



On approval of the Rules for Issuing Permits for Activities that May Pose a Threat to Aircraft Safety

Unofficial translation

Decree of the Government of the Republic of Kazakhstan No. 504 dated May 12, 2011.

Unofficial translation

In accordance with subparagraph 42) of Article 13 of the Law of the Republic of Kazakhstan dated July 15, 2010 "On the Use of Air Space of the Republic of Kazakhstan and Aviation Activity", the Government of the Republic of Kazakhstan **HEREBY DECREES AS FOLLOWS:**

1. That the enclosed Rules for Issuing Permits for Activities that May Pose a Threat to Aircraft Safety shall be approved.

2. That certain decisions of the Government of the Republic of Kazakhstan shall be deemed to have lost force:

1) Decree of the Government of the Republic of Kazakhstan № 666 dated July 7, 2003 "On Approval of the Rules for Issuing Permits for Activities that May Pose a Threat to Aircraft Safety" (SAPP of the Republic of Kazakhstan, 2003, № 28 , Article 274).;

2) Decree of the Government of the Republic of Kazakhstan № 528 dated April 16, 2009 "On Amendments and Additions to Decree of the Government of the Republic of Kazakhstan № 666" dated July 7, 2003 (SAPP of the Republic of Kazakhstan, 2009, № 19, Article 172).

3. This resolution shall become effective after ten calendar days from the date of the first official publication.

Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved by
Decree of the Government of the
Republic of Kazakhstan
№ 504 dated May 12, 2011

Rules

for issuing permits for activities that may pose a threat to the safety of aircraft flight

Footnote. The Rules as amended by the resolution of the Government of the Republic of Kazakhstan dated 13.05.2023 № 363 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for issuing permits for activities that may pose a threat to the safety of aircraft flights (hereinafter referred to as the Rules) have been developed in accordance with

paragraph 42) of Article 13 of the Law of the Republic of Kazakhstan "On the use of airspace of the Republic of Kazakhstan and aviation activities" and shall determine the procedure for issuing permits for the activities of legal entities and individuals that may pose a threat to the safety of aircraft flights.

2. The main concepts and terms shall be used in these Rules:

1) authorized body in the field of civil aviation - the central executive body that provides leadership in the use of airspace of the Republic of Kazakhstan and the activities of civil and experimental aviation;

2) authorized organization in the field of civil aviation (hereinafter referred to as the authorized organization) - a joint-stock company with 100% state participation in the authorized capital, carrying out activities aimed at ensuring the sustainable development of the civil aviation industry of the Republic of Kazakhstan, flight safety and aviation safety;

3) aeronautical research - study of an aviation problem in order to determine possible solutions and choose an acceptable solution without reducing the level of flight safety;

4) permission to carry out activities that may pose a threat to the safety of aircraft flights (hereinafter referred to as the permit) - a document issued by an authorized organization in the field of civil aviation or an authorized body in the field of state aviation in accordance with the procedure established by these Rules confirming the right of legal entities and individuals to carry out activities that may pose a threat to the safety of aircraft flights;

5) aerodromic territory - the territory of the earth's surface with a center at the control point of the airfield (hereinafter referred to as CPA) and a radius determined by authorized bodies in the fields of civil and state aviation;

6) local executive body (akimat) - a collegial executive body headed by the akim of the region, city of republican significance and capital, district (city of regional significance), exercising local state administration and self-government within its competence in the relevant territory;

7) obstacle - all fixed (temporary or permanent) and movable objects or their parts, which are located in the zone intended for the movement of aircraft on the surface, and (or) rise above the conditional surface intended to ensure the safety of aircraft in flight, or are located outside such installed surfaces and, according to the results of the assessment, pose a danger to air navigation;

8) conclusion on the impact of the facility/activity on the safety of aircraft flights - a document formed on the basis of an appropriate assessment on the impact on the safety of aircraft flights, issued in accordance with the procedure established by these Rules;

9) authorized body in the field of state aviation - the central executive body that provides leadership in the use of airspace of the Republic of Kazakhstan and the activities of state aviation;

10) applicant - an interested individual or legal entity (owner, customer, developer) who intends to carry out activities that may pose a threat to the safety of aircraft flights;

11) WGS-84 - 1984 World Geodetic System (hereinafter referred to as WGS-84).

