

## On approval of the Rules for the implementation of extended obligations of producers (importers)

### *Unofficial translation*

Resolution of the Government of the Republic of Kazakhstan dated October 25, 2021 No. 763

### Unofficial translation

In accordance with paragraph 7 of Article 386 of the Ecological Code of the Republic of Kazakhstan dated January 2, 2021, the Government of the Republic of Kazakhstan **HEREBY RESOLVES:**

1. To approve the attached Rules for the implementation of extended obligations of producers (importers).

2. To recognize as invalid:

1) Resolution of the Government of the Republic of Kazakhstan dated January 27, 2016 № 28 "On Approval of the Rules for the Implementation of Extended Obligations of Producers (Importers)";

2) Resolution of the Government of the Republic of Kazakhstan dated June 20, 2020 № 377 "On Amendments to the Resolution of the Government of the Republic of Kazakhstan dated January 27, 2016 № 28 "On Approval of the Rules for the Implementation of Extended Obligations of Producers (Importers)".

3. This Resolution shall come into effect ten calendar days after the day of its first official publication.

*Prime Minister  
of the Republic of Kazakhstan*

*A. Mamin*

Approved  
by Resolution of the Government  
of the Republic of Kazakhstan  
dated October 25, 2021 № 763

## Rules for the implementation of extended obligations of producers (importers) Chapter 1. General Provisions

1. These Rules for the implementation of extended obligations of producers (importers) (hereinafter referred to as the Rules) have been developed in accordance with paragraph 7 of Article 386 of the Ecological Code of the Republic of Kazakhstan dated January 2, 2021 (hereinafter referred to as the Code), shall provide for requirements for the fulfilment of extended obligations of producers (importers) and determine the order of their implementation.

2. The following basic concepts shall be used in these Rules:

1) importers - individuals and legal entities importing products into the territory of the Republic of Kazakhstan;

2) disposal charge - a payment to the operator made by the manufacturer (importer) for organizing the collection, transportation, preparation for reuse, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products, which are subject to extended obligations of manufacturers (importers), and its (their) packaging;

3) certificate of making a disposal charge - a document where the information is presented in electronic digital form and certified using an electronic digital signature confirming the payment of a disposal charge to fulfil extended obligations by manufacturers (importers);

4) packaging - a product that is used for placement, protection, transportation, loading and unloading, delivery and storage of raw materials and finished products;

5) extended obligations of producers (importers) - obligations of individuals and legal entities engaged in production in 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, to ensure collection, transportation, preparation for reuse, sorting, handling, processing, 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 it (their) packaging;

6) products (goods) (hereinafter referred to as the Products) - products included in the list;

7) manufacturers - individuals and legal entities engaged in the production on the territory of the Republic of Kazakhstan;

8) operator of extended obligations of producers (importers) (hereinafter referred to as the Operator) - a legal entity determined by the decision of the Government of the Republic of Kazakhstan that shall organize the collection, transportation, preparation for reuse, sorting, handling, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products subject to extended obligations of manufacturers (importers), and its (their) packaging;

9) agreement on the organization of the collection, transportation, preparation for reuse, processing, neutralization and (or) disposal of waste (hereinafter referred to as the Agreement) - an agreement concluded between the operator and the manufacturer (importer) based on a standard agreement on the organization of the collection, transportation, preparation to reuse, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products subject to extended obligations of manufacturers (importers), and its (their) packaging;

10) list - a list of products (goods), which are subject to extended obligations of manufacturers (importers), approved by the authorized body in the field of environmental protection;

11) raw materials and materials - any mineral, component, part or other product used to obtain finished products through a technological process.

Other concepts and definitions used in these Rules shall be applied in accordance with the legislation of the Republic of Kazakhstan.

3. Requirements for extended obligations of producers (importers) shall not apply to manufacturers (importers) specified in paragraph 6 of Article 386 of the Code.

4. Extended producer (importer) obligations shall arise:

for producers - from the moment of registration of receipt (acceptance) of finished goods under the laws of the Republic of Kazakhstan on accounting and financial reporting, accounting policy of the enterprise;

at importers - from the moment of transportation of products across the State border of the Republic of Kazakhstan in accordance with the supporting documents specified in paragraphs 15, 16, 17 and 28 of these Rules.

