



On approval of the Rules for granting the right of subsoil use to conduct exploration or extraction of common minerals used for the construction (reconstruction) and repair of public roads, state-owned railways, as well as for the reconstruction and repair of hydraulic constructions and hydraulic structures

Unofficial translation

Order of the Acting Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated April 7, 2020 No. 188. Registered with the Ministry of Justice of the Republic of Kazakhstan on April 7, 2020 № 20331.

Unofficial translation

In accordance with Article 278, paragraph 3-1 of the Code of the Republic of Kazakhstan dated December 27, 2017 "On subsoil and subsoil use," **I hereby ORDER:**

1. To approve the attached Rules for granting the right of subsoil use to conduct exploration or extraction of common minerals used for the construction (reconstruction) and repair of public roads, state-owned railways, as well as for the reconstruction and repair of hydraulic constructions and hydraulic structures.

2. In accordance with the procedure established by law, the Department of Subsoil Use of the Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan shall:

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

2) place this order on the Internet resource of the Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan.

3. Control over the execution of this order shall be entrusted to the supervising Vice-Minister of Industry and Infrastructural Development of the Republic of Kazakhstan.

4. This order shall enter into force upon expiry of ten calendar days after the day of its first official publication and shall be valid until January 1, 2026.

Acting

*Minister of Industry and Infrastructural
Development of the Republic of Kazakhstan*

K. Uskenbayev

"AGREED"

Ministry of Ecology, Geology
and Natural Resources
of the Republic of Kazakhstan

Approved by the order
dated April 7, 2020 № 188

Rules

for granting the right of subsoil use for exploration and extraction of common minerals used

in the construction (reconstruction) and repair of public roads, state-owned railways, as well as for reconstruction

and repair of hydraulic constructions and hydraulic structures

Chapter 1. General provisions

1. These Rules for granting the right of subsoil use for exploration or extraction of common minerals used in construction (reconstruction) and repair of public roads, state-owned railways, as well as for reconstruction and repair of hydraulic constructions and hydraulic structures (hereinafter referred to as Rules) shall be developed in accordance with Article 278, paragraph 3-1 of the Code of the Republic of Kazakhstan dated December 27, 2017 "On subsoil and subsoil use" (hereinafter referred to as the Code) and shall determine the procedure and conditions for granting and terminating the right to subsoil use for exploration or extraction of common minerals used exclusively in construction (reconstruction) and repair of public roads, state-owned railways, as well as for reconstruction and repair of hydraulic constructions and hydraulic structures.

2. Right of subsoil use for exploration or extraction of common minerals used in construction (reconstruction) and repair of public roads, state-owned railways, as well as for the reconstruction and repair of hydraulic structures and hydraulic engineering constructions, shall be granted on the basis of permission for exploration of common minerals, respectively (hereinafter referred to as the permission for exploration) or permission for the extraction of common minerals (hereinafter referred to as permission for extraction).

Upon permission for exploration and mining permission, the right to subsoil use for common minerals for their use for purposes not provided for in these Rules shall not be granted.

3. Exploration and mining permissions shall be documents issued by the local executive body of the region, cities of republican significance, and the capital (hereinafter referred to as the local executive body).

Permissions for exploration and mining shall not apply to permissions regulated in accordance with the legislation of the Republic of Kazakhstan on permissions and notifications.

4. Exploration and mining permissions shall be issued for the use of only one subsoil area.

At the same time, design documents for the exploration and extraction of common minerals in accordance with these Rules may be drawn up in respect of one or more subsoil areas provided for these purposes separately or as part of the design estimates for the construction, repair or reconstruction of the facility.

5. Permission for exploration and mining shall be issued for a period not exceeding the term of the relevant agreement (contract) for the construction (reconstruction) and repair of

public roads, state-owned railways, as well as an agreement for the reconstruction and repair of hydraulic structures and hydraulic engineering constructions, for the implementation of which the right to subsoil use under these permissions shall be granted.

Termination of the agreement in the implementation of which exploration permission and/or the permission for the extraction is issued shall terminate such permission.

6. Permission for exploration and mining of common minerals for reconstruction and repair of hydraulic structures and hydraulic engineering constructions carried out by their owners shall be issued for the period of such repair and reconstruction provided for in the relevant design and estimate documentation for repair and reconstruction of these facilities, but not more than the period of validity of these Rules.

7. The extension of the agreement (contract) for the construction (reconstruction) and repair of public roads, state-owned railways, as well as the contract for the reconstruction and repair of hydraulic structures and hydraulic engineering constructions, for the implementation of which the right to subsoil use is granted on the basis of an exploration permission or mining permission, shall be the basis for the extension of the term of the permission.

8. The change of the contractor in the agreement (contract) for the construction (reconstruction) and repair of public roads, state-owned railways, in the contract for the reconstruction and repair of hydraulic structures and (or) hydraulic engineering constructions, for the implementation of which the right to subsoil use was granted under the relevant permissions for exploration and (or) mining permissions, shall entail re-registration of the permission for a new contractor.

