



On Approval of the Rules for Issuing an Opinion on the Transboundary Movement of Hazardous Waste through the Territory of the Republic of Kazakhstan

Unofficial translation

Order No. 387 of the Minister of Ecology, Geology and Natural Resources of September 27, 2021. Registered with the Ministry of Justice of the Republic of Kazakhstan on September 28, 2021 under No. 24543

Unofficial translation

Under paragraph 3 of Article 346 of the Environmental Code of the Republic of Kazakhstan **I HEREBY ORDER:**

1. That the attached Rules for Issuing an Opinion on Transboundary Movement of Hazardous Waste through the Territory of the Republic of Kazakhstan shall be approved.

2. That in line with legislation, the Department of State Policy in Waste Management of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan shall ensure:

1) the state registration hereof with the Ministry of Justice of the Republic of Kazakhstan;
2) the placement hereof on the website 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 hereof with the Ministry of Justice of the Republic of Kazakhstan, the submission to the Legal Service Department of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan of information on the implementation of the measures envisaged in sub-paragraphs 1) and 2) of this paragraph.

3. That the Supervising Vice-Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan shall be entrusted with the supervision of the execution hereof.

4. That this order shall enter into force from the date of its first official publication and shall apply to legal relations arising from July 1, 2021.

*Minister of Ecology, Geology
and Natural Resources
of the Republic of Kazakhstan*

S. Brekeshev

“APPROVED BY”

Ministry of Foreign Affairs
of the Republic of Kazakhstan

“APPROVED BY”

Ministry of National Economy
of the Republic of Kazakhstan

“APPROVED BY”

Rules for Issuing an Opinion on the Transboundary Movement of Hazardous Waste through the Territory of the Republic of Kazakhstan

Chapter 1. General provisions

1. The Rules for Issuing an Opinion on Transboundary Movement of Hazardous Wastes through the Territory of the Republic of Kazakhstan (hereinafter, the Rules) have been developed as per paragraph 3 of Article 346 of the Environmental Code of the Republic of Kazakhstan (hereinafter, the Code), the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal of March 22, 1989 (hereinafter, the Basel Convention) and establish the procedure for importing waste into, exporting waste from and transiting waste through the territory of the Republic of Kazakhstan.

2. The following terms and definitions are used herein:

1) a designated centre - the competent authority in the field of environmental protection of the Republic of Kazakhstan;

2) hazardous waste - is waste with one or more of the properties stipulated in paragraph 1 of Article 342 of the Code;

3) transboundary movement of waste - any movement of hazardous or other wastes from an area under the national jurisdiction of one state to or through an area under the national jurisdiction of another state or to or through an area not under the national jurisdiction of any state, provided that such movement affects at least two states;

4) competent authority in the field of environmental protection - the central executive body responsible for administration and inter-sectoral coordination in the field of environmental protection and use of natural resources, as well as its territorial bodies;

5) competent authority - public authorities responsible for border, transport and customs control, the competent authority for environmental protection, industrial safety and the sanitary and epidemiological service authorities.

Other concepts and definitions used herein shall be applied pursuant to international treaties ratified by the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan.

Chapter 2. Procedure for issuing an Opinion on the Transboundary Movement of Hazardous Waste

3. Transboundary movement of waste through the territory of the Republic of Kazakhstan shall be performed upon the conclusion of the competent authority in the field of environmental protection.

4. Disposal of waste from the territory of the Republic of Kazakhstan and transit of waste through the territory of the Republic of Kazakhstan shall be subject to the consent in writing of the competent authority of the state to the territory of which the waste is being imported.

In order to obtain the consent of the competent authority of the state into the territory of which the waste is being imported, natural or legal persons shall submit the documents specified in the list provided for in paragraph 6 hereof.