**Footnote. Paragraph 4 - as reworded by Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall come into force ten calendar days after the date of its first official publication); as amended by the resolution of the Government of the Republic of Kazakhstan dated 02.11.2023 № 966 (shall be enforced upon expiry of ten calendar days after its first official publication).**

5. Manufacturers (importers) shall ensure the collection, transportation, preparation for reuse, sorting, handling, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products that are subject to extended obligations of manufacturers, importers, and it (their) packaging, in one of the following ways:

1) use of its own system for the collection, transportation, preparation for reuse, sorting, handling, processing, neutralization and (or) disposal of waste (hereinafter referred to as the Own system), the requirements for which are determined by the authorized body in the field of environmental protection.

The requirement to apply its own collection system shall not apply to manufacturers and importers of motor vehicles, self-propelled agricultural machinery in accordance with paragraph 3 of Article 386 of the Code.

2) conclusion of an agreement with the operator, filing an application in accordance with these Rules and depositing money into the bank account of the operator in the form of a disposal charge.

**Footnote. Paragraph 5 as amended by the resolution of the Government of the Republic of Kazakhstan dated 02.11.2023 № 966 (shall be enforced upon expiry of ten calendar days after its first official publication).**

6. Disposal charge shall be made by manufacturers (importers) who have agreed with the operator.

7. The rate of the recycling fee shall be calculated based on the methodology for calculating the recycling fee approved by the competent authority for environmental

protection (hereinafter referred to as the methodology) at the rates and coefficients applicable at the time of application hereunder. The recycling fee shall be paid in the national currency of the Republic of Kazakhstan by producers and importers to the bank account of the operator . Information on the bank account shall be posted on the operator's website.

**Footnote. Paragraph 7 - as reworded by Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall come into force ten calendar days after the date of its first official publication).**

8. The disposal charge shall not be paid in respect of products manufactured in the territory of the Republic of Kazakhstan and imported into the territory of the Republic of Kazakhstan, including those placed under the customs procedure for release for domestic consumption before January 27, 2016.

9. Extended obligations of manufacturers (importers) shall apply to products with their names indicated in the list.

10. Extended obligations of producers (importers) shall be considered fulfilled:

1) for manufacturers (importers) who have entered into an agreement with the operator - from the moment the disposal charge is made in full;

2) for manufacturers (importers) using their own system - from the date of confirmation by the authorized body in the field of environmental protection of the presence of their own system and the collection, transportation, preparation for reuse, sorting, handling, processing, neutralization and (or) disposal of waste formed after the loss of consumer properties of products, in the manner approved by the authorized body in the field of environmental protection.

## **Chapter 2. The procedure for fulfilling obligations to organize the collection, transportation, preparation for reuse, sorting, handling, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products**

11. To organize the collection, transportation, preparation for reuse, sorting, handling, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products, and its (their) packaging, an agreement shall be concluded between the operator and manufacturers (importers) based on a standard contract.

12. The form of a standard agreement on the organization of the collection, transportation, preparation for reuse, sorting, handling, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products, and its (their) packaging, shall be developed and approved by the operator.

The contract shall be considered concluded if it is signed by the operator by posting on its Internet resource by the manufacturer (importer) - from the moment of import or manufacture of products.

13. The contract shall be concluded with the possibility of its extension. The contract shall specify the rights and obligations of the manufacturer (importer) and operator in accordance with the Code.

14. After the conclusion of the contract, the implementation of extended obligations by manufacturers (importers) importing products into the territory of the Republic of Kazakhstan shall include the following mandatory steps:

1) application for making a disposal charge and obtaining a certificate for making a disposal charge (hereinafter referred to as the Application) shall be submitted through the operator's Internet resource or on paper.

The manufacturer (importer) shall guarantee the authenticity of the documents attached to the application in accordance with these Rules, and the accuracy of the information indicated in them.

For products specified in the list for which no rates and/or coefficients for calculating the amount of the recycling fee have been set or a coefficient has been determined to be 0, no application shall be made, unless:

vehicles with an electric motor;

**Note!**

**The fifth indent of sub-paragraph 1) shall be valid until 01.01.2025 as per Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall be put into effect ten calendar days after the date of its first official publication).**

tractors used for international transport, imported by transport companies.

2) the operator shall consider the application with the attached documents and, based on the data provided by the applicant, calculate the amount of the disposal charge in accordance with the methodology and issues an invoice in electronic form and (or) on paper for making the disposal charge within three working days from the date of filing the application manufacturer (importer).

In case of submission of an incomplete package of documents to the application by manufacturers (importers), this application is subject to rejection.

3) disposal charge shall be made by manufacturers (importers) within the time limits established in these Rules;

4) within three working days from the date of making the disposal charge, the operator shall submit a certificate of the disposal charge to the current account.