3. Activities that may pose a threat to aircraft flight safety shall include:

1) construction of facilities, installation of power lines and placement of other structures that are an obstacle and located on the aerodrome territory and terrain within the air routes;

2) operations, as a result of which radio wave, visible, acoustic and other types of radiation are carried out in the airspace;

3) placement of objects that create conditions for mass accumulation of birds or deterioration of flight visibility (due to smoke screen);

4) other activities not directly related to the use of airspace, but affecting the safety of flights of aircraft, their equipment and people on them.

4. In the aerodrome territory, determination of the impact of activities on flight safety and the necessary measures to reduce the threat to aircraft flight safety as a result of such activities is carried out:

1) for civil aviation airfields - a permanent commission created by the decision of the first head of the operator of a civil aviation airfield (hereinafter referred to as the commission 1). Commission 1 shall include representatives of the aerodrome operator, the air navigation service provider, which is a state enterprise subordinate to the authorized body in the field of civil aviation (hereinafter referred to as the state supplier), and local executive bodies;

for airfields of joint use and (or) basing by belonging to civil aviation - commission 1 created by the decision of the first head of the operator of a civil aviation airfield, which also includes representatives of structural units of state aviation (military unit) and local executive bodies;

2) for state aviation airfields - a permanent commission created by the decision of the first head of the operator of the state aviation airfield (commander of a military unit), which also includes representatives of local executive bodies (hereinafter referred to as commission 2);

for airfields of joint use and (or) basing on belonging to state aviation - commission 2, which also includes representatives of structural subdivisions of civil aviation (airport), state supplier and local executive bodies.

The result of the work of Commissions 1 and 2 shall be the preparation of an opinion on the impact of the facility/activity on the safety of aircraft flights (hereinafter referred to as the conclusion) in accordance with Annex 1 to these Rules.

In order to obtain the opinion of the relevant commissions 1 and 2 on the activities specified in paragraphs 3 and 7 of these Rules, the applicant shall send an application in any form with the attachment of the documents specified in paragraph 15 of these Rules.

When the applicant submits a complete package of documents of commissions 1 and 2 within 25 (twenty-five) working days from the date of registration of the application, the impact on flight safety of the declared activities is determined and an opinion is prepared.

Commissions 1 and 2, if necessary, request clarifying information necessary to prepare an opinion.

Commissions 1 and 2 shall issue a positive or negative opinion.

The number of members of the commission created in accordance with the requirements of these Rules is odd and amounts to at least five people. The commission shall be chaired by the chairman and, in his absence, by the deputy chairman. The Secretary of the Commission shall not be a member of the Commission and has no say in the issuance of the opinion.

The conclusion shall be sent by mail or in electronic form, depending on the procedure for submitting the application.

5. To determine the impact on flight safety of activities related to planning, construction, installation, placement, expansion, reconstruction or technical re-equipment of facilities (vertical structures of any kind), the following assessments are carried out:

1) assessment of the first level - determination of the impact of the object intended for construction, installation, placement, expansion, reconstruction or technical re-equipment as an obstacle according to the criteria specified in the Order of the Minister for investment and development of the Republic of Kazakhstan dated March 31, 2015 № 381 "On approval of the standards of suitability for operation of airfields (heliports) of civil aviation" (hereinafter referred to as SSOA 1) (registered in the Register of State Registration of Regulatory Legal Acts № 12303);

2) assessment of the second level - the impact on the operational characteristics of the airfield of the object considered for installation, placement, expansion, reconstruction or technical re-equipment. This assessment shall be based on the criteria specified in DOC 8168 "Procedures for air navigation services" Production of aircraft flight "(PANS-OPS);

3) assessment of the third level - the impact (negative impact) of the object intended for construction, installation, placement, expansion, reconstruction or technical re-equipment on the quality and availability of radio equipment and communication signals according to the criteria specified in the order of the Minister for investment and development of the Republic of Kazakhstan dated June 29, 2017 № 402 "On approval of the Rules for radio technical support of flights and aviation telecommunication in civil aviation" (registered in the Register of State Registration of Regulatory Legal Acts № 15554).

