



On approval of the Rules for issuance and re-registration of geological and (or) mining allotments

Unofficial translation

Order of the acting Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated August 3, 2021 No. 285. Registered in the Ministry of Justice of the Republic of Kazakhstan on August 9, 2021 No. 23907.

Unofficial translation

In accordance with paragraph 16 of Article 278 of the Code of the Republic of Kazakhstan "On Subsoil and Subsoil Use" and with subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan "On Public Services", **I ORDER:**

Footnote. The preamble is in the wording of the order of the Acting Minister of Industry and Construction of the Republic of Kazakhstan dated 06.12.2023 № 110 (effective ten calendar days after the date of its first official publication).

1. To approve the attached Rules for issuance and re-registration of geological and (or) mining allotments.

2. The Committee of Geology of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, in the manner prescribed by law, to ensure:

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

2) placement of this order on the Internet resource of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan after its official publication;

3) within ten working days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan, submission of information to the legal service department of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan on the execution of the measures provided for in subparagraphs 1) and 2) of this paragraph.

3. To impose control over the execution of this order on the supervising vice minister of ecology, geology and natural resources of the Republic of Kazakhstan.

4. This order comes into force ten calendar days after the day of its first official publication.

*Acting minister of ecology, geology and
natural resources of the
Republic of Kazakhstan*

A. Primkulov

"AGREED"

Ministry of industry and
infrastructural development of the
Republic of Kazakhstan

"AGREED"

Ministry on energy of the
Republic of Kazakhstan

Approved
by the order of the acting minister of
ecology, geology
and natural resources of the Republic of
Kazakhstan
dated August 3, 2021 № 285

Rules for the issuance and re-registration of geological and mining allotments

Footnote. The rules are in the wording of the order of the Acting Minister of Industry and Construction of the Republic of Kazakhstan dated 06.12.2023 № 110 (effective ten calendar days after the date of its first official publication).

Chapter 1. General provisions

1. These Rules for the issuance and re-registration of geological and mining allotments (hereinafter – the Rules) have been developed in accordance with paragraph 16 of Article 278 of the Code of the Republic of Kazakhstan "On Subsoil and Subsoil Use" (hereinafter – the Code) and with subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan "On Public Services" (hereinafter - the Law) and define the procedure for granting and re-registration of geological and mining allotments.

The following basic concepts and terms, abbreviations are used in these Rules:

1) geological allotment – an appendix to the contract for exploration and production or exploration, which is an integral part of it, defining schematically and descriptively the subsurface area on which the subsurface user conducts exploration;

2) mining allotment – a document that is an integral part of the contract for exploration and production or extraction, graphically and descriptively defining a subsurface area within which a subsurface user conducts mining, construction and (or) operation of underground structures not related to exploration and (or) production;

3) contract – an agreement between a competent authority in accordance with the competence established by the Code and an individual and (or) a legal entity for exploration and production or extraction of minerals or construction and (or) operation of underground structures not related to exploration and (or) production.

2. In accordance with paragraph 16 of Article 278 of the Code, for subsurface use contracts concluded before the Code came into force, the boundaries of the subsurface area are changed by making appropriate changes to the contract.

3. The state service "Issuance and re-registration of geological and mining allotments" (hereinafter - the state service) is provided by the authorized body for the study of subsurface resources (hereinafter – the service provider) to individuals and legal entities operating in the

field of subsurface use on the basis of contracts concluded before the introduction of the Code (hereinafter – the service recipient).

4. The Service Provider, within 3 (three) business days from the date of amendment of these Rules, updates information on the procedure for providing public services and sends it to the Unified Contact Center.

Chapter 2. The procedure for the provision of public services

5. The list of basic requirements for the provision of public services, including the name of the public service, the name of the service provider, methods of providing public services, the period of provision of public services, the form of provision of public services, the result of the provision of public services, the amount of the fee charged to the service recipient for the provision of public services, and methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan, the schedule the work of the service provider, the State Corporation and the objects of information, a list of documents and information, the grounds for refusal to provide a public service, established by the laws of the Republic of Kazakhstan, are set out in Appendix 1 to these Rules (hereinafter – the List).