The transfer of ownership and use rights of the hydraulic structure and (or) hydraulic engineering constructions on behalf of the person who holds the exploration permission or mining permission entails the re-registration of the permission for the new owner of the hydraulic structure and (or) hydraulic engineering construction.

9. Exploration permission and mining permission may only be issued:

1) to the contractor (subcontractor) for the construction (reconstruction) or repair of public roads, state-owned railways, from the list approved for these purposes by the state body that is the customer of the construction (reconstruction) or repair of these facilities;

2) to the owner of the hydraulic structures and (or) hydraulic engineering constructions or its contractor performing reconstruction and repair of the specified facilities.

10. The owner of one or more exploration permissions whose subsoil areas share boundaries (adjacent areas), subject to the provision of paragraph 9. of these Rules, shall have the exclusive right to obtain a permission (permissions) for mining of subsoil area (s) within the territory of subsoil area (adjacent subsoil areas) under the current exploration permission (s) in case of approval of the reserves of the field of common minerals by the interregional commission on reserves (index "U") or estimates of resources and reserves of a common mineral deposit discovery in accordance with the KAZRC Code.

The exclusive right may be exercised at any time during the period of validity of the exploration permission (permissions).

The owner of exploration permission shall lose his exclusive right upon termination of such a permission.

The exclusive right shall be exercised by the holder of the exploration permission by applying to the local executive body for the permission for the extraction as a matter of priority.

If, after the application for the permission for the extraction, the exploration permission has expired, the exploration permission shall be recognized as valid for the requested subsoil area until the mining permission is issued or refused.

No assignment of the exclusive right provided for in this paragraph shall be permitted.

11. Subsoil users who extract common minerals on the basis of an exploration permission or mining permission shall not be entitled to alienate them to third parties.

12. Subsoil areas under exploration or mining permissions shall be provided only within the following territories:

1) adjacent at a distance of not more than ten kilometers along reconstructed (repaired) or designed public roads, railways, the customer of reconstruction (repair) or construction of which is the relevant state body;

2) adjacent to hydraulic structures, hydraulic engineering construction at a distance of not more than ten kilometers.

13. The outer limits of the territory of the subsoil section by permission for exploration and mining permission shall be determined in the form of a quadrilateral, in which at least two opposite sides are parallel to each other, and if it is impossible to comply with this rule, in the form of a polygon with the least possible number of angles.

14. Subsoil areas under permission for exploration or mining permission shall be provided with a lower boundary at a depth of at least thirty meters from the lowest point of the earth's surface of the subsoil area.

15. The elimination of the consequences of exploration or extraction operations of common minerals carried out by the subsoil user on the basis of permission shall be carried out in accordance with the project for the restoration of disturbed land.

16. Upon termination of an exploration permission or mining permission, a person who is directly the holder of the specified permission from the date of its termination shall perform reclamation (liquidation of the consequences of his operations):

1) upon a permission for exploration - not later than six months after the termination of the permission for exploration;

2) under the mining permission - not later than eight months after the termination of the mining permission.

At the request of the specified person, the local executive body shall extend the reclamation period for a period of up to six months, if the completion of the reclamation is significantly and objectively difficult due to weather and (or) natural and climatic conditions.

17. The provision provided for in paragraph 16, subparagraph 1) of these Rules shall not apply to land belonging to the territory of a subsoil plot under the permission for the extraction granted on the basis of an exclusive right.

18. Violation of the terms of the issued exploration permission or mining permission, as well as the regime for the use of subsoil on their basis shall entail the liability provided for by the legislation of the Republic of Kazakhstan.

Chapter 2. Procedure for applying for exploration permission

19. A person entitled and interested in obtaining permission for exploration shall submit to the local executive an application in form according to Annex 1 to these Rules.

20. The application shall be submitted to the local executive body of the region, cities of republican significance, the capital, within the territory of which it is supposed to provide a subsoil plot

If the territory of the proposed operation for the exploration of common minerals falls on two or more regions or on a region and a city of republican significance or the capital, the application shall be submitted to that local executive body of the region, cities of republican significance, and the capital, which accounts for most of the indicated territory.

21. The application may contain an indication of two or more requested subsoil areas, provided that all requested areas shall be located in the same region, city of republican significance or capital.