6. Outside the aerodrome territory, the determination of the impact of activities on flight safety and the necessary measures to reduce the threat to aircraft flight safety as a result of such activities shall be carried out by a permanent commission created by the decision of the head of the state provider of air navigation services (hereinafter referred to as commission 3).

The Commission 3 shall assess the impact of activities on the safety of flights outside the aerodrome territory for the facilities specified in subparagraphs 3), 6) and 7) of paragraph 7 of these Rules.

In order to obtain the opinion of the Commission 3 on the activities specified in paragraph 7 of these Rules, the applicant shall send an application in any form with the attachment of the documents specified in paragraph 15 of these Rules.

7. Approval is required when designing, constructing, placing, expanding, reconstructing or retrofitting:

1) all facilities of any height at a distance of up to 4 km from the nearest point of the runways, which rise above the conditional surface intended to ensure the safety of aircraft in flight, determined in SSOA 1, Order of the Minister of Defense of the Republic of Kazakhstan dated September 24, 2019 № 761 dsp "On approval of standards for the operation of airfields (heliports), airfield sections of highways and tactical and technical requirements for state aviation airfields of the Republic of Kazakhstan " (registered in the Register of State Registration of Regulatory Legal Acts under № 19521) (hereinafter referred to as SSOA 2) and DOC 8168 "Procedures for air navigation services" production aircraft flight"(PANS-OPS);

2) facilities, the height of which relative to the airfield level shall be 45 m or more, located within 15 km from the automatic test equipment;

3) facilities on the aerodrome territory, the height of which shall be 100 m or more relative to the level of the airfield, as well as objects outside the aerodrome territory, the own height of which shall be 100 m or more;

4) industrial and other organizations, structures whose activities lead to a deterioration in visibility (emissions of steam, smoke, etc.) in the areas of airports (airfields), at a distance of up to 15 km from CPA;

5) communication lines, power transmission, as well as other objects of radio wave, visible and other types of radiation, which interfere with the normal operation of aircraft radio equipment, light signaling equipment, cause blinding of pilots, at a distance of up to 15 km from CPA;

6) flare devices for emergency combustion of discharged gases (when determining the height of flare devices, the maximum possible flame emission height is taken into account);

7) explosive facilities;

8) livestock and livestock farms, abattoirs (slaughter sites), as well as for the implementation of any other agricultural activities within a radius of 13 km from the CPA. The construction of fur and livestock farms, abattoirs (slaughter sites), as well as any other agricultural activities within a radius of 13 km from the CPA are possible only if such activities do not create conditions for mass accumulation of birds and threats to flight safety and upon obtaining permission in accordance with these Rules.

8. A permit for the operation and construction, installation, placement, expansion, reconstruction or technical re-equipment of the facilities specified in paragraphs 3 and 7 of these Rules shall be issued:

1) by an authorized organization in the field of civil aviation for airfields used by civil aviation, as well as joint use and/or basing airfields belonging to civil aviation, and outside the aerodrome territory;

2) the authorized body in the field of state aviation for airfields used by state aviation, as well as joint use and/or basing airfields belonging to state aviation in the manner established by Chapter 2 of these Rules.

9. It is forbidden to place at a distance of closer than 13 km from CPA places of waste release leading to mass accumulation of birds and threat to flight safety.

10. According to SSOA 1 and SSOA 2, new or enlarged existing facilities cannot extend beyond the surface of the limitation of obstacles intended to protect aircraft in flight.

The aerodrome operator shall send to the local executive bodies data on the obstacle restriction surfaces established on the aerodrome territory in order to establish the boundaries of zones with special conditions for land use on the aerodrome territory by the local executive bodies in accordance with the requirements of the Land Code of the Republic of Kazakhstan.