6. In order to receive a public service, the service recipient submits it through an informatization facility through a single platform of subsurface users "Minerals.gov.kz " (hereinafter – SPS "Minerals.gov.kz") or to the office of the service provider, an application for the provision and re–registration of a geological / mining allotment in accordance with Annex 1 to the List of these Rules (hereinafter - the Application).

7. The date and time of receipt of the application to the service provider is recognized as the moment of filing the application and is subject to accounting.

8. In the case of submitting an application through the SPS "Minerals.gov.kz" in accordance with the work schedule, according to item 7 of the List to these Rules, the status of acceptance of the application for the provision of public services is displayed, as well as a notification indicating the date and time of receipt of the result of the public service.

The office of the service provider, on the day of receipt of documents, accepts them, registers them and transfers them to the responsible structural unit for execution. When the service recipient applies after the end of working hours, on weekends and holidays, according to labor legislation, applications are accepted and the results of the provision of public services are issued on the next working day.

Each application is registered separately.

9. The Service Provider checks the documents for completeness and compliance within 5 (five) business days from the date of registration of the application in accordance with subparagraph 1) item 8 of the List to these Rules.

When the service recipient submits an incomplete package of documents, as well as in case of inconsistency of the submitted documents for the provision of geological and mining allotment provided for in subparagraphs 1) and (or) 2) of item 8 of the List to these Rules, the

service provider refuses to provide public services and issues a reasoned refusal to provide geological and mining allotment.

When the service recipient submits a complete package of documents, as well as in case of compliance of the submitted documents for the provision of geological and mining allotment provided for in subparagraphs 1) and (or) 2) of item 8 of the List to these Rules, the service provider within 5 (five) working days from the date of registration of the application sends the application with the attached documents to the national collection operator, storage, processing and provision of geological information (hereinafter referred to as the National Operator).

10. The national operator reviews the application and within 10 (ten) working days from the date of receipt of the documents sends an opinion on the results of the review to the service provider.

The service provider reviews the conclusion for compliance of the territory of the site(s) with the provisions of Articles 19, 25, 26 of the Code and issues a geological and mining allotment within 5 (five) working days from the date of receipt of the conclusion.

If, when considering the conclusion, the service provider finds that the territories of the site(s) cannot be in accordance with Articles 19, 25, 26 of the Code or completely combined with territories where operations on subsurface use are not allowed, the service provider issues a reasoned refusal with the identified inconsistencies.

In the presence of the above inconsistencies, the service provider sends a written request to the authorized state bodies to clarify the availability.

11. If there is a reason for refusal to provide a public service on the grounds specified in paragraph 9 of the List, the service provider notifies the applicant of the preliminary decision to refuse to provide a public service, as well as the time and place (method) of the hearing to be able to express the applicant's position on the preliminary decision.

The notification of the hearing shall be sent at least 3 (three) business days before the end of the period for the provision of public services. The hearing shall be held no later than 2 (two) business days from the date of receipt of the notification.

12. The provision of a geological / mining allotment in accordance with Annexes 2 and (or) 3 to the List of these Rules is carried out no later than 20 (twenty) working days from the date of receipt of the Application of the service recipient, with mandatory notification to the competent authority (the state body that is a party to the contract).

13. The result of the provision of public services is the issuance of a geological and mining allotment or a reasoned refusal.

14. The result of the provision of public services is sent to the personal account of the SPS "Minerals.gov.kz" the service recipient or through the postal service.

15. When transferring the right of subsurface use, the re-registration of a geological/ mining allotment is not required.

Chapter 3. The procedure for appealing decisions, actions (inaction) of the service provider on the provision of public services

16. A complaint against the decision, actions (omissions) of the service provider on the provision of public services is filed to the head of the service provider, the authorized body for the study of mineral resources (hereinafter – the authorized body), to the authorized body for the assessment and control of the quality of public services.

Consideration of a complaint regarding the provision of public services is carried out by a higher administrative body, an official, or a body considering the complaint.

Complaints are submitted to the service provider and (or) an official whose decision, action (inaction) is being appealed.

The service provider is an official whose decision, action (inaction) is being appealed, no later than 3 (three) working days from the date of receipt of the complaint, send it to the body considering the complaint.

