accordance with the procedure established by the operator of extended obligations of manufacturers (importers) on the basis of applications of manufacturers and importers, subject to confirmation of overpaid amounts no later than thirty calendar days before the deadline for



the operator of extended obligations of manufacturers (importers) to submit a corporate income tax declaration, provided for by the tax legislation of the Republic of Kazakhstan, for the reporting period during which the disposal payment was made;

5) control over the accuracy of submission of documents by manufacturers 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 manufacturers (importers) of polymeric, glass, paper, cardboard and (or) metal packages, packaging made of combined materials used for packing of socially significant food products;

6) submission of a report to the authorized body in the field of environmental protection on implementation of extended obligations of manufacturers (importers);

7) formation, approval, maintenance of the register of manufacturers (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 manufacturers (importers), except for manufacturers and importers of motor vehicles, self-propelled agricultural machinery;

8) development and approval of the rules for registration and maintenance of the register of manufacturers (importers) engaged in production in the territory of the Republic of Kazakhstan and (or) importation into the territory of the Republic of Kazakhstan of products (goods) to which (which) are subject to extended obligations of manufacturers (importers), with the exception of manufacturers and importers of motor vehicles, self-propelled agricultural machinery;

9) interaction with state bodies, including in the field of customs and tax legislation of the Republic of Kazakhstan, on issues related to extended obligations of manufacturers (importers);

10) introduction in the Republic of Kazakhstan of technologies for collection, transportation, preparation for reuse, processing, sorting, processing and (or) disposal of waste, construction of plants (productions) for preparation for reuse, sorting, processing, processing and (or) disposal of waste, improvement the material and technical base of organizations that collect, transport, prepare for reuse, sort, process, process and (or) dispose of waste, organize energy waste disposal;

11) upon detection of acts containing signs of administrative offenses, the proceedings on which, in accordance with the Code of the Republic of Kazakhstan on Administrative Infractions, are within the competence of the authorized body in the field of environmental protection, the operator of extended obligations of manufacturers (importers) shall be obliged to transfer the existing obligations of such offenses materials to the authorized body in the field of environmental protection;

12) in order to implement the principle of extended obligations of manufacturers (importers), the operator of extended obligations of manufacturers (importers) shall have the

right to receive data from the authorized body in the field of environmental protection for calculating the utilization payment from information about the activities of individuals and legal entities which are subject to the extended obligations of manufacturers (importers);

13) issuance of a document confirming the delivery for disposal of a vehicle and (or) self-propelled agricultural machinery that has been decommissioned, including providing for the right to receive a discount on the purchase of a vehicle manufactured in the Republic of Kazakhstan in the Republic of Kazakhstan;

14) development and approval of the rules and conditions for issuing a document confirming the delivery for disposal of a vehicle and (or) self-propelled agricultural machinery that has been decommissioned, including providing for the right to receive a discount on the purchase of a vehicle manufactured in the Republic of Kazakhstan in the Republic of Kazakhstan;

15) direction of the money received on its bank account in the form of a disposal payment , in accordance with directions provided by article 388 of this Code;

16) development and approval of the form of a model agreement on the organization of collection, transportation, preparation for reuse, sorting, processing, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products (goods) to which extended obligations of manufacturers (importers), and its (their) packaging.

2. The operator of extended obligations of manufacturers (importers) shall spend the disposal payment in accordance with article 388 of this Code, as well as with the development strategy of the operator of extended obligations of manufacturers (importers) agreed with by the authorized body in the field of environmental protection, which includes the priority of using the means of utilization payment for purposes that are not covered by funds paid by individuals and legal persons at tariffs for the collection, transportation, sorting and disposal of municipal solid waste in inhabited localities.

#### **Article 390. Responsibility of participants of extended obligations of manufacturers (importers)**

1. Manufacturers (importers) who have not concluded an agreement with the operator of extended obligations of manufacturers (importers) on organizing the collection, transportation , preparation for reuse, sorting, processing, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products ( goods) to which (are) subject to extended obligations of manufacturers (importers) who did not submit an application in accordance with the rules for the implementation of extended obligations of manufacturers (importers) approved by the Government of the Republic of Kazakhstan, and also did not pay or did not pay in a timely manner to a bank account operator of extended obligations of manufacturers (importers) money in the form of a utilization payment, shall bear responsibility, established by the laws of the Republic of Kazakhstan.

2. The requirements of clause 1 of this article regarding the calculation of the recycling fee shall not apply to manufacturers (importers) that have their own system for the collection, processing and disposal of waste.

Manufacturers (importers) who have their own system for collection, transportation, preparation for reuse, sorting, processing, processing, neutralization and (or) disposal of waste, for failure and (or) improper fulfillment of the requirements for ensuring collection, transportation, preparation for reuse, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products (goods), which (which) are subject to extended obligations of manufacturers (importers), shall bear responsibility established by the laws of the Republic of Kazakhstan.

3. The operator of extended obligations of manufacturers (importers) for the non-purpose use of the payment of disposal payments non-performance or improper performance of the duties and functions, assigned to him (her), shall be liable under the laws of the Republic of Kazakhstan.

#### **Article 391. Ensuring transparency of the activities of the operator of extended obligations of manufacturers (importers)**

The operator of extended obligations of manufacturers (importers) shall:

1) coordinate its development strategy and investment policy with an authorized body in the field of environmental protection;

2) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

3) send to the authorized body in the field of environmental protection an annual progress report on the implementation of extended obligations of manufacturers (importers).

**Footnote. Article 391 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 392. The performance of extended obligations of manufacturers (importers)**

1. The performance of extended obligations of manufacturers (importers) shall be carried out by concluding an agreement between manufacturers (importers) and the operator of extended obligations of manufacturers (importers) on the organization of collection, transportation, preparation for reuse, sorting, processing, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products (goods) to which (which) are subject to extended obligations of manufacturers (importers), in accordance with this Code.

The contract shall be considered concluded if it is signed by the operator of extended obligations of manufacturers (importers) by posting on the official Internet resource, the

manufacturer (importer) - from the moment of import or production of products (goods) to which (which) are subject to extended obligations of manufacturers (importers).

2. Manufacturers (importers) that have their own system for collecting, transporting, preparing for reuse, sorting, processing, processing, neutralization and (or) disposal of waste, as confirmation of the fulfillment of obligations under the extended obligations of manufacturers (importers) in accordance with the procedure determined by the authorized body in the field of environmental protection, shall submit to the authorized body in the field of environmental protection documents confirming the collection, transportation, preparation for reuse, sorting, processing, processing, neutralization and (or) disposal of waste generated after loss of consumer properties of products (goods) which are subject to the extended obligations of manufacturers (importers).

## **SECTION 20. SPECIAL ENVIRONMENTAL REQUIREMENTS BY CERTAIN TYPES OF ACTIVITIES Article 393. General environmental requirements in projecting buildings, structures and their complexes**

1. Projects for the construction of buildings, structures and their complexes intended for the implementation of activities in respect of which, in accordance with this Code, a mandatory environmental impact assessment is carried out, should contain solutions that ensure the fulfillment of the requirements and measures provided for by the relevant conclusion based on the results of the environmental impact assessment.

2. Projects for the construction of buildings, structures and their complexes belonging to objects of categories I and II should contain solutions that ensure their safe decommissioning, post-utilization, land reclamation and measures for the processing, recycling or disposal of waste generated as a result of these operations.

## **Article 394. General environmental requirements during commissioning and operating buildings, structures and their complexes**

1. The commissioning and operating buildings, structures and their complexes shall be carried out in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities.

2. Putting into operation buildings, structures and their complexes belonging to objects of categories I and II shall not be allowed, if at the time of commissioning such objects do not comply with the relevant standards of permissible anthropogenic impact on the environment established by the environmental permission.

3. Commissioning and operating buildings, structures and their complexes that are part of the object of category I or II without the structures, units and equipment provided for by the construction project, intended for cleaning and (or) neutralization of emissions and discharges, as well as waste management, shall be prohibited.

### **Article 395. General environmental requirements in accidents**

1. In case of deterioration of the quality of the environment, which is caused by accidental emissions or discharges and which creates a threat to life and (or) human health, urgent measures shall be taken to protect the population in accordance with the legislation of the Republic of Kazakhstan on civil protection.

2. In the event of an accident at facilities of categories I and II, as a result of which a violation of established environmental standards occurs or may occur, the facility operator should immediately, but in any case not more than two hours from the moment the accident is discovered, inform the authorized body about this in the field of environmental protection and take all necessary measures to prevent pollution of the environment up to partial or complete shutdown of the operation of the relevant stationary sources or the facility as a whole, as well as to address the negative consequences for the environment caused by such an facility.

### **Article 396. Environmental requirements for military and defense facilities, military activities**

The environmental requirements established by this Code shall apply to military and defense facilities and military activities, with the exception of special situations provided for by the legislation of the Republic of Kazakhstan.

### **Article 397. Environmental requirements for conducting subsoil use operations**

1. Project documents for conducting subsoil use operations should provide for the following measures aimed at environmental protection:

1) application of methods, technologies and techniques for conducting subsoil use operations that ensure the maximum possible reduction in the area of disturbed and alienated lands (including the construction of access roads according to a rational scheme before the start of subsoil use operations, the use of cluster well construction, the use of technologies with internal dumping, the use of production waste as secondary resources, their processing and disposal, the progressive elimination of the consequences of subsoil use operations and other methods) to the extent that it is advisable from a technical, technological, environmental and economic point of view, which should be justified in the project document for subsoil use operations;

2) prevention of anthropogenic desertification of lands as a result of subsoil use operations;

3) prevention of subsoil contamination, including during using subsoil space;

4) for environmental protection in the event of suspension, termination of operations for subsoil use, conservation and liquidation of field development facilities in cases provided for by the Code of the Republic of Kazakhstan "On Subsoil and Subsoil Use";

5) prevention of wind erosion of soil, dumps of overburden and enclosing rocks, production waste, their oxidation and spontaneous combustion;

- 6) insulation of absorbing and freshwater horizons to avoid their contamination;
- 7) prevention of depletion and pollution of groundwater, including the use of non-toxic reagents in the preparation of flushing fluids;
- 8) purification and reuse of the flushing water;
- 9) elimination of residues of drilling and fuel and lubricants by the environmentally safe manner;
- 10) purification and reuse of oilfield wastewater in the pore pressure maintaining system of the oil fields.

2. During the performance of subsoil use operations, subsoil users shall be obliged to ensure compliance with the decisions stipulated by the project documents for conducting subsoil use operations, as well as the following requirements:

1) well design and design of mining shall ensure compliance with the requirements for the protection of subsoil and the environment;

2) on drilling and other subsoil use operations with the use of units with diesel generator and diesel driven release of untreated exhaust gas emissions from such units should 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 cases of well construction in specially protected natural areas, it is necessary to use only pitless technology

6) when performing operations on exploration and (or) production of hydrocarbons, measures should be taken to reduce the volume of sulfur placed in the open on sulfur pads and reduce its negative impact on the environment;

7) during subsoil use operations, work should be carried out to dispose of sludge and neutralize the used drilling fluid, drilling, quarry and mine wastewater for reuse in the drilling process, return to the environment in accordance with established requirements;

8) when using oil-based drilling fluids (lime-bitumen, invert-emulsion and others), measures should be taken to prevent air pollution;

9) burial of pyrophoric deposits, sludge and core in order to exclude the possibility of their ignition or poisoning of people should be carried out according to the project and in agreement with by the authorized body in the field of environmental protection, the state body in the field of sanitary and epidemiological welfare of the population and local executive bodies;

10) the commissioning of facilities for subsoil use shall be carried upon condition of full compliance of all environmental requirements, stipulated by the project;

11) after the completion of subsoil use operations and the dismantling of equipment, works on reconstruction (restoration) of the land in accordance with the design solutions provided for by the liquidation plan (project) shall be carried out;

12) 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;

13) Drilling of absorbing wells shall be allowed in the presence of positive conclusions of the authorized state bodies in the field of environmental protection, use and protection of water fund, the study of subsoil, the state body in the field of sanitary and epidemiological welfare of the population, issued after special surveys in the area of the proposed drilling of these wells;

14) 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.

3. Shall be prohibited:

1) the admission of flushing water and materials in layers containing household and drinking water;

2) 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;

3) arrangement of absorption wells and pits in the zones of sanitary protection of water supply sources;

4) discharge into the absorption wells and pits of discharged water containing radioactive substance.

### **Article 398. Environmental requirements for exploration and production at sea, inland waters and in the protective zone of the Republic of Kazakhstan**

1. Well drilling should be carried out on the basis of advanced proven principles and methods accepted in international practice in the field of environmental protection, when conducting operations for the exploration and (or) production of hydrocarbons at sea.

2. Locations for the placement of offshore drilling platforms within the contract area should be selected taking into account the maximum possible preservation of the environment of marine areas of promising importance for fishing, conservation and reproduction of valuable fish species and other aquatic facilities.

3. Drilling operations from a drilling barge or platform in the presence of ice cover in the water area accessible for navigation should be carried out with the constant presence of an icebreaker-type ship with the equipment necessary to localize a possible hydrocarbon spill. The requirement specified in this clause shall not apply to drilling wells from artificial islands

4. Uncovering of producing horizon of subsalt formation and testing of wells with expected extreme pressure and high hydrogen sulfide content in severe ice conditions shall be prohibited.

5. When carrying out operations for the extraction of hydrocarbons at sea, the subsoil user shall be obliged to monitor the production process by observing and measuring at wellheads in the manner determined by the authorized body in the field of environmental protection.

6. When carrying out operations for the exploration and (or) production of hydrocarbons at sea, inland waters and in the protective zone of the Republic of Kazakhstan, the subsoil user should ensure measures to prevent, localize and eliminate emergency spills.

7. In the event of accidental oil spills at sea, inland waters and in the protective zone of the Republic of Kazakhstan, the best methods for its elimination should be applied based on the analysis of the total environmental benefit.

Net environmental benefit analysis shall be an approach to selecting the best oil spill response practices that maximize the protection of human health and the environment.

The selection of the best oil spill response methods shall be based on an analysis of the total environmental benefit to maximize the protection of human health and the environment.

The coordination of optimal methods for oil spill response based on the analysis of the total environmental benefit by the authorized bodies in the field of environmental protection, protection, reproduction and use of wildlife, use and protection of the water fund, water supply, sanitation, the state body in the field of sanitary and epidemiological welfare of the population shall be required only for:

- 1) combusting of an oil spill at a distance of no more than five kilometers from a populated area;
- 2) using herders in order to localize an oil slick to be combusted;
- 3) using dispersants in water depths of less than ten meters and distances from shore less than one kilometer.

