



On approval of the Methodology of determining marginal (maximum) sizes of agricultural land plots that may be held by a citizen of the Republic of Kazakhstan for maintaining a peasant or farm enterprise, a non-state legal entity of the Republic of Kazakhstan and its affiliated entities for agricultural production

Unofficial translation

Order of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan dated August 22, 2018 № 353. Registered in the Ministry of Justice of the Republic of Kazakhstan on September 12, 2018 № 17365.

Unofficial translation

In accordance with subparagraph 2-7) of paragraph 1 of Article 14 of the Land Code of the Republic of Kazakhstan of June 20, 2003 **I hereby ORDER:**

1. Approve the attached Methodology of determining marginal (maximum) sizes of agricultural land plots that may be held by a citizen of the Republic of Kazakhstan for maintaining a peasant or farm enterprise, a non-state legal entity of the Republic of Kazakhstan and its affiliated entities for agricultural production.

2. The Land Resources Management Committee under the Ministry of Agriculture of the Republic of Kazakhstan, in accordance with the procedure established by the legislation of the Republic of Kazakhstan shall:

1) provide the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days from the date of state registration of this order, direct its copy in the Kazakh and Russian languages to the Republican State Enterprise with the Right of Economic Management “Republican Center of Legal Information” for official publication and inclusion in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) within ten calendar days after the state registration of this order, direct a copy thereof for official publication in print media;

4) place this order on the Internet resource of the Ministry of Agriculture of the Republic of Kazakhstan after its official publication;

5) within ten working days after the state registration of this order, submit to the Department of Legal Service of the Ministry of Agriculture of the Republic of Kazakhstan the data on execution of the actions provided for in subparagraphs 1), 2), 3) and 4) of this paragraph.

3. Control over the execution of this order shall be entrusted to the Supervising Vice-Minister of Agriculture of the Republic of Kazakhstan.

4. This order shall be enforced upon expiry of ten calendar days after the date of its first official publication.

*Deputy Prime Minister of
the Republic of Kazakhstan -*

*Minister of Agriculture of
the Republic of Kazakhstan*

U. Shukeyev

Approved
by order No. 353 of the Deputy
Prime Minister of the Republic of
Kazakhstan - Minister of
Agriculture of the
Republic of Kazakhstan
dated August 22, 2018

Methodology of determining marginal (maximum) sizes of agricultural land plots that may be held by a citizen of the Republic of Kazakhstan for maintaining a peasant or farm enterprise, a non-state legal entity of the Republic of Kazakhstan and its affiliated entities for agricultural production

Chapter 1. General Provisions

1. This Methodology of determining marginal (maximum) sizes of agricultural land plots that may be held by a citizen of the Republic of Kazakhstan for maintaining a peasant or farm enterprise, a non-state legal entity of the Republic of Kazakhstan and its affiliated entities for agricultural production (hereinafter – the Technique) is developed in accordance with subparagraph 2-7) of paragraph 1 of Article 14 of the Land Code of the Republic of Kazakhstan dated June 20, 2003.

2. The methodology was developed in order to form a unified approach to determining the marginal (maximum) sizes of agricultural land plots that can be provided for agricultural production (hereinafter –the marginal (maximum) sizes of land plots) and developing joint proposals of local representative and executive bodies depending on local conditions and features of the use of these lands.

3. In this Methodology the following basic concepts shall be used:

1) zoning factor- a coefficient reflecting the location of land plots in zones according to natural conditions on the territory of the republic;

2) land supply factor - a coefficient reflecting the size of the agricultural land area (arable lands, hayfields, pastures) in the administrative unit of a particular region per one unit of economically active rural population in relation to the same indicator in republic's scale;

3) land plot - a part of the land allocated within closed boundaries, which, in accordance with the procedure established by law, is granted to subjects of land relations;

4) marginal (maximum) size of the land plot - the size of the land plot by types of agricultural land (arable lands, hayfields, pastures) for effective use of land, with regard to the optimal structure of production within one administrative district;

5) watering factor- a coefficient reflecting the presence of water sources in zones of natural conditions in the territory of the administrative district;

6) affiliated entity - an organization that is a subsidiary of a non-state legal entity or recognized as a dependent joint-stock company.

Chapter 2. Determination of the marginal (maximum) size of agricultural land plots

4. The marginal (maximum) size of land plots shall be calculated by multiplying the base marginal area of land plots of each administrative district of the oblast, cities of oblast subordination and cities of republican significance, the capital (hereinafter referred to as the district) by the evaluating factors of land supply, zoning and watering depending on the types of agricultural lands, according to Appendix 1 to this Methodology.

5. The base marginal area of land plots of the district on land types shall be determined from the average area of the rural district of the region by lands designated for agricultural use and separately by types of land stock (arable lands, hayfields, pastures) in the following sizes:

1) for maintenance of peasant or farm enterprises for citizens of the Republic of Kazakhstan - five percent;

2) for agricultural production to non-state legal entities of the Republic of Kazakhstan and their affiliates - twenty-five percent.

To calculate the average area of agricultural land and stock separately by type of land (arable land, hayfields, pastures) of the rural district, the total area of this type of land in the region is divided by the number of rural areas of the district.

