

On Architectural, Town-planning and Construction Activity in the Republic of Kazakhstan

Unofficial translation

The Law of the Republic of Kazakhstan dated 16 July, 2001 № 242.

Unofficial translation

Information for users!

"Adilet" Legal Information System also has a translation of the The Law on Architectural, Town-planning and Construction Activity in the Republic of Kazakhstan of the Republic of Kazakhstan provided by National Company KAZAKH INVEST JSC.

Footnote. Throughout the text, the words "an authorized state body for architecture, town planning and construction" are replaced by the words "an authorized body for architecture, town planning and construction" in keeping with Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after its first official publication).

This Law regulates relations, arising between the state bodies, individuals and legal entities in the process of carrying out of architectural, town planning and construction activity in the Republic of Kazakhstan, and directed to create a full environment and human life, sustainable development of inhabited localities and inter-settlement territories.

Section 1. The state regulation of architectural, town planning and construction activity Chapter 1. General provisions Article 1. Basic definitions used in the Law

The following basic definitions are used in the Law:

1) Designer's supervision - author's competence to oversee:

the development of a construction project (construction documents) carried out by a designer (designers) of architectural and town planning piece of work;

the implementation of a construction project by its developers, including a designer (designers) of architectural and town planning piece of work;

1-1) Excluded by the Law of the Republic of Kazakhstan dated 01.01.2023 № 182-VII (shall be enforced ten calendar days after the date of its first official publication);

2) living environment - environment, in which people reside. Living environment includes :

environment - a set of natural and artificial objects, including atmospheric air, the Earth's ozone layer, surface and ground water, land, subsoil, flora and fauna and also climate in their interaction;

architectural and landscape environment - space with a set of natural conditions and architectural forms, in which a person undertakes economic activities and performs other

functions. As a rule, this is an environment of inhabited localities, which determines living conditions and psychophysical state of people;

accessible (inclusive) environment - a property of buildings, places of service, places of residence allowing free access to a place and free use of a service, and also having parameters that provide an opportunity to use a service, to reach for a thing;

internal environment - a set of living conditions in living quarters and working conditions in work (industrial) premises, including social, aesthetic, biological, psychological, physical and chemical factors such as natural radiation, external noise, biotic environment, pollution, humidity, air composition and movement, smells, combustion products, natural and artificial lighting, water purity and others;

3) objects of special regulation and town planning regulatory action - objects of architectural, town planning and construction activities, the implementation of which is hampered or impossible without introducing special rules (procedures), making exceptions or additions to standard rules (procedures) for the use of land, territory of an inhabited locality, a separate real property item;

3-1) the register of accredited expert organizations - a unified list of legal entities entitled to conduct comprehensive external appraisal of object construction projects;

3-2) an accredited expert organization - a legal entity accredited in the manner established by an authorized body for architecture, town planning and construction activities, which carries out a comprehensive external appraisal of object construction projects (feasibility studies and design estimates) that is not classified as a state monopoly by the legislation of the Republic of Kazakhstan on architectural, town planning and construction activities;

4) anthropogenic impacts - positive and adverse effects on nature, environment, inhabited localities caused by various forms of influence of human activities. In case of an adverse effect, it is necessary to take environmental measures;

4-1) the register of certified experts - a regularly updated unified list of individuals certified by relevant structural subdivisions of local executive bodies and entitled to:

carry out appraisals of object construction projects (feasibility studies and design estimates), as well as projects for town planning of territories (town planning projects of various levels);

conduct technical investigation of reliability and stableness of buildings and structures;

provision of engineering services for project management, technical supervision on behalf of the customer and author's supervision on behalf of the project developers;

5) territorial zoning – in town planning, division of territories into functional zones to specify types of town planning use of individual zones and possible restrictions on their use;

5-1) territorial transport planning - planning of development of the transport system of a territory, which also includes the planning of siting of infrastructure of all modes of transport and tracing of transport route network;

6) construction in progress - an object of construction not accepted into service in accordance with a procedure established by a customer and not used for its intended purpose (accommodation, rendering services, production output, receipt of profit and other types of operation);

6-1) unique object of construction - buildings, structures and their complexes, characterized by special architectural, space planning, constructional, engineering or technological solutions, not previously used individually or in combination, for which no state or interstate technical regulations and regulatory and technical requirements for the design and construction have been established, which determine it necessary to develop, coordinate and approve special technical conditions (special standards) for this object;

6-2) a single architectural style - a set of common features used in construction, characteristic of a certain area of development of the territory, including individual development. The main parameters are the appearance, architectural style, color scheme, number of storeys, finishing materials. For the individual built-up area, the main parameters are the appearance, architectural style, color scheme, number of storeys, finishing materials, fencing, type of roof and the location of household buildings on the site;

7) a structure - an artificially created volumetric, planar or linear object (a surface, above-water and (or) underground, underwater one) with natural or artificial spatial boundaries and intended for execution of production processes, placing and storing material values or temporary stay (movement) of people, cargoes and also for placing (laying, wiring) equipment or utilities. A structure can also have an artistic and aesthetic, decorative-applied or memorial purpose;

7-1) detailed planning project – town-planning documentation developed for individual parts of territories and functional zones of inhabited localities, as well as territories outside of inhabited localities;

8) territory of an inhabited locality - an area within established boundaries (line) of an urban or rural settlement;

9) master plan of an inhabited locality - a town planning project for comprehensive planning of the development and construction of a city, rural settlement, village or other populated point, which establishes zoning, a planning pattern and functional arrangement of its territory, a system of transportation and engineering services, of landscaping and general improvement;

9-1) an accredited expert organization of a special industrial zone - a management company of a special industrial zone, accredited in accordance with the procedure, established by the authorized body for architecture, urban planning and construction, and carrying out a comprehensive non-departmental examination of projects (feasibility studies and design estimates) intended for construction on territory of a special industrial zone;

9-2) public places – territories, objects that are accessible or open to the public;

9-3) green spaces - plantings of trees, shrubs and herbaceous plants that have protective, sanitary, social, aesthetic and other functions in the territories of settlements;

9-4) local expert evaluation - the conclusion of the examination of projects, drawn up and issued to the customer at each stage of expert support for the relevant sections (parts) of the project, with the exception of the final examination stage;

10) Is excluded by Law of the Republic of Kazakhstan № 542-IV dated 13.01.2012 (shall go into effect ten calendar days after its first official publication);

11) a project - a plan of individuals and legal entities to ensure necessary conditions for human life and activities, presented in the form of architectural, town planning and construction documentation (drawings, graphic and text materials, engineering and construction cost estimates), including a feasibility study of construction and (or) design estimates, disclosing the essence of the plan and possibility of its practical implementation;

12) pre-project documentation - documentation preceding the development of town planning, architectural projects, a construction project and including programs, reports, feasibility studies, technical and economic calculations, results of scientific research and engineering surveys, technological and design calculations, rough sketches, models, measurements and results of object investigations, as well as other source data and materials required for making decisions on the development of project documentation and subsequent implementation of projects;

13) project documentation shall include:

projects of landscaping of a territory, its external design, placing and installation (erection) of pieces of monumental or decorative art;

town planning projects - projects with an idea of comprehensive town planning, organization, development and building of territories and inhabited localities or their parts (general scheme of the territory of the Republic of Kazakhstan, interregional schemes for territorial development, integrated schemes for urban planning of territories, master plans for inhabited localities, detailed planning projects, projects for industrial zone planning, development projects, master plans of objects and complexes, projects of general improvement and landscaping, other planning projects);

a construction project (building project) - project (design and estimate) documentation containing space-planning, construction, technological, engineering, environmental, economic and other solutions, as well as estimates for organizing and carrying out construction, engineering preparation of an area, general improvement. Construction projects also include projects of conservation of construction in progress and post-utilization of overaged facilities;

an architectural project with an architectural idea - an independent project for erecting a structure (monument), the design of which requires involvement of an architect, or part of project (design and estimate) documentation, including architectural and artistic, compositional and space-planning solutions of an object that takes into account social, economic, functional, technological, engineering and technical, fire-fighting, anti-explosive,

sanitary-hygienic, environmental and other requirements and made to the extent necessary for the development of a construction project or other documentation for the construction of an object;

14) interstate appraisal of projects - an obligatory form of examination of projects of interest to two or more states that are parties to an international treaty on construction of an object;

15) Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015);

16) projects' appraisal - an expert activity that consists in conducting analysis and evaluation of projects' quality by establishing conformity (non-conformity) of design solutions with the terms of primary documents (materials, data) for designing, stipulated by the legislation of the Republic of Kazakhstan, as well as compliance with design solutions and calculations of town planning and technical regulations, standards and provisions of state and interstate regulatory documents. Appraisal is divided into:

comprehensive non-departmental appraisal of projects for the construction of facilities (including industry and departmental appraisals), carried out on "one contact" principle on feasibility studies and design estimates intended for construction of buildings and structures, their complexes, engineering and transport communications;

comprehensive urban planning appraisal of urban planning of territories, carried out on urban planning projects of all levels;

16-1) expert activity entities in design - expert organizations, as well as experts who are full-time employees of expert organizations or temporarily engaged by these organizations as freelance experts to perform a comprehensive non-departmental appraisal or a comprehensive urban planning appraisal in a separate section (part) of the project;

16-2) design appraiser - an individual, who is certified in accordance with a procedure established by the legislation of the Republic of Kazakhstan on architectural, town planning and construction activities for conducting appraisal of certain sections (parts) of projects, and is on staff of an expert organization;

16-3) project management - activities related to the arrangement, planning, coordination, control over the design, construction and commissioning of objects in accordance with contracts concluded with a customer or investor to achieve the objectives of an investment project within the frames of specified budget and terms;

17) Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015);

18) engineering infrastructure - a set of enterprises (entities), objects (buildings and structures), service lines and networks of engineering utilities, which create normal conditions for people's life and activities, and also for sustainable operation of production or circulation of goods and services;

18-1) is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015);

18-2) engineering technician - an individual with either a secondary vocational education or a higher one, who arranges and manages the production process in the field of architecture, town planning and construction;

19) transport infrastructure - a set of land (motor and (or) rail) roads, water (sea and (or) river) communication routes with a complex of bridge, tunnel and other transport structures, road intersections and overhead crossings, control signal devices, communications, engineering facilities supporting the work of transport, servicing of vehicles, movement of cargo, passengers, ensuring functional activity of production and maintenance personnel, warehouses and territories, sanitary protection areas and protected zones, and also lands, legally assigned to the mentioned communication routes and objects with real estate items on them;

19-1) street and road network - an object of transport infrastructure that is part of territories of inhabited localities, limited by red lines and intended for the movement of vehicles, bicycles and pedestrians, for streamlining urban development and laying of utilities, as well as ensuring transport, bicycle and pedestrian connections of territories of inhabited localities as part of their communication routes. Main elements of the street-road network are streets, avenues, lanes, thoroughfares, embankments, squares, sidewalks, pedestrian and bicycle paths;

19-2) protected objects - buildings, structures and facilities intended for the stay of protected persons, other buildings, structures and facilities protected by the State Security Service of the Republic of Kazakhstan, as well as the adjacent territory and water area. The list of objects protected by the State Security Service of the Republic of Kazakhstan is approved by the head of the State Security Service of the Republic of Kazakhstan in agreement with the Administration of the President of the Republic of Kazakhstan;

20) Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015);

21) urban zoning - distribution of the territory of an inhabited locality in accordance with its functional purpose (residential, public, industrial, recreational and other functional areas);

22) town planning and architectural and construction documentation - a system of interconnected documents (including pre-project and project documentation, state and interstate regulatory documents) required for organization of territories, urban development planning and development of territories and inhabited localities, construction (expansion, modernization, technical re-equipment, reconstruction, major repairs, conservation and post-utilization) of objects, as well as organization of construction, engineering preparation of a territory, general improvement, landscaping, external design;

23) inventory items of a town planning cadaster - elements of the managed and utilized territory of the Republic of Kazakhstan as a whole, of regions, districts, inhabited localities, items of real estate, including all types of volumetric, planar and linear structures;

24) town planning space – a territory of urban management regulation, in which the material environment of life and activity of a person (of the population of the country, region, inhabited locality, part of an inhabited locality) is formed;

25) town planning activity (hereinafter – town planning) - an urban development activity in the planning and development of territories and inhabited localities, their territorial transport planning and traffic management, determination of types of town planning use of territories, comprehensive planning of urban and rural settlements, including creative process of urban space formation, creation of a town planning project, coordination of all related sections of town planning documentation;

26) town planning regulations - provisions, permits, restrictions (including encumbrances, prohibitions and easements) on the utilization of territories (land plots) and other items of real estate, as well as any legislatively permissible changes of their status.