In other cases, the selection of optimal methods for oil spill response shall be carried out in agreement with the authorized body in the field of environmental protection.

Any use of dispersants, herders or burning of an oil slick should be reported to the competent authority in the field of environmental protection.

Rules for determining, agreeing and making a decision on the choice of optimal methods for oil spill response at sea, inland waters and in the protective zone of the Republic of Kazakhstan based on the analysis of the total environmental benefit shall be approved by the authorized body in the field of environmental protection.

8. The authorized body in the field of environmental protection shall:

- 1) coordinate best practices for oil spill response based on preliminary and operational analysis of the total environmental benefit;
- 2) develop and approve the methodology for conducting an analysis of the total environmental benefit;



3) approve a list of recommended best international practices on net environmental benefit analysis and offshore oil spill response techniques.

9. Authorized bodies in the field of protection, reproduction and use of wildlife, use and protection of the water fund, water supply, sanitation, the state body in the field of sanitary and epidemiological welfare of the population shall coordinate the best methods for eliminating oil spills at sea in cases established by the rules for determining, agreeing and making a decision on the choice of optimal methods for oil spill response at sea, inland waters and in the protective zone of the Republic of Kazakhstan based on the analysis of the total environmental benefit.

10. In oil spill response operations at sea and inland waters, dispersants and herders included in the list approved by the authorized body in the field of environmental protection, shall be used.

The list of dispersants and herders for oil spill response at sea, inland waters and in the protective zone of the Republic of Kazakhstan, the procedure for inclusion of dispersants and herders for oil spill response at sea, inland waters and in the protective zone of the Republic of Kazakhstan, shall be approved by the authorized body in the field of environmental protection.

Dispersants are a mixture of surfactants and solvents that allow the oil slick to break up into small droplets that can more effectively mix with water, remaining in its thickness before breaking down under the influence of natural processes.

The methodology for determining dispersants for inclusion in the list of dispersants for oil spill response at sea, inland waters and in the protective zone of the Republic of Kazakhstan shall be approved by the authorized body in the field of environmental protection.

The authorized body in the field of environmental protection shall approve the methodology for determining herders for inclusion in the list of dispersants and herders for oil spill response at sea, inland waters and in the protective zone of the Republic of Kazakhstan.

11. The development of environmental sensitivity maps for oil spill response at sea, inland waters and in the protective zone of the Republic of Kazakhstan (hereinafter referred to as the environmental sensitivity maps) shall be provided by the authorized body in the field of environmental protection and includes activities for the collection, storage, processing (accounting and systematization), analysis.

The environmental sensitivity map shall identify the location of socio-economic features, environmental features of high environmental value, and their seasonal sensitivity index to prioritize protection and cleanup in offshore oil spill response.

The environmental sensitivity map shall be generated on a software, supplemented and updated periodically at least once a year.

12. The authorized body in the field of environmental protection shall approve:

1) rules for developing an environmental sensitivity map and making a decision to determine the sensitivity index for oil spill response at sea, inland waters and in the protective zone of the Republic of Kazakhstan;

2) an environmental sensitivity map with sensitivity indices for oil spill response at sea, inland waters and in the protective zone of the Republic of Kazakhstan in agreement with the authorized bodies in the field of protection, reproduction and use of wildlife, use and protection of water resources, water supply, sanitation, the state body in the field of sanitary and epidemiological welfare of the population;

3) methodology for developing an environmental sensitivity map for oil spill response at sea, inland waters and in the protective zone of the Republic of Kazakhstan.

#### **Article 399. Environmental requirements for subsoil use operations within the protective zone of the Republic of Kazakhstan**

1. A subsoil user, who carries out subsoil operations within the protective zone of the Republic of Kazakhstan, shall be obliged to perform them so as to prevent or minimize marine pollution in the event of a rise in water levels.

2. Subsoil user, who carries out subsoil operations within the protective zone of the Republic of Kazakhstan, shall be liable for damage and losses caused to the environment, individuals or legal entities, in case of pollution of the sea from its contract area, regardless of the fault of the subsoil user.

#### **Article 400. Environmental requirements for handling sulfur generated during exploration and (or) production of hydrocarbons**

1. Placement and open storage of technical gas sulfur generated during exploration and (or) production of hydrocarbons shall be allowed at special sites equipped in accordance with environmental and sanitary and epidemiological requirements, as well as fire and industrial safety requirements.

2. When handling sulfur technical gas, compliance with the environmental requirements provided for by the rules approved by the authorized body in the field of environmental protection should be ensured.

#### **Article 401. Environmental requirements for the design, installation and operation of underwater pipelines and cables**

1. The choice of the location of the route, structure, equipment, technology and technical means for the construction and operation of each specific facility should be made on an alternative basis in order to reduce the negative impact on the environment.

2. Drilling and blasting and seismic exploration with pneumatic and other detonating sources of excitation of elastic waves (seismic signals) shall be prohibited at a distance of less than five hundred meters from the route of underwater pipelines and cables.

3. Towing of seismic streamers and trawling by fishing vessels crossing the routes of underwater pipelines and cables shall be prohibited.

4. The design of pipelines to be built and associated engineering structures should ensure:  
a high degree of their reliability, safety, protection and control over their technical condition;

the ability to quickly respond to unforeseen situations;

efficiency and quality of repair and restoration works;

minimal negative impact on the environment.

5. The project shall mandatorily contain an independent section "Environmental Protection" that meets the requirements of construction, sanitary and epidemiological norms and rules, as well as instructive documents of the authorized body in the field of environmental protection.

6. The customer and the project developer shall be liable for the completeness and reliability of the design and estimate documentation.

7. In projects for laying pipelines, it is necessary to provide for measures for their protection during construction and subsequent operation. At each stage of construction and operation of pipelines transporting hydrocarbon raw materials and products of its processing, measures should be taken to protect and protect the environment, as well as pipelines related to high-risk objects.

8. The crossing points of pipelines with navigable rivers and canals should be marked on the banks with navigation signs. Navigation signs during the construction of the main pipeline shall be installed in accordance with the legislation of the Republic of Kazakhstan in the field of inland water transport.

9. To exclude the possibility of damage to pipelines in any type of their laying, protective zones shall be established:

along underwater crossings - in the form of a section of water space from the water surface to the bottom, enclosed between parallel planes spaced from the axes of the extreme threads of the transitions by one hundred meters on each side;

around technological units for preparing products for transportation, head and intermediate, pumping and loading pumping stations, tank farms, compressor and gas distribution stations, product measurement units, loading and unloading racks, oil and oil products heating points - in the form of a plot of land bounded by a closed line, separated from the boundaries of the territory of the specified objects by one hundred meters in all directions.

10. Materials, coordinates of the actual position of the pipeline with reference to security zones, communications and facilities included in its composition should be transferred to the

relevant local executive bodies and the State Corporation "Government for Citizens" for their inclusion in the state land cadastre.

11. In the protected areas of pipelines, it shall be prohibited to perform actions that may disrupt their normal operation or cause damage as follows:

- move, fill up and break identification navigation marks, control and measuring stations;
- open hatches, gates and doors of unattended cable communication points, fencing of linear fittings, installation of cathodic and drainage protection, linear and manholes and other linear devices, open and close taps and valves, turn off or turn on communications, power supply and telemechanics of pipelines;

- arrange dumps, pour out solutions of acids, salts and alkalis;

- destroy bank protection structures, culverts, earthworks and other structures (devices) that protect pipelines from destruction, and the adjacent territory and surrounding area - from an emergency spill of transported products;

- throw anchors, pass with given anchors, chains, lots, drags and trawls, carry out dredging and dredging works;

- start a fire or place open or covered sources of fire.

12. It shall be prohibited to carry out any work in pipeline protective zones, including geological survey, geological exploration, prospecting, geodetic and other survey work related to the construction of wells, pits and soil sampling, as well as blasting, without the written permission of the owner of the main pipeline. A written permission to carry out blasting operations in the pipeline protected zones shall be issued only after the organization performing these works submits the relevant materials provided for by the rules for ensuring industrial safety for hazardous production facilities.

13. In case of accidental spills of oil and water containing hydrogen sulfide, they should be collected immediately after reaching a level of hydrogen sulfide content that is safe for the personnel performing the relevant work and neutralized on site or removed for disposal.

14. At the intersection of gas, oil, condensate pipelines of railways and waterways, highways, ravines and other natural obstacles, at corners of turns, at points of possible crowding of people, at technological units of gas, oil, condensate pipelines, appropriate safety signs and inscriptions shall be displayed. For the listed places in the project, additional measures should be provided to exclude or reduce the risk of emissions, discharges, spills.

#### **Article 402. Environmental requirements for the production, import, export, use and destruction of persistent organic pollutants and chlorine-containing wastes**

1. Persistent organic pollutants, stipulated by international treaties ratified by the Republic of Kazakhstan, are the most dangerous organic compounds that are resistant to decomposition, characterized by bioaccumulation and are the object of transboundary transport through air, water and migratory species, as well as deposited at a great distance from the source of their release, accumulating in ecosystems land and water ecosystems, causing destruction of the

immune and endocrine systems of living organisms and various diseases, including oncologic ones.

2. Persistent organic pollutants shall be subject to destruction in an environmentally safe manner.

3. It shall be prohibited to use technologies for the destruction of persistent organic pollutants and chlorine-containing wastes without comprehensive purification of exhaust gases. Comprehensive purification of exhaust gases should ensure the content of dioxins and furans in the purified exhaust gases in concentrations not exceeding 0.1 nanograms per cubic meter.

4. Use of persistent organic pollutants shall be prohibited in places associated with the production and processing of food or feed.

5. The production and use of pesticides containing persistent organic pollutants, stipulated by 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 destruction.

6. The management of persistent organic pollutants shall be governed by the rules for the management of persistent organic pollutants and wastes containing them, approved by the authorized body in the field of environmental protection.

7. The authorized body in the field of environmental protection shall ensure the implementation of international agreements of the Republic of Kazakhstan on persistent organic pollutants.

#### **Article 403. Environmental requirements for the implementation of genetic engineering activities, production, application and distribution of modern biotechnology products**

1. A genetically modified organism is any organism (including a microorganism), with the exception of a human body, that has a new combination of genetic material obtained through the use of modern biotechnology.

2. A modern biotechnology shall be understood to mean the application of:

1) in vitro methods using nucleic acids, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acids into cells or organelles; or

2) methods based on the fusion of cells of organisms with different taxonomic status, which allow to overcome natural physiological reproductive or recombination barriers and are not traditional methods for breeding and selection.

3. A microorganism shall be understood to mean any microbiological entity, cellular or non-cellular, that is capable of replicating or transferring genetic material, including viruses, viroids, animal and plant cells in culture

4. The intentional release of genetically modified organisms into the environment shall be understood to mean any intentional introduction (release) into the environment of genetically modified organisms or a combination of genetically modified organisms, for which (which) no special isolation (containment) measures are used to limit contact with genetically

modified organisms. organisms and ensure a high degree of safety for the population as a whole and the environment.

In case of intentional release of genetically modified organisms into the environment, the following requirements should be met:

1) intentional release of genetically modified organisms into the environment in any new place shall be carried out only if there are positive conclusions from the sanitary and epidemiological expertise and after the genetically modified organisms are included in the register (list) of genetically modified organisms and products;

2) in the process of making decisions regarding the intentional release of genetically modified organisms into the environment, the following information cannot under any circumstances be considered confidential: a general description of the genetically modified organism; the name and address of the entity planning to deliberately release genetically modified organisms into the environment; the location of the site where it is planned to deliberately release genetically modified organisms into the environment; intended uses of genetically modified organisms; environmental impact assessment documentation; conclusions of sanitary and epidemiological expertise; results of public participation; the content of the decision authorizing the deliberate release of genetically modified organisms into the environment, and its rationale;

3) measures should be taken to prevent the uncontrolled spread of genetically modified organisms.

5. The sale (placement) of genetically modified organisms on the market shall be understood to mean the provision of genetically modified organisms to third parties for a fee or free of charge.

During the initial sale (placement) of genetically modified organisms on the market, the following requirements should be observed:

1) the initial sale (placement) of genetically modified organisms on the market shall be carried out only after an assessment of environmental risks and risks to human health and the inclusion of genetically modified organisms in the register (list) of genetically modified organisms and products;

2) in the process of making decisions regarding the initial sale (placement) of genetically modified organisms on the market, the following information cannot under any circumstances be considered confidential: a general description of the genetically modified organism; the name and address of the entity planning to carry out the primary sale (placement) of genetically modified organisms on the market; intended uses of genetically modified organisms; documentation of environmental and health risk assessments; a description of the measures envisaged to prevent, reduce the impact on the environment and (or) human health, including proposals for environmental monitoring; results of public participation; the content of the decision authorizing the initial sale (placement) of genetically modified organisms on the market, and its justification;

3) measures should be taken to prevent the uncontrolled spread of genetically modified organisms.

6. The use of genetically modified organisms in closed systems shall be understood to mean any activity carried out within the boundaries of any enterprise, unit or other physical object, associated with genetically modified organisms, in respect of which special isolation (containment) measures are used that effectively limit their contact with the external environment. and impact on it.

When using genetically modified organisms in closed systems, the following requirements should be met:

1) the creation of new strains of microorganisms and the breeding of genetically modified organisms shall be carried out in the presence of a positive conclusion of the sanitary and epidemiological examination, issued in accordance with the Uniform sanitary and epidemiological and hygienic requirements for goods subject to sanitary and epidemiological supervision (control), approved by decision commission of the Customs Union dated May 28, 2010 № 299, on safety of created new strains of microorganisms, including genetically modified microorganisms (lack of pathogenicity, virulence, toxicity and allergenic capacity);

2) in the process of making decisions regarding the use of genetically modified organisms in closed systems, under no circumstances can the following information be considered confidential: a general description of the genetically modified organism; name and address of the entity planning to implement the use of genetically modified organisms in closed systems; the location of the enterprise, unit or other physical facility where it is planned to use genetically modified organisms in closed systems; environmental impact assessment documentation; conclusions of sanitary and epidemiological expertise; description of special isolation (containment) measures; content of the action plan in case of unforeseen (extraordinary) circumstances related to the unintentional release of genetically modified organisms into the environment and the risk of causing damage to the environment and (or) human health; results of public participation; the content of the decision authorizing the use of genetically modified organisms in closed systems, and its justification;

3) measures should be taken to prevent the unintentional release of genetically modified organisms into the environment;

4) an action plan should be developed in case of unforeseen (extraordinary) circumstances related to the unintentional release of genetically modified organisms into the environment and the risk of causing damage to the environment and (or) human health.