22. The application shall be submitted with the attachment of the following documents:

1) copies of documents confirming the applicant's information:

for individuals, a copy of the applicant's identity document;

for legal entities - certificate of registration (re-registration) of legal entities, registration (re-registration) of their branches and representative offices;

2) a document confirming the powers of a person acting on behalf of the applicant when submitting an application, if such person is authorized by the applicant;

3) copies of the relevant contract for design and survey and/or repair and construction works of public roads, railways and/or hydraulic structures, if the applicant is a contractor (subcontractor);

4) a copy of a document confirming the right to own and use a hydraulic structure or a hydraulic engineering construction, if the applicant is the owner of a hydraulic structure, engineering construction;

5) a cartogram of the location of the requested area (s) of the subsoil made on a scale providing clarity, an overview (situation) diagram, a topographic map of the surface;

6) the written consent of the subsoil user to issue a permission for exploration and subsequent extraction, if on the requested subsoil area or its part such subsoil user carries out operations on subsoil use on the basis of a license or contract for subsoil use, with the exception of a license for extraction of common minerals, a contract for exploration and (or) extraction of common minerals;

7) an agreement concluded under the rules of Article 24, paragraph 2 of the Code with a subsoil user performing subsoil use operations on the requested subsoil area or its part on the basis of a license or contract for subsoil use, with the exception of a license for extraction of common minerals, a contract for exploration and (or) extraction of common minerals.

23. The written consent and agreements provided for in subparagraphs 6) and 7) of paragraph 22 of these Rules may also be given to the local executive body upon agreement by the territorial subdivision of the authorized body for the study of the subsoil boundaries and the form of the territory of the requested subsoil section.

The consent and agreement provided for in subparagraphs 6) and 7) of the paragraph 22 of these Rules shall not be required if the applicant and the subsoil user coincide in one person.

24. Copies of the documents attached to the application must be notarized.

25. The application shall be submitted in Kazakh and Russian. The documents attached to the application shall be drawn up in Kazakh and Russian. Copies of the documents drawn up in a foreign language, attached to the application, shall be submitted with translation into Kazakh or Russian, the loyalty of which shall be attested by a notary.

26. The date and time of submission of the application to the local executive body shall be recognized and recorded.

Chapter 3. Procedure for consideration of an application and issuance of permission for exploration

27. The local executive body shall examine the application within five working days from the date of its receipt for the existence of the right to obtain an exploration permit, compliance of the application with the prescribed form, completeness and sufficiency of the required information and supporting documents, subject to paragraph 22 of these Rules. If there are no grounds for dismissal of a permit as prescribed by subparagraphs 1), 2) and 3) of paragraph 34 of these Rules, the local executive body shall send to the applicant a notice of the need to determine and agree on the boundaries of the territory of the requested subsoil plot and identify the possible overlapping of this territory with the territories of subsoil plots of other subsoil users, with specially protected natural territories and state forest lands, territories of water protection zones, strips and also water bodies, respectively, in the territorial division of the authorized body for the study of subsoil, in the authorized body of specially protected natural areas and in the basin inspection for water resources regulation and use.

The authorized body of specially protected natural areas, in order to identify the possible overlapping of the territory of the requested subsoil plot with specially protected natural territories and forest lands, shall review the documents on the territory (territories) of the

requested subsoil plot (requested plots) (cartogram of the location of the requested subsoil plot, overview (situational) diagram, topographic map of the surface) within fifteen working days from the date of receipt of the corresponding request from the Applicant.

The Basin Inspectorate for the water resources regulation and use shall consider combining of the requested subsoil plot territory with the territories of water protection zones, strips and water bodies within seven working days from the date of receipt of the corresponding request from the Applicant.

Footnote. Paragraph 27 - as amended by the order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated 04.10.2021 No. 523 (shall be enforced sixty calendar days from the date of its first official publication).

28. The territorial subdivision of the authorized body for the study of subsoil within seven working days shall consider a copy of the application submitted to the local executive body together with documents on the territory (territories) of the requested subsoil area (requested areas) (map of the location of the requested subsoil area, overview (situation) scheme, topographic map of the surface) for:

1) full or partial alignment of the territory of the requested subsoil area with the territories of subsoil areas of other subsoil users, territories limited for subsoil use operations in accordance with Article 25, paragraph 1, subparagraphs 2) and 5) of the Code;

2) compliance of the boundary and shape of the territory of the requested subsoil area with the requirements of paragraphs 12 and 13 of these Rules.

29. If there is a combination of territories in accordance with paragraph 28, subparagraph 1) of these Rules, the territorial subdivision of the authorized body for the study of subsoil in an arbitrary form shall notify the applicant and the local executive body in writing. The notification shall indicate the coordinates and area of the combined territory according to the presented cartogram.

Within twenty working days from the date of receipt of the notification, the applicant shall have the right to submit to the territorial subdivision of the authorized body for the study of subsoil and at the same time to the local executive body corrected information on the boundaries and shape of the territory (territories) of the requested subsoil (requested areas) with the application of supporting documents: a cartogram of the location of the requested area (requested areas) of subsoil made in a scale providing clarity, an overview (situation) diagram, topographic map of the surface.

If the combination of the territory of the requested area (requested areas) of the subsoil occurs partially or completely with the territory of the subsoil area, granted to another person for the exploration or extraction of common minerals under a license for the extraction of common minerals, Authorization for the exploration or extraction of common minerals or a contract for the exploration or extraction of common minerals, before the implementation of the Code, adjusting the boundaries and shape of the territory of the requested area (s) of the subsoil in order to exclude such alignment shall be mandatory.