Town planning regulations are established by town planning and architectural and construction documentation, executed in accordance with national regulations. The validity of town planning regulations is limited to a time period established for them;

27) territory of town planning regulation - an area within which any architectural, town planning and construction activities are carried out;

28) potentially hazardous construction objects - hazardous production facilities, which, because of their functional purpose and production processes, pose a threat of man-triggered and (or) environmental disasters harming human health and life, doing irreparable damage, disrupting normal operation of other facilities and requiring special measures to ensure industrial safety during their design, construction and operation;

29) inter-settlement territories - territories beyond boundaries (line) of inhabited localities;

30) residential area - part of the territory of an inhabited locality, intended for the arrangement of residential, public (social and business) and recreational zones, as well as separate parts of engineering and transport infrastructures, other objects, the siting and activities of which do not have an effect requiring special sanitary protection zones;

30-1) state bank of construction projects – electronic archive of feasibility studies, standard designs and design (design and estimate) documentation for the construction of new facilities that have received a positive conclusion from a comprehensive non-departmental expertise;

30-2) public investments in construction (hereinafter referred to as public investments) - investments in the construction of new buildings and structures, their complexes, engineering and transport communications, as well as reconstruction (expansion, modernization, technical re-equipment) or major repairs of existing objects, the source of which are:

funds of the republican and (or) local budgets, including targeted funds allocated for budget investments and budget lending to subjects of the quasi-public sector;
targeted funds of non-state loans under state guarantee or state suretyship;
funds of the National Fund of the Republic of Kazakhstan;
funds allocated for the implementation of public-private partnership projects, including concession projects

31) construction activity (hereinafter referred to as construction) - an activity creating fixed assets for production and non-production purposes through the erection of new and (or) changes (expansion, modernization, technical re-equipment, reconstruction, restoration, major repairs) of existing objects (buildings, structures and their complexes, communications), installation (dismantling) of related technological and engineering equipment, manufacturing (production) of building materials, products and structures, as well as conservation of construction of uncompleted projects and post-utilization of overaged objects;

31-1) conclusion on the quality of construction and installation works - a document, by which persons, carrying out technical supervision, confirm the quality of completed construction and installation works;

32) construction and installation works - construction activities that include:

excavation and special earthwork operations;

early works related to the demolition of existing buildings and structures, the installation of temporary engineering networks, roads, storage areas, as well as vertical leveling of the territory;

erection of load-bearing and (or) enclosing constructions of buildings and structures (including bridges, elevated roads, tunnels and subways, overpasses, pipelines, other artificial structures);

special construction and installation works on laying linear structures;

installation of external engineering networks and structures as well as of internal engineering systems;

works on protection and finishing of structures and equipment;

construction of roads and railways;

installation of technological equipment, including its assembly and placing in the final position at the site of permanent operation, individual testing, load testing and also dismantling;

32-1) construction site - a building, structure and their complexes, communications, which are the final result of construction activities;

33) construction products - interim and (or) final result of architectural, town planning and (or) construction activities;

34) quality of construction products (quality of an object) - a set of characteristics (including an aesthetic one) of end construction products made available to consumers,

reflecting requirements that aim to ensure interests and safety of owners (users) and society as a whole throughout the entire life of their service (operation, use, application);

35) construction control lines (building lines) - boundaries of a construction site established during the placing of buildings (structures, constructions) with a setback from red and yellow lines or from the boundary of a land plot;

35-1) price formation in construction - a mechanism of determining the value of construction products;

35-2) the Unified State Register of New Technologies in Construction - a list of new efficient technologies of construction operations introduced in the Republic of Kazakhstan by subjects of architectural, town planning and construction activities, for which no standards in the estimate and regulatory framework exist, the list is formed in the manner determined by an authorized body for architecture, town planning and construction activities;

35-3) estimated cost of construction - money required for the construction of an object, the amount of which is determined on the basis of project materials and an estimate standard base;

36) red lines - boundaries separating the territory of city blocks, micro-districts, other elements in the planning structure of inhabited localities from streets (minor streets, squares). As a rule, red lines are used to control the boundaries of a development area;

36-1) is excluded by the Law of the Republic of Kazakhstan dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication);

37) a model - illustrative (visual) material made in a volumetric form in strict accordance with the scale (in detail or conditionally) in order to establish spatial proportionality of territories planned for development, of projected objects, their individual elements, as well as interiors of premises or internal space of structures. Video materials of computer spatial modeling can be used as a mock-up;

38) state town planning cadaster - a state system of quantitative and qualitative indicators, including town planning regulations, cartographic, statistical and textual information characterizing the territory of town planning, architectural and construction activities according to the socio-legal status of its use, the level of engineering and technical security, parameters and condition of objects located on it, as well as natural and climatic conditions and ecological state;

39) state standards (state regulatory documents) - a system of regulatory legal acts, town planning and technical regulations, regulatory and technical documents, other mandatory requirements, conditions and restrictions that provide favorable, safe and other necessary conditions for human life and activity;

39-1) a state expert organization – a legal entity established by the decision of the Government of the Republic of Kazakhstan in the organizational and legal form of a republican state enterprise on the right of economic management and carrying out activities related to the state monopoly to conduct a comprehensive non-departmental examination of

projects for the construction of facilities (feasibility studies and design estimates), the formation and maintenance of the state bank of construction projects, as well as the provision of feasibility studies, standard projects and design (design and estimate) documentation from the state bank of construction projects;

40) rough sketch (sketch design) - a simplified form of a design (planning, spatial, architectural, technological, construction, engineering, decorative or other) solution, executed as a scheme, drawing, first draft (pictorial representation) and explaining the idea of this solution;

40-1) excluded by the Law of the Republic of Kazakhstan dated 29.06.2020 № 352-VI (shall come into force upon expiration of six months after the date of its first official publication);

41) master plan of an object – part of a project for the construction of an object (building, structure, complex), containing a comprehensive solution to its placing in an area (on site), laying (wiring) of transport communications, engineering networks, engineering preparation of territory, general improvement and landscaping, organization of maintenance and other activities related to the location of a designed object;

42) post-utilization of an object - a set of operations for dismantlement and demolition of a permanent structure (building, construction, complex) after the termination of its operation (use, application) with simultaneous restoration and secondary use of regenerated elements (structures, materials, equipment), as well as the processing of waste and elements not subject to regeneration;

43) monitoring of objects - a system of observation of the status of and changes in objects of architectural, town planning and construction activities;

44) technical complexity of an object - level of responsibility of a construction object by the degree of technical requirements for reliability and strength of foundations and structures established by state and (or) interstate (international) standards depending on the functional purpose of an object, features of its load-bearing and enclosing structures, the number of floors (construction levels), seismic hazard or other special geological, hydrogeological, geotechnical conditions of the site (area) of construction, which are subdivided into:

the first level of responsibility – high;

the second level of responsibility - normal;

the third level of responsibility - low;

44-1) an act of object's acceptance into service - a document confirming the completion of the construction of an object in accordance with an approved project and state (interstate) standards and its complete readiness for operation;

44-2) is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

44-3) statement of conformity of the completed work with the project - a document to be drawn up by persons carrying out designer's supervision to confirm the compliance of the executed work with the approved project (design and estimate) documentation;

44-4) renovation - a set of measures for the renovation of construction sites, including dilapidated and (or) emergency ones, aimed at improving the conditions of their operation in order to ensure the safety of life and health of people, as well as bringing such sites into line with the architectural appearance of a populated area through reconstruction (major repairs), restoration or construction, building of new construction sites with the demolition of dilapidated and (or) emergency construction sites;

45) Is excluded by Law of the Republic of Kazakhstan № 542-IV dated 13.01.2012 (shall go into effect ten calendar days after its first official publication);

46) conservation of objects under construction - a set of measures to ensure safety and quality characteristics of structures, materials and equipment of an uncompleted construction object for the period of temporary suspension of its construction;

47) sanitary protection zone - an area separating special-purpose zones, as well as industrial enterprises and other manufacturing, communal and storage facilities in an inhabited locality from neighboring residential areas, buildings and structures for housing and civil purposes in order to mitigate the effect of adverse factors on them;

47-1) expert opinion - a document of a state expert organization, expert organization or accredited expert organization of a special industrial zone, which is the result of a comprehensive non-departmental examination of a construction project for facilities for compliance (non-compliance) of the adopted decisions with the conditions of the initial and permitting documents (materials, data) for design, stipulated by the legislation of the Republic of Kazakhstan, as well as compliance in the adopted decisions and calculations with the requirements of urban planning and technical regulations, estimate standards and provisions of state and interstate regulatory documents in the field of architecture, urban planning and construction;

47-2) a chamber of expert organizations (hereinafter - the chamber) - a single non-profit organization created by legal entities in the amount of at least three accredited expert organizations carrying out expert activities in the field of designing construction projects, with the exception of a state expert organization;

48) yellow lines - boundaries of maximum permissible zones of possible spreading of debris (failures) of buildings (constructions, structures) as a result of destructive earthquakes, other natural or man-made disasters. Yellow lines, as a rule, are used to regulate spacing between buildings and structures;

48-1) declaration of conformity - a document, by which a contractor (general contractor) certifies the compliance of the completed work of a completed construction project with the approved project design and requirements of state (interstate) standards;

49) an architectural and planning assignment - a set of requirements for designation, basic parameters and location of an object on a particular land plot (area, route), as well as mandatory requirements, conditions and restrictions for design and construction, established in accordance with town planning regulations for a certain inhabited locality. At the same time, it is allowed to establish requirements for a color solution and use of materials for finishing facades of buildings (structures), volumetric-spatial solution in accordance with rough sketches (sketch designs) provided by a customer (developer, investor);

49-1) an automated register in the field of architectural, urban planning and construction activities (hereinafter - the automated register) - a component of the information system in the field of architecture, urban planning and construction integrated with the information systems of state bodies and other organizations, containing information on entities engaged in architectural, urban planning and construction activities in accordance with this Law;

50) engineering services in the area of architectural, town planning and construction activities - a set of services (technical and designer's supervision, project management) ensuring the preparation and implementation of construction in order to achieve the best possible design targets;

51) interstate standards (interstate regulatory documents) in the area of architecture, town planning and construction - a system of technical standard documents, rules and other mandatory requirements, conditions and restrictions, including interstate town planning standards, interstate building norms and rules, interstate standards in construction, that are in effect in the Republic of Kazakhstan and the other state (other states) that are parties to international treaties ratified by the Republic of Kazakhstan;

51-1) expert works - works on the examination of projects and technical investigation of reliability and stableness of buildings and structures;

52) an authorized body for architecture, town planning and construction - a central governmental authority carrying out management in the area of state administration of architectural, town planning and construction activities;

53) architectural activity (hereinafter referred to as architecture) is an activity on creation of architectural objects, including the process of creation of the exterior and interior of an object, spatial, composition, volumetric planning and functional arrangement, fixed in the architectural part of design documentation for construction (reconstruction, restoration), execution of designer's supervision of the project;

54) architectural objects - a building, structure, monument, a group of buildings and structures, their exteriors and (or) interiors, amenities, elements of landscape or garden art created on the basis of architectural or town planning projects, the development of which requires an architect's involvement;

55) a piece of architecture (town planning) - an object of copyright and intellectual property of an author (authors), which is the result of creative process in individuals' professional activity aimed at creating an architectural object or the formation of urban space,

including an author's idea, fixed in the form of project documentation, separate graphical representation, model or rough sketch, as well as a life-size project (part of a project);

56) zones (areas) of increased seismic hazard - areas with possible (expectable) seismic impact with the intensity of seven or more points;

56-1) estimate standards - a pool of resources (labor costs of construction workers, working hours of building machines, needs for materials, products and structures) set for the adopted measure of construction, installation and other works;

56-2) estimate standard base - a set of estimate standards and estimated prices for materials, products and equipment;

56-3) customer - an individual or legal entity operating in accordance with the legislation of the Republic of Kazakhstan on architectural, town planning and construction activities. Depending on the purpose of an activity, a customer may be a customer-investor of a project (program), customer (owner), developer or their authorized persons;

57) man-made impacts - as a rule, undesirable or harmful (dangerous) effects on the population, inhabited localities or inter-settlement areas caused by a person's economic activity without or with a threat of occurrence of natural and man-made emergencies;

58) man-made disasters - extreme factors related to economic activity, which have caused: industrial, transport and other accidents;

fires, explosions or explosion threat;

emissions or threat of release of biologically, chemically hazardous or radioactive substances;

sudden collapse of buildings or structures, utilities;

breakthroughs of hydraulic engineering or treatment facilities;

accidents at electric power and communication systems;