7. In the event of an imminent threat of activities related to genetically modified organisms to the environment and (or) public health, state bodies shall, as soon as possible, shall communicate the necessary information to the public concerned, which may enable it to take measures or reduce the damage from such a threat.

8. Genetically modified products shall be understood to mean products, including agricultural products, food products and feed, the production technology of which provides for the use of genetically modified organisms at any stage.

The use of genetically modified products in the Republic of Kazakhstan shall be allowed only within the framework of the list approved by the authorized body in the field of environmental protection and the state body in the field of sanitary and epidemiological welfare of the population.

9. Genetically modified products shall be entered in the register (list) of genetically modified organisms and products.

10. All food products, feed and feed additives containing or consisting of or derived from genetically modified organisms shall be subject to labeling in accordance with technical regulations.

The purpose of labeling is to inform consumers about the actual properties of a product, feed or feed additive.

If labeling is not possible or is not required in accordance with technical regulations, then information on the actual properties of the genetically modified product shall be indicated in the accompanying documents.

11. Agricultural producers should, through labeling, inform the buyer of their crop that the buyer is purchasing a genetically modified product, and maintain a register of buyers to whom they supply their products.

12. State bodies shall ensure the communication of information on the existing requirements for the labeling of genetically modified foods, feed and feed additives.

The labeling system for genetically modified products shall be based on the ability to detect genetically modified deoxyribonucleides or proteins in the final food product.

13. A person carrying out activities for the production and use of genetically modified products and organisms shall be obliged:

1) to use systems and procedures to determine where and where genetically modified products come from;

2) for genetically modified organisms intended for intentional release into the environment, to transfer detailed information about their characteristics to the authorized body in the field of environmental protection and the state body in the field of sanitary and epidemiological welfare of the population;

3) for genetically modified organisms intended for food, feed or processing, to submit to the authorized body in the field of environmental protection a declaration that the product is to be used only as food, feed or for processing, describing the features of genetically modified organisms that the product may contain;

4) in relation to food and fodder derived from genetically modified organisms, to inform buyers by labeling that the product is derived from genetically modified organisms;



5) to maintain information on the production and use of genetically modified products and organisms for five years and provide it to the authorized body in the field of environmental protection and the state body in the field of sanitary and epidemiological welfare of the population at their request.

## **SECTION 21. ZONES OF ENVIRONMENTAL EMERGENCY SITUATION AND ENVIRONMENTAL DISASTER Article 404. Environmental emergency situation and environmental disaster**

1. Environmental emergency situation is an environmental situation that has arisen in a territory or water area where, as a result of anthropogenic activity or natural processes, persistent negative changes in the environment occur that threaten human life and (or) health, the state of natural environmental systems, genetic funds of plants and animals.

For the purposes of this clause, a threat to public health shall be understood to mean an increase in the frequency of reversible health disorders associated with environmental pollution.

2. Environmental disaster is an environmental situation that has arisen in a territory where, as a result of anthropogenic activity or natural processes, deep irreversible changes in the environment have occurred, resulting in a significant deterioration in public health, destruction of natural environmental systems and (or) deterioration of the flora and fauna.

For the purposes of this clause, a significant deterioration in the health of the population shall be understood to mean an increase in the number of irreversible and incompatible health disorders, changes in the structure of causes of death and the appearance of specific diseases caused by environmental pollution, as well as a significant increase in the frequency of reversible health disorders associated with environmental pollution.

3. The assignment of a territory (water area) to an environmental emergency zone or an environmental disaster zone shall be carried out in order to determine the causes of the current environmental situation and develop reasonable urgent measures to stabilize and reduce the degree of environmental distress, reduce the impact of anthropogenic activities on the environment, and take prompt measures to restore the environment and minimizing negative consequences for the life and (or) health of the population.

## **Article 405. Procedure for declaring certain territories (aquatories) as a zone of environmental emergency situation or a zone of environmental disaster**

1. For the purposes of studying the territory (water area), which is supposed to be declared a zone of emergency environmental situation or a zone of environmental disaster, a commission shall be created.

2. The local executive bodies and other state bodies within their competence shall have the right to initiate the creation of a commission on the basis of appeals of:

1) residents living in the territory with the alleged unfavorable environmental situation;

2) deputies of the Parliament of the Republic of Kazakhstan and local representative bodies;

3) non-profit organizations.

3. The commission consists of deputies of local representative bodies, representatives of authorized bodies in the field of environmental protection, education and science, healthcare, industry, trade, energy 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 individual and legal entities.

4. The commission shall collect and analyze materials in order to determine:

1) environmental state of the territory;

2) causes of occurrence of adverse environmental condition;

3) borders of the territory subjected to varying degrees of degradation;

4) damage, the possibility of worsening the alleged adverse environmental condition;

5) required measures to eliminate the reasons of the alleged adverse environmental condition;

6) means required to eliminate the consequences of an unfavorable environmental situation in order to eliminate the factors that caused its occurrence;

7) types of anthropogenic activities that caused the emergence of an unfavorable environmental situation.

5. In case of insufficiency of the available materials, the commission shall make a proposal to the relevant state body on the need for additional research.

6. Materials of the survey of the territory with the conclusion of the authorized bodies in the field of health, education and science shall be transferred to the authorized body in the field of environmental protection for state environmental expertise.

7. The conclusion of the state environmental expertise should contain a conclusion on the recognition or non-recognition of the territory as a zone of emergency environmental situation or a zone of environmental disaster.

8. Based on the positive conclusion of the state environmental expertise of the authorized body in the field of environmental protection, as well as the conclusions of the authorized state bodies in the field of healthcare, education and science, the territory shall be declared to be as:

1) an environmental emergency zone – by the decision of the authorized body in the field of environmental protection;

2) a zone of environmental disaster - by the law of the Republic of Kazakhstan.

9. The regulatory legal acts, listed in clause 8 of this article, shall indicate:

1) boundaries of an environmental emergency zone or an environmental disaster zone;

2) timing for declaring an environmental emergency zone or an environmental disaster zone;

3) legal regime of an environmental emergency zone or an environmental disaster zone;

4) measures to stabilize and reduce the level of the adverse environmental condition in the relevant territory or an indication of the need for their development;

5) the procedure for classifying to the category of people affected by environmental emergency situation or environmental disasters, and measures of their social protection.

10. Measures for the restoration (reproduction) of natural resources, improvement of the quality of the environment, medical care for the population shall be developed and implemented in a differentiated manner.

**Footnote. Article 405 as amended by the Law of the Republic of Kazakhstan dated 27.12.2021 № 87-VII (shall be enforced ten calendar days after the date of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 406. Assessment of the environmental situation of the territories**

1. The assessment of the environmental situation of the territories shall be carried out on the basis of the main types of criteria using additional or ancillary types of criteria.

2. Criteria for assessing the environmental situation of the territories mean a set of indicators characterizing the deterioration of the health of the population and the quality of the environment.

3. The definition of an environmental emergency zone or an environmental disaster zone shall be carried out according to one or more main and additional indicators that reflect a higher degree of an adverse environmental condition.

4. Criteria of the assessment of the environmental situation shall be established by the authorized body in the field of environmental protection.

5. When developing criteria for assessing the environmental situation of territories, the results of public environmental control, if any, are taken into account.

**Footnote. Article 406 as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (effective six months after the date of its first official publication).**

#### **Article 407. The legal regime in the zone of environmental emergency situation or environmental disaster zone**

1. In case of establishment of the legal regime of a zone of emergency ecological situation or a zone of ecological disaster in a certain territory, the following measures may be imposed:

1) termination or restriction of the activities of facilities that caused the emergence of an unfavorable environmental situation;

2) taking prompt measures to restore (reproduce) the components of the natural environment, improve the quality of the environment;

3) resettlement of the population from places dangerous for human habitation, with the obligatory provision of premises for permanent or temporary residence;

- 4) establishment of quarantine and implementation of other mandatory sanitary and anti-epidemic measures;
- 5) performing the necessary actions to provide assistance to animals in case of their illness , threat of their mortality;
- 6) establishment of a special regime of entry and exit, restriction of the movement of vehicles;
- 7) establishment of a temporary ban on the construction of new and expansion of existing enterprises and other facilities whose activities are not related to the elimination of an emergency environmental situation or ensuring the livelihoods of the population;
- 8) introduction of a special procedure for the distribution of food products for affected persons due to unfavorable environmental conditions;
- 9) prohibition of the construction and operation of facilities that are recognized as representing an increased environmental hazard;
- 10) establishment of a temporary ban on the use in activities of especially hazardous substances (chemical, radioactive, toxic, explosive, combustible, biological), plant protection products, the combination of properties and (or) features of the state of which can worsen the ecological situation in such a zone;
- 11) prohibition on the operation of recreational and resort facilities;
- 12) prohibition or restriction of the implementation of any other activity that poses an increased environmental hazard to people, flora, fauna and other natural objects.

2. State bodies and local executive bodies, within their competence, shall ensure the legal regime in the zone of environmental emergency or zone of environmental disaster and the implementation of measures provided for by the relevant regulatory legal act, by which the territory (water area) was declared a zone of environmental emergency or zone of environmental disaster, and adopted in accordance with it, the documents of the State Planning System in the Republic of Kazakhstan.

#### **Article 408. Compensation for damage to persons affected by an environmental emergency or environmental disaster**

Persons affected by an environmental emergency or environmental disaster shall have the right to compensation for the harm caused to them, as well as to social protection in accordance with the legislative acts of the Republic of Kazakhstan.

#### **Article 409. Monitoring of the environmental situation in the zone of ecological emergency and the zone of ecological disaster**

1. Monitoring of the environmental situation includes special observations of the state of the environment and public health and related studies.

2. The objects of monitoring the environmental situation in the zone of ecological emergency and the zone of ecological disaster shall be:

1) factors that led to the emergence of an environmental emergency or environmental disaster;

2) negative changes in the state of the environment and public health in the territory of the zone of environmental emergency or zone of environmental disaster, as well as in the territories adjacent to them, including the quality of atmospheric air, surface and ground waters, soils, radiological indicators, as well as biodiversity.

**Article 410. Termination of the legal regime of an environmental emergency zone or an environmental disaster zone**

On the basis of a positive conclusion of the state environmental expertise and survey materials indicating the normalization of the environmental situation, the legal regime of the environmental emergency zone may be terminated by the decision of the authorized body in the field of environmental protection, and the legal regime of the environmental disaster zone - by the law of the Republic of Kazakhstan.

**Footnote. Article 410 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

**Article 411. Liability for violation of a legal regime of a zone of ecological emergency or zone of ecological disaster**

Individuals and legal entities, state bodies and officials guilty of violating the legal regime of an environmental emergency zone or an environmental disaster zone shall be liable in accordance with the laws of the Republic of Kazakhstan.

**SPECIAL PART SECTION 22. INTERNATIONAL COOPERATION OF THE REPUBLIC OF KAZAKHSTAN IN THE FIELD OF ENVIRONMENTAL PROTECTION Article 412. Principles of international cooperation of the Republic of Kazakhstan in the field of environmental protection**

The Republic of Kazakhstan carries out international cooperation in the field of environmental protection in accordance with the generally recognized principles and norms of international law and international treaties of the Republic of Kazakhstan in the field of environmental protection.

**Article 413. International treaties of the Republic of Kazakhstan in the field of environmental protection**

1. The procedure for concluding, implementing, amending and terminating international treaties in the field of environmental protection shall be regulated by the legislation of the Republic of Kazakhstan on international treaties.

2. Implementation of international treaties in the field of environmental protection may include:

- 1) development and approval of a plan of necessary actions to ensure their implementation;
- 2) assignment of the state body responsible for ensuring the implementation of an international treaty in the field of environmental protection;
- 3) conducting a continuous analysis of the effectiveness of the participation of the Republic of Kazakhstan in international agreements in the field of environmental protection;
- 4) implementation of cross-border procedures.

## **SECTION 23. LIABILITY FOR ENVIRONMENTAL VIOLATIONS AND RESOLUTION OF ENVIRONMENTAL DISPUTES Article 414. Liability for environmental violations**

1. Violation of the requirements of the environmental legislation of the Republic of Kazakhstan shall entail liability established by the laws of the Republic of Kazakhstan.

2. Bringing to administrative or criminal liability shall not release the perpetrators from the obligation to eliminate the violations they committed of the requirements of the environmental legislation of the Republic of Kazakhstan.

### **Article 415. Resolution of environmental disputes**

1. Environmental disputes shall be understood to mean disputes arising in connection with a violation or risk of violation of the requirements of the environmental legislation of the Republic of Kazakhstan.

2. Environmental disputes shall be subject to settlement in accordance with the procedure prescribed by the legislative acts of the Republic of Kazakhstan.

## **SECTION 24. FINAL AND TRANSITIONAL PROVISIONS Article 416. Procedure for enforcement of this Code**

1. This Code shall come into force from July 1, 2021, except for the cases, provided for by article 418 of this Code.

2. To recognize as invalid the Environmental Code of the Republic of Kazakhstan dated January 9, 2007 (Gazette of the Parliament of the Republic of Kazakhstan, 2007, № 1, p.1; № 20, p.152; 2008, № 21, p.97; № 23, p.114; 2009, № 11-12, p.55; № 18, p.84; № 23, p.100; 2010, № 1-2, p.5; № 5, p.23; № 24, p.146; 2011, № 1, p.2, 3, 7; № 5, p.43; № 11, p.102; № 12, p.111; № 16, p.129; № 21, p.161; 2012, № 3, p.27; № 8, p.64; № 14, p.92, 95; № 15, p.97; № 21-22, p.124; 2013, № 9, p.51; № 12, p.57; № 14, p.72, 75; 2014, № 1, p.4; № 2, p.10; № 7, p.37; № 10, p.52; № 12, p.82; № 14, p.84; № 19-I, 19-II, p.96; № 21, p.122; № 23, p.143; № 24, p.145; 2015, № 8, p.42; № 11, p.57; № 20-IV, p.113; № 20-VII, p.115; № 22-I, p.141; № 22-II, p.144; № 22-V, p.156; 2016, № 1, p.2; № 6, p.45; № 7-II, p.56, 57; № 8-II, p.