At the same time, the service provider, official, decision, action (inaction) are appealed, does not send a complaint to the body considering the complaint if it makes a decision or administrative action within 3 (three) working days that fully meets the requirements specified in the complaint.

The complaint of the service recipient received by the authorized body, in accordance with paragraph 2 of Article 25 of the Law, is subject to consideration within 5 (five) working days from the date of its registration.

The complaint of the service recipient received by the body considering the complaint is subject to consideration within 15 (fifteen) working days from the date of its registration.

17. Unless otherwise provided by the laws of the Republic of Kazakhstan, an appeal to the court is allowed after a pre-trial appeal in accordance with paragraph 5 of Article 91 of the Administrative Procedural Code of the Republic of Kazakhstan.

Appendix
to the Rules for the Provision
of Public Services
"Issuance and re-registration
of geological and mining allotments"

The list of basic requirements for the provision of public services "Issuance and re-registration of geological and mining allotments"

1.	Name of the service provider	Committee of Geology of the Ministry of Industry and Construction of the Republic of Kazakhstan
2.	Methods of providing public services	SPS "Minerals.gov.kz " or through the office of the service provider

3.	The term of the provision of public services	Issuance and re-registration of geological and mining allotments - 20 (twenty) working days
4.	The form of public service provision	Electronic (partially automated) / paper
5.	The result of the provision of public services	Issuance of a geological and mining allotment or a reasoned refusal; Issuance of a reissued geological and mining allotment or a reasoned refusal.
6.	The amount of payment charged to the service recipient for the provision of public services, and the methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	The public service is provided to the service recipient free of charge.
7.	Work schedule	1) SPS "Minerals.gov.kz" – around the clock, except for technical breaks in connection with repair work (when the service recipient applies after the end of working hours, on weekends and holidays, according to the labor legislation of the Republic of Kazakhstan, the application is accepted and the result of the provision of public services is issued on the next working day); 2) the service provider – from Monday to Friday from 9-00 to 18-30 hours, with a lunch break from 13-00 to 14-30, except weekends and holidays, according to the labor legislation of the Republic of Kazakhstan.
		1) To obtain a geological allotment: through the SPS "Minerals.gov.kz ": an application for the provision and re-registration of a geological allotment in the form of an electronic document certified with an electronic digital signature (hereinafter referred to as EDS) in accordance with Appendix 1 to the List of Rules for the Issuance and Re-registration of geological and mining Allotments (hereinafter referred to as the Rules); copies of the following documents: decision of the competent authority on amendments and additions to the subsoil use contract;

8.

The list of documents and information required from the service recipient for the provision of public services

geographical coordinates of the corner points indicating the total area of the branch;
act of liquidation/inspection (in case of return of the territory);
through the office of the service provider: copies or the original of the following documents: an application for the provision and re-registration of a geological allotment in accordance with Annex 1 to the List of Rules, the decision of the competent authority to amend and supplement the contract for subsurface use,
geographical coordinates of corner points indicating the total area of allotment, an act of liquidation/ survey (in case of return of the territory).
2) To obtain a mining allotment:
through the SPS "Minerals.gov.kz ":
an application for the provision and re-registration of a mining allotment in the form of an electronic document certified by an EDS, in accordance with Appendix 1 to the List of Rules;
copies of the following documents:
decision of the competent authority on amendments and additions to the subsoil use contract;
geographical coordinates of corner points indicating the total area of the allotment and graphic materials indicating the contour of the calculation of mineral reserves of the requested mining allotment by area and depth. In cases of expansion of the boundaries of a mining allotment not related to mining, technical justifications, explanations and graphic materials developed by the subsurface user in the need for such expansion are attached to the application;
through the office of the service provider: copies or the original of the following documents: an application for the provision and re-registration of a mining allotment in accordance with Annex 1 to the List of Rules, the decision of the competent