59) technical supervision - overseeing of construction at all stages of project implementation, including the quality, timing, cost, acceptance of completed work and object's commissioning;

60) a building - an artificial structure consisting of load-bearing and enclosing constructions forming a mandatory aboveground closed space and used, depending on its functional purpose, for living or staying of people, for performing production processes, and placing and storing material values. A building may have a substructure;

61) engineering equipment of buildings (structures) - a complex of engineering systems and technical devices that create standard or comfortable conditions for living (everyday life), labor activity (stay) of people ensuring preservation of material values, as well as engineering support of technological equipment and production processes;

61-1) technical inspection of reliability and stableness of buildings and structures - a type of expert works that result in finding out the actual state of buildings and structures and their elements, reliability and stableness, the possibility of further operation of buildings and structures, in obtaining a quantitative assessment of actual quality indicators of structures with

account of changes occurring in the course of time to decide on the scope and list of works for overhaul, modernization or reconstruction at the site, as well as the change of an intended use;

61-2) a standard project – design estimates for further multiple use in design, developed within the framework of the budget program of the authorized body for architecture, urban planning and construction;

61-3) people with limited mobility - the elderly, persons with disabilities, persons with difficulties in independent movement, in receiving services, in information or orientation in space, including those using baby strollers and (or) wheelchairs;

62) environmental disasters - extreme environmental factors of the natural balance disturbance associated with the change in:

the state of land (catastrophic subsidence, tectonic faults, griffins, landslides, cavings as a result of the mining of minerals, the presence of heavy metals or other harmful substances in the soil in excess of maximum permissible concentrations, intensive soil degradation, desertification of vast areas due to erosion, salinity or bogging of soils);

the composition and properties of the atmosphere (sharp climate change as a result of anthropogenic impact, steady excess of the maximum permissible concentrations of harmful impurities and deterioration of air transparency, persistent oxygen deficiency in inhabited localities, formation of an extensive zone of acid precipitation);

the state of hydrosphere (depletion of water sources or their catastrophic or irreversible pollution, persistent shortage of drinking water, and also water for industrial and domestic needs);

the state of biosphere (destruction of vegetation in vast areas, extinction of species of animals, plants, dramatic change in the ability of the biosphere to reproduce).

Environmental disasters also include natural disasters (catastrophic natural phenomena).

Footnote. Article 1 is in the wording of Law of the Republic of Kazakhstan № 204 dated 11.12.2006 (shall go into effect from the date of its official publication); as amended by Laws of the Republic of Kazakhstan № 213 dated 09.01.2007 (see Article 2 for the enactment procedure); № 180-IV dated 10.07.2009; № 452-IV dated 05.07.2011 (shall go into effect from 13.10.2011); № 461-IV dated 15.07.2011 (shall go into effect upon expiry of six months after its first official publication); № 542-IV dated 13.01.2012 (shall go into effect upon expiry of ten calendar days after its first official publication); № 548-IV dated 25.01.2012 (shall go into effect upon expiry of ten calendar days after its first official publication); № 553-IV dated 13.02.2012 (shall go into effect upon expiry of ten calendar days after its first official publication); № 34-V dated 10.07.2012 (shall go into effect from the date of its official publication); by Constitutional Law of the Republic of Kazakhstan № 121-V dated 03.07.2013 (shall go into effect upon expiry of ten calendar days after its first official publication); by Law of the Republic of Kazakhstan № 151-V dated 03.12.2013 (shall go into effect upon expiry of ten calendar days after its first official publication); № 167-V dated 21.01.2014 (shall go into effect upon expiry of ten calendar days after its first official

publication); № 195-V dated 17.04.2014 (shall go into effect upon expiry of six months after its first official publication); № 269-V dated 29.12.2014 (shall go into effect from 01.01.2015); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 391-V dated 12.11.2015 (shall go into effect six months after the day of its first official publication); № 433-V dated 03.12.2015 (shall go into effect on 01.01.2016); № 487-V dated 07.04.2016 (shall go into effect six months after the day of its first official publication); № 86-VI dated 03.07.2017 (shall go into effect ten calendar days after the day of its first official publication); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); dated 29.06.2020 № 352-VI (for the procedure of enactment see Art. 2); dated 01.04.2021 № 26-VII (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 30.12.2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication); dated 01.01.2023 № 182-VII (shall be enforced ten calendar days after the date of its first official publication); dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication); dated 01.07.2024 № 107-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 2. The legislation of the Republic of Kazakhstan on architectural, town-planning and construction activity

1. The legislation of architectural, town-planning and construction activity of the Republic of Kazakhstan is based on the constitution of the Republic of Kazakhstan and consist of this Law, the Civil Code and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaty, ratified by the Republic of Kazakhstan establishes the other rules, than those provided by the legislation of the republic of Kazakhstan on architectural, town-planning and construction activity, the rules of international treaty shall be applied.

Article 3. Basic directions of activity in the field of architecture, town-planning and construction

1. Basic directions of activity in the field of architecture, town-planning and construction shall ensure the state, public and private interests in this scope:

1) the state interests - societal interests in whole in ensuring conditions of sustained development of regions, cities, rural settlements, villages and other settlements, performance

of life support system, transport and engineering services, communication and energy, environmental protection, preservation of objects of historical and cultural heritage;

2) public interests – interests of population of separate regions, cities, rural settlements, villages and other settlements in ensuring of favorable living (residence) conditions in this territory, environmental improvement, prevention of hazardous (harmful) effects in the result of economic and other activity, infrastructure development of inhabited localities and territories, adjacent to them, preservation of objects of historical and cultural heritage, natural values;

3) private interests – the interests of individuals and legal entities in connection with carrying out of architectural, town-planning and construction activity in their land plots.

In case, if the town-planning and architectural-construction activity of citizens and legal entities creates a nuisance or impossibility of the use, possession or disposition of objects (land plot or other immovable property), belonging to them (used by them), it shall subject to restriction.

2. Architectural, town-planning and construction activity shall be concluded in:

1) conducting engineering surveys for construction, use of the National Spatial Data Fund for architectural, urban planning and construction purposes;

2) preparation of foundations, predictions, documents of the System of the state planning of the Republic of Kazakhstan in the field of architecture, town-planning and construction;

3) development, examination, agreement and approval according to the established procedure of town-planning, architectural-construction and other project (design and estimate) documentation;

4) construction of new, as well as expansion, technical re-equipment, modernization, reconstruction, restoration, renovation and major repairs of existing structures, buildings, facilities, engineering and transport communications;

5) engineering preparation of the ground, creation of living environment and planting;

6) conservation of construction of incompleeted objects;

7) performance a set of works of post-utilization of objects;

8) performance of scientific and research, experimental works and use of their results in the field of architecture, town-planning and construction;

9) carrying out of town-planning and architectural-construction control and supervision;

10) involvement and rendering of engineering services;

11) establishment of requirements, ensuring the safety in the scope of architectural, town-planning and construction activity.

Footnote. Article 3 as amended by Laws of the Republic of Kazakhstan № 38 dated 12 April, 2005; N 40 dated 13 April, 2005 (shall be enforced from 1 January, 2005); № 204 dated 11 December, 2006 (shall be enforced from the date of its official publication); № 209 dated 29 December, 2006 (see Article 2 for the enactment procedure); № 188-IV dated 17.07.2009 (see Article 2 for the enactment procedure); № 378-IV dated 06.01.2011 (shall be

enforced upon expiry of ten calendar days after its first official publication); № 15-V dated 27.04.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); by Constitutional Law of the Republic of Kazakhstan № 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 195-V dated 17.04.2014 (shall be enforced upon expiry of six months after its first official publication); № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); dated 21.12.2022 № 167-VII (shall be enforced ten calendar days after the date of its first official publication); dated 01.07.2024 № 107-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 4. Subjects of architectural, town-planning and construction activity

The subjects of architectural, town-planning and construction activity shall be the state bodies, individuals and legal entities, participating in formation and development of living environment and life activity of person in the territory of the Republic of Kazakhstan.

Citizens without citizenship, foreigners and foreign legal entities may be vested with right of performance of works (services), relating to the architectural, town-planning and (or) construction activity according to the established procedure in the territory of the Republic of Kazakhstan, unless otherwise provided by the legislative acts of the Republic of Kazakhstan.

Article 5. The objects of architectural, town-planning and construction activity

The objects of architectural, town-planning and construction activity shall be:

- 1) the territory of the Republic of Kazakhstan;
- 2) the territory of regions, districts;
- 3) the territory of inhabited localities and their parts;
- 4) functional areas;
- 5) real estate properties, including all types of constructions with technological and engineering equipment, relating to them;
- 6) special economic and industrial zones;
- 7) immovable monuments of history and culture, nature and urban landscape, the status of which is established by the legislation of the Republic of Kazakhstan.

The cities as the objects of architectural, town-planning and construction activity shall be subdivided into:

- 1) big (with a population of over 500,000 inhabitants);
- 2) big (with a population of over 100 thousand to 500 thousand inhabitants);
- 3) average (with a population of over 50 thousand to 100 thousand inhabitants);
- 4) small (with a population of 50 thousand inhabitants).

Footnote. Article 5 as amended by Law of the Republic of Kazakhstan № 116 dated 10 January, 2006 (see Article 2 for the enactment procedure of Law № 116); № 243-VI as of 03.04.2019 (shall be enforced ten calendar days after its first official publication).

Article 6. Objects of architectural, town planning and construction activities of special regulation and town planning regulation

1. Objects of architectural, town planning and construction activities of special regulation and town planning regulation are subdivided into:

- 1) territorial objects of special regulation and town planning regulation;
- 2) inhabited localities of special regulation and town planning regulation;
- 3) separate items of real estate that require special regulation and (or) town planning regulation;
- 4) certain construction objects requiring special regulation and (or) town planning regulation.

2. Territorial objects of architectural, town planning and construction activities of special regulation and town planning regulation include:

- 1) zones of ecological disaster and (or) emergency situations;
- 2) specially protected natural areas;
- 3) water protection zones and strips;
- 4) territories with objects of historical and cultural heritage and (or) protected unique and rare landscapes;
- 5) territories used for health-improvement, spa, recreational and reserve purposes;
- 6) suburban areas;
- 6-1) territories of agglomeration;
- 7) zones of restricted territories and other areas designated by legislative acts of the Republic of Kazakhstan as zones of special regulation.

3. Inhabited localities with special regulation of architectural, town planning and construction activities and town planning regulation include:

- 1) the capital of the Republic of Kazakhstan and cities of republican significance;
- 2) towns with over one hundred thousand inhabitants;
- 3) resort towns and villages;
- 4) inhabited localities, their parts or adjacent territory having historical, cultural value or protected landscape objects, as well as settlements in natural reserves and national parks;
- 5) military towns, frontier outposts and settlements in other closed objects;
- 6) inhabited localities in areas with special (extreme) natural and climatic, geotechnical or hydrogeological conditions, as well as in zones of ecological and man-triggered disasters or exposed to other adverse events and processes.

4. Items of real estate with special regulation of architectural, town planning and construction activities and town planning regulation include:

- 1) monuments of history and culture and their ensembles;
- 2) objects of the state natural reserve fund;
- 3) facilities required to accomplish special national or economic tasks, including objects known to pose danger to human life and health or the environment;
- 4) buildings and structures for residence, stay and work of persons with disabilities.

4-1. Separate construction objects requiring special regulation and (or) urban planning regulation shall be determined by the authorized body for architecture, urban planning and construction.

5. The special regulation regime is established by this Law and other legislative acts of the Republic of Kazakhstan.

Footnote. Article 6 as amended by Laws of the Republic of Kazakhstan № 13 dated 20.12.2004 (shall go into effect from 01.01.2005); № 38 dated 12.04.2005; № 204 dated 11.12.2006 (shall go into effect from the date of its official publication); № 180-IV dated 10.07.2009; № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 487-V dated 07.04.2016 (shall go into effect on the day of signing); dated 16.11.2020 № 375-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 2. Providing positive living environment and life activity upon carrying out of architectural, town-planning and construction activity

Article 7. Rights of citizens to a favorable environment in inhabited localities

Citizens as consumers of results of architectural, town planning and construction activities have a right to:

1) to the environment favorable in respect of the given area, also accessible to persons with disabilities and other low-mobility population groups within the territory of the populated locality (settlement) in accordance with the state urban planning policy in terms of resettlement and placement of productive forces, with urban planning requirements to the zoning of territories, the norms of environmental and sanitary-hygienic safety and the infrastructure provision level of the given area;

2) rest through allocating (allotting) recreational areas intended for these purposes and having most favorable natural and climatic conditions and landscape, proper medical and sanitary conditions, leisure facilities, including educational, mass cultural, sporting, wellness and entertainment events, an opportunity to arrange dacha, garden and vegetable plots.