.71, 72; № 24, p.124; 2017, № 4, p.7; № 7, p.14; № 9, p.17; № 12, p.34; № 23-III, p.111; № 23-V, p.113; 2018, № 10, p.32; № 19, p.62; № 24, p.93; 2019, № 7, p.37; № 19-20, p.86; № 21-22, p.91; № 23, p.103; 2020, № 10, p.46; № 12, p.61; Law of the Republic of Kazakhstan dated November 9, 2020 “On amendments and additions to certain legislative acts of the Republic of Kazakhstan on the issues of energy sector, transport and state awards”, published in newspapers “Yegemen Kazakhstan” and “Kazakhstanskaya Pravda” on November 10, 2020).

#### **Article 417. Procedure for application of this Code**

This Code shall apply to legal relations arising after its entry into force.

#### **Article 418. Transitional provisions**

1. The authorized body in the field of environmental protection shall ensure the development and approval of environmental quality standards no later than January 1, 2024.

Prior to the approval of environmental quality standards, when regulating relevant relations, instead of environmental quality standards, hygienic standards shall apply, approved by the state body in the field of sanitary and epidemiological welfare of the population in accordance with the legislation of the Republic of Kazakhstan in the field of public health, as well as standards for the state of natural resources, if such standards are established in accordance with the legislation of the Republic of Kazakhstan for the relevant type of natural resources (water, forestry, land legislation of the Republic of Kazakhstan, legislation of the Republic of Kazakhstan on the protection, reproduction and use of wildlife).

2. Positive conclusions of the state environmental expertise or a comprehensive non-departmental expertise issued before July 1, 2021 shall remain in force for the duration of their validity. In relation to projects of the proposed activity for which there are valid positive conclusions of the state environmental review or a comprehensive non-departmental review issued before July 1, 2021, an environmental impact assessment or screening of the impacts of the proposed activity in accordance with the provisions of this Code shall not be required.

The operator of a category I facility, which is operated on the basis of a comprehensive environmental permit issued before July 1, 2021, has the right to adjust the standards for maximum permissible emissions and discharges of pollutants, waste disposal standards established in the conclusion of the state environmental assessment, on the basis of which such a comprehensive environmental permit was issued, by developing draft emission standards, draft waste management programs in accordance with this Code. Such draft emission standards and draft waste management programs are objects of the state environmental expertise for the purposes of Article 87 of this Code. The conclusion of the state environmental assessment is issued for such drafts.

The total annual limits of emissions, discharges and landfills, which are justified in the draft documents specified in part two of this paragraph, should not exceed the corresponding general annual standards (limits) established in the conclusion of the state environmental expertise, on the basis of which a comprehensive environmental permit was issued before July 1, 2021.

3. Operators of facilities put into operation before July 1, 2021, or facilities not put into operation, in respect of which, before July 1, 2021, positive conclusions of the state environmental review or a comprehensive non-departmental review were issued, which were recognized as subjects of special nature management in accordance with the Environmental Code of the Republic of Kazakhstan dated January 9, 2007, shall be obliged to submit an application to the authorized body in the field of environmental protection no later than August 1, 2021 in order to classify the relevant objects to categories I, II, III and IV in accordance with the provisions of this Code.

The form of the application, the procedure for its consideration and determination of the category of the object in accordance with the requirements of this Code shall be approved by the authorized body in the field of environmental protection.

4. The requirements of this Code on the mandatory availability of a complex environmental permit shall come into force on January 1, 2025 and do not apply to category I facilities commissioned before July 1, 2021, and to category I facilities that have not been commissioned, for projects of which up to 1 July 2021, a positive conclusion of the state environmental review or a comprehensive non-departmental review was issued, with the exception of cases provided for in part three of this clause.

With regard to objects of category I specified in part one of this clause, it shall be mandatory to have an environmental permit for impacts, except for cases of voluntary receipt of a complex environmental permit in accordance with this Code, as well as cases provided for in part three of this clause, clauses 5 and 8 of this articles. The issuance of environmental permits for impacts for such objects of category I shall be carried out by the authorized body in the field of environmental protection.

Obtaining of a complex environmental permit shall be mandatory for the facilities specified in part one of this clause in the event of their planned reconstruction, the projects of which do not have a valid positive conclusion from the state environmental review or a comprehensive non-departmental review issued before July 1, 2021. Reconstruction of an object of category I shall be understood to mean a significant change in the purpose, technical and technological characteristics or operating conditions of the object by expanding it, technical re-equipment, modernization, re-equipment, re-profiling.

5. Complex environmental permits, issued before July 1, 2021 in accordance with the Environmental Code of the Republic of Kazakhstan dated January 9, 2007, including the



technological specific standards specified in them, shall remain in force until January 1, 2031, provided they comply with the conclusions on the best available techniques in their respective areas of application.

The authorized body in the field of environmental protection, with the involvement of internal and external experts with the necessary knowledge and experience in existing areas of application of the best available techniques, shall assess the conformity of the results achieved following the results of the full implementation of the program for the introduction of the best available technologies under the terms of integrated environmental permits issued until July 1, 2021, conclusions on the best available techniques in the manner and terms established by the rules for issuing environmental permits. Based on the results of such an assessment, the authorized body in the field of environmental protection shall issue a conclusion on the compliance or non-compliance of a complex environmental permit with the conclusions on the best available techniques for their respective areas of application. Such conclusion shall be published on the official Internet resource of the authorized body in the field of environmental protection within five working days after its issuance.

Within six months from the date of issuance by the authorized body in the field of environmental protection of the opinion on the non-compliance of a complex environmental permit with the conclusions on best available techniques in their respective areas of application, the operator of the Category I facility shall coordinate with by the authorized body in the field of environmental protection the amendments in the program to such a complex environmental permit, the term of which cannot exceed six years.

6. The subordinate organization of the authorized body in the field of environmental protection, which functions as the Bureau of Best Available Techniques, shall ensure the development of best available techniques guides for all areas of best available techniques by July 1, 2023.

When developing guides on the best available techniques for operating objects of category I, intended for wastewater treatment using centralized sewerage systems of settlements or the production of heat and (or) electric energy mainly for the purpose of supplying settlements, technical and technological features of such facilities should be additionally taken into account. objects, as well as the economic and social conditions of the Republic of Kazakhstan , which determine the technical and economic availability of the best available techniques for implementation at the indicated objects of category I.

7. The authorized body in the field of environmental protection shall ensure the approval of conclusions on the best available techniques in all areas of their application no later than December 31, 2023.

Prior to the approval by the Government of the Republic of Kazakhstan of conclusions on the best available techniques, facility operators shall have the right, when obtaining of a complex environmental permit and substantiating technological standards, to refer to reference books on best available techniques for their respective areas of application,

developed within the framework of the European Bureau for Integrated Control and Prevention environmental pollution, as well as the decisions of the European Commission on the approval of conclusions on the best available techniques for their respective areas of application.

Complex environmental permits issued in accordance with part two of this clause shall be valid and remain in force during the period of their validity, provided that the technological standards laid down in them comply with the technological indicators associated with the use of the best available techniques established in the approved conclusions on the best available techniques for their respective areas of application.

8. Permits for emissions into the environment, emission standards (hereinafter referred to as the permits and documents) received before July 1, 2021 by operators operating at facilities classified as category I or II facilities from July 1, 2021, shall be valid until the expiration date validity of such permits and documents or until the day of receipt of an environmental permit in accordance with this Code.

9. Operators of facilities put into operation before July 1, 2021 and classified in accordance with clause 3 of this article from the date of entry into force of this Code to category III facilities shall be required to submit an environmental impact declaration in accordance with this Code no later than December 31 2021.

10. Validity of permits for emissions into the environment, emission standards obtained by operators of facilities classified in accordance with clause 3 of this article as:

objects of category III, shall be terminated from the date of submission of the declaration on the impact on the environment in accordance with this Code;

objects of category IV, shall be terminated from July 1, 2021.

11. If it is impossible for a stationary source and (or) a set of stationary sources located at an operating facility of category I to comply with emission standards (when the state introduces more stringent environmental quality standards or environmental quality targets) and (or) technological standards established in the complex environmental permit in accordance with this Code, as an annex to the integrated environmental permit, an environmental efficiency improvement program for a period of not more than ten years shall be agreed. For such an object of category I, for the period of implementation of the program to improve environmental efficiency, emission standards shall apply in accordance with the environmental permit and the conclusion of the state environmental expertise (if any), valid on the date of filing an application for a complex environmental permit. Such emission standards, in the case provided for by subclause 4) of part one of clause 2 of Article 119 of this Code, shall apply taking into account the indicators of a phased reduction in the negative impact on the environment provided for in the program for improving environmental efficiency. Upon reaching each relevant indicator of a phased reduction in the negative impact on the environment, such an indicator shall become a mandatory standard for the operator.

If it is impossible for a stationary source and (or) a set of stationary sources located at an operating facility of category I or II to comply with the emission standards (if the state introduces more stringent environmental quality standards or environmental quality targets) established in the environmental permit for exposure in accordance with this Code, an action plan for environmental protection shall be agreed as an annex to the environmental impact permit. In relation to such an object, for the period of implementation of the environmental action plan, emission standards shall apply in accordance with the environmental permit and the conclusion of the state environmental expertise (if any), valid on the date of filing an application for an environmental permit for impact. The environmental action plan should contain indicators for reducing the negative impact on the environment, which should be achieved by the facility operator during the period of the environmental action plan, and a schedule for the phased achievement of such indicators. Upon reaching each relevant indicator of a phased reduction in the negative impact on the environment, such an indicator shall become a mandatory standard for the operator.

The timing for the implementation of the environmental protection action plan should correspond to the timing for issuing an environmental impact permit and is not subject to extension.

Compliance with the emission standards and (or) technological standards established in the integrated environmental permit in accordance with this Code shall become mandatory for the operator of an existing facility of category I from the date following the date of completion of the deadline for achieving the relevant emission standards, technological standards.

Compliance with the emission standards established in the environmental permit in accordance with this Code shall become mandatory for the operator from the date following the date of completion of the deadline for achieving the relevant emission standards.

In this article, operating facilities shall be understood to mean facilities put into operation before the entry into force of this Code.

12. In relation to objects of category I or II, subject to final decommissioning within ten years for objects of category I or three years for objects of category II from the date of entry into force of this Code in accordance with the approved schedule, which is an annex to the relevant environmental permit, emission standards shall apply in accordance with the permit for emissions into the environment valid as of July 1, 2021.

For the period of implementation of measures to decommission category I or II facilities in accordance with part one of this paragraph, the inclusion of measures to achieve emission standards in plans for environmental protection and the development of programs to improve environmental efficiency shall not be required.

13. For the purposes of subclause 3) of clause 5 of article 22 of this Code the authorized body in the field of environmental protection shall approve the relevant instructive and

methodological documents, including the methodology for calculating emissions of heavy metals and persistent organic pollutants, no later than July 1, 2024.

14. The provisions of this Code in relation to conducting the mandatory strategic environmental assessment shall be enforced from January 1, 2024.

15. With regard to operating facilities of Category I within the timeframes established in paragraphs 5 and 6 of Article 147 of this Code, shall start from July 1, 2026.

16. For facilities put into operation before July 1, 2021, the requirement of this Code on the mandatory availability of an automated emission monitoring system shall apply from January 1, 2023.

17. In relation to the existing landfills for the disposal of waste from the metallurgical processing, for which positive conclusions of the state environmental review were issued before July 1, 2021, the application of the requirements of subclauses 1) and 2) of clause 1 of article 353 of this Code regarding the distance from the border of the landfill to residential and recreational areas, water bodies, agricultural land and settlements, the presence of underground, surface water and their water protection zones and strips shall be suspended until January 1, 2036.

In relation to existing storage facilities for mining waste, accumulation sites and landfills for disposal of waste from the metallurgical processing, for which positive conclusions of the state environmental review were issued before July 1, 2021, the application of the requirements of subclauses 1), 2), 3) and 5) of clause 5 of article 238 of this Code regarding the prohibition of placement in populated areas, location relative to water bodies and their water protection zones, the standing level of groundwater, the presence of weakly filtering soils, slope on the ground and engineering anti-filtration protection shall be suspended until January 1, 2036.

Reconstruction (expansion) of landfills and waste storage facilities specified in parts one and two of this clause shall be allowed after an environmental impact assessment, obtaining an environmental permit (if there is a complex environmental permit - its revision) and taking into account the operator's obligation to conduct monitoring of environmental impact, in case of detection of negative impact on the environment - after agreement with by the authorized body in the field of environmental protection of additional environmental protection measures in order to eliminate such impact.

18. The carbon budget for the period from 2021 to 2025 shall be developed and approved by December 31, 2021.

The period of the first National Carbon Quota Plan approved after July 1, 2021 shall be the period from 2022 to 2025.

19. Business entities carrying out activities for the processing, neutralization, disposal and (or) destruction of hazardous waste shall be required to obtain a license in accordance with clause 1 of article 336 of this Code by December 31, 2021.

20. To establish that paragraph 5 of Article 319 of this Code is valid only on the territory of the cities of Almaty and Astana until January 1, 2027.

Footnote. Article 418 as amended by the Law of the Republic of Kazakhstan dated 05.07.2023 № 17-VIII (effective sixty calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication); dated 08.07.2024 № 121-VIII (shall enter into force upon expiry of sixty calendar days after its first official publication).

*President of the Republic of Kazakhstan*

*K. TOKAYEV*

Annex 1  
to the Environmental Code of the  
Republic of Kazakhstan  
dated January 2, 2021  
№ 400-VI 3PK

## **Section 1. List of types of proposed activities and objects for which environmental impact assessment is mandatory**

Footnote. Annex 1 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

1. Energy sector:

1.1. oil refinery plants (with the exception of enterprises producing exclusively lubricants from crude oil);

1.2. gas processing plants;

1.3. units for gasification and liquefaction of coal and oil shale with a capacity of 500 tons per day or more;

1.4. units for the thermal or chemical processing of coal or oil shale, including the production of carbon by high-temperature carbonization (dry distillation) of coal or electrographite by roasting or graphitization;

1.5. thermal power plants and other fuel combustion units with a thermal input of 300 megawatts (MW) or more;

1.6. nuclear power plants and other nuclear reactors, including the dismantling or decommissioning of such power plants or reactors (excluding research facilities for the production and conversion of fissile and fertile materials, the maximum power of which does not exceed 1 kilowatt (kW) of constant thermal load);

1.7. units for reprocessing irradiated nuclear fuel;

1.8. units intended:

1.8.1. for the production or enrichment of nuclear fuel;

1.8.2. for processing irradiated nuclear fuel or highly radioactive waste;

1.8.3. for the final removal of irradiated nuclear fuel;

1.8.4. exclusively for the final disposal of radioactive waste;

1.8.5. exclusively for long-term storage (planned for a period of more than 10 years) of irradiated nuclear fuel or radioactive waste in other locations outside the production facility.

