

**On approval of the Rules for compensation of losses of agricultural production with offsetting the sums spent on the land restoration**

*Unofficial translation*

Order of the Ministry of Agriculture of the Republic of Kazakhstan dated August 26, 2019 no . 315. Registered with the Ministry of Justice of the Republic of Kazakhstan on August 29, 2019 no. 19305.

Unofficial translation

In accordance with subclause 4 of article 106 of the Land Code of the Republic of Kazakhstan dated June 20, 2003, **I HEREBY ORDER:**

1. To approve the attached Rules for compensation of losses of agricultural production with offsetting the sums spent on the land restoration.

2. Committee for Land Administration of the Ministry of Agriculture of the Republic of Kazakhstan, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, shall ensure:

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

2) within 10 (ten) calendar days after the state registration of this order, submission of it in Kazakh and Russian to the Republican State Enterprise on the Right of Economic Management "Institute of Legislation and Legal Information of the Republic of Kazakhstan" for official publication and inclusion to the Reference Control Bank of the Regulatory Legal Acts of the Republic of Kazakhstan;

3) within 10 (ten) calendar days after the state registration of this order, submission of its copy for official publication to printed periodicals;

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

5) within 10 (ten) working days after the state registration of this order, submission to the Department of Legal Service of the Ministry of Agriculture of the Republic of Kazakhstan of information about implementation of measures, stipulated by subclauses 1), 2), 3) and 4) of this clause.

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

4. This order shall come into force upon expiration of 10 (ten) calendar days after the date of its first official publication.

*Minister of Agriculture  
of the Republic of Kazakhstan*

" A G R E E D "

Ministry of Industry and Infrastructural Development  
of the Republic of Kazakhstan

" A G R E E D "

Ministry of Finance  
of the Republic of Kazakhstan

" A G R E E D "

Ministry of National Economy  
of the Republic of Kazakhstan

" A G R E E D "

Ministry of Digital Development,  
Innovations and Aerospace Industry  
of the Republic of Kazakhstan

Approved  
by the order of the  
Ministry of Agriculture of the  
Republic of Kazakhstan  
dated August 26, 2019 no. 315

**Rules for compensation of losses of agricultural production with offsetting the sums spent on the land restoration**

**Chapter 1. General provisions**

1. These Rules for compensation of losses of agricultural production with offsetting the sums spent on the land restoration (hereinafter referred to as the Rules), have been developed in accordance with subclause 4 of article 106 of the Land Code of the Republic of Kazakhstan dated June 20, 2003 (hereinafter referred to as the Code) and determine the procedure for compensation of losses of agricultural production with offsetting the sums spent on the land restoration, in order to maintain the level of agricultural production by restoring agricultural lands and their quality.

2. In these Rules, the following concepts are used:

1) The "Government for Citizens" State Corporation (hereinafter referred to as the State Corporation) is a legal entity established by the decision of the Government of the Republic of Kazakhstan to provide public services, services for the issuance of technical conditions for connecting to networks of natural monopoly entities and services of quasi-public entities in accordance with the legislation of the Republic of Kazakhstan, to receive applications for the provision of public services, services for the issuance of technical conditions for connecting to the networks of natural monopoly entities, services of quasi-public entities and to deliver

their results to a service recipient on the “one stop” principle, and also to provide public services in electronic form,, to carry out state registration of rights to immovable property at the place of its location (hereinafter referred to as the State Corporation);

2) land management project – a layout (plan) of a land plot, information on the area of a land plot, its borders and location, information on adjacent land plots’ owners and land users and on land plots’ encumbrances and easements;

3) land commission – a collegial body under a local executive body established in accordance with article 43 of the Code to consider applications (requests) and prepare opinions on granting rights to land plots (on determining the winner of a competition for granting the right to temporary land use (lease) for a fee for running a peasant or farm enterprise, agricultural production), on changing the designated purpose of land plots and on reclassifying the water fund lands;

4) land plot – allocated part of land in contour boundaries assigned in the manner prescribed according to the procedure established by the legislation to the subjects of land relations;

5) topsoil layer – the upper humus part of the soil profile with physical, chemical and agrochemical properties favorable for plant growth;

6) low-yield lands – lands characterized by negative natural properties, low fertility, requiring high costs for their reclamation improvement, and their economic use for their intended purpose is economically ineffective.