When choosing an area intended for people's recreation, it is necessary to take into account the presence of objects classified as protected landscape objects and (or) historical and cultural values.

Footnote. Article 7 as amended by Law of the Republic of Kazakhstan № 433-V dated 03.12.2015 (shall go into effect on 01.01.2016); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 8. Ensuring security from natural and man-triggered, human impacts

1. Carrying out of architectural, town-planning and construction activity shall issue from the conditions of ensuring of requirements, established by the legislation, on security of population, territories and inhabited localities from impact of hazardous (harmful) natural and man-triggered, anthropogenic events and processes.

Measures on carrying out of these requirements shall be taken into account in project documentation, regulating by the state standards.

2. The state standards (state regulatory documents) shall provide obligation of inclusion the sections on measures of protection of population, inhabited localities and inter-settlement territories from hazardous (harmful) impacts in the result of emergency situations of natural and man-triggered character to the town-planning and architectural-construction documentation.

3. Inhabited localities and territories, exposed with hazardous (harmful) impacts in the result of emergency situations of natural character, as well as foreseeable emergency situations of man-triggered character shall be provided by the complex project documentation on security of population and territories from specified impacts.

4. In the inhabited localities, exposed by impacts of natural, man-triggered, anthropogenic character, the results of monitoring of occurred hazardous (harmful) events and processes shall be taken into account in the state town-planning cadaster on a basis level.

Article 9. Requirements for ecological safety and environmental protection

1. Architectural, town planning and construction activities should be carried out with account of assessment of their environmental impact in accordance with the classification of objects, established by the Environmental Code of the Republic of Kazakhstan, and envisage measures on efficient management of natural resources, provision of ecological safety and environmental protection.

These measures are provided for and implemented in accordance with standards and (or) the maximum permissible level (load) for this type of impact, established by the legislation.

2. The list of town planning and architectural and construction documentation includes sections (parts) of projects on environmental protection and efficient management of natural resources.

The fulfillment of requirements (conditions, restrictions) of duly approved project documentation on efficient management of natural resources, ecological safety and

environmental protection is mandatory for all subjects of architectural, town planning and construction activities that implement projects.

Territories with industrial centers or individual production complexes, which are declared zones of ecological disaster, should be provided with comprehensive project documentation on protection of the population and environment.

3. Integrated schemes for urban development of territories, interregional schemes for territorial development should provide for measures of environmental protection and management, as well as rehabilitation of zones of environmental disasters and emergencies.

Draft master plans of inhabited localities, detailed planning projects and other town planning documentation should contain information on water protection areas and strips, specially protected natural areas in the territory planned for development and should state the presence of project approvals by relevant authorized bodies in the manner established by the legislation of the Republic of Kazakhstan.

If there are no existing projects of water protection areas and strips for the territory planned for development, a design assignment for the development of these town planning projects shall provide for a mandatory special section replacing the missing documentation on water security.

4. If there is a threat to the life and health of a person, which arose earlier or is expected (predicted) as a result of pollution of a territory and (or) an object with harmful chemical and biological substances in excess of maximum permissible concentration, radioactive substances above the maximum permissible levels, the town planning documentation shall contain special sections (parts) of the project, providing for measures to destroy (withdraw) such sources, conserve contaminated areas (objects) and carry out a set of measures for their rehabilitation, as well as the possibility of introducing by the Government of the Republic of Kazakhstan of a special regime for the use of a territory or object (objects), including temporary residence of citizens (population) in a contamination zone.

Footnote. Article 9 as amended by Laws of the Republic of Kazakhstan № 213 dated 09.01.2007 (see Article 2 for the enactment procedure); № 180-IV dated 10.07.2009.

Article 9-1. Requirements on ensuring safety of road traffic

1. Carrying out of architectural, town-planning and construction activity shall proceed from the conditions of ensuring of requirements, established by the legislation of the Republic of Kazakhstan on territorial transport planning and organization of road traffic.

Measures on implementation of these requirements shall reflect in the project documentation on territorial transport planning and traffic management.

2. The sections (parts) of projects on territorial transport planning and traffic management shall be included in the composition of town-planning and architectural and engineering documentation.

Carrying out of requirements (conditions, restrictions) of project documentation on territorial transport planning and traffic management approved in the established procedure is obligatory for all subjects of architectural, town-planning and construction activity, carrying out projects implementation.

3. Inhabited localities and territories shall be provided by the complex project documentation on territorial transport planning and traffic management.

4. The results of monitoring of road traffic accidents and traffic capability and streets in the inhabited localities shall be reflected in the state town-planning cadaster on the base level.

5. The sections (parts) of projects on territorial transport planning and traffic management shall contain the following types of documents:

1) supporting materials for development of transport sections of compatible circuits, general plans (conceptual suggestion on organization of road traffic, integrated transport schemes, investigations and forecasts) – perform investigation of work of transport system, centers and reasons of road traffic accidents, an assessment of previously developed project decisions on expected level of accidents, make out proposals on reducing of road traffic accidents at the expense of redistribution of traffic load, reclassification of street and road network, restrictions of road traffic;

2) integrated transport scheme – performs distribution of volumes of transport work between the individual and public transport, offers comprehensive solutions for the development of the street and road networks and public transport networks, networks of off-street high-speed traffic;

3) master plan of street and road network – determines financial and economic aspect of implementation of tasks of development of effective and safe street and road network in accordance with the documents of territorial planning (schemes of territorial planning and master plans);

4) organization project of street and road network – implements the given structure of trunk street and road network, determines location of streets, roads and node elements, cross and longitudinal profiles, schemes of road traffic in the units with condition of ensuring requirements on traffic safety;

5) development plan of roads – determines location of basic elements of streets and roads within the tap-offs (red lines), reserved areas in recognition of requirements of road safety;

6) complex scheme of traffic management – determines the system of traffic management within adopted project of organization of street and road network and adopted projects of planning of streets in the agreement with movement of public transport.

6. Territorial transport planning and organization of road traffic shall be carried out in three stages:

in the early stages investigations of current transport situation are conducted, forecasts of changes of transport situation in the long-term perspective are executed, possibilities of development of transport frame of territory are estimated and conceptual proposals for traffic

management in the long term perspective distinguishing of the first stage are formed. Complex transport schemes shall be developed for the cities with population more than one thousand people, other cities with complex transport situation;

in a second stage the results of investigations, conceptual proposals and complex transport schemes shall be formed in the form of supporting materials and considered within development of schemes of land-use planning of territory of the Republic of Kazakhstan and separate regions (oblast or any part), master plans of inhabited localities. The result of development of specified documents shall be the master plans of traffic management in the agreement with other materials of schemes of territorial planning and master plans;

in the third stage the complex schemes of traffic management shall be developed on the basis of master plans of traffic management.

7. Project of organization of street and road network shall be connecting link between master plan (document of territorial planning), project of planning of roads and complex scheme of traffic management.

8. Project of planning of roads shall be the basis for the development of the project of traffic management in the separate units.

9. Planning of roads in the territory of the Republic of Kazakhstan shall meet the following compulsory requirements of ensuring:

the necessary traffic capability in recognition of prospects for increasing the density of road traffic;

the roads with intelligent transportation systems;

unobstructed and safety traffic public transport, as well as by assignment them the separate traffic lanes;

unobstructed and safety movement of bicycles, as well as by assignment them the separate bicycle lanes or bicycle lanes;

road equipment with route medical and rescue points;

pedestrian crossing;

electric charging stations.

Footnote. Chapter 2 is provided to be supplemented by Article 9-1 in accordance with Law of the Republic of Kazakhstan № 195-V dated 17.04.2014 (shall be enforced upon expiry of six months after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 18.07.2024 № 126-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 9-2. Requirements for providing communications

When designing and constructing a structure or building located in a public (public and business) zone, the customer shall ensure:

installation of fiber-optic communication lines;

a separate room with a microclimate control system (ventilation, air conditioning, etc.) for communication operators to place and connect communication facilities.

The owners of such structures and buildings shall ensure equal access for communication operators.

Footnote. Chapter 2 is supplemented by Article 9-2 in accordance with the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 10. Requirements on preservation of objects of historical-cultural heritage and landscapes

1. Carrying out of architectural, town-planning and construction activity shall issue from conditions of preservation of territories and objects, recognized by the monuments of history and culture and protected landscape objects according to the procedure established by the legislation.

2. The boundaries of special regulation, within of which an architectural, town-planning and construction activity are prohibited shall be established in the territories, having the monuments of history and culture, protected by the natural objects.

3. Procedure of the use of lands within the boundaries of specified zones shall be regulated by the legislation of the Republic of Kazakhstan.

Footnote. Article 10 as amended by Law of the Republic of Kazakhstan № 204 dated 11 December, 2006 (shall be enforced from the date of its official publication).

Article 11. Provision of inhabited localities with infrastructure facilities and creation of conditions for their accessibility

1. Town planning documentation for planning and developing an inhabited locality or part of it (town planning projects) shall determine the composition and structure of social, industrial, recreational, engineering and transport infrastructure, and also provide for:

- 1) general improvement, landscaping, work on the development of a site and necessary servitudes with account of the type (role) of a settlement;
- 2) comprehensive development of the territory;
- 3) consideration of interests of various social, demographic and occupational groups of the population;
- 4) compliance with regulatory requirements (restrictions, conditions);
- 5) development of a competitive environment in the service sector.

2. The populated localities shall be provided with optimal conditions and means of access for all the population categories (including persons with disabilities and other people with limited mobility) to workplaces, public places, facilities (structures, communications) of social, recreational, engineering and transport infrastructure in accordance with the type of settlement and the conditions of the area.

3. Urban planning documentation for the populated localities shall contain sections on creating conditions for meeting the needs of persons with disabilities and other low-mobility population groups in social and recreational infrastructure facilities.

4. It is not allowed to change the designation of public service facilities, if it entails a lower level of service established by state standards.

5. A unified system of transport communications and a street and road network shall be provided for in town planning documentation, design and development of inhabited localities, which is interlinked with the planning structure of an inhabited locality and provides communication with all its functional areas (including suburban areas) and long-distance transport facilities.

6. Project documentation on the management (construction, development) of inter-settlement territories for the purpose of carrying out subsequent economic and (or) other activities related to the stay of people, shall provide for a sustainable and accessible life support system in this area, including the construction of infrastructure facilities.

7. In the course of project documentation development, construction, operation and post-utilization of main communications, head facilities of engineering infrastructure, as well as during engineering preparation of an area, decisions shall be made with account of interests of adjacent territories and exclude possible impact of hazardous (harmful) phenomena and processes on the territory and population.

8. Approved schemes of the republican, interregional and regional engineering and transport systems are the basis for the development of project (design and estimate) documentation, as well as activities aimed at the development (associated with the development) of the life support system and improvement of inhabited localities.

Footnote. Article 11 as amended by Law of the Republic of Kazakhstan № 433-V dated 03.12.2015 (shall go into effect on 01.01.2016); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 12. Provision of town planning requirements when using land plots

The use of land plots by owners or land users for development (including the laying of communications, engineering preparation of the territory, improvement, landscaping and other types of development of the site), as well as for the expansion or reconstruction of buildings (structures, facilities) may be carried out only in accordance with the design documentation approved under the procedure established by the legislation of the Republic of Kazakhstan and in compliance with the intended purpose or easement, zoning of the territory, red lines and lines of development regulation, rules for organizing development and passing permitting procedures in the field of construction and operation, as well as in compliance with the prohibitions established on the territory of the restricted zone and restricted area at arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops and military formations.

In the event that a land plot is subject to alienation for state needs in connection with the approval of a new or amendments to an approved general plan or detailed planning project or scheme for the development and construction of populated areas, the owner or land user shall use the land plot for its intended purpose in accordance with the urban planning requirements that were in effect prior to the approval of a new or amendments to an approved general plan or detailed planning project or scheme for the development and construction of populated areas, prior to the seizure of land plots for state needs.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 29.05.2020 № 337-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); with amendments introduced by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 13. Participation of individuals and legal entities in discussion of decisions on architectural, town-planning and construction activity

1. Individuals and legal entities of the Republic of Kazakhstan shall have a right for the full, temporary and reliable information on the state of living environment and life activity, its supposed changes, planned architectural, town-planning and construction activity, except for the information of restricted access in the legislative procedure or relating to the state secrets.

2. Information sharing of individuals and legal entities on the state of their living environment and life activity, as well as on intendments of building (replanning) of territory shall be carried out by the local executive bodies of districts (cities) through the mass media or by conducting of public discussions, expositions and exhibitions.