2. Subsoil use:

2.1. oil and natural gas production for commercial purposes, in which the recoverable amount exceeds 500 tons per day for oil and 500 thousand m<sup>3</sup> per day for gas;

2.2. quarries and open-pit mining of solid minerals in an area exceeding 25 ha, or peat extraction in which the area exceeds 150 ha;

2.3. primary processing (beneficiation) of solid minerals extracted from the subsoil;

2.4. asbestos mining facilities;

2.5. carrying out work on the reclamation of disturbed lands and other subsurface use facilities specified in this section.

3. Production and processing of metals:

3.1. units for roasting or sintering metal ores (including sulfide ore);

3.2. integrated enterprises (integrated plants) for the primary smelting of iron and steel;

3.3. units for the production of non-deoxidized non-ferrous metals from ores, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.

4. Processing of non-metallic minerals:

4.1. facilities for processing and transforming asbestos and products containing asbestos:

4.1.1. for asbestos-cement products - with an annual production of more than 20 thousand tons of finished products;

4.1.2. for friction materials - with an annual production of more than 50 tons of finished products;

4.1.3. for other uses of asbestos - consumption of more than 200 tons per year.

5. Chemical industry:

5.1. integrated chemical enterprises (plants) - a set of technological installations in which several technological stages are connected and functionally connected with each other for the production on an industrial scale of the following substances using chemical transformation processes:

5.1.1. basic organic chemicals:

simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);

oxygenated hydrocarbons: alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;

sulfurous hydrocarbons;

nitrogenous hydrocarbons: amines, amides, nitrogen compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;

phosphorus-containing hydrocarbons;

halogenated hydrocarbons;

organometallic compounds;

basic plastic materials (polymers, synthetic fibers and fibers based on cellulose);  
synthetic rubber;  
paints and pigments;  
surfactants;

5.1.2. basic inorganic chemicals:

gases: ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulfur compounds, nitrogen oxides, hydrogen, sulfur dioxide, carbon chloride;

acids: chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulfuric acid, oleum, sulfurous acid;

alkalis: ammonium hydroxide, potassium hydroxide, sodium hydroxide;

salts: ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;

non-metals, metal oxides or other inorganic compounds: calcium carbide, silicon, silicon carbide;

5.1.3. phosphorus, nitrogen or potash mineral fertilizers (simple or compound fertilizers);

5.1.4. pesticides and biocides;

5.1.5. basic pharmaceutical products using biological or chemical processes;

5.1.6. explosives.

6. Waste management:

6.1. facilities for the disposal of hazardous waste by incineration (incineration), chemical treatment or disposal at a landfill;

6.2. facilities for the disposal of non-hazardous waste by incineration (incineration) or chemical treatment with a capacity exceeding 100 tons per day.

7. Pulp and paper production:

7.1. industrial units for:

7.1.1. production of pulp from wood or similar fibrous materials;

7.1.2. production of paper and cardboard with a production capacity of 200 tons per day or more.

8. Road, rail and air transport:

8.1. construction of long-distance railway lines;

8.2. construction of airports with a main runway length of 2100 m or more;

8.3. construction of new and (or) reconstruction of existing public roads of technical category I with a continuous length of 10 km or more.

9. Water transport:

9.1. inland waterways and ports for inland navigation, allowing the passage of ships with a displacement of more than 1350 tons;

9.2. commercial ports, loading and unloading berths associated with coastal and offshore ports (excluding ferry berths) that can accommodate ships over 1,350 tons.

10. Water resource management:

10.1. works on the transfer of water resources between river basins, in which the volume of transferred water exceeds 100 million m<sup>3</sup> per year (with the exception of the transfer of tap drinking water);

10.2. dams and other facilities designed to retain or permanently store water, for which the new or additional amount of retained or stored water exceeds 10 million m<sup>3</sup>;

10.3. abstraction of surface and groundwater or use of an artificial groundwater recharge system with an annual volume of abstracted or replenished water equivalent to or greater than 10 million m<sup>3</sup>;

10.4. wastewater treatment units of settlements with a capacity of 30 thousand m<sup>3</sup> per day or more.

11. Intensive rearing of poultry or pigs:

11.1. more than 50 thousand heads for poultry;

11.2. more than 2 thousand heads for pigs (weighing more than 30 kg);

11.3. more than 750 heads for sows.

12. Other types of activities:

12.1. pipelines for the transportation of gas, oil or chemicals with a diameter of more than 800 mm and (or) a length of more than 40 km;

12.2. units for tanning leather and hides, where the processing volume exceeds 12 tons of processed products per day;

12.3. construction of overhead power lines with a voltage of 220 kilovolts or more and a length of more than 15 km;

12.4. processing and reprocessing for the purpose of producing food products from:

12.4.1. animal raw materials (other than milk) with a capacity for the production of finished products exceeding 75 tons per day;

12.4.2. milk, the amount of which exceeds 200 tons per day (average on an annual basis);

12.5. units for the disposal and (or) disposal of animal carcasses or animal waste with a processing capacity exceeding 1 ton per day;

12.6. units for the storage of oil, petrochemical or chemical products with a capacity of 200 thousand tons or more, as well as underground storage of natural gas with an active storage volume of more than 150 million m<sup>3</sup>;

12.7. units for the surface treatment of substances, objects or products using organic solvents, in particular for finishing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a production capacity of more than 150 kg per hour or more than 200 tons per year.

## **Section 2. The list of types of proposed activities and objects for which the procedure for screening the impacts of the proposed activity is mandatory**

1. Energy sector:



- 1.1. units for gasification and liquefaction of coal, oil shale, other types of fuel with a capacity of 50 tons per day or more;
- 1.2. units for the processing of coal (hard and brown), with the exception of thermal and chemical processing of hard coal, with a capacity of 1 million tons per year or more;
- 1.3. thermal power plants and other fuel combustion installations with a thermal input of 50 megawatts (MW) or more;
- 1.4. industrial installations for the production of electricity, steam and hot water with a capacity of 50 megawatts (MW) or more;
- 1.5. hydroelectric power plants with a total installed capacity of 50 megawatts (MW) or more, or with an installed capacity of a separate power plant of 10 megawatts (MW) or more;
- 1.6. facilities for using wind energy for the production of electricity with a mast height exceeding 50 meters (windmills);
- 1.7. industrial briquetting of hard and brown coal;
- 1.8. facilities for the processing and storage of radioactive waste.
2. Subsoil use:
  - 2.1. exploration and production of hydrocarbons;
  - 2.2. quarries and open pit mining of solid minerals; open pit coal mining over 100 thousand tons per year, lignite mining over 200 thousand tons per year;
  - 2.3. exploration of solid minerals with the extraction of rock mass and the movement of soil for the purposes of estimating solid mineral resources;
  - 2.4. any prospecting work carried out in riverbeds or on lands of the water fund with the use of mechanization;
  - 2.5. extraction and reprocessing of common minerals over 10 thousand tons per year;
  - 2.6. underground mining of solid minerals;
  - 2.7. offshore or river mining with excavation;
  - 2.8. ground industrial facilities for the extraction of coal, oil, natural gas and ores, as well as oil shale;
  - 2.9. deep drilling (with the exception of drilling for the study of soil stability), in particular:
    - 2.9.1. drilling of geothermal wells to a depth of 200 m or more;
    - 2.9.2. nuclear waste storage drilling;
    - 2.9.3. drilling for water supply to a depth of 200 m or more;
  - 2.10. carrying out work on the reclamation of disturbed lands and other subsurface use facilities specified in this section.
3. Production and processing of metals:
  - 3.1. units for the production of pig iron or steel (primary or secondary smelting), including continuous casting with a capacity of 2.5 tons per hour or more;
  - 3.2. units for processing of ferrous metals:
    - 3.2.1. hot rolling mills with a capacity exceeding 20 tons of raw steel per hour;

3.2.2. forging hammers with an energy greater than 50 kilojoules (kJ) per hammer and a heat input greater than 20 megawatts (MW);

3.2.3. application of protective sprayed metal coatings with a raw steel supply exceeding 2 tons per hour;

3.2.4. casting of ferrous metals with a production capacity exceeding 20 tons per day;

3.3. units for:

3.3.1. smelting, including alloying, non-ferrous metals (excluding precious metals), including recovered products (refining, foundry, etc.), with a melting capacity exceeding:

4 tons per day - for lead and cadmium;

20 tons per day - for all other non-ferrous metals;

3.3.2. surface treatment of metals and plastic materials using electrolytic or chemical processes in which the volume of vats used for treatment exceeds 30 m<sup>3</sup>;

3.4. enterprises for the production and industrial assembly of automobiles;

3.5. enterprises for the production of automobile engines;

3.6. shipyards (shipbuilding and ship repair production);

3.7. enterprises for the production and repair of aircraft, helicopters;

3.8. enterprises for the production of railway vehicles, tanks;

3.9. production of railway equipment;

3.10. workshops using explosion molding with a production area of more than 100 m<sup>2</sup>.

4. Reprocessing of non-metallic minerals:

4.1. cement plants with a production capacity of 15 thousand tons per year or more;

4.2. units for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tons per day, or lime in rotary kilns with a production capacity exceeding 50 tons per day, or in other kilns with a production capacity exceeding 50 tons per day;

4.3. enterprises for the production of asbestos and the manufacture of asbestos products;

4.4. units for the production of glass and fiberglass with a melting capacity of 20 tons per day or more;

4.5. units for the melting of mineral substances, including the production of mineral fibers, with a melting capacity of 20 tons per day or more;

4.6. units for the production of ceramic products by firing, in particular roof tiles, bricks, refractory bricks, ceramic tiles, stoneware or porcelain products, with a production capacity exceeding 75 tons per day or more, and (or) using kilns with a density of charge per oven exceeding 300 kg/m<sup>3</sup>.

5. Chemical industry:

5.1. processing of chemical semi-finished products, production of chemical products (chemicals), pharmaceutical products, with the exception of the production of pharmaceutical potassium salts (chloride, sulfate, potash), varnishes, elastomers and peroxides, with a production capacity of 200 tons per year or more;

5.2. units for the destruction of explosives, ammunition, weapons and pyrotechnic products using chemical processes;

5.3. chemical units in which chemical or biological processes are used to produce protein feed additives, enzymes and other protein substances.

6. Waste management:

6.1. facilities where hazardous waste disposal or recovery operations are carried out, with a capacity of 500 tons per year or more;

6.2. municipal waste incinerators with a capacity exceeding 3 tons per hour;

6.3. landfills where more than 10 tons of non-hazardous waste are received per day, or with a total capacity exceeding 25 thousand tons, excluding inert waste landfills;

6.4. sites where non-hazardous waste disposal operations are carried out, with a capacity exceeding 50 tons per day;

6.5. facilities where non-hazardous waste disposal or recovery operations are carried out, with a capacity exceeding 2500 tons per year;

6.6. tailing facilities;

6.7. production of construction materials from waste generated at thermal power plants;

6.8. sites for storage of scrap iron and (or) vehicles subject to recycling on the territory exceeding 1 thousand m<sup>2</sup>, or in the amount of more than 1 thousand tons per year;

6.9. waste sorting enterprises with a production capacity of over 10 thousand tons per year ;

6.10. open and closed warehouses for hazardous waste containing persistent organic pollutants, highly toxic substances, with a storage area of more than 100 m<sup>2</sup>.

7. Transport:

7.1. construction of airports and aerodromes;

7.2. construction of roads with a length of 1 km or more and (or) with a capacity of 1 thousand vehicles per hour or more;

7.3. tram lines, elevated lines, subways, overhead lines or other similar lines used exclusively or primarily for the transport of passengers;

7.4. construction of inland waterways, canal laying and flood prevention works;

7.5. construction of water ports and port facilities, including fishing harbors.

8. Water resource management:

8.1. works on the transfer of water resources between basins and river systems, in which the volume of transferred water exceeds 5 million m<sup>3</sup> per year (with the exception of the transfer of tap drinking water);

8.2. dams and other structures designed to retain or permanently store water, where the new or additional volume of retained or stored water exceeds 100 thousand m<sup>3</sup>;

8.3. abstraction of surface and ground waters or systems of artificial recharge of ground waters with an annual volume of abstracted or replenished water equivalent to or exceeding 250 thousand m<sup>3</sup>;

8.4. works in the coastal zone of water bodies aimed at erosion control, construction of dams, breakwaters, jetties and other protective structures, excluding the maintenance and reconstruction of such structures;

8.5. wastewater treatment facilities with a capacity of more than 5 thousand m<sup>3</sup> per day.

9. Pulp and paper and woodworking industry:

9.1. industrial enterprises for the production of paper and cardboard with a capacity of 20 tons per day or more;

9.2. production of chipboard and fiberboard using synthetic resins as binding materials with a capacity of 200 m<sup>3</sup> per day.