## **Chapter 2. Procedure for compensation of losses of agricultural production with offsetting the sums spent on the land restoration**

3. Losses of agricultural production caused by the seizure of agricultural land for their use for purposes not related to agriculture shall be subject to compensation to the budget in order to maintain the level of agricultural production by restoring agricultural land and their quality.

4. The amounts, which are subject to compensation of losses, shall be determined in accordance with standards for compensation of losses of agricultural production, caused by the seizure of agricultural land for their use for purposes not related to agriculture, approved by the order of the Minister of National Economy of the Republic of Kazakhstan dated December 23, 2014 no. 161 (registered in the Register of State Registration of Regulatory Legal Acts under no. 10100) (hereinafter referred to as the standards for compensation of losses of agricultural production).

5. The compensation of losses of agricultural production with offsetting the sums spent on the land restoration shall be performed by the persons, granted by the arable areas from among all land categories, with the exception of industry lands, transport lands, communication lands, defense lands, national security lands and other non-agricultural appropriation, for the requirements, not linked with farmery (hereinafter referred to as agricultural lands is provided), or when changing the designated purpose of agricultural lands

being in land use or in the ownership of citizens and legal entities (hereinafter referred to as the change in the designated purpose of agricultural land), subject to the application of the topsoil layer removed from these lands to improve low-yield or non-productive lands at their own expense.

6. The amount of losses of agricultural production subject to compensation, by offsetting the amounts spent on land restoration, shall be determined as the difference between the cost of losses determined according to the standards for compensation of losses of agricultural production and the cost of the cost of land restoration.

7. If interested in applying a topsoil layer to low-yield or non-productive land at their own expense, individuals and legal entities (hereinafter referred to as the persons), in order to determine the suitability of the topsoil layer, shall provide a soil survey on the provided agricultural land.

8. If, according to the results of a soil survey, the topsoil layer is recognized as unsuitable for application to low-yield or non-productive lands, the amount spent on soil survey shall be credited to the amount (value) of compensation of losses of agricultural production.

9. In the event that, according to the results of a soil survey, the topsoil layer is recognized as suitable for application to low-yield or non-productive land, persons shall submit an application in any form, to choose an low-yield or non-productive land, on which the application of a topsoil layer is provided, to the local executive body at the location land plot, attached with a positive conclusion of the land commission and the results of a soil survey.

10. The choice of low-yield or non-productive land, which provides for the application of a topsoil layer, shall be carried out on the basis of the conclusion of the commission created by the local executive body.

11. The composition of the commission shall include the representatives of:

- 1) a local representative body;
- 2) structural subdivision of the local executive body performing functions in the field of land relations and agriculture;
- 3) public councils, non-governmental organizations in the field of the agro-industrial complex and other sectoral non-governmental organizations, as well as local self-government bodies.

12. The working body of the commission is a structural unit of the local executive body that performs functions in the field of land relations (hereinafter referred to as the working body).

13. The working body, within 30 (thirty) calendar days from the date of receipt of the application, shall prepare prepares planning and cartographic materials, data of soil surveys, land cadaster and land monitoring on the basis of information provided by the State Corporation for consideration by the commission created in accordance with subclause 10 of these Rules.

14. The Commission considers and issues its opinion within 3 (three) working days from the date of receipt of materials on the choice of low-yield or non-productive lands.

15. The opinion of the commission is drawn up in two copies in the form of a protocol decision with the attachment of a scheme (plan) of the location of the selected low-yield or non-productive lands, and one copy by the working body is sent to the applicant within 1 (one) working day.

16. In the absence of low-yield or non-productive land in the administrative territory of the relevant local executive body, the working body shall give a reasoned refusal.

17. Upon receipt of a protocol decision on the choice of low-yield or non-productive land, the person shall additionally provide the development of the following materials in the land management project:

- scheme (plan) of the location of the land plot, its area and type of land, on which the application of a topsoil layer is provided;

- volumes of applied topsoil layer;

- the amount (cost) of the costs of excavation and transport work for the removal, transportation and re-laying of the topsoil layer are determined according to the estimate using the current state estimated standards determined by the regulatory documents for determining pricing in construction, approved by the order Chairman of the Committee for Construction and Housing and Communal Services of the Ministry of Investment and Development of the Republic of Kazakhstan dated November 14, 2017 no. 249- НК (registered in the Register of State Registration of Regulatory Legal Acts under No. 16073);

- the amount of losses in agricultural production, with offsetting the amounts spent on land restoration.