3. Before approval of town-planning and architectural-construction documentation, individuals and legal entities shall have a right to participate in discussions, make proposals on change of accepted decisions, affected the social or private interests.

4. In case of release of unreliable information by state bodies (refusal to issue the requested information that does not belong to the category of restricted access) about the objects being designed, the state of the environment and life activity and the proposed changes in it that do not comply with state standards or approved urban planning documentation, as well as directly affecting public and private interests, individuals and legal entities shall have the right to apply to the court in accordance with the procedure established by the laws of the Republic of Kazakhstan.

5. Participation of individuals and legal entities in discussions upon adoption of town-planning, architectural or construction decisions may be expressed in the form of:

- 1) direct participation;
- 2) representation;
- 3) other form, not prohibited by the legislation.

6. If architectural, town-planning and (or) construction activity affects the interests of citizens, public associations and legal entities in this territory, they shall have a right to:

1) revocation of a decision in administrative and legal procedure on arrangement, designing, construction (reconstruction) or setting into operation of objects, carried out with violation of the legislation or state standards;

2) introduction of restrictions, suspension or termination of activity in administrative and legal procedure, carried out with violation of the legislation or state standards;

3) to appeal in accordance with the procedure established by the laws of the Republic of Kazakhstan, actions (inaction) of local executive bodies of regions (cities of republican significance, the capital), districts (cities of regional significance), as well as conclusions of the examination of projects;

4) bring a compensatory action in a court, caused to the health of citizens and (or) property in connection with committed violations of legislation or state standards by the subjects or civil servants;

5) apply for other facts of violations of the legislation and state standards in the scope of architectural, town-planning and construction activity according to the procedure, established by the legislation.

Footnote. Article 13 as amended by Law of the Republic of Kazakhstan № 13 dated 20 December, 2004 (shall be enforced from 1 January, 2005); № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication); dated 29.06.2020 № 351-VI (shall come into force from 01.07.2021).

Chapter 3. Rights, obligations and responsibility of subjects of architectural, town-planning and construction activity

Article 14. Rights of subjects of architectural, town-planning and construction activities

Subjects of architectural, town planning and construction activities have a right, in accordance with the procedure established by the legislation:

1) to request and receive information (facts, data, source materials or documents) from relevant architecture and town planning authorities, as well as from a state-owned enterprise that maintains the state town planning cadaster (except for information or documents of limited access), which is necessary for pre-project studies, preparation of a feasibility study, substantiation of investment in construction, planning of the development of a territory and (or) use, design and construction of objects and their subsequent use;

2) to use land plots, purchased into ownership or granted for possession, according to a designated purpose within the framework of town planning regulations, easements or other regulatory requirements (conditions, restrictions);

3) to set up professional public organizations.

Footnote. Article 14 as amended by Law of the Republic of Kazakhstan № 167-V dated 21.01.2014 (shall go into effect upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015).

Article 15. Copyright law to work of architecture and town-planning

1. Copyright law to work of architecture and town-planning and relations, occurring in connection with it shall be regulated by the Civil Code of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan “On copyright law and neighboring rights” and this Law.

2. Citizens, in the results of which the works of architecture and (or) town-planning are built up shall be recognized as their authors and vested by the relevant copyright law.

3. Property rights of authors of the work of architecture or town-planning (except for the cases, provided by the Civil Code of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan “On copyright law and neighboring rights” and this Law) shall be concluded in their exclusive rights:

1) use or permit to use the project for installation;

2) carry out or permit replication, distribution and redesign of architecture or town-planning project;

3) delegate the specified exclusive rights to other persons according to the procedure, provided by the legislation.

4. Authors of the work of architecture or town-planning, created in accordance with discharge of duties or duty assignment, not vested by the property right, unless otherwise provided by the agreement.

An agreement between the owner of project (employer) and authors (executor of the order) shall embody regulations on settlement of property rights on the use of the work of architecture or town-planning, created in accordance with discharge of duties or duty assignment.

5. An author of the work of architecture or town-planning shall have a right to:

1) carry out an architectural supervision for preparation of the construction documents on installation of author’s project, unless otherwise provided by the assignment to the development of construction project;

2) carry out an architectural supervision for the construction progress (reconstruction, restoration, modernization) of objects in accordance with established procedure, unless otherwise provided by the assignment to the development of architectural (town planning) project;

3) execute photographing (camera, video recording), unless otherwise provided by the agreement to the development of project or assignment to the planning, as well as if an object does not contain information, referring to the state secrets.

6. Protection of personal non-property rights of author (authors) to the work of architecture and town planning shall be carried out according to the procedure, determined by the legislative acts of the Republic of Kazakhstan.

Article 16. Principal duties of the subjects of architectural, town-planning and construction activity

The subjects of architectural, town-planning and construction activity shall be obliged to:

- 1) carry out an activity in accordance with the legislation and state standards (state regulatory documents);
- 2) maintain the operated facilities in their ownership (possession, use) in proper condition, ensuring their safety for citizens, as well as unhindered access for people with limited mobility, sustainable functioning in accordance with regulatory and other mandatory requirements, including aesthetic.
- 3) in the designing, construction and development of settlements, formation of residential areas, improvement of newly developed and reconstructed territories and other populated localities as required by the legislation of the Republic of Kazakhstan and state regulations (state regulatory documents), access shall be provided for persons with disabilities to residential, public and industrial buildings, structures and premises.

When designing and constructing open parking lots for temporary parking of cars within residential areas, as well as at servicing and work sites, places shall be provided for personal vehicles of persons with disabilities.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 17. Responsibility of subjects for violation of the legislation on architectural, town-planning and construction activities

1. Violation of regulations and requirements (conditions, rules, restrictions) established by the legislation on architectural, town planning and construction activities, committed by its subjects, entail responsibility stipulated by the laws of the Republic of Kazakhstan.

These violations include:

- 1) carrying out licensed activities in the field of architecture, town planning and construction without a license;
- 2) deviation from an approved functional purpose of territories, town planning regulations, the established regime in zones of special town planning regulation;
 - 2-1) deviation and non-compliance of the detailed planning project or development projects with the approved general plan of the settlement;
- 3) deviation from the legislative choice and provision (permission for use) and also withdrawal of land for town planning purposes to meet public needs;

4) departure from an established procedure for the development, coordination, appraisal and approval of town planning documentation, as well as deviation from documentation approved by the procedure established by the legislation of the Republic of Kazakhstan or amendment thereof without permission of an authority that has given an approval;

4-1) departure from an established procedure for the development, appraisal and approval of project (design and estimate) documentation, as well as deviation from documentation approved by the procedure established by the legislation of the Republic of Kazakhstan or amendment thereof without permission of an authority that has given approval;

4-2) deviation from the approved design (design and estimate) documentation during construction and installation works;

5) performance of construction and installation works without notification to bodies executing state architectural and construction control and supervision, in accordance with the procedure established by the Law of the Republic of Kazakhstan “On Permits and Notifications”;

6) performance of construction without architectural construction control and supervision, technical and designer’s supervision in cases where this Law prescribes their necessity;

7) unauthorized construction, as well as change of architectural look, re-planning (re-equipment, re-profiling) of buildings, certain premises and (or) parts of a building;

8) departure from established red lines and construction lines, as well as yellow lines in zones of increased seismic hazard in the planning and development of inhabited localities;

9) non-compliance with state standards in architecture, urban planning and construction, including non-use at the facilities financed by public investment and funds of quasi-public sector entities, of materials, equipment, products and structures of domestic production included in the database of goods, works, services and their suppliers, as well as labor protection, fire and explosion safety, sanitary and environmental safety, ensuring access for people with disabilities and low-mobility population groups to social, transport and recreational infrastructure in the process of design, examination, construction and subsequent operation of the facility;

10) violation of the procedure, established by the legislation, for acceptance into service and commissioning of completed construction objects, as well as their maintenance in the process of operation;

11) ungrounded refusal of officials to issue or issuance of unreliable information on the preparation and adoption of decisions related to the planning and development (reconstruction) of inhabited localities (parts of inhabited localities), designed objects, as well as the state of the life and activity environment and changes in it that directly affect public and private interests;

12) other actions, resulting in deterioration of the environment for life activity, infringed rights and legitimate interests of citizens, including persons with disabilities, and society as a

whole, damage caused to state interests, which shall entail liability, provided for by the laws of the Republic of Kazakhstan.

2. Obligations to rectify a committed violation and its consequences, as well as compensation for the damage (harm) caused, are placed on an entity that committed violations.

3. Facts of non-observance of the operation warranty period of a constructed object due to violations committed by subjects of architectural, town planning and (or) construction activities are established in accordance with norms of the Civil Code of the Republic of Kazakhstan and also Article 69 of this Law.

4. In cases when violations are identified in the design (design and estimate) documentation during the examination that have a direct impact on the strength, stability and reliability of the facility, as well as violations in the urban development project, violation of the requirements of the legislation of the Republic of Kazakhstan, as well as urban planning and technical regulations, norms and provisions of state and interstate regulatory documents in the field of architecture, urban planning and construction and failure to eliminate the identified violations within the established timeframes for conducting the examination, the organization that developed the design (design and estimate) documentation, urban development projects, shall bear liability established by the laws of the Republic of Kazakhstan.

Negative conclusion of the examination (expert findings) shall serve as confirmation of the identified violations in the development of design (design and estimate) documentation and urban planning projects.

If violations of the requirements of the legislation of the Republic of Kazakhstan, as well as urban planning and technical regulations, norms and provisions of state and interstate regulatory documents in the field of architecture, urban planning and construction that have a direct impact on the strength, stability and reliability of the object under construction are identified in the design (design and estimate) documentation during the construction process, the organization that developed the design (design and estimate) documentation, as well as the expert who issued a positive conclusion on the design (design and estimate) documentation, shall bear responsibility established by the laws of the Republic of Kazakhstan.

In case of violations of existing norms and requirements in the urban planning project, the organization that developed the urban planning project, as well as the expert and the state expert organization that issued a positive opinion on the urban planning project, shall be held liable under the laws of the Republic of Kazakhstan.

Identified violations and comments of experts must be motivated and proved by references to relevant regulatory legal acts, requirements of urban planning and technical

regulations, norms and provisions of state and interstate regulatory documents in architecture, urban planning and construction in the Republic of Kazakhstan. Advisory comments are not allowed.

Violation of the validity and (or) reliability of the estimated or estimated cost of construction in proceedings on civil cases, administrative cases, criminal cases, as well as cases of administrative offenses shall be confirmed by a forensic examination in the manner established, respectively, by the Civil Procedure Code of the Republic of Kazakhstan, the Administrative Procedure and Procedural Code of the Republic of Kazakhstan, the Criminal Procedure Code of the Republic of Kazakhstan or the Code of the Republic of Kazakhstan on Administrative Offenses.

In case of confirmation by a forensic examination of an unjustified overestimation of the estimated or estimated cost of construction, the persons who developed the design (design and estimate) documentation and conducted a comprehensive non-departmental examination of the project shall bear liability, established by the laws of the Republic of Kazakhstan.

5. The architectural planning assignment, the agreed draft design, as well as the positive conclusion of the comprehensive non-departmental examination of projects, agreed upon and issued in violation of the requirements of the legislation of the Republic of Kazakhstan, as well as urban planning and technical regulations, norms and provisions of state and interstate regulatory documents, shall be subject to withdrawal or cancellation in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 17 as amended by Laws of the Republic of Kazakhstan dated 13.04.2005 № 40 (shall go into effect on 01.01.2005); dated 10.07.2009 № 180-IV; dated 06.01.2011 № 378-IV (shall go into effect upon expiry of ten calendar days after its first official publication); dated 15.07.2011 № 461-IV (shall go into effect upon expiry of six months after its first official publication); dated 10.07.2012 № 36 (shall go into effect upon expiry of ten calendar days after its first official publication); dated 16.05.2014 № 203-V (shall go into effect upon expiry of six months after its first official publication); dated 29.12.2014 № 269-V (shall go into effect on 01.01.2015); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 433-V dated 03.12.2015 (shall go into effect on 01.01.2016); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); dated 02.01.2021 № 399-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 05.04.2023 № 221-VII (shall be enforced from 01.07.2023); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Chapter 4. State management in the field of architecture, town-planning and construction Article 18. Officials and government bodies in the sphere of architectural, town planning and construction activities

Officials and government bodies carrying out regulatory activities and also performing control and supervisory functions in the field of architecture, town planning and construction, are:

- 1) the President of the Republic of Kazakhstan;
- 2) The Government of the Republic of Kazakhstan;
- 3) an authorized body for architecture, town planning and construction;
- 4) other central executive bodies within the scope of their special powers on issues related to architectural, town planning and construction activities;
- 5) local representative and executive bodies of regions, cities of republican significance and the capital city, districts, cities of regional significance.