30. If there is a discrepancy between the boundaries and the form of the territory (ies) of the requested area (s) with the requirements of paragraphs 12 and 13 of these Rules, the territorial subdivision of the authorized body for the study of subsoil shall notify the applicant and the local executive body. The notification shall indicate the identified inconsistencies.

Within twenty working days from the date of receipt of the notification, the applicant shall adjust the information on the boundaries and form of the territory (s) of the requested subsoil area (s) with the application of supporting documents and (or) eliminate the revealed inconsistencies, as notified by the territorial subdivision of the authorized subsoil research body in an arbitrary form with the application of supporting documents: map of the location of the requested area (s) of the subsoil, made on a scale providing clarity, an overview (situational) diagram, a topographic map of the surface. The omission of this period shall terminate the consideration by state bodies of the application submitted and the documents attached to it.

Within seven working days from the date of receipt of the notification referred to in the second paragraph of this paragraph, the territorial subdivision of the authorized body for the study of subsoil shall reconsider the issue of the existence of a combination of the territory of the requested area. (requested areas) of subsoil with the territory of the subsoil area for exploration or extraction of common minerals used by another person and compliance with the boundaries and shape of the territory of the requested subsoil area with the requirements of paragraphs 12 and 13 of these Rules.

Based on the results of the review, the territorial subdivision of the authorized body for the study of subsoil shall agree or refuse to coordinate the boundary and form of the territory (s) of the requested subsoil section (s), which shall be notified in an arbitrary form by the local executive body and the applicant in writing.

If the application refers to two or more requested subsoil areas, the refusal to agree on the boundaries and forms of their territories may be imposed on all requested subsoil areas or only on certain requested areas.

The refusal to coordinate the boundaries and forms of the territories of all requested subsoil areas shall terminate further consideration by state bodies of the submitted application and the attached documents. In case of refusal to coordinate the boundaries and forms of the territories only of certain requested subsoil areas, further consideration by the state bodies of the submitted application and the documents attached to it shall be carried out according to the requested subsoil areas, the boundaries and forms of which shall be agreed by the territorial subdivision of the authorized subsoil research body.

Refusal of approval may be appealed by the applicant in accordance with the legislation of the Republic of Kazakhstan.

31. If, during the examination by the territorial unit of the authorized body for subsoil study of the boundaries and shape of the territory of the requested site, a complete or partial overlapping of the territory (territories) of the requested subsoil site (requested sites) with the

territories of subsoil plots of other subsoil users is revealed, with the exception of subsoil plots for exploration and production of common mineral resources, the applicant shall submit to the local executive body the documents referred to in subparagraphs 6) and 7) of paragraph 22 of these Rules, within five working days from the date of approval of the boundaries and shape of the territory (territories) of the requested subsoil plot (requested plots) by the territorial unit of the authorized body for the study of subsoil

Missing of the indicated deadline shall terminate further consideration by state authorities of the submitted application and the documents attached to it.

After agreeing on the boundaries and shape of the territory (forms of territories) of the requested site (requested sites), as prescribed by paragraph 29 of these Rules, the local executive body within two working days shall send to the applicant a notification of the need for approval by the environmental authority of the issuance of an exploration permit.

Coordination by the authorized environmental protection body shall be carried out during the state assessment of project documentation with a section on liquidation of the consequences of activities within the state environmental assessment period.

Footnote. Paragraph 31 - as amended by the order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated 04.10.2021 No. 523 (shall be enforced sixty calendar days from the date of its first official publication).

32. In carrying out state environmental assessment in order to reduce the areas of disturbed and alienated lands, consideration shall be given to the possibility of extracting and using man-made mineral formations of mining or energy industries.

33. The local executive body shall issue to the applicant an exploration permission in the form specified in Annex 2 to these Rules within five working days from the date of receipt of all the approvals and documents referred to in subparagraphs 6) and 7), paragraph 22 of these Rules.

34. Permission for exploration shall not be granted if there is one of the following grounds :

- 1) the applicant shall not have the right to obtain a permission for exploration;
- 2) the application or the attached documents shall not comply with the requirements of these Rules;
- 3) the documents attached to the application shall not be presented, unless otherwise provided by these Rules;
- 4) the boundaries and shape of the territory of the requested area (requested areas) of the subsoil shall not comply with the requirements of these Rules and shall not be agreed by the territorial subdivision of the authorized body for the study of subsoil;
- 5) the issuance of a permission for exploration shall not be agreed by an authorized body in the field of environmental protection;

6) the territory (territories) of the requested subsoil area (s) shall be completely located (located) within the territories limited for subsoil use operations or in specially protected natural areas where exploration shall not be permitted;

7) the territory (territories) of the requested subsoil area (s) shall be fully or partially combined with the territory (s) of the subsoil area under a license for the extraction of common minerals or a contract for exploration or extraction of common minerals concluded prior to the implementation of the Code.