When individuals and legal entities apply to local executive bodies to obtain a land plot, change its intended purpose, as well as for the purpose of construction, placement, expansion, reconstruction or technical re-equipment of facilities, local executive bodies notify individuals and legal entities that permission shall be required for the activities and placement of facilities provided for in paragraph 7 of these Rules.

11. It shall not be allowed to place in the airfield area any signs and devices similar to marking signs and devices accepted for identification of airfields.

Owners of buildings and structures shall place night and day marking signs and devices at these facilities at their own expense in accordance with these Rules, SSOA 1 and SSOA 2.

Chapter 2. Procedure for issuing, revoking and amending permits

12. The permit shall be issued on the basis of the conclusion:

1) commissions 1 and 2 created in accordance with paragraph 4 of these Rules issued within the boundaries of the aerodrome territory;

2) commission 3 created in accordance with paragraph 6 of these Rules, issued outside the boundaries of the aerodrome territory.

The permit specifies the type of activity or object with its characteristics to which the permit shall be issued.

13. In order to obtain permission to carry out the activities specified in paragraph 7 of these Rules, the applicant shall send in writing or electronic form an application in the form of Appendix 2 to these Rules with the attachment of the documents specified in paragraphs 12 and 15 of these Rules, according to the competence, to an authorized organization in the field of civil aviation or an authorized body in the field of state aviation.

Legal entities shall submit an application for permission on the form of the organization signed by the first manager with a seal.

Individuals shall submit a permit application with the actual address of residence.

The application shall be registered on the day of its receipt. If the application is received on a non-working day, then it shall be registered on the next working day following it.

The application for the permit shall be considered by the authorized organization in the field of civil aviation or the authorized body of state aviation within 25 (twenty-five) working days from the date of its receipt.

The application shall be considered by specialists of the relevant profile of the authorized organization or authorized body in the field of state aviation, on the basis of the assessment of which a decision shall be made by the head of the authorized organization or authorized body in the field of state aviation.

When conducting an air navigation survey in cases where the object protrudes above the conditional surface intended to ensure the safety of aircraft in flight, or is outside such installed surfaces and has an impact on flight safety, the period of consideration of the application for permission shall be increased by 10 (ten) working days.

In case of non-compliance of the application and (or) submission by the applicant of an incomplete package of documents specified in paragraphs 12 and 15 of these Rules, an official of an authorized organization or an authorized body in the field of state aviation notifies the applicant of requirements that the application or documents do not comply with and sets a period for compliance with the requirements, while the period of consideration of the application shall be extended by 5 (five) working days.

When the applicant submits false documents and (or) expired documents, an authorized organization in the field of civil aviation or an authorized body in the field of state aviation within 2 (two) working days from the date of registration of the applicant's documents shall give a reasoned refusal to further consideration of the application.

14. A permit shall be sent to the applicant by an authorized organization in the field of civil aviation or an authorized body in the field of state aviation and permits shall be recorded in a special log or a reasoned refusal shall be sent.

The permit shall be inalienable and cannot be transferred to third parties.

15. The following documents shall be attached to the application for activities that may be a threat to the safety of aircraft flights:

1) for construction, installation, placement, expansion, reconstruction or technical re-equipment of facilities, installation of power lines and other structures in accordance with subparagraphs 1), 2), 3), 4), 5) of paragraph 7 of these Rules:

list of facilities, data on their length and purpose;

data on the location of the facility in the horizontal plane in the WGS-84 coordinate system;

data on the location of the facility in the vertical plane: the natural height of the facility and the height of the relief at its location relative to the average sea level or exceeding the highest point of the facility above the average sea level in the WGS-84 system;

data about the facility's location and height data source.

accuracy of data in horizontal and vertical reference frames;

maps with the development site of facilities tied to the city or settlement, indicating the distance from the facility to CPA (for facilities in the aerodrome territory);

information on voltage of power transmission lines;

data on the height of communication lines, power transmission (including corner, crossing water bodies, rivers, railways and highways);

plan of the power transmission lines route taking into account the terrain, oriented at the points of light, and indicating the scale and absolute elevations of the ground surface in the WGS-84 system;

plan of the length of facilities and obstacles, taking into account the terrain, oriented on the points of light, and indicating the scale and absolute elevations of the ground surface in the WGS-84 system.