6. The evaluation factors applied in the calculation of the marginal (maximum) size of land plots (land supply, zoning by natural-agricultural zones, watering of pastures) are established in Appendix 2 to this Methodology.

7. When calculating the marginal (maximum) sizes of land plots for irrigated agricultural land, in addition to the established sizes, the following evaluation factors shall be applied:

on non-saline soils with the depth of groundwater: fresh - more than 3 meters, mineralized - more than 6 meters - 0.7;

on slightly saline soils with the depth of groundwater: slightly mineralized 3-6 meters - 0.8;

on moderately and highly saline soils with the depth of groundwater: mineralized - less than 3 meters - 0.9.

8. The marginal (maximum) size of land plots by types of agricultural lands (arable lands, hayfields, pastures) within the district shall not exceed fifty percent of the average area of

agricultural land and separately on types of land stock (arable lands, hayfields, pastures) of a rural district of the region.

In the event that marginal (maximum) size of land plots specified in part one of this paragraph is exceeded, then it shall be estimated at a rate of fifty percent of the average area of agricultural lands and separately on types of land stock (arable land, hayfields, pastures) of the rural areas of the district.

A p p e n d i x 1

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Calculation of marginal (maximum) sizes of land plots

On arable land:	$S_{max\ pf/legal\ entities} = \frac{BMA_{pf}}{BMA_{legal\ entities}} = \frac{BMA_{pf}}{Sarable\ land / Nrural\ distr} \times Fland \times Fzon$ $BMA_{pf} = Sarable\ land / Nrural\ distr \times 5\ \%$ $BMA_{legal\ entities} = Sarable\ land / Nrural\ distr \times 25\ \%$
On hayfields:	$S_{max\ pf/legal\ entities} = \frac{BMA_{pf}}{BMA_{legal\ entities}} = \frac{BMA_{pf}}{Shayfield / Nrural\ distr} \times Fland \times Fzon$ $BMA_{pf} = Shayfield / Nrural\ distr \times 5\ \%$ $BMA_{legal\ entities} = Shayfield / Nrural\ districts \times 25\ \%$
On pasturelands:	$S_{max\ pf/legal\ entities} = \frac{BMA_{pf}}{BMA_{legal\ entities}} = \frac{BMA_{pf}}{Spasture / Nrural\ distr} \times Fland \times Fzon \times Fwater$ $BMA_{pf} = Spasture / Nrural\ distr \times 5\ \%$ $BMA_{legal\ entities} = Spasture / Nrural\ distr \times 25\ \%,$

where:

$S_{max\ pf/legal\ entities}$ – are marginal (maximal) sizes of land plots on types of lands with account of mark-up and mark-down factors allocated to one peasant or farm enterprise or non-state legal entity and its affiliates to maintain agricultural production, hectare;

$BMA_{pf}/ legal\ entities$ – base marginal area of the region, allocated to one peasant or farm enterprise or non-state legal entity and its affiliates to maintain agricultural production, hectare
 $Fland$ – land supply factor;

$Fwater$ –watering factor;

$Fzon$ –zoning factor;

$Sarable\ land, Shayfield, Spasture$ –size of lands (arable lands, hayfields, pastures) for agricultural use and the stock of the region, hectare;

$Nrural\ distr$ –number of rural areas of the district.

for determining marginal (maximum) sizes of agricultural land plots that may be held by a citizen of the Republic of Kazakhstan for maintaining a peasant or farm enterprise, a non-state legal entity of the Republic of Kazakhstan and its affiliated entities for agricultural production

Evaluation factors, applied in calculation of marginal (maximal) sizes of land plots (land

supply, zoning on natural-agricultural zones, watering of pastures)

1. Land supply factor of the district on types of lands (arable lands, hayfields, pastures) for agricultural use shall be calculated on the formula:

$$\text{Fland of the district} = (\text{S(arable land, hayfields, pastures)} / \text{Necon active rural population}) / \text{Fland of the republic},$$

where:

Fland of the district – is land supply factor;

* Fland of the republic – land supply factor of the republic (constant value as per note);

S(arable land, hayfield, pastures) – size of lands (arable land, hayfields, pastures) for agricultural use and the stock (reserve) of the district, hectare;

Necon active rural population – number of economically active rural population of the district, of people.

Land supply factor in the republic scale:

Name of agricultural lands	Evaluation Factor
Arable land	6,46
hayfield	1,1
pasture	38,2

These factors are calculated as the ratio of the agricultural land area (by types of land) of agricultural use and the republic's stock per 1 unit of the economically active rural population, by applying uniform regulatory indicators within the republic and one district (city) of the oblast according to the data on land balance of the Republic of Kazakhstan and the official statistical information prior to the reporting year start.

2. Values of zoning factors for natural-agricultural zones and pasture watering:

Name of natural-agricultural zone	Evaluation Factor
Zoning by natural-agricultural zones	
forest-steppe	1,3
dry steppe	1,1
semi-desert and desert	1,0

submontane-desert-steppe	1,1
submontane -desert	1,2
mountain-steppe and mountain	1,3
Pasture watering	
forest-steppe and steppe	0,88
dry steppe	1,08
semi-desert and desert	0,92
submontane-desert-steppe	1,76
submontane-desert	1,92
mountain-steppe and mountain	1,5

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