35. The refusal to issue permission for exploration shall be made in writing, indicating the reason for it.

Grammatical or arithmetic errors, typos or other similar errors made in the authorization application shall not be grounds for refusal of the authorization and shall be subject to correction by the applicant by re-submitting the application within ten working days from the date of receipt of the relevant notification from the competent authority. In this case, the period of review and authorization shall be interrupted by the notification of the local executive.

After the interruption, the period of review and issuance by the local executive body of the exploration permission begins anew; the time elapsed before the break is not counted on the new deadline.

36. Refusal to issue permission for exploration may be appealed by the applicant in accordance with the legislation of the Republic of Kazakhstan.

37. Refusing issuance of the permission shall not deprive the applicant of the right to reapply.

38. At any time prior to the issuance of the exploration permission, the applicant may refuse to issue such permission by notifying the local executive body in writing.

Chapter 4. Procedure for Application for Mining Permission

39. A person entitled and interested in obtaining the permission for the extraction shall submit to the local executive an application in a form in accordance with Annex 3 to these Rules.

40. The application shall be submitted to the local executive body of the region, cities of republican significance, the capital, within the territory of which it shall be supposed to provide a subsoil plot.

If the territory of the proposed operation for the extraction of common minerals falls on two or more regions or on a region and a city of republican significance or the capital, the application is submitted to the local executive body of the region, cities of republican significance, and the capital, which accounts for most of the indicated territory.

41. The application may contain an indication of two or more requested subsoil areas, provided that all requested areas shall be located in the same region, city of republican significance or capital.

42. The application shall be submitted with the attachment of the following documents:

1) copies of documents confirming the applicant's information:

for individuals, a copy of the applicant's identity document;

for legal entities - certificate of registration (re-registration) of legal entities, registration (re-registration) of their branches and representative offices;

2) a document confirming the powers of a person acting on behalf of the applicant when submitting an application, if such person is authorized by the applicant;

3) copies of the relevant agreement for design and survey and/or repair and construction works of public roads, railways and/or hydraulic structures, if the applicant is a contractor (subcontractor);

4) a copy of a document confirming the right to own and use a hydraulic structure or a hydraulic engineering construction, if the applicant is the owner of a hydraulic structure, hydraulic engineering construction;

5) a copy of the minutes of the meeting of the relevant interregional commission on mineral reserves on the approval (index "U") of reserves of common minerals or a copy of the competent person's report on mineral resources and reserves of common minerals in accordance with the KAZRC Code in the contours of the requested subsoil area;

6) a cartogram of the location of the requested area (s) of the subsoil made on a scale providing clarity, an overview (situation) diagram, a topographic map of the surface;

7) written consent of the subsoil user to issue permission for extraction if on the requested subsoil area or its part such subsoil user carries out operations on subsoil use on the basis of a license or contract for subsoil use, except for a license for extraction of common minerals, a contract for exploration and (or) extraction of common minerals;

8) an agreement concluded under the rules of paragraph 2 of Article 24 of the Code with a subsoil user performing subsoil use operations on the requested subsoil area or its part on the basis of a license or contract for subsoil use, with the exception of a license for extraction of common minerals, a contract for exploration and (or) extraction of common minerals.

43. The written consent and agreements provided for in paragraphs 7) and 8) of paragraph 42 of these Rules may also be given to the local executive body upon agreement by the territorial subdivision of the authorized body for the study of the subsoil boundaries and the form of the territory of the requested subsoil area.

The consent and agreement provided for in paragraph 42, subparagraphs 7) and 8) of these Rules shall not be required if the applicant and the subsoil user coincide in one person.

44. Copies of the documents attached to the application shall be notarized.

45. The application shall be submitted in Kazakh and Russian. The documents attached to the application shall be drawn up in Kazakh and Russian. Copies of documents drawn up in a foreign language, attached to the application, shall be submitted with translation into Kazakh or Russian, the loyalty of which shall be attested by a notary.

46. The date and time of submission of the application to the local executive body shall be recognized and recorded.

Chapter 5. Procedure for consideration of application and issuance of permission for extraction

47. The local executive body shall examine the application within five working days from the date of its receipt for the existence of the right to obtain a production permit, compliance of the application with the prescribed form, completeness and sufficiency of the required information and supporting documents, as prescribed by paragraph 42 of these Rules. If there are no grounds for rejecting the issuance of a production permit in accordance with subparagraphs 1), 2) and 3) of paragraph 54 of these Rules, the local executive body shall send to the applicant a notice of the need to determine and agree on the boundaries of the requested subsoil plot territory and identify the possible overlapping of this territory with the territories of other subsoil users' plots, with specially protected natural territories and state forest lands, territories of water protection zones, strips and also water bodies, respectively, in the territorial division of the authorized body for the study of subsoil, in the authorized body for specially protected natural areas and in the basin inspection on water resources regulation and use.