A certificate of disposal charge may be issued by the operator based on a court decision, a notary's executive note on the collection of fees in favour of the operator or notification of the operator about the need to make a disposal charge after the manufacturer (importer) has paid money to the bank account of the operator in the form of a disposal charge in the amount specified in a court decision, notary's executive endorsement or an operator's notice.

The disposal charge in accordance with part two of this paragraph may be made by a third party.

Footnote. Paragraph 14 as amended by Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall be brought into force ten calendar days after the date of its first official publication).

15. To the application, importers of products, except for importers of vehicles and self-propelled agricultural machinery, raw materials and materials used in the production of vehicles and self-propelled agricultural machinery, products made of plastic, paper and cardboard, polymer, glass, paper, cardboard and (or) metal packaging, packaging of combined materials, imported products in polymer, glass, paper, cardboard and (or) metal packaging, packaging of combined materials, attach the following copies of documents:

- 1) packing lists or product passports (if any);
- 2) waybills, including international waybills confirming international transportation, documents provided for by the technical regulations of the Eurasian Economic Union, as well as confirming the movement of goods to the territory of the Republic of Kazakhstan;
- 3) bill or invoice (if any).

16. For products imported into the territory of the Republic of Kazakhstan from the territory of the member states of the Eurasian Economic Union, except for motor vehicles and self-propelled agricultural machinery, raw materials and materials used in the manufacture of vehicles and self-propelled agricultural machinery, products made of plastic, paper and cardboard, polymer, glass, paper, cardboard and (or) metal packaging, packaging of combined materials, imported products in polymer, glass, paper, cardboard and (or) metal packaging, packaging of combined materials, in addition to the documents specified in paragraph 15 of these Rules, an additional document required for calculating the disposal charge and confirming the import shall be a state control pass issued by the territorial divisions of the Border Service of the National Security Committee of the Republic of Kazakhstan (if any) ( hereinafter referred to as the State control pass).

The information in the application specified by importers in accordance with part one of this paragraph must correspond to the information reflected in their tax reporting.

17. For products imported into the territory of the Republic of Kazakhstan from the territory of states that are not members of the Eurasian Economic Union, except for vehicles and self-propelled agricultural machinery, raw materials and materials used in the production of vehicles and self-propelled agricultural machinery, plastic products, paper and cardboard, polymer, glass, paper, cardboard and (or) metal packaging, packaging of combined materials, imported products in polymer, glass, paper, cardboard and (or) metal packaging, packaging of combined materials, in addition to the documents specified in paragraph 15 of these Rules, an additional document required for calculating the disposal charge and confirming importation shall be a customs declaration, in accordance with which the products were placed under the customs procedure for release for domestic consumption, drawn up in accordance with customs legislation of the member states of the Eurasian Economic Union and national legislation in the field of customs.

The information in the application specified by importers in accordance with part one of this paragraph must correspond to the information provided in the registered customs declaration, in accordance with which the products were placed under the customs procedure for release for domestic consumption.

18. Manufacturers of products, except for manufacturers of vehicles and self-propelled agricultural machinery, shall attach to the application an invoice for the release of stocks to the party in the form approved in accordance with the legislation of the Republic of Kazakhstan on accounting and financial reporting, an electronic invoice issued in accordance with the tax legislation of the Republic of Kazakhstan, as well as a product passport (if any).

19. Excluded by the resolution of the Government of the Republic of Kazakhstan dated 02.11.2023 № 966 (shall be enforced upon expiry of ten calendar days after its first official publication).

20. The disposal charge shall be paid by manufacturers (importers), except for manufacturers (importers) of motor vehicles and self-propelled agricultural machinery, based on a concluded agreement no later than the last business day of the second month following the reporting one.

The reporting month for product manufacturers shall be the month when the products were sold, and for product importers - the month when the products were imported into the territory of the Republic of Kazakhstan.

21. Control over the correctness of the calculation, completeness and timeliness of the transfer by manufacturers, and importers of the disposal charge shall be carried out by the operator.

To implement the functions specified in paragraph one of this paragraph, the operator shall use the information from official sources of state bodies or organizations performing regulatory functions, in the manner prescribed by the legislation of the Republic of Kazakhstan.

22. The formation of an application by manufacturers (importers) that have entered into agreement with the operator, except for manufacturers (importers) of vehicles and self-propelled agricultural machinery, importers of raw materials and materials used in the production of vehicles and self-propelled agricultural machinery, shall be carried out within the following terms:

1) by small businesses - monthly, no later than the 20th day of the month following the reporting one;

2) medium-sized businesses - monthly, no later than the 25th day of the month following the reporting one;

3) large business entities and other manufacturers (importers) - monthly, no later than the last day of the month following the reporting one.