The data and assessments specified in this subparagraph in accordance with paragraph 5 of these Rules for technically and (or) technologically complex facilities shall be prepared by design organizations having a license of the first category in accordance with Article 32 of the Law of the Republic of Kazakhstan "On architectural, town planning and construction activities in the Republic of Kazakhstan";

2) for the performance of works, as a result of which radio wave, visible, acoustic and other types of radiation shall be produced in the airspace:

data on the initial and finishing points of the section and the name of the entire route (indicating the region, area through which the route passes);

data on the purpose of radio-emitting devices, operating frequencies, radiation bandwidth, modulation type, power, radiation directivity and beam width, suspension height of antenna devices;

3) for the placement of facility leading to a mass accumulation of birds or deterioration of flight visibility, data on the location of the facility, the distance to the CPA shall be presented, the type of activity and the provided conditions that reduce the attractiveness of the activity for birds and other animals shall be described;

4) data on the procedure and conditions for carrying out other activities not directly related to the movement of material facilities in the airspace, but affecting the safety of flights of aircraft, their equipment and people on them.

16. Upon completion of construction, placement, expansion, reconstruction or technical re-equipment of facilities listed in subparagraphs 1) - 5) paragraph 7 of these Rules, developer (applicant, owner of the facility) within ten (10) working days shall submit to the operator of the airfield and the state supplier coordinates and absolute heights of facilities in the WGS-84 format, the quality of which complies with the requirements of the Rules for providing air navigation information in civil aviation approved by the authorized body in the field of civil aviation.

17. In case of change or deviation of the technical parameters of the construction facilities or the conditions of activity affecting the safety of the flights for which the permit is issued,

the applicant repasses through the procedure of issuing the permit in accordance with the requirements of these Rules.

If no adjustments are made to the technical parameters of construction facilities or operating conditions affecting flight safety, the previously issued permit shall be revoked by an authorized organization in the field of civil aviation or an authorized body in the field of state aviation.

Feedback shall be sent to the applicant in writing or electronically.

18. The airfield operator, when identifying activities and facilities on the aerodrome territory that pose a threat to flight safety, shall be placed or carried out in violation of these Rules, or for which no conclusions have been issued or negative conclusions have been issued in accordance with these Rules, the airfield operator shall not exceed 10 (ten) notify the local executive body of the need to take measures, up to the suspension of activities, elimination of conditions that contribute to the mass accumulation of birds, demolition, movement or reduction of the heights of facilities in case of threats to flight safety.

The operator of the airfield, depending on the affiliation, shall notify the authorized organization in the field of civil aviation or the authorized body in the field of state aviation about the revealed violations of these Rules for conducting the procedures for issuing or revoking the permit established by these Rules.

19. When converting an applicant - a legal entity, changing its name or location, the applicant or its successor within 7 (seven) working days after re-registration submit an application for amendments to the permit with the attachment of documents confirming the specified information.

When changing the surname, name, patronymic or place of activity of the applicant - an individual, the applicant within 7 (seven) working days after re-registration submits an application for amendments to the permit with the attachment of documents confirming the specified information.

When changing the owner (legal or individual) of the facility, the application for introducing appropriate amendments to the permit is submitted by the applicant again within 30 (thirty) working days.

20. Introducing the amendments to the permit in accordance with paragraph 19 of these Rules shall be made by an authorized organization in the field of civil aviation or an authorized body in the field of state aviation within 5 (five) working days from the date of receipt of the application for re-registration.

21. If the owner or user of the facility does not comply with the characteristics, technical parameters and conditions under which the permit has issued, the authorized organization in the field of civil aviation or the authorized body in the field of state aviation temporarily suspend the permit, the owner and user of the facility shall take measures to bring the object or activity in line with the issued permit within no more than 30 (thirty) working days.