Footnote. Article 18 is in the wording of Law of the Republic of Kazakhstan № 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); as amended by Law of the Republic of Kazakhstan № 542-IV dated 13.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 19. Competence of the Government of the Republic of Kazakhstan in the field of architectural, town-planning and construction activities

In the field of architectural, town planning and construction activities, the Government of the Republic of Kazakhstan:

- 1) Excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);
- 2) Is excluded by Law of the Republic of Kazakhstan № 124-V dated 03.07.2013 (shall go into effect ten calendar days after its first official publication);
- 3) charges central executive bodies with comprehensive development of a general scheme for territorial planning of the Republic of Kazakhstan, approves and implements its basic provisions, including the system of settlement and placement of production forces, town planning regulations of republican significance, schemes and projects for the development of industrial, social, recreational, engineering and transport infrastructure, and also territories and objects of special town planning regulation of republican and interregional significance;
 - 3-1) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);
 - 3-2) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

3-3) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

4) establishes the boundaries of territories and objects of special town-planning regulation of republican and interregional significance;

5) approves draft master plans (including their main provisions) for cities of republican significance, the capital and cities of regional significance with more than one hundred thousand inhabitants, other town-planning and architectural and construction documentation of national, interstate or interregional significance, alterations thereto, except for architectural and construction documentation for objects of the international specialized exhibition;

6) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

6-1) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

7) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

8) adopts decisions on the design and construction of objects of national and interstate significance;

9) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

9-1) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall go into effect ten calendar days after the day of its first official publication);

10) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

11) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

12) (Is excluded);

13) issues normative legal acts regulating architectural, town planning and construction activities;

14) ensures implementation of intergovernmental agreements on cooperation in the field of architecture, town planning and construction;

15) Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015);

15-1) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

15-2) Is excluded by Law of the Republic of Kazakhstan № 34-V dated 10.07.2012 (shall go into effect on the date of its official publication).

16) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

16-1) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (

shall go into effect ten calendar days after the day of its first official publication);

17) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

18) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

18-1) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

19) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

20) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

21) determines a procedure for implementation of construction (reconstruction, overhaul) projects of objects and complexes of the Republic of Kazakhstan abroad;

22) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

23) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

24) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Footnote. Article 19 as amended by Laws of the Republic of Kazakhstan № 13 dated 20.12.2004 (shall be enforced from 01.01.2005); No 38 dated 12.04.2005; No 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); No 125 dated 31.01.2006; No 209 dated 29.12.2006 (see Article 2 for the procedure of entry into force); № 180-IV dated 10.07.2009; № 188-IV dated 17.07.2009 (see Article 2 for the enactment procedure); № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); № 461-IV dated 15.07.2011 (shall be enforced upon expiry of six months after its first official publication); № 542-IV dated 13.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 34-V dated 10.07.2012 (shall be enforced from the date of its official publication); № 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 167-V dated 21.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); № 364-V dated 27.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 20. Competence of the authorized body for architecture, town-planning and construction

The competence of the authorized body for architecture, town planning and construction includes:

1) formation and implementation of state policy in architecture, urban planning, construction, development of the production base of the construction industry;

1-1) Is excluded by Law of the Republic of Kazakhstan № 159-V dated 13.01.2014 (shall go into effect ten calendar days after the day of its first official publication);

1-2) coordination and methodological guidance of local executive bodies in the field of architecture, town planning, construction, development of the production base of the construction industry;

1-3) organization of scientific research on price formation and economics in the construction of objects financed by public investments and funds of the quasi-public sector entities;

1-4) development and coordination of interregional schemes of territorial development;

1-5) monitoring the implementation of the requirements of legislative acts on the priority use of the potential of the Republic of Kazakhstan in architectural, urban planning and construction activities;

2) Is excluded by Law of the Republic of Kazakhstan № 102-V dated 13.06.2013 (shall go into effect ten calendar days after the day of its first official publication);

3) – 6) are excluded by Law of the Republic of Kazakhstan № 159-V dated 13.01.2014 (shall go into effect ten calendar days after the day of its first official publication);

6-1) is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

6-2) development and approval of regulatory documents on price formation in construction and estimate norms;

6-3) development and approval of rules for determining the cost of construction of objects financed by public investments and funds of the quasi-public sector entities;

6-4) development and approval of the rules for the formation and maintenance of the state bank of construction projects, as well as the provision of feasibility studies, standard designs and design (design and estimate) documentation;

6-5) excluded by the Law of the Republic of Kazakhstan dated 29.06.2020 № 352-VI (shall come into force upon expiration of six months after the date of its first official publication);

6-6) formation, maintenance and systematic updating of the Unified State Register of New Technologies in Construction;

6-7) development and approval of rules for implementation of technical investigation of the reliability and stableness of buildings and structures;

6-8) development and approval of the rules for the issuance of a decision to carry out a set of works on the post-utilization of objects (demolition of buildings and structures);

7) Is excluded by Law of the Republic of Kazakhstan № 159-V dated 13.01.2014 (shall go into effect ten calendar days after the day of its first official publication);

8) is excluded by the Law of the Republic of Kazakhstan dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official publication);

9) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

10) (Is excluded - № 222 as of 12 January, 2007)

11) management of state appraisal of projects;

11-1) development and approval of the procedure for certification of experts engaged in expert works and engineering services in the sphere of architectural, town planning and construction activities;

11-2) development and approval of rules for the establishment of expert commissions (expert groups) and engagement of specialists (specialized institutions and organizations) in conducting comprehensive external and town planning appraisals;

11-3) development and approval of rules for issuing expert opinions on town planning and construction projects (feasibility studies and design estimates);

11-4) development and approval of rules for accreditation of expert organizations;

11-5) development and approval of rules for conducting comprehensive external appraisal of feasibility studies and design estimates for the construction of new buildings and structures, their complexes, engineering and transport communications as well as for changes (reconstruction, expansion, technical re-equipment, modernization and overhaul) of existing ones, regardless of sources of financing;

11-6) establishment of a procedure for approval of projects (feasibility studies and design estimates) intended for the construction of objects through public funds and other forms of public investment;

11-7) Valid until 01.01.2016 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (the order of enforcement see paragraph 5 of article 3);

11-8) development and approval of rules for implementation of comprehensive town planning appraisal of town planning projects of all levels;

11-9) accreditation of legal entities applying for conducting comprehensive external appraisal of construction projects;

11-10) development and approval of rules for assignment of addresses to real estate items in the Republic of Kazakhstan in cooperation with an authorized body in the field of informatization;

11-11) approval of individual plans for the phased development and approval of design estimates for the construction of certain objects requiring special regulation and (or) town planning regulations;

11-12) development and approval of the rules determining the procedure of maintaining the portal and information systems for organizing a comprehensive non-departmental examination of construction projects and a comprehensive urban planning examination of urban planning projects on "one contact " principle;

11-13) development and approval of the rules, determining the procedure for maintaining the portal and information systems for the organization of construction on a one stop shop principle;

11-14) development and approval of regulatory legal acts, regulatory and methodological documents in the field of architectural, urban planning and construction activities;

11-15) control and supervision over the compliance of developed and approved urban planning projects (detailed planning projects, development and development schemes - a simplified version of master plans for small settlements) with the requirements of the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities;

11-16) development and approval for the rules for the implementation of engineering and geological surveys;

12) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten calendar days after the day of its first official publication);

12-1) exercising control and supervision over activities of local executive bodies in charge of architecture, town planning, construction and state architectural and construction control in terms of appropriate performance of functions imposed on them by the legislation of the Republic of Kazakhstan;

12-2) maintaining the register of licenses in the sphere of architectural, town planning and construction activities;

12-3) issuing orders and applying administrative measures of influence established by the Code of the Republic of Kazakhstan on Administrative Offenses to local executive bodies for architecture, urban planning, construction and state architectural-construction control and the chamber;

12-4) visit to a construction site in order to find out whether local executive bodies for architecture, town planning, construction and state architectural and construction control properly perform functions assigned to them by the legislation of the Republic of Kazakhstan;

12-5) approving the form of the act of state inspectors on suspension of activities in the field of construction;

13) creation of the state town planning cadaster, control over its maintenance;

13-1) coordination of actions of central and local executive bodies on provision of information and (or) data for adding it to the database of the state town planning cadaster;

14) regulatory-technical and methodological support of activities of subjects of architectural, town planning and construction activities, as well as a state-owned enterprise that maintains the state town planning cadaster;

14-1) development and approval of rules for exercising control and supervision over activities of local executive bodies for architecture, town planning, construction and state architectural and construction control;

15) decision-making on application of envisaged legislative measures to violators in connection with committed violations and departures from statutes, national regulatory requirements, conditions and restrictions established in the sphere of architectural, town planning and construction activities;

15-1) development and approval of the rules for registration in the database of the state urban planning cadastre of urban planning projects, pre-design and project (design and estimate) documentation, as well as objects of architectural, urban planning and construction activities;

15-2) development and approval of the rules for the development, coordination and approval of urban planning projects (master plans of settlements, detailed planning projects and development projects);

16) *(Is excluded)*;

17) *(Is excluded - N 116 as of 10 January 2006 (see art. 2 of Law N 116 for the enactment procedure))*

18) certification of state construction inspectors;

18-1) maintenance of the register of certified experts engaged in expert works and engineering services in the sphere of architectural, town planning and construction activities;

19) development of technical regulations;

19-1) consideration of draft standardization documents within the competence, as well as preparation of proposals for the development, amendment, revision and cancellation of national, interstate standards, national classifiers of technical and economic information and standardization recommendations for submission to the authorized body for standardization;

20) *Is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);*

21) *Is excluded by Law of the Republic of Kazakhstan № 159-V dated 13.01.2014 (shall go into effect ten calendar days after the day of its first official publication);*

22) *Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015);*

22-1) development and approval of forms of a conclusion on the quality of construction and installation works and statement of conformity of the completed work with the project, a declaration of conformity;

22-2) development and approval of the form of an act of object's acceptance into service in coordination with the authorized state body performing state regulation and control of

activities in the field of state registration of rights to immovable property and state technical inspection of immovable property;

23) Is excluded by Law of the Republic of Kazakhstan № 36 dated 10.07.2012 (shall go into effect ten calendar days after the day of its first official publication);

23-1) Is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after its first official publication);

23-2) approval of rules for rendering engineering services in the sphere of architectural, town planning and construction activities;

23-3) approval of rules for certification of state construction inspectors carrying out architectural and construction control and supervision;

23-4) Is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

23-5) approval of rules for determining general procedure for classifying buildings and structures as technically and (or) technologically complex objects;

23-6) approval of rules for determining the order of monitoring of objects and complexes under construction (planned for construction);

23-7) approval of technical regulations;

23-8) approval of rules for maintaining the state town planning cadaster and providing information and (or) data from it;

23-9) approval of unified qualification requirements for conducting licensed architectural, town planning and construction activities;

23-10) Is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

23-11) approval of the list of types of works (services) that are part of construction and installation works;

23-12) management of activities and coordination of actions of central and local executive bodies in conducting state policy in the sphere of architectural, town planning and construction activities;

23-13) implementation of measures to ensure efficient management of land and natural resources in urban development of areas of state and interregional significance;

23-14) approval of rules for organization of urban development and licensing procedures in the construction sector;

23-15) approval of model rules for the improvement of cities and towns;;

23-16) organizing the development, coordination, approval, registration and enforcement (suspension, cancellation) of state standards in the field of architecture, urban planning and construction;

23-17) establishment of rules for organization of activities and implementation of functions of a customer (developer);

23-18) development and approval of rules for determining the cost of works on implementation of comprehensive external appraisal of construction projects, as well as comprehensive town planning appraisal of urban planning projects for territories of different levels;

23-19) development and approval of rules and licensing requirements for the certification of engineering and technical personnel involved in the design and construction process;

23-20) development and approval of rules and licensing requirements for accreditation of non-state certification centers for certification of engineering and technical personnel involved in the design and construction process;

23-21) development and approval of rules and licensing requirements for accreditation of organizations engaged in engineering services for technical supervision and expert work on technical investigation of reliability and stability of buildings and structures at technically and technologically complex objects of the first and second levels of responsibility;

23-22) accreditation of non-state certification centers for certification of engineering and technical personnel involved in the design and construction process;

23-23) accreditation of legal entities carrying out technical supervision and technical investigation of objects of the first and second levels of responsibility;

23-24) development and approval of rules for accreditation of organizations for project management in the field of architecture, town planning and construction;

23-25) maintenance of the register of accredited non-state certification centers for certification of engineering and technical personnel involved in the design and construction process;

23-26) maintenance of the register of certified engineering and technical personnel involved in the design and construction process;

23-27) maintenance of the register of accredited organizations providing engineering services for technical supervision and expert work on technical investigation of reliability and stability of buildings and structures at technically and technologically complex objects of the first and second levels of responsibility;

23-28) maintenance of the register of accredited organizations for project management in the field of architecture, town planning and construction;

23-29) coordination of the rules for formation of the architectural appearance and town-planning of cities of republican significance and the capital city for compliance with the requirements of this Law and other regulatory legal acts of the Republic of Kazakhstan in the field of architecture, town-planning and construction;

23-30) development and approval of the the procedure for organizing the development, approval, approval, registration and enforcement (suspension, cancellation) of state standards in the field of architecture, urban planning and construction;

23-31) determining the list of requirements, the violation of which entails the application of rapid response measures, as well as determining in relation to specific violations of the

requirements of a specific type of rapid response measure, indicating the period of validity of this measure (if necessary).