### **Chapter 3. Features of the fulfilment of extended obligations by manufacturers (importers) of motor vehicles and self-propelled agricultural machinery**

23. The disposal charge shall be made in respect of vehicles by manufacturers (importers) before the initial registration of the vehicle in accordance with the legislation on road traffic of the Republic of Kazakhstan. The disposal charge shall be made in respect of self-propelled agricultural machinery by manufacturers (importers) before their primary state registration, but no later than 30 calendar days from the date of production or import in accordance with the legislation of the Republic of Kazakhstan on state regulation of the development of the agro-industrial complex and rural areas of the Republic of Kazakhstan.

In the case of the sale of vehicles by manufacturers (importers) before their initial registration, the disposal charge shall be paid before the sale of such vehicles.

In the case of the sale of self-propelled agricultural machinery by manufacturers (importers) before their initial registration in accordance with this paragraph, the disposal charge shall be made before the sale of such self-propelled agricultural machinery, but no later than 30 calendar days from the date of its production or import.

24. A document confirming the fulfilment of extended obligations by manufacturers (importers) shall be a certificate of making a disposal charge, issued by the operator to manufacturers (importers) of vehicles with an identification number or self-propelled agricultural machinery with identification or serial number after the disposal charge has been made to the current account.

25. Primary (state) registration of vehicles shall be carried out by the authorized body for ensuring road safety. Primary registration of self-propelled agricultural machinery shall be carried out by the local executive body of the region, city of republican significance, the capital, and district (city of regional significance).

In accordance with paragraph 24 of these Rules, the primary registration of motor vehicles or self-propelled agricultural machinery shall be carried out only if there is a certificate on the disposal charge.

If the documents submitted for the initial registration of motor vehicles or self-propelled agricultural machinery contain information about the brand, model, category, VIN code and (or) identification serial number, as well as technical characteristics (engine size, technically permissible maximum weight) of the data vehicles, self-propelled agricultural machinery differ from the information specified in the certificate of disposal charge, the registration authorities refuse to register such vehicles or self-propelled agricultural machinery until the manufacturers (importers) fully fulfil the extended obligations.

26. From the date of payment of the disposal charge, the extended obligations of manufacturers (importers) of vehicles and self-propelled agricultural machinery shall be

considered fulfilled, and obligations to ensure the collection, transportation, processing, neutralization, use and (or) disposal of waste generated after the loss of consumer properties of vehicles, go to the operator.

27. Documents confirming the date of production or importation of motor vehicles and self-propelled agricultural machinery specified in paragraph 8 of these Rules for state registration without making a disposal charge shall be:

1) for those produced in the Republic of Kazakhstan - any of the following documents:

customs declaration upon release from a free warehouse;

passport of the vehicle (self-propelled vehicle), confirming the manufacture of products;

2) for those imported into the Republic of Kazakhstan from states that are not members of the Eurasian Economic Union - a customs declaration for goods, in accordance with which vehicles and self-propelled agricultural machinery were placed under the customs procedure for release for domestic consumption;

3) for those imported into the Republic of Kazakhstan from the territory of the member states of the Eurasian Economic Union - a state control pass (or a copy of the state control pass) with one of the following documents attached:

acceptance certificate confirming the transfer from the exporter of the state - a member of the Eurasian Economic Union to the importer in the Republic of Kazakhstan, with the identification number of the transferred vehicles or the identification or serial number of self-propelled agricultural machinery;

waybill with identification number of imported vehicles or the identification or serial number of self-propelled agricultural machinery;

international CMR waybill confirming international transportation, with identification number of imported vehicles or the identification or the serial number of self-propelled agricultural machinery.

28. Manufacturers (importers) of motor vehicles and self-propelled agricultural machinery shall attach copies of the following documents to the application for subsequent payment of the disposal charge:

1) for those produced in the Republic of Kazakhstan:

passport of the vehicle (self-propelled machine) confirming the manufacture of products (if any), and an invoice for the release of stocks to the party in the form approved in accordance with the legislation of the Republic of Kazakhstan on accounting and financial reporting;

2) for those imported into the Republic of Kazakhstan from states that are not members of the Eurasian Economic Union:

customs declaration, in accordance with which the products were placed under the customs procedure for release for domestic consumption;

a state control pass (or a copy of a state control pass) to confirm the date of crossing the State Border of the Republic of Kazakhstan;

vehicle design safety certificate or vehicle type approval for motor vehicles and a certificate of conformity for self-propelled agricultural machinery.