10. Other types of activities:

10.1. pipelines and industrial facilities for the transportation of oil, chemicals, gas, steam and hot water with a length of more than 5 km;

10.2. transmission of electricity by overhead power lines from 110 kilovolts (kV);

10.3. livestock farms:

10.3.1. facilities for breeding poultry (5 thousand heads and more);

10.3.2. for growing and breeding pigs (500 heads and more), sows (100 heads and more);

10.3.3. for cattle breeding (1500 head and more);

10.3.4. for sheep breeding (15 thousand heads and more);

10.4. ground storage facilities for organic fuels with a capacity of more than 10 thousand tons;

10.5. natural gas storage facilities with a capacity of over 10,000 m<sup>3</sup>;

10.6. units for pre-treatment (washing, bleaching, mercerization), dyeing of fibers or textiles, where the volume of processed materials exceeds 10 tons per day;

10.7. enterprises for tanning hides and skins;

10.8. slaughterhouses with capacities for processing carcasses from 10 tons per day;

10.9. meat processing enterprises (meat processing plants), including bases for pre-slaughter keeping of livestock within a three-day supply of livestock, with a capacity of over 5 thousand tons of products per year;

10.10. packaging and preservation of meat from cattle and vegetable products with a capacity of over 100 thousand tons per year;

10.11. enterprises for the production of fishmeal and fish oil (over 5 thousand tons of products per year);

10.12. production of vegetable and animal oils and fats from 20 thousand tons per year;

10.13. brewing and malting over 1500 liters per day;

10.14. production of food alcohol over 5 thousand liters per day;

- 10.15. enterprises for the industrial production of starch (over 50 thousand tons of products per day);
  - 10.16. sugar factories with a capacity of over 150 thousand tons of products per year;
  - 10.17. production of confectionery and syrups with a capacity of over 10 thousand tons of products per year;
  - 10.18. production of dairy products over 5 thousand liters per day;
  - 10.19. installations for the elimination of animal corpses; cattle burial grounds with the burial of animal corpses in pits;
  - 10.20. gluing plants that make glue from the remains of skin, field and dump bones and other animal waste and garbage;
  - 10.21. production of technical gelatin from bone, inner side of hide, skin residues and other animal waste and garbage with their storage in a warehouse;
  - 10.22. recycling plants for the processing of the corpses of dead animals, fish, their parts and other animal waste and garbage (turning into fats, animal feed, fertilizers);
  - 10.23. bone-burning and bone-grinding factories;
  - 10.24. initial afforestation and deforestation for the purpose of converting land for another type of land use;
  - 10.25. storage of manure and litter from 1 ton per day;
  - 10.26. production of phenol-formaldehyde pressed materials, pressed and wound products from paper, fabrics based on phenol-formaldehyde resins;
  - 10.27. production or processing of polymers, elastomers, synthetic rubbers, products based on elastomers with a capacity of more than 1 thousand tons per year;
  - 10.28. places for unloading apatite concentrate, phosphate rock, cement and other dusty cargoes with a cargo turnover of more than 150 thousand tons per year;
  - 10.29. places for transshipment and storage of liquid chemical cargoes and liquefied gases (methane, propane, ammonia and others), production compounds of halogens, sulfur, nitrogen, hydrocarbons (methanol, benzene, toluene and others), alcohols, aldehydes and other chemical compounds;
  - 10.30. stripping and washing and steaming stations, disinfection and washing facilities, cleaning stations for ships, tanks, receiving and treatment facilities designed to receive ballast and washing-oily water from specialized floating collectors;
  - 10.31. placement of facilities and implementation of any types of activities in specially protected natural areas, in their protected and buffer zones.
11. Tourism and leisure:
    - 11.1. boat stations designed for more than 25 ships with a displacement of over 1 ton;
    - 11.2. theme parks on an area of more than 2 hectares;
    - 11.3. ski resorts, recreational complexes, hotel complexes (and related facilities) on an area of more than 1 ha.

12. Activities for the deliberate release of genetically modified organisms into the environment in any new place, the use of genetically modified organisms in closed systems.

13. Proposed activities referred to in section 1 of this annex that are exclusively or primarily for the development and testing of new methods or products.

Note. If the types or objects of activity in Sections 1 and 2 of this Appendix coincide, Section 2 shall include types and objects of activity that have quantitative indicators characterizing them below the threshold values specified in Section 1 of this Appendix.

Appendix 2  
to the Environmental Code  
of the Republic of Kazakhstan  
dated January 2, 2021  
№ 400-VI LRK

**Types of planned activities and other criteria on the basis of which the objects having a negative impact on the environment shall be classified as objects of categories I, II or III Section 1. Types of planned activities and other criteria on the basis of which the objects having a negative impact on the environment shall be classified as objects of category I**

**Footnote. Annex 2 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

1. Energy:

1.1. combustion of fuel, with the exception of gas, at stations with a total nominal thermal capacity of 50 megawatts (MW) or more;

1.2. gas-fired power generating stations with a capacity of more than 500 megawatts (MW);

1.3. exploration and production of hydrocarbons, processing of hydrocarbons;

1.4. coke production;

1.5. gasification or liquefaction:

1.5.1. coal;

1.5.2. other types of fuel in installations with a total nominal thermal capacity of 20 megawatts (MW) or more.

2. Production and processing of metals:

2.1. roasting or sintering metal ore (including sulfide ore);

2.2. production of cast iron, ferroalloys or steel (primary or secondary melting), including continuous casting, with a capacity exceeding 2.5 tons per hour;

2.3. processing of ferrous metals:

2.3.1. operation of hot rolling mills with a capacity exceeding 20 tons of raw steel per hour;

2.3.2. operation of forging hammers with an energy capacity exceeding 50 kilojoules (kJ) per hammer, where the thermal power consumption exceeds 20 megawatts (MW);

2.3.3. application of protective sprayed metal coatings with the supply of raw steel exceeding 2 tons per hour;

2.4. casting of ferrous metals with a production capacity exceeding 20 tons per day;

2.5. production and processing of non-ferrous metals:

2.5.1. production of non-deoxidized non-ferrous metals from ores, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;

2.5.2. smelting, including alloying, of non-ferrous metals, including recovered products, and operation of non-ferrous metal foundries with a melting capacity exceeding:

4 tons per day - for lead and cadmium;

20 tons per day - for all other non-ferrous metals;

2.6. surface treatment of metals and plastic materials using electrolytic or chemical processes in technological baths with a total volume of 30 m<sup>3</sup> or more.

3. Mineral industry:

3.1. extraction and enrichment of solid minerals, with the exception of common minerals;

3.2. production of cement, lime and magnesium oxide:

3.2.1. production of cement clinker in rotary kilns with a production capacity exceeding 500 tons per day, or in other kilns with a capacity exceeding 50 tons per day;

3.2.2. lime production in furnaces with a production capacity exceeding 50 tons per day;

3.2.3. production of magnesium oxide in furnaces with a production capacity exceeding 50 tons per day;

3.3. production of asbestos or production of products based on asbestos;

3.4. production of glass, including fiberglass, with a melting capacity of more than 20 tons per day;

3.5. melting of mineral substances, including the production of mineral fibers, with a melting capacity exceeding 20 tons per day;

3.6. production of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, ceramic tiles, stone ceramics or porcelain, with a production capacity exceeding 75 tons per day, and (or) with a capacity of kilns exceeding 4 m<sup>3</sup>, and a density of cages per kiln exceeding 300 kg/m<sup>3</sup>.

4. Chemical industry:

4.1. industrial production of organic chemicals:

simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);

oxygen-containing hydrocarbons: alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;

sulfurous hydrocarbons;

nitrogen hydrocarbons: amines, amides, nitrogen compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;

phosphorus-containing hydrocarbons;

halogenated hydrocarbons;

organometallic compounds;

basic plastic materials (polymers, synthetic fibers and cellulose-based fibers);

synthetic rubber;

paints and pigments;

surfactants;

4.2. industrial production of inorganic substances:

gases: ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulfur compounds, nitrogen oxides, hydrogen, sulfur dioxide, carbon chloride;

acids: chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulfuric acid, oleum, sulfurous acid;

alkalis: ammonium hydroxide, potassium hydroxide, sodium hydroxide;

salts: ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;

non-metals, metal oxides or other inorganic compounds: calcium carbide, silicon, silicon carbide;

4.3. industrial production of phosphate, nitrogen or potash mineral fertilizers (simple or compound fertilizers);

4.4. industrial production of pesticides and biocides;

4.5. industrial production of pharmaceutical products, except for the production of pharmaceutical salts of potassium (chloride, sulfate, potash);

4.6. industrial production of explosives.

5. Food industry:

5.1. operation of slaughterhouses with a capacity of more than 50 tons per day;

5.2. processing and reprocessing, except for exclusively packaging, of the following raw materials, previously processed or unprocessed, intended for the production of food or feed from:

5.2.1. only animal raw materials (except for exclusively milk) with a production capacity of more than 75 tons per day;

5.2.2. only vegetable raw materials with a production capacity of more than 300 tons per day or 600 tons per day, when the plant operates no more than 90 consecutive days in any year;

5.2.3. raw materials of animal and vegetable origin, both in the form of combined and separate products, with a production capacity of finished products, in tons per day exceeding 75 if "A" is 10 or more, or determined by the formula:  $300 - (22,5 \times "A")$  if "A" is less than 10,

where "A" is the share of animal material (as a percentage of weight) in the production of the finished product.

Packaging must not be included in the final weight of the product.

Subparagraph 5.2.3 of paragraph 5.2 does not apply if only milk is used as raw material;



5.3. only processing and reprocessing of milk when the amount of milk received exceeds 200 tons per day (the average value for the year).

6. Waste management:

6.1. disposal and (or) recovery of hazardous waste with a capacity exceeding 10 tons per day, including one or more of the following operations:

6.1.1. biological waste treatment;

6.1.2. physical and chemical treatment of waste;

6.1.3. mixing of waste prior to transfer to another type of activity from those specified in paragraphs 6.1 and 6.2;

6.1.4. repackaging before transfer to the activities specified in paragraphs 6.1 and 6.2;

6.1.5. solvent regeneration;

6.1.6. recirculation (regeneration) of inorganic materials, except for metals or their compounds;

6.1.7. regeneration of acids or bases;

6.1.8. restoration of components used to combat pollution;

6.1.4. repackaging before transfer to the activities specified in paragraphs 6.1 and 6.2;

6.1.9. extraction of components from catalysts;

6.1.10. oil recycling or other types of oil reuse;

6.1.11. placement in surface ponds;

6.2. disposal or recovery of waste in incinerators or co-incineration plants:

6.2.1. for non-hazardous waste - with a capacity exceeding 3 tons per hour;

6.2.2. for hazardous waste - with a capacity exceeding 10 tons per day;

6.3. disposal of non-hazardous waste with a capacity exceeding 50 tons per day, which includes one or more of the following operations:

6.3.1. biological treatment of waste;

6.3.2. physical and chemical treatment of waste;

6.3.3. preliminary treatment of waste for subsequent incineration;

6.3.4. processing of slags and ash;

6.3.5. processing of metal waste in shredders, including waste of electrical and electronic equipment, as well as vehicles with expired service life and their components;

6.4. recovery and (or) disposal of non-hazardous waste with a capacity exceeding 75 tons per day, including one or more of the following operations:

6.4.1. biological treatment of waste;

6.4.2. preliminary treatment of waste for subsequent incineration;

6.4.3. treatment of slags and ash;

6.4.4. processing of metal waste in shredders, including waste of electrical and electronic equipment, as well as vehicles with expired service life and their components.

If the only type of waste treatment activity carried out in paragraphs 6.3 and 6.4 is anaerobic decomposition, then the threshold value for this activity is 100 tons per day;

- 6.5. landfills that receive more than 10 tons of waste per day, or with a total capacity exceeding 25 thousand tons, excluding inert waste landfills;
  - 6.6. accumulation of hazardous waste not included in paragraph 6.5, in anticipation of any type of activity listed in paragraphs 6.1, 6.2, 6.5 and 6.7 in an amount exceeding 50 tons at the site where waste is generated, with the exception of accumulation in anticipation of collection;
  - 6.7. underground storage of hazardous waste with a total capacity of more than 50 tons.
7. Other activities:
    - 7.1. production in industrial installations:
      - 7.1.1. pulp from wood or other fibrous materials;
      - 7.1.2. paper or cardboard with a capacity exceeding 20 tons per day;
      - 7.1.3. one or more of the following types of wood-based panels: oriented strand board, chipboard or fibreboard (with a production capacity exceeding 600 m<sup>3</sup> per day);
    - 7.2. preliminary treatment (washing, bleaching, mercerization) or dyeing of textile fibers or textiles, when the processing capacity exceeds 10 tons per day;
    - 7.3. tanning of hides and skins, in which the processing capacity exceeds 12 tons of finished products per day;
    - 7.4. removal or processing of animal carcasses or animal waste with a processing capacity of more than 10 tons per day;
    - 7.5. intensive rearing of poultry or pigs:
      - 7.5.1. more than 50 thousand heads - for poultry;
      - 7.5.2. more than 2 thousand heads - for pigs (weighing more than 30 kg);
      - 7.5.3. more than 750 heads - for female pigs;
    - 7.6. surface treatment of substances, objects or products, in particular for finishing, printing, coating, degreasing, waterproofing, gluing, painting, cleaning or impregnating, using organic solvents, the consumption of which is more than 150 kg per hour or more than 200 tons per year;
    - 7.7. production of carbon or electrographite by incineration or graphitization;
    - 7.8. capturing carbon dioxide emissions from the facilities of category I for the purpose of its geological storage in the subsoil;
    - 7.9. preservation of wood and wood products with chemicals with a capacity exceeding 75 m<sup>3</sup> per day, except for processing in order to exclude woody blue;
    - 7.10. complexes of treatment facilities for wastewater discharged by the facilities of category I, except for the treatment of municipal wastewater;
    - 7.11. facilities for wastewater treatment of centralized water disposal (sewerage) systems with a capacity of 20 thousand m<sup>3</sup> per day or more;
    - 7.12. operation of nuclear installations, including nuclear power plants (with the exception of zero-power research nuclear installations);

7.13. extraction of uranium and thorium ores, enrichment of uranium and thorium ores, production of nuclear fuel;

7.14. exploitation:

7.14.1. radiation sources (with the exception of radiation sources containing only radionuclide sources of the fourth and fifth categories of radiation hazard) provided that there are sources of emissions and discharges of radioactive substances into the environment at the facility;

7.14.2. storage facilities for nuclear materials and radioactive substances, storage facilities, radioactive waste storage facilities, the storage facilities for radioactive waste.

**Section 2. Types of planned activities and other criteria on the basis of which objects that have a negative impact on the environment shall be classified as objects of category II**

1. Energy:

1.1. provision of electricity, gas and steam using equipment with an installed electrical capacity of less than 50 megawatts (MW);

1.2. gas production by gasification and (or) liquefaction of solid fuels, with the exception of coal, in installations with a total rated thermal input of less than 20 megawatts (MW);

1.3. gas-fired power generating stations with a capacity of 10 megawatts (MW) or more.

2. Production and processing of metals:

2.1. metallurgical production using equipment:

2.1.1. for the production of iron or steel (primary or secondary smelting), including continuous casting plants (with a capacity of less than 2.5 tons per hour);

2.1.2. for the processing of ferrous metals using hot rolling mills (with a design capacity of less than 20 tons of raw steel per hour);

2.1.3. for applying protective sprayed metal coatings with a supply of raw steel less than 2 tons per hour;

2.1.4. for foundry production of ferrous metals with a capacity of less than 20 tons per day ;

2.1.5. for smelting, including alloying, refining and pouring of non-ferrous metals (with a design smelting capacity of less than 4 tons per day for lead and cadmium, or less than 20 tons per day for other metals);

2.2. surface treatment of metals and plastic materials using electrolytic or chemical processes in technological baths with a total volume of less than 30 m<sup>3</sup>.