The list of requirements, the violation of which entails the application of rapid response measures, includes requirements that are subject to state control, in accordance with Article 143 of the Entrepreneurial Code of the Republic of Kazakhstan;

24) the exercise of other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 20 as amended by Laws of the Republic of Kazakhstan № 13 dated 20.12.2004 (shall be enforced from 01.01.2005); № 38 dated 12.04.2005; № 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); dated 29.12.2006 № 209 (see Article 2 for the enactment procedure); № 222 dated 12.01.2007 (shall be enforced upon expiry of 6 months after its first official publication); № 297 dated 21.07.2007 (shall be enforced from the date of its official publication); № 180-IV dated 10.07.2009; № 188-IV dated 17.07.2009 (see Article 2 for the enactment procedure); № 258-IV dated 19.03.2010; № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); № 461-IV dated 15.07.2011 (shall be enforced upon expiry of six months after its first official publication); № 542-IV dated 13.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 31-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 36 dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 102-V dated 13.06.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 159-V dated 13.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 167-V dated 21.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); № 366-V dated 28.10.2015 (see article 2 for the enactment procedure); № 419-V dated 24.11.2015 (shall go into effect on 01.01.2016); № 487-V dated 07.04.2016 (shall go into effect on the day of signing); № 49-VI dated 27.02.2017 (shall go into effect two months after the day of its first official publication); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 184-VI as of 05.10.2018 (shall be enforced six months after its first official publication); dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 № 352-VI (for the procedure of enactment see Art. 2); or 26.01.2021 № 412-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 05.04.2023 № 221-VII (enforcement, see Art. 2); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days

after the date of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 21. Competence of regional maslikhats in the sphere of architectural, town-planning and construction activities

The competence of regional maslikhats in the sphere of architectural, town planning and construction activities, carried out in a relevant territory, includes:

1) approval of a draft master plan (including its main provisions) of cities of regional significance with estimated population of more than one hundred thousand inhabitants;

2) approval of integrated schemes of town planning of territories of subordinated administrative-territorial units (district planning projects) submitted by a regional akimat;

3) approval of draft master plans (including basic provisions) of towns of regional significance with estimated population of up to one hundred thousand inhabitants;

4) approval of rules for general improvement and engineering support of territories, as well as rules for preservation and maintenance of housing stock, other buildings and structures for housing and civil purposes, of engineering communications;

4-1) approval of the rules for the creation, upkeep and protection of green spaces that are not included in the forest fund of the Republic of Kazakhstan within the boundaries of settlements of the oblast, submitted by the oblast akimat;

5) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

6) (Is excluded)

Footnote. Article 21 as amended by Laws of the Republic of Kazakhstan No 13 dated 20.12.2004 (shall be enforced from 01.01.2005); No 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); № 180-IV dated 10.07.2009; № 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication); with a change in the Kazakh language, the text in Russian is not changed in accordance with the Law of the Republic of Kazakhstan dated 05.04.2023 № 221-VII (shall be enforced from 01.07.2023).

Article 22. Competence of city maslikhats in the sphere of architectural, town-planning and construction activities

1. The competence of maslikhats of cities of republican significance, the capital in the sphere of architectural, town-planning and construction activity carried out in a city and its suburban zone includes:

1) approval of a draft master plan for city development (including its main provisions);

1-1) approval of an integrated town planning scheme for adjacent territories (a district planning project), legally referred to as a city influence zone;

2) approval of rules for general improvement and engineering support submitted by a city akimat;

2-1) approval of the rules for the creation, upkeep and protection of green spaces that are not included in the forest fund of the Republic of Kazakhstan within the boundaries of the city, submitted by the akimat of the city;

3) approval of rules of maintenance of housing stock, other buildings and structures for housing and civil purposes, engineering communications submitted by a city akimat and coordinated with an authorized body for architecture, town planning and construction;

4) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

5) establishment of territorial rules for protection and maintenance of objects of the state natural reserve fund having urban significance;

6) approval of the rules for formation of the architectural appearance and town-planning of cities of republican significance and the capital city, agreed with the authorized body for architecture, town-planning and construction.

1-1. The competence of maslikhats of cities of regional significance with more than one hundred thousand inhabitants in the sphere of architectural, town planning and construction activities carried out in a city and its suburban zone, includes:

1) approval of a draft city master plan;

2) approval of a draft integrated town planning scheme for territories adjacent to a city (a district planning project), legally referred to as a city influence zone;

3) Is excluded by Law of the Republic of Kazakhstan № 124-V dated 03.07.2013 (shall go into effect ten calendar days after its first official publication);

4) approval of rules for general improvement and engineering support of a city and its suburban area, as well as maintenance of housing stock, other buildings and structures for housing and civil purposes, of engineering communications.

2. The competence of maslikhats of towns of regional significance with up to one hundred thousand inhabitants in the sphere of architectural, town planning and construction activities carried out in a town, includes:

1) approval of a draft master plan of a town (including its main provisions), the draft of an integrated town planning scheme for territories adjacent to a town, legally referred to as a city influence zone;

2) Is excluded by Law of the Republic of Kazakhstan № 124-V dated 03.07.2013 (shall go into effect ten calendar days after its first official publication);

3) approval of rules for general improvement and engineering support of a town and its suburban area, as well as maintenance of housing stock, other buildings and structures for housing and civil purposes, of engineering communications.

3. Is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

Footnote. Article 22 as amended by Laws of the Republic of Kazakhstan № 13 dated 20.12.2004 (shall be enforced from 01.01.2005); № 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); № 297 dated 21.07.2007 (shall be enforced from the date of its official publication); № 180-IV dated 10.07.2009; № 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication); dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication)

Article 23.

(Is excluded by Law of the Republic of Kazakhstan № 13 dated 20 December, 2004 (shall be enforced from 1 January, 2005).

Article 23-1. Competence of district maslikhats in the scope of architectural, town-planning and construction activity

Competence of district maslikhats in the scope of architectural, town-planning and construction activity, carrying out in the relevant territory shall include:

1) approval of master plans of cities of district significance and rural settlements, as well as schemes of development and building (simplified master plans) of rural inhabited localities with estimated population size up to five thousand inhabitants;

2) approval of town-planning projects, as well as schemes of engineering support and services.

Footnote. Chapter is supplemented by Article 23-1 – by the Law of the Republic of Kazakhstan dated 10 January, 2006 № 116 (see Article 2 of Law № 116 for the enactment procedure); as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 24. Competence of akimats of regions in the sphere of architectural, town-planning and construction activities

1. The competence of akimats of regions in the sphere of architectural, town planning and construction activities carried out in their entrusted regions, includes:

1) coordination of activities for implementation of an integrated town planning scheme for territories (a district planning project of a region or a part thereof), master plans for inhabited localities in a region approved in the established manner;

1-1) implementation of state policy in the field of architecture, town planning, construction, development of the production base of the construction industry;

2) submitting for the consideration of a regional maslikhat of a draft master plan of a city of regional significance with estimated population of more than one hundred thousand inhabitants for subsequent submission to the Government of the Republic of Kazakhstan for approval;

2-1) organization of development and submission to the Government of the Republic of Kazakhstan for approval of master plans of cities of regional significance with estimated population of more than one hundred thousand inhabitants approved by a regional maslikhat;

2-2) submitting for approval to the regional maslikhat of complex urban planning schemes for the territory of subordinate administrative-territorial units (district planning projects), as well as draft master plans for the development of cities of oblast significance with an estimated population of up to one hundred thousand, approved by city maslikhats and that were put to a comprehensive urban planning expertise;

2-3) is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

3) submission of the rules for improvement and engineering support of territories, as well as the rules for preservation and maintenance of housing fund, other buildings and structures for housing and civil purposes, engineering communications, facilities of the state natural reserve fund for approval to the regional maslikhat;

3-1) submission for approval to the regional maslikhat of the rules for the creation, upkeep and protection of green spaces not included in the forest fund of the Republic of Kazakhstan within the boundaries of the towns of the oblast;

4) submission to a regional maslikhat of proposals brought about by city-forming factors concerning the establishment or change of boundaries of entrusted administrative territorial units in accordance with the legislation of the Republic of Kazakhstan;

5) coordination of draft master plans for cities of republican significance in terms of their development using the land of a region, reserve areas, suburban areas, and also other territories legally referred to as a city influence zone;

6) coordination of draft master plans of cities of regional significance;

7) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

8) (Is excluded – No 116 dated 10 January, 2006 (see Article 2 of Law № 116 for the enactment procedure);

9) provision of information to the public on plans to develop a territory or on other urban development changes;

10) approval and implementation of urban planning projects (detailed planning projects, development projects) drawn up for the development of approved master plans (comprehensive urban planning scheme, planning designs) of settlements that have passed a comprehensive urban planning expertise;

10-1) Is excluded by Law of the Republic of Kazakhstan № 542-IV dated 13.01.2012 (shall go into effect ten calendar days after the day of its first official publication);

11) decision-making on the development of a territory, expansion, technical re-equipment, modernization, reconstruction (re-planning, re-equipment, repurposing), restoration and major repairs of constructions, buildings, structures, engineering and transport communications, as well as engineering preparation of a territory, general improvement and landscaping, conservation of construction-in-progress, post-utilization of objects of regional significance;

11-1) keeping records and registration of acts on the demolition of buildings and structures of regional significance;

12) keeping record of acts of objects' acceptance into service and of objects (complexes) put into service;

12-1) rendering assistance to state bodies of architectural and construction control and supervision in a region;

13) Is excluded by Law of the Republic of Kazakhstan № 542-IV dated 13.01.2012 (shall go into effect ten calendar days after the day of its first official publication);

14) provision of information and (or) data for adding to the database of the state town planning cadaster in the established procedure;

14-1) filing of monthly reports to the authorized body for architecture, urban planning and construction on allotments and changes in the intended purpose of land plots in the territory of the agglomeration;

15) Is excluded by Law of the Republic of Kazakhstan № 542-IV dated 13.01.2012 (shall go into effect ten calendar days after the day of its first official publication);

16) is excluded by the Law of the Republic of Kazakhstan dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official publication);

17) monitoring of projects and complexes under construction (planned for construction) in accordance with the procedure established by an authorized body for architecture, town planning and construction;

17-1) coordination with accredited republican sports federations of technical specifications and statement of work for the design of sports facilities intended for hosting international and republican competitions;

17-2) Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015);

17-3) implementation of state architectural and construction control and supervision over the quality of construction of objects, application of administrative measures imposed by the Code on Administrative Offenses of the Republic of Kazakhstan to violators of architectural and town planning discipline at these objects;

17-4) licensing in the sphere of architectural, town planning and construction activities;

17-5) making decisions on application of envisaged legislative measures against offenders as a result of committed violations and departures from statutes, state regulatory requirements, conditions and restrictions established in the sphere of architectural, town planning and construction activities;

17-6) certification of experts for enabling them to carry out expert works and engineering services in the sphere of architectural, town planning and construction activities;

17-7) organization and implementation of supervision of the quality of project documentation;

17-8) is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

17-9) consideration and approval of pre-project and project (design and estimate) documentation for the construction of objects and complexes financed from local budget, as well as for public money allocated for financing a local budget investment project;

17-10) certification of organizations for project management in the field of architecture, town planning and construction;

17-11) coordination of the boundaries of the territories of the restricted zone and the restricted area at the arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops and military formations;

17-12) presenting a draft master plan for a populated settlement located in a suburban area for approval to the akimat of the capital or cities of republican status;

18) Is excluded by Law of the Republic of Kazakhstan № 461-IV dated 15.07.2011 (shall go into effect six months after its first official publication);

19) Is excluded by Law of the Republic of Kazakhstan № 461-IV dated 15.07.2011 (shall go into effect six months after its first official publication);

20) implementation of other powers vested in local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local government.