The authorized body for specially protected natural areas, in order to identify the possible overlapping of the requested subsoil plot territory with specially protected natural territories and forest lands, shall review documents on the territory (territories) of the requested subsoil plot (requested plots) (cartogram of the location of the requested subsoil plot, overview (situational) diagram, topographic map of the surface) within fifteen working days from the date of receipt of the corresponding request from the Applicant.

The basin inspectorate for the water resources regulation and use shall consider the issue of combining the territory of the requested subsoil plot with the territories of water protection zones, strips and water bodies within seven working days from the date of receipt of the corresponding request from the Applicant.

If, when submitting an application on the basis of the exclusive right to an exploration permit, there are circumstances provided for in subparagraphs 2) or 3) of paragraph 54 of these Rules, the local executive body shall accept the application and notify the applicant of the need to eliminate the identified objections within ten working days. In this case, the application processing period by the local executive body is suspended for the specified period.

Footnote. Paragraph 47 - as amended by the order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated 04.10.2021 No. 523 (shall be enforced sixty calendar days from the date of its first official publication).

48. The territorial subdivision of the authorized body for the study of subsoil within seven working days shall consider a copy of the application submitted to the local executive body together with documents on the territory (territories) of the requested subsoil area (requested

areas) (map of the location of the requested subsoil area, overview (situation) scheme, topographic map of the surface) for:

1) full or partial alignment of the territory of the requested subsoil area with the territories of subsoil areas of other subsoil users, territories limited for subsoil use operations in accordance with Article 25, paragraph 1, subparagraphs 2) and 5) of the Code;

2) compliance of the boundary and shape of the territory of the requested subsoil area with the requirements of paragraph 12 and 13 of these Rules.

49. If there is a combination of territories in accordance with paragraph 48, subparagraph 1) of these Rules, the territorial subdivision of the authorized body for the study of subsoil in an arbitrary form shall notify the applicant and the local executive body in writing. The notification shall indicate the coordinates and area of the combined territory according to the presented cartogram.

Within twenty working days from the date of receipt of the notification, the applicant shall have the right to submit to the territorial subdivision of the authorized body for the study of subsoil and at the same time to the local executive body corrected information on the boundaries and shape of the territory (territories) of the requested subsoil (requested areas) with the application of supporting documents: a cartogram of the location of the requested area (requested areas) of subsoil made in a scale providing clarity, an overview (situation) diagram, topographic map of the surface.

If the combination of the territory of the requested area (s) of the subsoil occurs partially or completely with the territory of the subsoil area, granted to another person for the exploration or extraction of common minerals under a license for the extraction of common minerals, Authorization for the exploration or extraction of common minerals or a contract for the exploration or extraction of common minerals, before the implementation of the Code, adjusting the boundaries and shape of the territory of the requested area (s) of the subsoil in order to exclude such alignment shall be mandatory.

50. If there is a discrepancy between the boundaries and the form of the territory (territories) of the requested area (s) with the requirements of paragraphs 12 and 13 of these Rules, the territorial subdivision of the authorized body for the study of subsoil shall notify the applicant and the local executive body. The notification shall indicate the identified discrepancy.

Within twenty working days from the date of receipt of the notification, the applicant shall adjust the information on the boundaries and form of the territory (territories) of the requested subsoil area (s) with the application of supporting documents and (or) eliminate the revealed inconsistencies, as notified by the territorial subdivision of the authorized subsoil research body in an arbitrary form with the application of supporting documents: map of the location of the requested area (requested areas) of the subsoil made in a scale providing

clarity, an overview (situation) diagram, a topographic map of the surface. The omission of this period shall terminate the consideration by state bodies of the application submitted and the documents attached to it.

Within seven working days from the date of receipt of the notification referred to in paragraph 2 of this paragraph, the territorial subdivision of the authorized body for the study of subsoil shall reconsider the existence of a combination of the territory of the requested (requested areas) of the subsoil area with the territory of the subsoil area for exploration or extraction of common minerals used by another person and compliance with the boundaries and shape of the territory of the requested subsoil area with the requirements of paragraphs 12 and 13 of these Rules.

Based on the results of the review, the territorial subdivision of the authorized body for the study of subsoil shall agree or refuse to coordinate the boundary and form of the territory (s) of the requested subsoil section (s), which shall be notified in an arbitrary form by the local executive body and the applicant in writing.

If the application refers to two or more requested subsoil areas, the refusal to agree on the boundaries and forms of their territories may be imposed on all requested subsoil areas or only on certain requested areas.

The refusal to coordinate the boundaries and forms of the territories of all requested subsoil areas shall terminate further consideration by state bodies of the submitted application and the attached documents. In case of refusal to coordinate the boundaries and forms of the territories only of certain requested subsoil areas, further consideration by the state bodies of the submitted application and the documents attached to it is carried out according to the requested subsoil areas agreed by the territorial subdivision of the authorized subsoil research body.