If it is impossible to determine the data necessary for calculating the disposal charge, the operator shall request:

waybill (with identification number of imported vehicles or the identification or serial number of self-propelled agricultural machinery) or the international CMR waybill confirming the international transportation (with identification number of imported vehicles or the identification or serial number of self-propelled agricultural machinery);

bill or invoice (if any);

3) for those imported into the Republic of Kazakhstan from the territory of the member states of the Eurasian Economic Union - a state control pass (or a copy of a state control pass) to confirm the date of crossing the State Border of the Republic of Kazakhstan. In the absence of a state control pass, the date of crossing shall be considered the date of applying.

Also, for those imported into the Republic of Kazakhstan from the territory of the member states of the Eurasian Economic Union, the following documents shall be attached:

passport of a vehicle (self-propelled vehicle) or certificate of registration of a vehicle of a member state of the Eurasian Economic Union;

vehicle design safety certificate or vehicle type approval for motor vehicles and certificate of conformity for self-propelled agricultural machinery;

acceptance certificate confirming the transfer from the exporter of the member state of the Eurasian Economic Union to the importer in the Republic of Kazakhstan, with the identification number of the transferred vehicles or the identification or serial number of self-propelled agricultural machinery (if any);

waybill (with the identification number of imported vehicles or the identification or the serial number of self-propelled agricultural machinery) or the international CMR waybill confirming the international transportation (with the identification number of imported vehicles or the identification or the serial number of self-propelled agricultural machinery) (if any).

**Note!**

**Paragraph 28-1 shall remain in force until 01.01.2025 as per Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall be promulgated ten calendar days after the date of its first official publication).**

28-1. Importers of tractor units used for international transport shall, besides the documents specified in paragraph 28 hereof, submit an application for compulsory use of the imported tractor units for international transport with subsequent receipt of the required supporting documents under the laws of the Republic of Kazakhstan on road transport within 3 months, from the date of receipt of the recycling fee certificate.

Footnote. The Rules have been supplemented by paragraph 28-1 as per Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall be enacted ten calendar days after the date of its first official publication).

29. Disposal charge for products placed under the customs procedure of a free customs zone or a free warehouse and used as raw materials and supplies for the production of vehicles and self-propelled agricultural machinery by residents (participants, subjects) of a free economic zone (hereinafter referred to as FEZ) on the territory of the FEZ in accordance with the agreement (contract) on the implementation (conduct) of activities in the territory of the FEZ or by the owners of a free warehouse included in the register of owners of free warehouses in accordance with the customs legislation of the Republic of Kazakhstan, shall be paid by the manufacturer of vehicles and self-propelled agricultural machinery in the form of a recycling fee for the end product.

**Chapter 4. Features of the fulfilment of extended obligations by manufacturers (importers) of products made of plastic, paper and cardboard, polymer, glass, paper, cardboard and (or) metal packaging, packaging from combined materials, imported products in polymer, glass, paper, cardboard and (or) metal packaging, packaging of combined materials**

30. Importers of products made of plastic, paper and cardboard, polymer, glass, paper, cardboard and (or) metal packaging, packaging of combined materials, imported products in polymer, glass, paper, cardboard and (or) metal packaging, packaging of combined materials imported into the territory of the Republic of Kazakhstan from the territory of states that are not members of the Eurasian Economic Union, a customs declaration shall be attached to the application, in accordance with which the products were placed under the customs procedure for release for domestic consumption.

The information in the application specified by the importers in accordance with part one of this paragraph must correspond to the information provided in the registered customs declaration.

31. Importers of products made of plastic, paper and cardboard, polymer, glass, paper, cardboard and (or) metal packaging, packaging of combined materials, imported products in polymer, glass, paper, cardboard and (or) metal packaging, packaging of combined materials imported into the territory of the Republic of Kazakhstan from the territory of the member states of the Eurasian Economic Union, shall attach to the application the following:

- 1) packing lists or product passports (if any);
- 2) bills of lading, including international bills of lading, confirming international transportation.

The information in the application specified by importers in accordance with part one of this paragraph must correspond to the information reflected in their tax reporting.

32. The amount of the recycling payment for products made of plastic, paper and cardboard, polymer, glass, paper, cardboard and (or) metal packaging, and packaging of combined materials shall be calculated based on the methodology.

When importing products in polymer, glass, paper, cardboard and (or) metal packages, packaging made of combined materials, the importer independently chooses the basis for calculating the disposal charge in the form of determining the mass of the package (kilograms) in which this product is packed.

Determination of the mass of the package in which this product is packed when importing products in polymer, glass, paper, cardboard and (or) metal packaging, packaging made of combined materials, shall be carried out by the importer using one of the methods specified in subparagraphs 1) - 4) of this item.