5. The designated competent authority in the field of environmental protection shall notify in writing the competent authorities of the states concerned of the intended transboundary movement of hazardous wastes, specifying the effects of the proposed movement on human health and the environment. Such information shall be provided in the notification of a transboundary movement of hazardous wastes, as per Annex 1 hereto.

6. The following must be submitted by individuals and legal entities to obtain a permit for the transboundary movement of waste through the territory of the Republic of Kazakhstan:

1) an application for waste transit, signed by the applicant, stamped (if any) for legal entities, stating residence for individuals and location for legal entities and a list of documents to be enclosed;

2) a copy of the contract (agreement) for the sale of waste or other contract of disposal between the parties to the foreign trade transaction;

3) a copy of the contract between the exporter and the producer or importer and the consumer of the goods, if the applicant is an intermediary;

4) written consent of the competent authority of the state to which the waste is being imported under the Basel Convention;

5) copies of the transport contract (agreement) and of the contract between the exporter and the person responsible for waste disposal, which stipulate the environmentally sound management of the waste;

6) a notification on transboundary movement of hazardous wastes (in triplicate) as per Annex 1 hereto;

7) a copy of the compulsory environmental insurance policy;

8) a copy of the emergency contingency plan;

9) a copy of the hazardous waste passport in the form approved by Order No. 335 of the Minister of Ecology, Geology and Natural Resources of August 20, 2021 (recorded in the Register of State Registration of Legal and Regulatory Acts under No. 24386);

10) the waste transport document (in triplicate) in the form shown in Annex 3 hereto.

7. Within 30 (thirty) working days after receipt of the documents specified in paragraph 6 hereof, in case of compliance of the submitted documents with the requirements specified herein, the competent authority in the field of environmental protection shall draw up an

opinion on transboundary movement of waste in the form as per Annex 2 hereto and send (deliver) to the applicant, or a reasoned refusal in cases and on the grounds specified in Paragraph 8 hereof.

8. If the documents do not meet the requirements specified in paragraph 6 hereof, within 10 (ten) working days of receipt of the documents, the competent authority for environmental protection shall notify the applicant in writing of the refusal to issue an opinion on the transboundary movement of waste, stating the reasons for the refusal.

9. Grounds for refusing to issue an opinion shall include:

1) finding that the documents submitted by natural and legal persons to obtain an opinion and/or the data (information) contained therein are unreliable;

2) failure of individuals and legal entities and/or submitted materials, objects, data and information necessary for issuing an opinion to comply with the requirements established with the Basel Convention, Decision of the Board of the Eurasian Economic Commission No. 30 of April 21, 2015.

In case of finding out the facts of incomplete submission of documents and (or) documents with expired validity, submitted to individuals and legal entities provided by paragraph 6 hereof, the designated centre shall issue a reasoned refusal to further consider the registration of the conclusion on transboundary movement of waste.

Annex 1
to the Rules for Issuing an
Opinion on the Transboundary
Movement of Hazardous Waste
through the Territory of the
Republic of Kazakhstan
Document form

Notification of transboundary movement of hazardous waste

1. Exporter (name, address):		4. Notification relating to (1):		Notification No. KZ0000 ____
Contact person:	Tel.:	A. a) one-off transportation <input type="checkbox"/>		B. c) placement <input type="checkbox"/>
	Fax:	b) general notification (multiple transportation)		d) use <input type="checkbox"/>
Reason for exporting:		B. Object for which permission has previously been granted		
2. Importer (name, address):				
Contact person:	Tel.:	Fax:	5. Total planned number of deliveries:	6. Estimated amount of waste (3): kg (l)
			7. Estimated delivery dates or periods (ok):	
3. Person responsible for waste disposal (name, address) (2):				
Contact person:	Tel.:	Fax:		
8. Proposed transporters (name, address)) (2):		9. Location/use facility (name, address):		