The refusal to agree may be appealed by the applicant in accordance with the legislation.

51. If during the consideration by the territorial subdivision of the authorized body for the study of the subsoil of the borders and the form of the territory of the requested area, a complete or partial combination of the territory (territories) has been revealed of the requested subsoil area (s) with subsoil areas of other subsoil users, except subsoil areas for exploration and extraction of common minerals, the applicant shall submit to the local executive body the documents provided for in paragraph 42, sub-paragraphs 7) and (8) of these Rules, within five working days from the date of approval of the boundaries and the form of the territory (territories) of the requested subsoil area (s) by the territorial subdivision of the authorized subsoil research body.

The omission of this period shall terminate further consideration by the state bodies of the application submitted and the documents attached to it.

52. After approval of the boundaries and form of the territory (forms of territories) of the requested subsoil plot (requested plots) by the territorial division of the authorized body for subsoil study, in pursuance of paragraph 49 of these Rules, within two working days the local

executive body shall send copies of the application and attached documents to the environmental protection authority to coordinate the issuance of a mining permit.

Coordination of the issuance of a mining permit shall be accomplished within seven working days, as required by the provisions of the third passage of this paragraph.

If the planned common minerals extraction activity in the requested subsoil area (requested areas) requires, in accordance with the legislation of the Republic of Kazakhstan, a mandatory state environmental assessment of the project of the proposed activity, this approval shall be carried out during the state environmental assessment of the planned activity according to the mining plan developed on the requested site (requested sites) of subsoil separately or as part of the design and estimate documentation for construction (reconstruction), repair of public roads, state-owned railways, reconstruction and repair of hydraulic structures and (or) hydraulic structures within the period of the state environmental examination. In this case, the applicant shall assure such approval within twelve months. Missing of the indicated deadline shall terminate further consideration by state authorities of the submitted application and the documents attached to it.

Footnote. Paragraph 52 - as amended by the order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated 04.10.2021 No. 523 (shall be enforced sixty calendar days from the date of its first official publication).

53. The local executive body shall issue to the applicant permission for the extraction in the form specified in Annex 4 to these Rules within five working days from the date of receipt of the required approvals and documents referred to in paragraphs 42, subparagraph 7) and 8) of these Rules.

54. Permission for the extraction shall not be issued if there is one of the following grounds:

- 1) the applicant shall not have the right to obtain permission for the extraction;
- 2) the application or the attached documents shall not comply with the requirements of these Rules;
- 3) the documents attached to the application shall not be presented, unless otherwise provided by these Rules;
- 4) the boundaries and shape of the territory of the requested area (requested areas) of the subsoil shall not comply with the requirements of these Rules and shall not be agreed by the territorial subdivision of the authorized body for the study of subsoil;
- 5) issuance of permission for the extraction shall not be agreed by the authorized body in the field of environmental protection;
- 6) the territory (territories) of the requested subsoil area (s) shall be fully located (located) within the territories limited for subsoil use operations or in specially protected natural areas where extraction shall not be permitted;
- 7) the territory (territories) of the requested subsoil area (s) shall be fully or partially combined with the territory (territories) of the subsoil area under a license for the extraction

of common minerals or a contract for exploration or extraction of common minerals concluded prior to the implementation of the Code.

55. The refusal to issue permission for the extraction shall be made in writing and must be motivated.

Grammatical or arithmetic errors, typos or other similar errors made in the authorization application shall not be grounds for refusal of the authorization and shall be subject to correction by the applicant by re-submitting the application within ten working days from the date of receipt of the relevant notification from the competent authority. In this case, the period of review and authorization shall be interrupted by the notification of the local executive.

After the interruption, the period of consideration and issuance by the local executive body of the permission for the extraction shall begin anew; the time elapsed before the break shall not be counted on the new deadline.

56. Refusal to issue the permission for the extraction can be appealed by the applicant in accordance with the legislation of the Republic of Kazakhstan.

57. Refusing the permission for the extraction shall not deprive the applicant of the right to reapply.

58. At any time prior to the issuance of the permission for the extraction, the applicant may refuse to issue such permission by notifying the local executive body in writing.

59. Granting the right of subsoil use under the permission for the extraction of common minerals shall be the basis for granting the subsoil user by the local executive body the right to land use in accordance with the Land Code of the Republic of Kazakhstan.