Depending on the chosen base for calculating the amount of the disposal charge in accordance with this paragraph, in addition to the documents specified in paragraphs 30 and 31 of these Rules, one of the following supporting documents shall be attached to the application:

1) packing list - in case of determining the weight of the package based on the calculation of the mathematical difference between the gross weight and the net weight of imported products in the package;

2) an agreement (contract), shipping documents for the supply (import, purchase), and other official documents from manufacturers of imported products in a package - in the case of determining the mass of the package based on information about the number and types of packages indicated by the manufacturers of imported products in the package;

3) information on the application of the reference book of average indicators of the mass of product units and (or) product packaging provided for in the list (hereinafter referred to as the Reference book), in the approved form in accordance with the methodology - in the case of determining the mass of the package based on the calculation in accordance with the reference book in accordance with the methodology;

4) based on the conclusion of a specialized (accredited) organization on the weight of the package of imported products in the package.

The specialized (accredited) organizations specified in part one of this subparagraph are determined in accordance with the unified register of conformity assessment bodies of the Eurasian Economic Union.

33. In the case of import of products in packaging packed in several types of packaging (from one or different materials) at the same time, extended obligations of manufacturers (importers) shall apply to each type of packaging.

34. In case of import of products packed in paper, cardboard, polymer, glass, metal packages and (or) packaging from combined materials included in the list, extended obligations of manufacturers (importers) shall apply to products according to the list and its packaging provided in the list.

35. In the case of the use of polymer, glass, paper, cardboard, metal packaging, or packaging from combined materials by the manufacturer for the manufacture of products in the packaging included in the list, the manufacturers (importers) of this packaging shall fulfil the extended obligations of manufacturers (importers).

## **Chapter 5. Conditions for exemption from extended obligations of producers (importers)**

36. Producers (importers) shall be exempt from extended obligations in cases provided for in paragraph 6 of Article 386 of the Code.

Herewith, the persons specified in subparagraphs 2), 3) of paragraph 6 of Article 386 of the Code, except for manufacturers (importers) of motor vehicles and self-propelled agricultural machinery, no later than the 10th day of the month following the reporting quarter in which the sale of products outside the Republic of Kazakhstan, must submit the following documents to the operator:

an export contract for the supply of products or an agreement for the sale of products outside the Republic of Kazakhstan;

shipping documents confirming the sale of products outside the Republic of Kazakhstan.

37. In cases where there is a recycling payment made by the manufacturer (importer) and subsequent independent export by the manufacturer (importer) of products outside the territory of the Republic of Kazakhstan in accordance with subparagraphs 2) and 3) of paragraph 6 of Article 386 of the Code, manufacturers (importers) shall retain the right to return and (or) offset against future payments of overpaid amounts in the manner determined by the operator.

Refund and (or) offset against future payments of overpaid amounts to the manufacturer (importer) for the products for which the disposal charge has been made are made on the condition that these products are sold outside the Republic of Kazakhstan directly by the manufacturer (importer).

38. If the export (export) of products outside the Republic of Kazakhstan was not carried out before the expiration of the deadlines established by paragraphs 20, 22 and 23 of these Rules, the disposal charge shall be made within the terms specified by these paragraphs of the Rules.

## **Chapter 6. The order of implementation of operator functions**

39. The operator shall send the money received to its bank account from manufacturers and importers in accordance with the requirements of the Code in the form of a disposal charge, in accordance with the directions provided for in Article 388 of the Code, to develop the waste management infrastructure in the Republic of Kazakhstan and implement the state environmental policy in the field of managing waste in the manner determined by the operator

40. When implementing subparagraph 5) of paragraph 1 of Article 388 of the Code, the operator shall not send money to individuals and legal entities for the collection, transportation, processing, neutralization, use and (or) disposal of waste generated after the loss of consumer properties of the product, and its (their) packages within the volumes declared within the framework of the application of the own collection system.

#### **Chapter 7. The procedure for the interaction of the operator with state bodies**

41. At the request of the operator, within 30 calendar days of the request of the operator, the state revenue authorities of the Republic of Kazakhstan shall forward data on products imported into, manufactured in, and exported from the territory of the Republic of Kazakhstan, which are subject to extended manufacturer (importer) obligations, and their packaging, including through integration of information systems.

**Footnote. Paragraph 41 - as reworded by Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall be put into effect ten calendar days after the date of its first official publication).**

41-1. Upon request of the operator, within 30 calendar days the competent road safety authority shall send data on vehicles that have undergone initial (state) registration, including via integration of information systems.