Contact person:		Tel.:	Tel.:
		Fax:	Fax:
11. Waste generator(s) (name, address) (2):		Actual waste management facility	
		10. Ways of locating/using it (2)	
Contact person:	Tel.:	Fax:	Code D/Code R (4):
		Technology applied:	
		(Provide details if necessary)	
12. Information on the contract concluded between the exporter and the person responsible for disposal		13. Information (including a technical description of the plant) forwarded to the exporter or manufacturer by the person responsible for the disposal, from which the latter concludes that the proposed disposal can be carried out in an environmentally sound manner and in conformity with the rules and regulations of the country of importation:	
The facility where the waste was generated		14. Type(s) of transportation (4):	15. Type(s) of packaging (4):
		16. Details concerning insurance: (on relevant insurance requirements and how they are met by the exporter, transporter and person responsible for disposal)	Details of the insurance contract and policy
17. a) Name and chemical composition of the waste	17. б) Special handling requirements:	18. Physical characteristics (4):	
19. Waste identification code		21. Number Y (4):	
in the country of export:	International Waste Identification Code / European Waste Catalogue:		
in the country of import:	International Waste Identification Code / European Waste Catalogue:		22. Number H (4)
Customs code:	Other (specify)		
20. OECD classification (1) yellow <input type="checkbox"/> red <input type="checkbox"/> green <input type="checkbox"/> /EWC:	23. a) UN identification:	23. b) UN class (4):	
and number			
(enclose a detailed description)			
24. The countries concerned. Code number of competent authorities and designated points of entry and exit:			
Exporting country	Transit country		Importing country
25. Customs services of the point of entry and/or exit		27. Waste generator (exporter) declaration: I hereby confirm that this information is complete and true to the best of my knowledge. I also confirm that legally binding contractual obligations have been established in writing and that appropriate guarantees covering the transboundary movement of waste are in place.	
Takeaway point:	26. Number of applications		
		Name:	Signature:
		Date:	
To be filled in by the competent authorities			

28. To be completed by the competent authority of the importing , transit country	29. Authorisation from the competent authority for transportation:		
Notification received by:	Name of competent authority, seal (if any) and signature		
Confirmation sent to:			
Name of competent authority:	Duration of authorisation until:		
Seal (if any) and/or signature:	Special conditions:		
	yes		
	no		

Note:

FEACN code – Foreign Economic Activity Commodity Nomenclature code

OECD - Organisation for Economic Co-operation and Development

IWIC code - International Waste Identification Code

EWC - European Waste Catalogue

OECD Classification - Classifications of Economic Cooperation and Development

Number Y, number H - waste type code according to classification

D code - disposal operations

R code - operations which may lead to recovery, recycling, disposal, direct reuse or alternative uses

Annex 2
to the Rules for Issuing an
Opinion on the Transboundary
Movement of Hazardous Waste
through the Territory of the
Republic of Kazakhstan
Document form

OPINION

(permit document) No. _____/20 / _____

_____ (the name of the public authority of the Eurasian Economic Union member state that issued the opinion)

Issued to _____

— (name of the organisation, legal address, country / for natural persons surname, first name, patronymic (if any))

Type of movement _____

(Type of movement)

_____ | _____

(section of the Unified List of Goods)

(Code of the Commodity Nomenclature of Foreign Economic Activities of the Eurasian Economic Union)

Name of item	Quantity	Unit of measure
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Recipient/sender _____
(name, registered office, country)

Destination/sending country _____

Purpose of importation (exportation) _____

Time limit for temporary importation (exportation) _____

Ground: _____

Further information _____

Transit country _____

(cross-border transit)

signature _____ date _____

The decision is valid by:

(Surname, first name, patronymic (if any))

stamp here (if available)

position)

Annex 3
to the Rules for Issuing an
Opinion on the Transboundary
Movement of Hazardous Waste
through the Territory of the
Republic of Kazakhstan
Document form

Waste transportaion document

1. a) the exporter (name, address):		4. a) accordingly	5. Serial No. of delivery	
Contact person:	Tel.:	to notification No.		
	Fax:	4. b) transportation by (2)	One-off notification	<input type="checkbox"/>