3. Mineral industry:

3.1. production:

3.1.1. cement clinker in rotary kilns with a production capacity not exceeding 500 tons per day, or in other kilns with a production capacity not exceeding 50 tons per day;

3.1.2. lime (quicklime, slaked) in kilns with a production capacity of less than 50 tons per day;

3.1.3. magnesium oxide in furnaces with a production capacity of less than 50 tons per day;

3.1.4. glass and glass products, including fiberglass, with a melting capacity of less than 20 tons per day;

3.1.5. non-metallic mineral products using equipment for melting mineral substances, including the production of mineral fibers with a melting capacity of not more than 20 tons per day;

3.1.6. refractory ceramic products and building ceramic materials with a design capacity of less than 1 million pieces per year;

3.1.7. ceramic or porcelain products, except for refractory ceramic products and building ceramic materials, with a production capacity not exceeding 75 tons per day, and (or) using kilns with a charge density per kiln not exceeding 300 kg/m<sup>3</sup>.

4. Food industry:

4.1. production:

4.1.1. meat and meat products with a production capacity of not more than 75 tons of finished products per day;

4.1.2. vegetable and animal oils and fats (with a design capacity less than those specified in subparagraphs 5.2.2 and 5.2.3 of paragraph 5.2 of section 1 of this Appendix);

4.1.3. products from potatoes, fruits and vegetables (with a design capacity of at least 300 tons of finished products per day (quarterly average));

4.1.4. dairy products (with a design capacity of less than 200 tons of processed milk per day (annual average)).

5. Transport and infrastructure facilities:

5.1. ports located on inland waterways (allowing the passage of ships with a displacement of 1350 tons or more);

5.2. seaports;

5.3. facilities intended for the reception, dispatch of aircraft and maintenance of air transportation (if there is a runway length of 2100 m or more);

5.4. railway transport infrastructure facilities.

6. Waste management:

6.1. hazardous waste disposal facilities;

6.2. facilities where operations are carried out to remove or restore hazardous waste, with a capacity of 250 tons per year or more;

6.3. facilities where hazardous waste disposal operations are carried out;

6.4. facilities where operations for decontamination, neutralization and (or) destruction of biological and medical waste are carried out;

6.5. municipal waste incineration plants with a capacity not exceeding 3 tons per hour;

6.6. facilities where operations to remove non-hazardous waste are carried out, with a capacity not exceeding 50 tons per day;

- 6.7. facilities where operations out to remove or restore non-hazardous waste are carried with a capacity exceeding 2500 tons per year;
  - 6.8. production of building materials from waste from thermal power plants;
  - 6.9. waste sorting enterprises with a production capacity of over 10 thousand tons per year ;
  - 6.10. storage sites for scrap iron and (or) vehicles to be disposed of on the area exceeding 1 thousand m<sup>2</sup>, or in an amount of more than 1 thousand tons;
  - 6.11. dumps formed during the extraction of solid minerals (except for common minerals) or during the extraction of peat, prospecting;
  - 6.12. accumulation of hazardous waste with a mass exceeding 5 tons, with the exception of accumulation pending collection, at the site where waste is generated;
  - 6.13. open and closed warehouses of hazardous waste containing persistent organic pollutants, highly toxic substances, with a storage area of more than 100 m<sup>2</sup>.
7. Other activities:
- 7.1. production of paper and cardboard (with a capacity not exceeding 20 tons per day);
  - 7.2. production of textile products using equipment for washing, bleaching, mercerization, dyeing of textile fibers and (or) bleaching, dyeing of textile products (with a capacity not exceeding 10 tons of processed raw materials per day);
  - 7.3. production of leather and leather products using equipment for tanning, dyeing, dressing hides and skins (with a design processing capacity of not more than 12 tons of finished products per day);
  - 7.4. breeding of poultry (5 thousand heads and more);
  - 7.5. growing and breeding of pigs (500 heads and more), female pigs (100 heads and more);
  - 7.6. cattle breeding (1500 head and more);
  - 7.7. sheep breeding (15 thousand head and more);
  - 7.8. surface treatment of objects or products using organic solvents, the design consumption of which is not more than 200 tons per year;
  - 7.9. production of artificial graphite by methods that exclude combustion and graphitization;
  - 7.10. wastewater treatment of centralized water disposal systems (sewerage) with a wastewater volume of less than 20 thousand m<sup>3</sup> per day;
  - 7.11. extraction and processing of common minerals over 10 thousand tons per year;
  - 7.12. exploration of solid minerals with the extraction of rock mass and the movement of soil for the purpose of assessing the resources of solid minerals;
  - 7.13. transportation of gas, gas processing products, oil and petroleum products through main pipelines;
  - 7.14. production of crude oil from combustible (bituminous) shale and sand;

7.15. warehousing and storage (ground or underground):

7.15.1. oil and products of its processing (with a design capacity of 200 thousand tons or more);

7.15.2. pesticides and agrochemicals (with a design capacity of 50 tons or more);

7.16. production of products from concrete for use in construction, including the production of sand-lime bricks using autoclaves (with a design capacity of 1 million pieces per year or more);

7.17. construction, dredging and blasting operations, mining, laying of cables, pipelines and other communications, drilling, agricultural and other works within the zone of influence of run-up fluctuations in the level of the Caspian Sea;

7.18. any activities involving the discharge of pollutants into the environment.

8. The activity of an object that is:

8.1. a port located on inland waterways (allowing passage of ships with a displacement of 1,350 tons or more);

8.2. a seaport;

8.3. a facility intended for the reception, dispatch of aircraft and maintenance of air transportation (if there is a runway with a length of 2100 m or more);

8.4. the object of railway transport infrastructure.

Note. If the types or objects of activity in Sections 1 and 2 of this Appendix coincide, Section 2 includes the types and objects of activity that have quantitative indicators characterizing them below the threshold values specified in Section 1 of this Appendix.

### **Section 3. Types of planned activities and other criteria on the basis of which objects that have a negative impact on the environment shall be classified as objects of category III**

1. Types of activities and facilities:

1) production of fertilizer mixtures;

2) production for the processing of fluoroplastics;

3) production of paper from finished pulp and rags;

4) production of glycerin;

5) production of halalite and other proteinaceous plastics (aminoplastics and others);

6) production of enamels on condensation resins;

7) soap production;

8) salt-making and salt-grinding production;

9) production of pharmaceutical salts of potassium (chloride, sulfate, potash);

10) production of natural mineral paints (chalk, ocher and others);

11) production of tanning extract;

12) production of printing inks;

13) photochemical production (photographic paper, photographic plates, photographic and motion-picture films);

- 14) production of household chemicals from finished raw materials and warehouses for their storage;
- 15) production of drying oil;
- 16) production of medical glass (without the use of mercury);
- 17) production of plastics processing (molding, extrusion, pressing, vacuum forming);
- 18) production of polyurethanes;
- 19) production of finished dosage forms (without the manufacture of components);
- 20) production of paper from waste paper;
- 21) dry-cleaning factories with a capacity of over 160 kg per day;
- 22) production of products from plastics and synthetic resins (mechanical processing);
- 23) production of carbon dioxide and dry ice;
- 24) production of artificial pearls;
- 25) production of matches;
- 26) production of lead-coated or rubber-insulated cables;
- 27) workshops for the repair of road machines, cars, bodies, rolling stock of railway transport and the subway;
- 28) production of metal electrodes;
- 29) type foundry (without lead emissions);
- 30) printing production;
- 31) offset printing factories;
- 32) printing houses with the use of lead in production;
- 33) production for the assembly of locomotives and electric locomotives;
- 34) production of clay products;
- 35) glass-blowing production, mirror production, glass polishing and etching;
- 36) mechanical processing of marble;
- 37) production of concrete and concrete products;
- 38) production of cooperage products from finished riveting;
- 39) production of matting and weaving;
- 40) production of wood conservation with saline and aqueous solutions (without arsenic salts), super coating;
- 41) shipyards for the manufacture of wooden ships (motor boats, boats);
- 42) carpentry, furniture, parquet, box objects;
- 43) cottonine production;
- 44) cocoon-brewing and silk unwinding production;
- 45) melange production;
- 46) enterprises of foam-jute twisting, rope, twine, rope and end processing;
- 47) production of artificial astrakhan;
- 48) footwear production;

- 49) production of yarn and fabrics from cotton, linen, wool in the absence of dyeing and bleaching workshops;
- 50) production of knitwear and lace;
- 51) production of carpets;
- 52) production of shoe cardboard on leather and leather-cellulose fiber without the use of solvents;
- 53) bobbin and reel production;
- 54) wallpaper production;
- 55) production of leather goods;
- 56) production of bristle and hair brushes;
- 57) felting production;
- 58) confectionery production with a capacity of more than 3 tons per day;
- 59) sugar refinery production;
- 60) production of pasta (with a capacity of more than 1 ton per day);
- 61) bakeries and bakery production (with a capacity of more than 3 tons per day);
- 62) industrial installations for low-temperature storage of food products with a capacity of more than 600 tons;
- 63) grape juice factories;
- 64) plants of fruit and vegetable juices and soft drinks;
- 65) mills with a capacity of 0.5 to 2 tons per hour;
- 66) low-capacity facilities (mini-production): for processing meat, milk - up to 3 tons per day, fish - up to 3 tons per day;
- 67) land reclamation facilities using livestock waste;
- 68) livestock farms:
  - for growing and breeding pigs from 100 heads or more (female pigs from 10 heads or more);
  - for breeding cattle from 150 heads or more;
  - for breeding poultry from 500 heads and more;
  - for breeding horses from 150 heads or more;
  - for breeding camels from 150 heads and more;
  - for breeding sheep and goats from 600 heads and more;
  - fur farms - from 100 heads and more;
- 69) facilities for servicing cars (passenger cars, except those owned by citizens; buses, except buses of urban transport);
- 70) trolleybus and tram depots;
- 71) veterinary clinics with animal care, vivariums, nurseries, cynological centers, points of overexposure of animals;
- 72) filling stations for refueling vehicles with liquid and gas motor fuel;



73) facilities for the disposal of wastewater to filtration fields, terrain, into underground horizons with a volume of discharged water of more than 5 thousand m<sup>3</sup> per day;

74) facilities for the treatment of storm drains;

75) warehouses and open places for unloading grain;

76) warehouses and open places for unloading table salt;

77) transport and technical schemes for transshipment and storage of apatite concentrate of phosphorite flour, cement and other dusty goods transported in bulk, using warehouse elevators and pneumatic transport or other installations and storage facilities that exclude the removal of dust into the external environment;

78) open warehouses and places for reloading moistened mineral building materials (sand, gravel, crushed stone, stone and others);

79) areas for storage and places for reloading pressed cake, hay, straw, tobacco products and others.

2. Other criteria.

Carrying out any activity that meets one or more of the following criteria:

1) the presence of stationary sources of emissions at the facility, the mass of pollutants in emissions into the atmospheric air of which is 10 tons per year or more;

2) the use of installations for the provision of electric energy at the facility, gas and steam using equipment with a design heat output of 2 Gcal/hour or more;

3) accumulation of 10 tons or more of non-hazardous waste and (or) 1 ton or more of hazardous waste at the facility.

Notes.

1. Production in this section means entrepreneurial activity for serial production of goods, works and (or) rendering services. The provisions of this section do not apply to the production of goods, works and (or) rendering services by individuals for personal household purposes and to small businesses, including micro-entrepreneurship entities engaged in the production of goods, works and (or) rendering services on a one-time basis or in a small volume on individual orders with a prevailing share of manual labor.

2. If the types or objects of activity in Sections 2 and 3 of this Appendix coincide, Section 3 includes types and objects of activity that have quantitative indicators characterizing them below the threshold values specified in Section 2 of this Appendix.

Appendix 3  
to the Environmental Code  
of the Republic of Kazakhstan  
dated January 2, 2021  
№ 400-VI LRK

## **List of areas of application for the best available techniques**

1. Types of activities:

1) mining and enrichment of iron ores, production of cast iron, steel and ferroalloys, production of products for the further processing of ferrous metals;

2) mining and enrichment of non-ferrous metal ores, production of non-ferrous metals;

3) oil and natural gas production;

4) production of coke and oil products, processing of natural gas;

5) mining and enrichment of coal and anthracite;

6) production of electric and thermal energy through fuel combustion;

7) disposal of waste, including thermal methods;

8) waste disposal;

9) production of cellulose, wood pulp, paper, cardboard;

10) production of basic organic chemicals;

11) production of fine organic synthesis products;

12) production of polymers;

13) production of basic inorganic chemicals (ammonia);

14) production of inorganic acids, mineral fertilizers;

15) production of solid and other inorganic chemicals (oxides, hydroxides, salts);

16) production of special inorganic chemicals;

17) production of other basic inorganic chemicals;

18) treatment of surfaces, objects or products using organic solvents;

19) coating of metals and plastics using electrolytic or chemical processes;

20) production of glass, ceramic products;

21) production of cement, lime, magnesium oxide;

22) production of textile products (washing, bleaching, mercerization);

23) dyeing of textile fibers, bleaching, dyeing of textile products;

24) tanning, dyeing, dressing of hides and skins;

25) intensive breeding of pigs, poultry;

26) slaughter of animals at meat-packing plants, slaughterhouses;

27) production of food products, beverages, milk and dairy products;

28) wastewater treatment of centralized water disposal systems of settlements.

2. Technological processes, equipment, technical methods and methods used in the implementation of various types of activities:

1) reduction of emissions of pollutants, discharges of pollutants during storage and warehousing of goods (cargo);

2) systems for the treatment (circulation) of wastewater and off-gases in the chemical industry;

3) industrial cooling systems;

4) handling of overburden and enclosing rocks;

5) treatment of wastewater and emissions of pollutants in the production of products (goods), performance of works and provision of services at enterprises.