**Footnote. The Rules have been supplemented by paragraph 41-1 as per Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall come into force ten calendar days after the date of its first official publication).**

41-2. Local executive authorities of regions, cities of republican significance, the capital, district (city of regional significance) shall forward data on self-propelled agricultural machinery that has passed the initial state registration, including via integration of information systems, within 30 calendar days at the request of the operator.

**Footnote. The Rules have been supplemented by paragraph 41-2 as per Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall be enforced ten calendar days after the date of its first official publication).**

**Note!**

**Paragraph 41-3 shall remain in force until 01.01.2025 as per Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall take effect ten calendar days after the date of its first official publication).**

41-3. On a quarterly basis, no later than the 10th of the month following the reporting quarter, the responsible authority for road transport shall provide the operator with data on the authorisation certificates issued for the international road transport of goods and the corresponding authorisation cards for truck tractors, showing the details of recipients and truck tractors, including by integrating information systems.

Footnote. The Rules have been supplemented by paragraph 41-3 under Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall be enacted ten calendar days after the date of its first official publication).

42. The data sent by the public revenue authorities to the operator shall contain the following information for each product:

- 1) name of the producer or importer, business identification number/individual identification number;
- 2) actual and/or registered address, contact details (telephone, e-mail address);
- 3) name, quantity and code of the products;
- 4) date of importation into the territory and exportation out of the Republic of Kazakhstan or manufacture of the product;
- 5) name, quantity and code of the product packaging;
- 6) the net and gross weight per unit and the total net and gross weight per unit, given the number of products;
- 7) data of invoices (number, date and cost of products), based on which the products were purchased outside the Republic of Kazakhstan;
- 8) the country from which the products were imported into the territory of the Republic of Kazakhstan.

Footnote. Paragraph 42 - as reworded by Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall come into force ten calendar days after the date of its first official publication).

42-1. The data provided by the responsible road safety authority to the operator shall contain the following information per each unit of motor vehicle covered by the extended manufacturer's (importer's) obligations):

- 1) name/first name, business identification number/individual identification number of the person who performed the initial registration;
- 2) actual and/or registered address, contact details (telephone, e-mail address);
- 3) VIN code, chassis and body number;
- 4) date of initial registration;
- 5) state registration number plate;
- 6) make, model;
- 7) year of manufacture;
- 8) category of motor vehicle;
- 9) engine displacement;
- 10) technically permissible maximum mass.

Footnote. The Rules have been supplemented by paragraph 42-1 as per Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall be brought into force ten calendar days after the date of its first official publication).

42-2. The data sent by the local executive bodies of regions, cities of republican significance, the capital, the district (city of regional significance) to the operator shall provide the following information by each unit of self-propelled agricultural machinery subject to the extended obligations of manufacturers (importers)):

- 1) name / full name, business identification number / individual identification number of the person who effected the initial registration;
- 2) actual and/or registered address, contact details (telephone, e-mail address, etc.);
- 3) the factory number of the vehicle;
- 4) date of initial registration;
- 5) number plate;
- 6) name and brand of the vehicle;
- 7) month and year of manufacture;
- 8) type of self-propelled agricultural machinery;
- 9) rated engine power;
- 10) number and date of the technical certificate of the self-propelled agricultural machine.

**Footnote. The Rules have been supplemented by paragraph 42-2 as per Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall be enacted ten calendar days after the date of its first official publication).**

**Note by the ILLI!**

**Paragraph 42-3 shall remain in force until 01.01.2025 as per Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall be promulgated ten calendar days after the date of its first official publication).**

42-3. The data provided by the road transport authority to the operator shall include the following details for each unit of the vehicle covered by the extended manufacturer's (importer's) liability, holding an authorisation card for international road transport of goods issued by the road transport authority:

- 1) name / full name, business identification number / individual identification number of the holder of the licence for the international carriage of goods by road;
- 2) actual and/or registered address, contact details (telephone number, e-mail address);
- 3) state registration number plate;
- 4) date of issue of the permit card for international road transport of goods;
- 5) the make of the truck.

**Footnote. The Rules have been supplemented by paragraph 42-3 as per Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall come into force ten calendar days after the date of its first official publication).**

43. Based on the results of the analysis of the data submitted under paragraphs 41, 41-1, 41-2, 41-3 hereof, the operator shall notify the producers and/or importers who have not

fulfilled or have fulfilled incompletely the extended obligations of the producers (importers), of the need to pay the recycling fee, indicating the amount thereof (hereinafter referred to as the notification).

The calculation of the amount of the recycling fee payable to the operator by manufacturers and/or importers who have not fulfilled or have fulfilled incompletely the extended obligations of the manufacturers (importers) shall be calculated at the rates and coefficients in force at the time of the expiry of the periods laid down in paragraphs 20 or 23 hereof.