			General notification	<input type="checkbox"/>
6. Location/use facility (name, address)				
1. 6) Waste generator (name, address) (1):		Contact person:		Tel.:
Generation method				Fax:
Contact person:		Tel.: Fax:		7. Ways of placement/use
The facility where the waste was generated:		D code: (3)		
		R code: (3)		
2. Importer (Name, address):		Applied technology		
Contact person:		Tel.:		
You should contact:		Fax:		
3. Person responsible for waste disposal (Name, address):		(provide details if necessary)		
8. Details concerning insurance: (on the relevant insurance requirements and how they are met by the exporter, transporter and person responsible for disposal)		Details of the insurance contract and policy:		
9. 1st transporter (Name, address)		10. 2nd transporter (Name, address) (4):		11. The last transporter (Name, address)
Tel.:	Fax:	Tel.:	Fax:	Tel.:
				Fax:
12. Type of transportation (3):		13. Type of transportation (3):		14. Type of transportation (3):
Date/place of transshipment:		Date/place of transshipment:		Date/place of transshipment:
Signature of the representative of the transporter		Signature of the representative of the transporter		Signature of the representative of the transporter
15. Name and the chemical composition of waste				16. Physical characteristics (3)
				17. Actual quantity, kg
				18. Type(s) of packaging (3):
19. Waste identification code				
in the country of export		International Waste Identification Code / European Waste Catalogue:		
in the country of import		International Waste Identification Code / European Waste Catalogue:		
		Other (specify)		
Customs code				21. UN classification:
				UN shipping name:
20. OECD classification (2) red <input type="checkbox"/>				UN Number:
yellow <input type="checkbox"/>				UN Class (3):
				Number H (3):
green <input type="checkbox"/>		and number		
(provide details)		Number Y:		
22. Special handling requirements		23. Waste exporter (generator) declaration: I hereby confirm that the information in boxes 1 to 9 and 13 to 21 above is complete and correct to the best of my knowledge. I also confirm that legally binding contractual obligations have been established in writing, that appropriate guarantees covering transboundary movements of wastes are in place and that no objections have been received		

	from the competent authorities of all States Parties to the Basel Convention concerned.			
24. Actual date of shipment				
	Date:		Signature:	
	Name:			
To be completed by the recipient/placement/use facility				
25. Delivery received by the recipient (if it is not a placement/use facility:			27. I confirm that the disposal/ use of the waste described above has been undertaken.	
The amount received:	kg (l)	received	<input type="checkbox"/>	
Date:		refusal (5)	<input type="checkbox"/>	Date:
Name:	Signature			
			Name:	
26. Delivery received at the placement/use facility:				
The amount received:	kg (l)	Received (5)	<input type="checkbox"/>	Signature and the seal (if any):
Date:		refusal	<input type="checkbox"/>	
Name:	Signature			
Approximate date of placement/use:				
Method of placement/use				
To be completed by the person responsible for waste disposal				
28. Delivery received by the person responsible for waste disposal:			29. I confirm that the disposal of the waste described above will be carried out:	
The amount received:	kg (l)	Received (5)	<input type="checkbox"/>	
Date:		refusal	<input type="checkbox"/>	Date:
Name:	Signature			
			Name:	
30. Delivery received at the waste disposal facility:				
The amount received:	kg (l)	Received (5)	<input type="checkbox"/>	Signature and the seal (if any):
Date:		refusal	<input type="checkbox"/>	
Name:	Signature			
Approximate date of disposal:			Actual location of the disposal facility:	
Method of disposal:				

Note:

OECD - Organisation for Economic Co-operation and Development

IWIC code - International Waste Identification Code

EWC - European Waste Catalogue

OECD Classification - Classifications of Economic Cooperation and Development

UN number -United Nations number

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D code - disposal operations

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