## **Standard list of measures for environmental protection**

### 1. Protection of atmospheric air:

1) commissioning, repair and reconstruction of dust and gas cleaning plants designed to capture, neutralize (recycle) harmful substances emitted into the atmosphere from technological equipment and aspiration systems;

2) installation works related to the rationalization of thermal systems, including the recovery of thermal energy, flue gas recirculation with discharge into the burner, domestic production of energy equipment with high efficiency and the use of alternative, environmentally friendly energy sources;

3) implementation of measures to prevent and reduce emissions of pollutants from stationary and mobile sources;

4) introduction of the best available techniques in municipal thermal power plants and combined heat and power plants;

5) introduction of equipment, installations and purification devices for the utilization of associated gases, neutralization of exhaust gases, suppression and neutralization of emissions of pollutants and their compounds into the atmosphere from stationary and mobile sources of pollution;

6) installation of catalyst converters for cleaning exhaust gases in vehicles using unleaded gasoline as fuel with the introduction of fuel additives that reduce the toxicity and smokiness of exhaust gases, equipping vehicles running on diesel fuel with exhaust gas neutralizers, transferring vehicles, expanding the use of electric traction;

7) taking measures aimed at preventing environmental pollution during transportation, storage and use of plant protection chemicals, mineral fertilizers and other preparations;

8) optimization of the technological process, ensuring the reduction of emissions of pollutants during mining, blasting, placement and operation of waste heaps, dumps and landfills;

9) carrying out works on dust suppression at mining and heat and power enterprises, subsoil use facilities and construction sites, including tailings, sludge ponds, quarries and infield roads;

10) introduction and improvement of technical and technological solutions (including the transition to other (alternative) types of fuel, raw materials, materials), which allow reducing the negative impact on the environment;

11) purchase of modern equipment, replacement and reconstruction of the main equipment, ensuring effective purification, utilization, neutralization, suppression and

neutralization of pollutants in gases removed from emission sources, dismantling of obsolete boilers with a high concentration of harmful substances in flue gases;

12) introduction of technological solutions that ensure the optimization of fuel combustion modes (change in the quality of the fuel used, the structure of the fuel balance), reducing toxic substances (including lead compounds, nitrogen oxides) in emissions of pollutants into the atmosphere, including for mobile sources;

13) implementation of measures aimed at reducing greenhouse gas emissions and (or) increasing greenhouse gas absorption;

14) reducing the use of ozone-depleting substances through the use of ozone-safe substances;

15) introduction of systems for automatic monitoring of emissions of harmful substances at sources and atmospheric air quality at the border of the residential sanitary protection zone;

16) improving the efficiency of existing dust and gas collecting installations (including their modernization, reconstruction) and equipping them with control and measuring devices with the introduction of automatic control systems;

17) construction, modernization of observation posts for the state of atmospheric air with the expansion of the list of controlled pollutants through the acquisition of modern equipment and introduction of a local network for transmitting information to the authorized body in the field of environmental protection and its territorial divisions.

## 2. Protection of water bodies:

1) organization of activities and construction of treatment facilities that improve the qualitative composition of discharged water, implementation of programs to increase the efficiency of small reserve tanks as part of local treatment facilities (accumulation tanks, settling tanks, structures and devices for water aeration, screens for pesticide retention);

2) implementation of the best available techniques at wastewater treatment plants;

3) regulation of the flow of small rivers, clearing their channels or the bed of a reservoir, implementation of regular water releases to ensure optimal life of ecosystems in the basins of small rivers and lakes, as well as other measures to prevent siltation, maintain the optimal hydrological regime and sanitary condition of small rivers and lakes;

4) modernization of production processes in order to reduce the volume of wastewater discharges into natural water bodies, aimed at preventing pollution and reducing the negative impact;

5) implementation of a set of technological, hydraulic, sanitary and other measures aimed at preventing clogging, pollution and depletion of water resources;

6) construction, reconstruction, modernization of:

installations for the treatment and post-treatment of wastewater, processing of liquid waste and bottom residues;

treatment plants and sewerage systems for enterprises located on the catchment area of reservoirs, as well as in territories with the status of national parks, resorts;

water supply systems with closed cycles, including systems for hydraulic ash removal and hydraulic sludge removal, circulating systems for industrial purposes and reuse of water, including those coming from other enterprises;

special regulating reservoirs, with the exception of reservoirs for hydrotechnical and other industrial purposes;

installations for the treatment of ground and underground waters subjected to technogenic pollution;

installations for the treatment of household and industrial wastewater with a system for their transportation and purification to the established standards of permissible discharge for operating enterprises;

treatment facilities based on the use of mechanical, biological and physico-chemical methods of treatment, facilities for post-treatment of wastewater, receivers and outlets of wastewater;

networks for the transportation of drainage, mine and storm water, household, industrial and agricultural wastewater and hydraulic sludge, flotation tailings (sludge accumulators, settling tanks, ash dumps, evaporation ponds);

7) liquidation of abandoned and inactive wells, plugging or transfer of self-flowing artesian wells to a crane controlled mode;

8) restoration and reconstruction of emergency water facilities and irrigation and drainage systems, purification to standard quality and reuse for technological purposes of drainage and storm water, household and industrial wastewater through the construction of circulating water supply systems and local treatment facilities, implementation of measures to reduce the use of drinking water for technical needs;

9) elimination of waste water accumulators, foci of groundwater pollution, historical pollution and sources of negative impact on water resources, demercurization of the pollution area to reduce the negative consequences of their impact on water bodies;

10) expansion of the network for monitoring quantitative and qualitative characteristics in transboundary river basins;

11) introduction of automatic monitoring systems for the quality of consumed and discharged water;

12) implementation of measures to prevent pollution of surface and underground waters from tailings dumps, mines and tunnels;

13) construction, modernization of observation posts for the state of surface waters with the expansion of the list of controlled pollutants through the acquisition of modern equipment and introduction of a local network for transmitting information to the authorized body in the field of environmental protection and its territorial divisions;

14) taking measures aimed at preventing pollution of underground waters due to interstratal flows of oil, water and gas during the development and subsequent operation of wells, as well as the disposal of production waste and wastewater.

### 3. Protection from impact on coastal and aquatic ecosystems:

1) the introduction of measures to protect the aquatic environment from natural consequences caused by fluctuations in sea level, or accidents resulting from anthropogenic activities, implementation of protective measures for the conservation of flooded wells in the coastal zone of the Caspian Sea;

2) construction, reconstruction, modernization of installations and equipment for:

the collection of oil, fuel oil, garbage and other liquid and solid waste from the waters of rivers, reservoirs, ports;

coastal facilities for receiving household and other waste water from ships, as well as garbage for disposal, storage and cleaning;

3) conservation or complete elimination of land-based sources of pollution that continue to have a negative impact on water bodies;

4) implementation of measures for carrying out shore protection works of rivers and reservoirs.

### 4. Land protection:

1) inventory and liquidation of ownerless production facilities polluting the environment;

2) measures for the rational use of land resources, zoning of land, as well as carrying out work to assess their condition;

3) recultivation of degraded territories, disturbed and polluted lands as a result of anthropogenic activity: restoration, reproduction and improvement of soil fertility and other useful properties of the land, its timely involvement in economic turnover, removal, preservation and use of the fertile soil layer when carrying out works related to land disturbance;

4) protection of lands from depletion, degradation and desertification, the negative impact of water and wind erosion, mudflows, landslides, underflooding, flooding, swamping, secondary salinization, drying out and compaction, pollution with waste, chemical, biological, radioactive and other harmful substances;

5) construction, reconstruction, modernization of anti-erosion hydraulic structures, creation of protective forest belts, fixing ravines, terracing of steep slopes;

6) elimination of historical pollution, localization and demercurization of sources of pollution of land resources;

7) implementation of measures aimed at restoring natural fertility or increasing soil humus

### 5. Subsoil protection:

1) implementation of measures to prevent pollution of subsoil during the work on subsoil use, underground storage of oil and gas, disposal of hazardous substances and production waste, discharge of wastewater into the subsoil;

2) inventory, conservation and elimination of sources of negative impact on the subsoil.

### 6. Protection of flora and fauna:

1) protection of forest ecosystems, carrying out measures to increase the forest cover, forest management, accounting and biological justification of the productivity of forests and wildlife, maintaining the optimal biodiversity of forest ecosystems;

2) conservation and maintenance of biological and landscape diversity in protected areas (landscape parks, park complexes and objects of historical and cultural heritage) of national and international importance;

3) taking measures to preserve the natural conditions for the functioning of natural landscapes and natural habitats, taking measures to prevent the death of endangered or on the verge of extinction species (subspecies, populations) of plants and animals;

4) construction of a national repository of genetic resources of plants and animals, conservation of biodiversity, the entire diversity of microorganisms, flora and fauna, as well as natural ecosystems, prevention and non-admission of the harmful effects of anthropogenic activities on the conditions of their functioning;

5) reproduction of wild animals (carrying out biotechnical measures, including the resettlement of wild animals and birds, the creation of nurseries and farms for breeding wild animals and birds, as well as the preparation of feed for their vital activity)

6) greening the territories of administrative-territorial units, increasing the area of green spaces, plantings on the territories of enterprises, around hospitals, schools, children's institutions and vacated territories, lands subject to desertification and other adverse environmental factors;

7) maintaining the ecological balance in the development of resort recreation areas and tourist centres in protected natural areas (formulation of plans for the development of areas of recreational areas, construction of modern landfills, sewer collectors and treatment facilities, conversion of boiler houses to environmentally friendly alternative fuels);

8) carrying out work on the protection and reproduction of the forest fund, rehabilitation of territories after forest fires and reforestation;

9) protection, conservation and restoration of biological resources.

7. Waste management:

1) processing of enrichment tailings, overburden and enclosing rocks, their use for the purpose of carrying out the technical stage of reclamation of worked out, disturbed and contaminated lands, laying in internal dumps of quarries and worked-out cavities of mines, for backfilling quarry roads, protective dams and structures;

2) the introduction of technologies for collection, transportation, neutralization, use and processing of any type of waste, including ownerless;

3) construction, reconstruction of factories, workshops and industries, purchase and operation of installations for:

landfills for storage of any types of waste;

collection, transportation, processing, sorting, recycling and disposal of waste;

collection and processing of secondary material resources;

collection, transportation, processing and disposal of liquid industrial waste that pollutes water bodies or groundwater;

obtaining raw materials or finished products associated with the extraction of useful components from waste (processing of enrichment tailings, overburden and host rocks, ash and slag, metallurgical slag, technogenic mineral formations);

4) neutralization and liquidation of prohibited and obsolete pesticides and their containers;

5) reconstruction, modernization of equipment and technological processes aimed at minimizing the volume of waste generation and disposal;

6) taking measures to eliminate ownerless waste and historical pollution, prevent their occurrence in the future, timely recultivation of lands disturbed as a result of pollution by industrial, solid household and other wastes;

7) implementation of measures for the disposal of pesticides that have become unusable, not containing persistent organic pollutants, and containers from them.

8. Radiation, biological and chemical safety:

1) burial, reburial of ampoule sources of ionizing radiation, final disposal of radioactive waste from bankrupt enterprises, former military facilities, state enterprises, communal property enterprises;

2) conducting radioecological surveys of the territories of regions, cities of republican significance, the capital city in order to detect radioactive contamination of environmental objects;

3) decontamination of radioactive contamination foci (soil, mining dumps, scrap metal), burial of sources of ionizing radiation and radioactive waste;

4) construction of temporary storage facilities and radioactive waste disposal facilities;

5) compliance by organizations operating with the use of atomic energy and with sources of ionizing radiation of the requirements for ensuring radiation safety;

6) rehabilitation of territories for burial of radioactive, toxic industrial waste, decommissioning of persistent organic pollutants, prevention of biological pollution of the natural environment;

7) liquidation and recycling of accumulated volumes of sulfur;

8) elimination of accounted and unaccounted sources of radiation, including waste, historical pollution in order to reduce the radiation hazard to life and (or) health of the population and the environment.

9. Implementation of management systems and the best safe technologies:

1) introduction of environmentally friendly water-saving, soil-protective technologies and reclamation measures when using natural resources, the use of low-waste technologies, the improvement of advanced technical and technological solutions ensuring the reduction of emissions of pollutants into the environment;



2) introduction of environmentally friendly resource-saving technologies for enrichment, storage and transportation of mineral raw materials, purification and disposal of production waste;

3) introduction of progressive, modern and efficient technological solutions based on the results of scientific research, the use of modern equipment and technologies in production processes (including enterprises based on renewable and resource-saving technologies, changing sources and types of raw materials for heat and power resources), switching to alternative sources of energy supply, characterized as environmentally friendly (bioethanol and others);

4) development of new observation systems based on the Earth and in space, exchange of data from satellite observation systems;

5) introduction of signs and certification in the field of compliance with environmental requirements through more efficient management, certification of products, quality systems and production, works and services that ensure product safety, the introduction of an environmental management system in accordance with current national standards of the environmental management system.

10. Scientific- research, survey and other developments:

1) development of state programs in the field of environmental protection;

2) conducting research and developing environmental quality targets;

3) conducting environmental studies to determine the background state of the environment, identifying the possible negative impact of industrial activities on ecosystems and developing programs and action plans to reduce environmental pollution;

4) conducting research and development works on the creation of environmental protection equipment, installations, structures, enterprises and facilities, the development of advanced environmental technologies (know-how), methods and means of protecting natural objects from the negative impact caused by economic activity;

5) conducting scientific, survey works on the conservation of the gene pool and biodiversity;

6) conducting survey works to substantiate the composition of environmental measures ensuring the protection of natural waters, soils and landscapes;

7) study and monitoring of the radioecological situation in the territories affected by the negative impact of nuclear tests, and the territories where military units are based, conducting complex hydrogeological and geoecological studies of the territories of military test sites;

8) development of express methods for determining harmful impurities in air, water and soil;

9) development of non-traditional approaches to environmental protection and the creation of highly efficient systems and installations for the purification of exhaust gases and wastewater from industrial enterprises, waste disposal;

10) development of technological processes, equipment, instruments and reagents that provide deep processing of raw materials with the disposal of waste generated;

11) improvement of methods for the neutralization of solid household and industrial waste in order to prevent the entry into the natural environment of heavy metals and xenobiotics - chemicals and compounds alien to living organisms (industrial pollution, pesticides, household chemicals, medicines);

12) development of schemes, water management balances, navigation regimes on sea vessels involved in economic and production activities, and standards in the field of water resources protection;

13) conducting environmental research works, developing qualitative and quantitative indicators (environmental standards and requirements), regulatory and methodological documents for environmental protection;

14) conducting scientific research works on the radioecological assessment of uranium mining enterprises;

15) conducting comprehensive studies to assess the impact of nuclear power plants on the environment;

16) development of a model for managing transboundary water bodies;

17) development of complex science-based hydrotechnical, chemical, biological and ichthyological methods for cleaning water bodies.