18. The works on top-soiling low-yield or non-productive land must be completed within 1 (one) year, taking into account the natural and climatic conditions of the administrative-territorial unit, from the moment the decision is made on granting the right to a land plot or changing the designated purpose of agricultural land.

19. After the completion of field works on top-soiling low-yield or non-productive land, the persons shall apply to a local executive body at the place of location of a land plot for acceptance of the works performed.

20. The commission, established in accordance with subclause 10 of these Rules, within 10 (ten) working days upon receipt of such application, shall conduct a field inspection and draw up a report on inspection of a land plot after the application of a fertile soil layer on low-yield or non-productive land (hereinafter referred to as the inspection report) in the form in accordance with Appendix 1 to these Rules, one copy of which within 1 (one) working day after drawing up the act surveys shall be sent to the persons.

21. In the case when the fact of using a low-yield or non-productive land layer is established, the amount (cost) spent on the restoration of land shall not be credited.

22. If persons do not perform works on top-soiling the low-yield or non-productive land within the period specified in clause 18 of these Rules and (or) establishing the fact of using a low-yield or non-productive soil layer, the working body shall recover the amount (cost), which was set off against the amount of compensation for losses of agricultural production, to the budget through judicial procedures.

23. Based on the results of the works performed, the working body shall make changes to the statistical data according to the statistical form of departmental statistical observation " Report on the availability of land and their distribution by categories, land owners, land users and lands as of November 1, \_\_\_ year" (index 22, annual frequency), approved by the order of the Chairman of the Committee on Statistics of the Ministry of National Economy of the Republic of Kazakhstan dated March 10, 2020 no. 25 "On approval of statistical forms of departmental statistical observations and instructions for filling them out on the balance of land, developed by the Land Management Committee of the Ministry of Agriculture of the Republic of Kazakhstan" (registered in the Register of State Registration of Regulatory Legal Acts under No. 20112).

**Footnote. Clause 23 - as amended by the order of the Ministry of Agriculture of the Republic of Kazakhstan dated 06.11.2020 no. 341 (shall come into force upon the expiration of ten calendar days after the day of its first official publication).**

24. The amount of losses of agricultural production, offsetting the amounts spent on the restoration of land, determined in accordance with subclause 6 of these Rules, shall be coordinated with the person who is provided with agricultural land or who changes the designated purpose of agricultural land, and are drawn up in an act for compensation of losses of agricultural production with offsetting the sums spent on the land restoration, according to the form in accordance with Appendix 2 to these Rules, which is approved by the decision of the local executive body for granting the right to a land plot or changing the designated purpose of agricultural land.

25. Losses of agricultural production shall be subject to compensation within six months from the date of the decision to grant the right to a land plot or changes in the designated purpose of agricultural land.

Appendix 1  
to the Rules for compensation of  
losses of agricultural production  
with offsetting the sums spent on  
the land restoration

**Inspection report for a land plot after applying a fertile soil layer  
for low-yield or non-productive land dated " \_\_\_ " \_\_\_\_\_ 20 \_\_\_**

The commission composed of: \_\_\_\_\_  
(surname, name, patronymic (if any) position)

---

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

performed the inspection of a land plot \_\_\_\_\_

As a result of the inspection, it was found that:

1. The inspected land plot with the area of \_\_\_\_\_ hectare, located at

\_\_\_\_\_

(location (address) of the land plot)

2. Recommendations for the further use of the land:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signatures: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Appendix 2  
to the Rules for compensation of  
losses of agricultural production  
with offsetting the sums spent on  
the land restoration

**Act for compensation of losses of agricultural production with offsetting the sums spent on the land restoration**

No	Designated purpose of the land plot	Total area ( hectare )	including: agricultural land ( hectare)	Type of soil	The rate of compensation for losses of agricultural production ( tenge)	The amount of compensation for losses of agricultural production (tenge) ( column 4 x column 6 =)	The sum spent for land restoration (tenge)	Total to be paid to the budget, sums of losses of agricultural production (tenge) ( column 7 – column 8=)
1	2	3	4	5	6	7	8	9
1								

Head of structural  
subdivision of local executive  
body performing the functions

in the field of land relations \_\_\_\_\_

\_\_\_\_\_  
surname, name, patronymic (if any), seal (signature)

Agreed:

surname, name, patronymic (if any)

or name of the legal entity \_\_\_\_\_

\_\_\_\_\_  
surname, name, patronymic (if any) (signature)