Annex 1
to the Rules for provision
of rights of subsoil use to conduct
exploration or extraction of common
minerals used for the construction
(reconstruction) and repair of public
roads state owned railways, as well
as for the reconstruction and repair
of hydraulic structures and hydraulic
engineering constructions
Form

APPLICATION

I hereby ask you to issue permission for the exploration of common minerals

(full surname, first name and patronymic (if any), nationality, date of birth,

name and bank details of the identity document of the individual,
individual identification number/full name, location,
business identification number of the legal entity)

(position and first name, last name and patronymic (if any) completely (further referred to
as
initials)),
acting on the basis of _____

(document type, date and number) (for legal entities)
Purpose of subsoil use: _____

(to specify the types of work for which a permission is required)
based on _____

(to specify name, number and date of the agreement (contract) conclusion)

(to specify the term of the agreement (s))

(number of requested subsoil areas and area of each with indication
geographic coordinates of corner points)

(signature)

Name of the applicant (for the individual) name of the person acting on behalf of the
applicant
(for the legal entity)

Annex 2
to the Rules for provision
of rights of subsoil use to conduct
exploration or extraction of common
minerals used for the construction
(reconstruction) and repair of public
roads state owned railways, as well
as for the reconstruction and repair
of hydraulic structures and hydraulic
engineering constructions
Form

**PERMISSION
for exploration of common minerals**

1. Permission granted:

(full surname, first name and patronymic (if any), citizenship of the individual/full name, residence of legal entity) (hereinafter referred to as the Subsoil user) and shall grant the right to conduct exploration of common minerals in order to perform works on the _____

(to specify the work for which permission shall be granted and the name, number and date of award of agreement (contract) in accordance with the Code of the Republic Kazakhstan dated December 27, 2017 "On subsoil and subsoil use" (hereinafter referred to as the Subsoil Code)

2. Permission terms:

1) permission period: to _____ (validity period of the agreement (contract)) contracts)

2) borders of the territory of the subsoil plot area _____ sq.km, with the following geographical coordinates:

(to specify geographic coordinate points)

3) other subsoil use conditions: reclamation in accordance with legislation of the Republic of Kazakhstan

3. The public authority that issued the permission:

(the name of the government authority that issued the permission)

signature of the manager (authorized person) (for permissions on paper)

The place for the seal (if any) (for paper permissions)

_____ place of
issuance

AGREED:

(the name of the territorial subdivision of the authorized body for the study of subsoil)

(full name, first name and patronymic (if any) of the head (authorized person))

(signature) _____ " __ ", 20 _____

(name of the territorial subdivision of the authorized body in the field of environmental protection)

(full surname, first name and patronymic (if any) of the manager
(authorized person))

(signature)

_____ " __ ", 20 _____.

of rights of subsoil use to conduct exploration or extraction of common minerals used for the construction (reconstruction) and repair of public roads state owned railways, as well as for the reconstruction and repair of hydraulic structures and hydraulic engineering constructions
Form

APPLICATION

I hereby ask you to issue permission for the extraction of common minerals

(full surname, first name and patronymic (if any), citizenship, date of birth, name and bank details of the identity document, of the individual individual identification number or full name, residence, business identification number of the legal entity) represented by _____ (position and first name, surname and patronymic (if any) in full (hereinafter referred to as the full name)),
effective on the basis of _____ (document type, date and number) (for legal entities)

Purpose of subsoil use:

(to specify the types of work for which a permission shall be required) on the basis of

(to specify name, number and date of the agreement (contract) conclusion)

(to specify the term of the contract (s))

(to specify the type of common mineral)

(to specify the name and location of the field)

(number of the requested subsoil areas and area of each with indication of geographic coordinates of corner points)

(signature)

initials of the applicant (for the individual) initials of the person acting on behalf of applicant (for legal entities)

Annex 4
to the Rules for provision
of rights of subsoil use to conduct
exploration or extraction of common
minerals used for the construction
(reconstruction) and repair of public
roads state owned railways, as well
as for the reconstruction and repair
of hydraulic structures and hydraulic
engineering constructions
Form

**PERMISSION
for the extraction of common minerals**

1. Permission granted:

(full surname, first name and patronymic (if any), citizenship of the individual/full

name, residence of the legal entity) (hereinafter referred to as the Subsoil user) and grants the right to conduct the extraction of common minerals in to perform works on _____

—

_____ (to specify the work for which permission shall be issued) in accordance with the Code of the Republic of Kazakhstan dated December 27, 2017 "On subsoil and subsoil use" (hereinafter referred to as the Subsoil Code)

Permission Terms:

1) permission period: up to _____ (validity period of the agreement (contract) contracts)

2) borders of the territory of the subsoil plot area _____ sq.km, with the following geographical coordinates: specify geographic coordinate points

_____ (to specify geographic coordinate points

)

3) other subsoil use conditions: reclamation in accordance with the legislation of the Republic of Kazakhstan

3. The public authority that issued the permission:

_____ (the name of the state authority that issued the permission)

_____ signature of the manager (authorized person) (for permissions on paper)

_____ The place for the seal (if any) (for paper permissions)

_____ place of issue

AGREED:

(name of the territorial subdivision of the authorized body for the study of subsoil)

(full name, first name and patronymic (if any) of the head (authorized person)

(signature)

_____ " __ " , 20 __.

(name of the territorial subdivision of the authorized body in the field of protection environment)

(full name, first name and patronymic (if any) of the head (authorized person)

(signature)

_____ " __ " , 20 __.