		<p>authority to amend and supplement the contract for subsurface use, geographical coordinates of corner points indicating the total area of the allotment and graphic materials indicating the contour of the calculation of mineral reserves of the requested mining allotment area and depth. In cases of expansion of the boundaries of a mining allotment not related to mining, technical justifications, explanations and graphic materials developed by the subsurface user in the need for such expansion are attached to the application.</p> <p>The service provider receives information about identity documents of the state registration (re-registration) of a legal entity contained in state information systems from the relevant state information systems through the gateway of the "electronic government".</p>
9.	<p>Grounds for refusal to provide public services established by the legislation of the Republic of Kazakhstan</p>	<p>1) establishing the unreliability of the documents submitted by the service recipient for receiving a public service, and (or) the data (information) contained therein;</p> <p>2) non-compliance of the service recipient and (or) the submitted materials, objects, data and information necessary for the provision of public services with the requirements established by regulatory legal acts of the Republic of Kazakhstan;</p> <p>3) non-compliance of the territory of the site(s) with the provisions of Articles 19, 25, 26 of the Code of the Republic of Kazakhstan "On Subsoil and Subsurface Use" dated December 27, 2017, or full combination with territories where subsurface use operations are not allowed.</p>
10.	<p>Other requirements, taking into account the specifics of the provision of public services,</p>	<p>Contact numbers of information services on the provision of public services: 8 (7172) 27-79-59, unified contact center for the provision of public services: 1414, 8 800 080 7777.</p>

Appendix 1
to the list of basic
requirements for the provision
of public services
"Issuance and re-
-registration of geological and mining
allotments"

Form
To the head
Committee of Geology
Ministries of Industry
and Construction
Of the Republic of Kazakhstan
by _____
(city)

(last name, first name, patronymic
(if available)

from _____
(full name
of the applicant,
business identification
number or
surname, first name, patronymic
(if any)
of an individual
and an individual
identification number,
address, banking details, phone number)

Application for the provision of a geological/mining allotment

I ask you to issue/reissue a geological/mining allotment.

Location of the object: _____ (area)

The number of the corner point	Geographical coordinates					
	Northern latitude			Eastern longitude		
	degree	minute	second	degree	minute	second
1						
2						
3						
4						

Application:

I agree to the use of information that constitutes a legally protected secret
contained in information systems.

Date of application submission:

" ___ " _____ 20 ___ of the year.

Signature: _____

Appendix 2
to the List of basic
requirements for the provision
of public services
"Issuance and re-registration of
geological and mining allotments"
Form

Appendix №__
to the Contract № _____
for the right of subsurface use

(type of mineral)

(type of subsurface use)

from _____ 20 ___ year of reg. № __

(The authority that issued this document)

GEOLOGICAL ALLOTMENT

Provided by _____

to carry out operations (applicant) on subsurface

use on _____

(name of the subsurface area (blocks))

on the basis of _____

(decision of the competent authority on amendments and additions

to the subsoil use contract)

The geological allotment is located in _____.

(region)

The boundaries of the geological allotment are shown on the cartogram and are indicated
by corner points from № 1 to № _____.

subsequent point numbers

Corner points	Coordinates of the corner points					
	Northern latitude			Eastern longitude		
	degree	minute	second	degree	minute	second

The area of the geological allotment - _____
square kilometer (meter) (figure (in words))

The depth of exploration (if determined by the Competent Authority)

_____ meter

Head of the authority _____
 last name, first name, patronymic (if applicable if available) the head, the signature of the
 city of issue _____, month, year.

Appendix 3
 to the List of basic
 requirements for the provision
 of public services
 "Issuance and re-
 -registration of geological and mining
 allotments"
 form
 Appendix №__
 to the Contract № _____
 for the right of subsurface use

 (type of mineral)

 type of subsurface use)
 reg. from _____ 20 ____ year
 № _____

 (The authority that issued this document)

MOUNTAIN BRANCH

Provided by _____
 to carry out operations (applicant) on subsurface
 use on _____
 (name of the subsurface area (blocks)
 on the basis of _____
 (decision of the competent authority on amendments
 and additions to the subsoil use contract)

The mountain branch is located in _____.
 (region)

The boundaries of the mining allotment are shown on the cartogram and are indicated
 by corner points from № 1 to №

 subsequent point numbers

Corner points	Coordinates of the corner points					
	Northern latitude			Eastern longitude		
	degree	minute	second	degree	minute	second

The area of the mining allotment - _____
 square kilometer (meter) (figure (in words))

Depth of development _____

metre

Mining horizon, depth, geological and stratigraphic boundary

Head of the authority _____

surname, first name, patronymic (if any) of the head, signature

city of issue _____, month, year.