From the time the notification is sent by the operator to the manufacturer (importer) at the addresses given in the particulars referred to in paragraphs 42, 42-1, 42-2, 42-3 hereof, the notification shall be deemed to have been delivered.

If the data of the state revenue authorities provided under paragraph 42 hereof do not contain details of the packaging weight of the products and/or products required for the calculation of the recycling fee under the methodology, the operator shall use the reference book.

The manufacturer and/or importer shall pay the recycling fee without submitting an application based on notification to the operator.

**Footnote. Paragraph 43 - as reworded by Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall be put into effect ten calendar days after the date of its first official publication).**

44. If the manufacturer or importer has information confirming the amount of the utilization payment different from the amount of the utilization payment specified in the operator's notification, the manufacturer or importer shall submit such information to the operator with the supporting documents specified in paragraphs 15, 16, 17, 28 and 28-1 of these Rules. Upon receipt of information confirming the amount of the utilization payment, the operator shall recalculate the amount of the utilization payment. If the information provided by the manufacturer or importer is confirmed, the operator shall send a repeated notification to the manufacturer (importer) with the corrected amount of the utilization payment.

In case a manufacturer (importer) submits data on exports and/or re-imports of products, the operator shall forward a request for confirmation of such data to the state revenue authorities of the Republic of Kazakhstan, including via integration of information systems.

The state revenue authorities of the Republic of Kazakhstan shall forward data on confirmation and/or refutation of information on export and/or re-import of products supplied by the manufacturer (importer), including via integration of information systems, to the operator within 10 (ten) business days from the receipt of the request.

If exports of products and/or re-imports of products (for which the recycling fee was previously paid) are confirmed, the operator shall not calculate the recycling fee for such products.

Footnote. Paragraph 44 - as reworded by Decree of the Government of the Republic of Kazakhstan № 502 of 18.07.2022 (shall enter into force ten calendar days after the date of its first official publication); as amended by the resolution of the Government of the Republic of Kazakhstan dated 02.11.2023 № 966 (shall be enforced upon expiry of ten calendar days after its first official publication).

45. When deeds containing signs of administrative offences are identified, the proceedings on which are referred in accordance with the legislation of the Republic of Kazakhstan to the competence of the authorized body in the field of environmental protection, the operator shall transfer the materials available on such offences to the authorized body in the field of environmental protection.

46. The operator annually, before May 1 of each year following the reporting one, shall submit a report to the authorized body in the field of environmental protection on the implementation of the extended obligations of manufacturers (importers).

47. The report submitted to the authorized body in the field of environmental protection by the operator shall include:

1) data on products released into circulation for domestic consumption on the territory of the Republic of Kazakhstan, and their packaging;

2) information on the volume of waste to be disposed of (in the context of each component in the composition of the waste) and an indicator of the volume performed;

3) information on the work carried out to organize the collection, transportation, preparation for reuse, sorting, handling, processing, neutralization and (or) disposal of waste generated after the loss of consumer properties of products, and their packaging, including:

information on the amount of product waste, which collection, transportation, preparation for reuse, sorting, handling, processing, neutralization and disposal were organized in the reporting year, as well as the dynamics for periods of activity since the introduction of extended obligations of producers (importers);

information about the enterprises with which the operator interacted in terms of organizing the collection, transportation, preparation for reuse, sorting, handling, processing, neutralization and (or) disposal of product waste, including their location, volumes of collected, processed, neutralized and disposed of waste, types and volumes of products obtained from waste;

4) information on the work done to stimulate the production of environmentally friendly motor vehicles and self-propelled agricultural machinery in the Republic of Kazakhstan;

5) information on the introduction of new technologies for the collection and use of waste as secondary raw materials, the construction of plants (productions) for sorting and (or) the use of municipal solid waste and secondary resources;

6) information on improving the material and technical base of organizations that collect, transport, prepare for reuse, sort, process, process, neutralize and (or) dispose of waste generated after the loss of consumer properties of products;

7) information on the creation and development of a network of electric filling stations.

48. The manufacturer, except for manufacturers of motor vehicles and self-propelled agricultural machinery, no later than March 1 of each year following the reporting one, shall submit to the authorized body in the field of environmental protection information on the number of products put into circulation in the territory of the Republic of Kazakhstan for the previous calendar year, including the packaging of such products.

49. The authorized body in the field of environmental protection shall transmit the information specified in paragraph 48 of these Rules to the operator no later than April 1 of each year following the reporting one.