If measures are not taken to bring the facility or activity in line with the issued permit within the established period, the authorized organization in the field of civil aviation or the authorized body in the field of state aviation revoke the permit, the owner and user of the facility take measures to eliminate the facility within a period of no more than 7 (seven) working days, termination of its operation or activities for which the permit has issued, immediately after the permit has revoked.

Chapter 3. Procedure for hearing and appeal

22. If the grounds for refusal to issue a positive permit are identified, the authorized organization in the field of civil aviation shall notify the applicant of the preliminary decision on refusal to issue a positive permit, as well as the time, date and place (method) of hearing in order to be able to express a position to the applicant by a preliminary decision.

A notice of hearing shall be sent at least three (3) working days before the end of the application period in accordance with Article 73 of the Code for Administrative Procedure of the Republic of Kazakhstan. The hearing shall be held no later than two (2) working days from the date of notification.

Based on the results of the hearing, the authorized organization in the field of civil aviation shall decide to issue or refuse to issue a positive permit.

23. A complaint against the decision, actions (inaction) of employees of an authorized organization in the field of civil aviation or an authorized body in the field of state aviation may be submitted to the head of an authorized organization in the field of civil aviation or an authorized body in the field of state aviation.

Annex 1
to Rules for permission
for the implementation
of activities, which may
pose a threat of flight
safety aircraft

Form

Conclusion

on the impact of the facility/activity on aircraft flight safety

№ _____ dated " _____ " _____ 20

Prepared by a permanent commission created by order
dated _____ № _____, consisting of:

According to the application dated _____ № _____
dated _____

—
(indicate for legal entities the name, legal address, for individuals - last name, first name, patronymic (if any))

Attached to the application (list of documents):

1. _____

Description of the facility/activity of the _____

_____ (facility/activity name, purpose, height and other characteristics)

located in the _____,

(indicate the region, district, city, settlement)

(specify coordinates, distance from the nearest point of the artificial runway and CPA)

The commission reviewed the documents provided and established:

1. The facility (activity) shall be located in the aerodromic/non-aerodromic territory

2. (to be specified)

2. The facility has the following location in the horizontal plane (specify) and vertical plane

(specify) in the WGS-84 coordinate system.

3. A facility rated as an obstacle shall penetrate

_____ (indicate penetrating surfaces and penetration value) (indicate penetrating surfaces and penetration)

4. The facility shall cause/shall not cause an increase in the absolute/relative height of the obstacle

span when performing the instrument approach procedure or the visual maneuvering procedure.

5. The facility shall have/shall not have any other operational impact on flight schemes (flight procedures).

6. Day marking and lights _____

(required / not required)

7. Assessment of the impact of placement of facilities leading to mass accumulation of birds or deterioration of flight visibility (due to smoke screen), explosive facilities

(describe activities)

8. Other.

Commission conclusion: _____.

The conclusion shall indicate:
impact or non-impact on flight safety;
on the possibility of carrying out activities or placement (amendment) of the facility:
allowed (if necessary, specify the conditions under which it is allowed) or not allowed;
on the need to obtain permission from an authorized organization in the field of civil
aviation;
notification of the operator of the airfield and the state supplier;
to provide information on actual coordinates of the facility in the WGS-84 system with
indication
of actual height after completion of the facility or start of activity.

Chairman of the permanent commission _____

(last name, first name, patronymic (if any), signature)

Signatures of members of the commission: _____

(last name, first name, patronymic (if any), signature)

Annex 2
to Rules for permission
for the implementation
of activities, which
may pose a threat
of flight safety aircraft

Form

Application for the issuance of a permit for the location of the facility or the implementation of activities that may pose a threat to the safety of aircraft flights

1. Name of the legal entity/surname, first name, patronymic (if any) of the applicant:

2. Please hereby issue a permit for (specify the facility or type of activity):

3. Purpose of the construction of the facility (reconstruction), description of activity, location (place)

with indication of the area, district, reference to the settlement, distance from CPA airfield

:

4. List of documents attached to the application in accordance with paragraph 15 of these Rules.

5. Surname, first name, patronymic (if any) of the applicant _____

(for legal entity, indicate the position, last name, first name, patronymic (if any), signature

Signature/Date _____