2. is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

Footnote. Article 24 as amended by Laws of the Republic of Kazakhstan № 13 dated 20.12.2004 (shall be enforced from 01.01.2005); № 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); № 180-IV dated 10.07.2009; № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); № 461-IV dated 15.07.2011 (shall be enforced upon expiry of six months after its first official

publication); № 542-IV dated 13.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 36 dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 102-V dated 13.06.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 167-V dated 21.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 229-V dated 03.07.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-dated 29.09.2014 V (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (see subparagraph 7 of paragraph 1 of article 3 for the enactment procedure); № 366-V dated 28.10.2015 (see art.2 for the enactment procedure); № 487-V dated 07.04.2016 (shall go into effect on the day of signing); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.05.2020 № 337-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 26.01.2021 № 412-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 01.01.2023 № 182-VII (shall be enforced ten calendar days after the date of its first official publication); dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official publication).

Article 25. Competence of akimats of cities of republican significance, the capital and cities of regional significance in the field of architectural, town-planning and construction activity

Footnote. The heading of Article 25 as amended by Law of the Republic of Kazakhstan № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication).

1. The competence of akimats of cities of republican significance, the capital in the field of architectural, town-planning and construction activity carried out within the established boundaries of entrusted territories includes:

1) conducting state architectural, town planning and building policies in the entrusted area ;

1-1) implementation of state policy in the field of architecture, town planning, construction, development of the production base of the construction industry;

2) coordination of activities for implementation of a city master plan approved in accordance with the procedure established by the legislation, of an integrated town planning scheme for adjacent areas (a district planning project), legally referred to as a city influence zone;

3) organization of development and submission for approval of a city maslikhat of a draft city master plan, projects for establishing and changing the city line and boundaries of the suburban area, as well as boundaries of districts and inhabited localities transferred into the administrative jurisdiction of a city;

4) submission for approval of a draft city master plan to the Government of the Republic of Kazakhstan;

5) submitting for approval to the city maslikhat of urban planning projects (master plans with an estimated population of up to one hundred thousand), which have passed a comprehensive urban planning expertise;

5-1) ascertaining the possibility (impossibility) of granting the right to a land plot in cities of republican status, the capital under Article 44-2 of the Land Code of the Republic of Kazakhstan;

5-2) issuance of a conclusion in the form of a motivated refusal on the impossibility of granting the right to a land plot in cities of republican status, the capital under Article 44-2 of the Land Code of the Republic of Kazakhstan;

6) submission for approval to a city maslikhat of urban rules of general improvement and engineering support of the entrusted territory;

6-1) submission for approval to the city maslikhat of the rules for the creation, upkeep and protection of green spaces not included in the forest fund of the Republic of Kazakhstan within the boundaries of the city;

7) submission of proposals on establishment of the rules for preservation and maintenance of housing fund, other buildings and structures for housing and civil purposes, engineering communications, objects of the state natural reserve fund of urban significance to the city maslikhat;

8) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

9) provision of information to the public on plans to develop a territory or on other town planning changes;

10) approval and implementation of town planning projects drawn up for the development of an approved master plan (integrated town planning scheme, planning projects) of a city and suburban area;

10-1) Is excluded by Law of the Republic of Kazakhstan № 542-IV dated 13.01.2012 (shall go into effect ten calendar days after its first official publication);

11) making decisions on selection, provision, and in cases stipulated by the legislative acts of the Republic of Kazakhstan, and compulsory alienation of land plots in the subordinate territory for state needs, taking into account the susceptibility to natural disasters (floods, earthquakes, mudflows, landslides and avalanches) for construction or other town-planning development;

12) making decisions on development of the territory, expansion, technical re-equipment, modernization, reconstruction (re-planning, re-equipment, re-profiling), restoration and capital repair of constructions, buildings, structures, engineering and transport communications, as well as on the engineering preparation of territory, improvement and landscaping, conservation of unfinished construction sites, carrying out a set of works on post-utilization of objects of urban significance, taking into account the susceptibility to natural disasters (floods, earthquakes, mudflows, landslides and avalanches);

12-1) keeping records and registration of acts on the demolition of buildings and structures of urban significance;

13) keeping records of acceptance reports of facilities into operation, as well as facilities (complexes) put into operation, with the obligatory consideration of access for persons with disabilities;

13-1) assistance to state bodies for architectural and construction control and supervision in a region;

14) organization of preservation of housing stock, communications, monuments of history and culture, objects of the state natural reserve fund and control over their legally prescribed maintenance (use, exploitation);

15) Is excluded by Law of the Republic of Kazakhstan № 542-IV dated 13.01.2012 (shall go into effect ten calendar days after its first official publication);

16) submission of information and (or) data for adding to the database of a state town planning cadaster in the established procedure;

17) Is excluded by Law of the Republic of Kazakhstan № 542-IV dated 13.01.2012 (shall go into effect ten calendar days after its first official publication);

18) monitoring of facilities and complexes under construction (scheduled for construction) with involvement of representatives of public associations of persons with disabilities in the manner established by the authorized body for architecture, urban planning and construction;

18-1) coordination with accredited republican sports federations of technical specifications and statement of work for the design of sports facilities intended for hosting competitions of international and republican levels;

18-2) Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015);

18-3) implementation of state architectural and construction control and supervision over the quality of construction of objects, application of administrative measures established by the Code on Administrative Offenses of the Republic of Kazakhstan against violators of architectural and town planning discipline at these objects;

18-4) licensing in the sphere of architectural, town planning and construction activity;

18-5) making decisions on application of envisaged legislative measures against violators as a result of committed violations and departures from statutes, state regulatory requirements

, conditions and restrictions established in the sphere of architectural, town planning and construction activities;

18-6) certification of experts to enable them to carry out expert works and engineering services in the sphere of architectural, town planning and construction activities;

18-7) organization and implementation of quality control of project documentation;

18-8) is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

18-9) examination and approval of pre-project and project (design and estimate) documentation for the construction of objects and complexes financed from the local budget and for public money allocated for financing a local budget investment project;

18-10) certification of organizations for project management in the field of architecture, town planning and construction;

18-11) development and submission of the rules for formation of the architectural appearance and town-planning of cities of republican significance and the capital city for approval to the authorized body for architecture, town-planning and construction;

18-12) coordination of the boundaries of the territories of the restricted zone and the restricted area at the arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops and military formations;

19) Is excluded by Law of the Republic of Kazakhstan № 461-IV dated 15.07.2011 (shall go into effect six months after its first official publication);

20) Is excluded by Law of the Republic of Kazakhstan № 461-IV dated 15.07.2011 (shall go into effect six months after its first official publication);

21) implementation of other powers vested in local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local government management.

1-1. The competence of the akimat of the capital city, in addition to the functions stipulated in paragraph 1 of this article, in the sphere of architectural, town planning and construction activities carried out in the capital and its suburban area, includes:

1) is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

2) is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

2-1) is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication);

3) control over the deadlines of design, construction and commissioning of reconstruction objects;

4) implementation of borrowing in accordance with the budget legislation of the Republic of Kazakhstan.

1-2. The competence of akimats of the capital, cities of republican status in urban planning activities within the suburban zone shall include:

- 1) participation in the development of the state urban planning policy applied on the territory of the suburban zone;
- 2) participation in the development of a draft master plan for a settlement located in the suburban area;
- 3) approval of the draft master plan for a settlement located in a suburban area, in terms of:
 - specifying the number of inhabitants of the settlement;
 - ensuring the population employment;
 - providing the population with drinking water sources and electricity.
2. The competence of akimats of cities of regional significance with more than one hundred thousand inhabitants in the sphere of architectural, town planning and construction activities carried out within established boundaries of the entrusted territory, includes:
 - 1) coordination of activities for implementation of a city master plan approved in accordance with the procedure established by legislation, of an integrated town planning scheme for an adjacent area (a district planning project), legally referred to as a city influence zone;
 - 2) organization of development and submission for approval to a city maslikhat of a draft city master plan, projects for establishing and changing city lines and boundaries of a suburban area, as well as boundaries of entrusted administrative districts and satellite settlements;
 - 3) submitting, in accordance with Article 22 of this Law, for approval to the relevant maslikhat, of urban planning projects that have passed a comprehensive urban planning examination, as well as the rules for improvement and engineering support of the city territory;
 - 4) submission of proposals on establishment of the rules for preservation and maintenance of housing fund, other buildings and structures for housing and civil purposes, engineering communications, objects of the state natural reserve fund of local importance to the city maslikhat;
 - 5) provision of city residents with information on plans to develop a territory or on other urban development changes;
 - 5-1) provision, in accordance with the established procedure, of information and (or) data for adding to the database of a state town planning cadaster;
 - 6) approval and implementation of urban planning projects (designs of detailed planning and development of the city and suburban area) that have passed a comprehensive urban planning expertise;
 - 7) decision-making on selection, submission and, in cases provided for by legislative acts, withdrawal for state needs of land plots in the entrusted territory for construction or other urban development;

8) decision-making on the development of a territory, expansion, technical re-equipment, modernization, reconstruction (re-planning, re-equipment, repurposing), restoration and major repairs of constructions, buildings, structures, engineering and transport communications, as well as engineering preparation of a territory, general improvement and landscaping, conservation of construction-in-progress, post-utilization of objects of local significance;

8-1) keeping records and registration of acts on the demolition of buildings and structures of local significance;

9) keeping record of acts of objects' acceptance into service and of objects (complexes) put into service;

10) organization of preservation of housing stock, communications, monuments of history and culture, objects of the state natural reserve fund and control over their legally prescribed maintenance (use, exploitation);

11) monitoring of facilities and complexes under construction (scheduled for construction) with involvement of representatives of public associations of persons with disabilities as established by the authorized body for architecture, urban planning and construction;

11-1) ascertaining the possibility (impossibility) of granting the right to a land plot in cities of oblast significance in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;

11-2) issuance of a conclusion in the form of a motivated refusal on the impossibility of granting the right to a land plot in cities of oblast significance in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;

12) exercise of other powers vested in local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local government.

3. The competence of akimats of towns of regional significance with up to one hundred thousand inhabitants in the sphere of architectural, town planning and construction activities carried out within the established boundaries of the entrusted area, includes:

1) coordination of activities for implementation of a town master plan approved in accordance with the procedure established by legislation, an integrated town planning scheme for adjacent territory (a district planning project), legally referred to as a city influence zone;

2) organization of the development and submission to a city maslikhat for approval of a draft town master plan, projects for establishing and changing town lines and boundaries of suburbs, as well as boundaries of entrusted administrative districts and satellite inhabited localities, integrated town planning schemes;

3) submitting, in accordance with Article 22 of this Law, for approval to the relevant maslikhat of urban planning projects that have passed a comprehensive urban planning examination, as well as the rules for improvement and engineering support of the city territory;

4) submission of proposals on establishment of the rules for preservation and maintenance of housing fund, other buildings and structures for housing and civil purposes, engineering

communications, objects of the state natural reserve fund of local importance to the city maslikhat;

5) provision of town residents with information on plans to develop a territory or on other urban development changes;

5-1) provision, in accordance with the established procedure, of information and (or) data for adding to the database of a state town planning cadaster;

6) approval and implementation of urban planning projects (designs of detailed planning and development of the city and suburban area) that have passed a comprehensive urban planning expertise;

7) decision-making on selection, provision and, in cases provided for by legislative acts, withdrawal for state needs of land plots in the subordinated territory for construction or other urban development;

8) decision-making on the development of a territory, expansion, technical re-equipment, modernization, reconstruction (re-planning, re-equipment, repurposing), restoration and major repairs of constructions, buildings, structures, engineering and transport communications, as well as engineering preparation of a territory, general improvement and landscaping, conservation of construction-in-progress, post-utilization of objects of local significance;

8-1) keeping records and registration of acts on the demolition of buildings and structures of local significance;

9) keeping record of acts of objects' acceptance into service and of objects (complexes) put into service;

10) organization of preservation of housing stock, communications, monuments of history and culture, objects of the state natural reserve fund and control over their legally prescribed maintenance (use, exploitation);

11) monitoring of objects and complexes under construction (planned for construction) in the manner established by an authorized agency for architecture, town planning and construction;

11-1) ascertaining the possibility (impossibility) of granting the right to a land plot in cities of oblast significance in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;

11-2) issuance of a conclusion in the form of a reasoned refusal on the impossibility of granting the right to a land plot in cities of oblast significance in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;

12) exercise of other powers vested in local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local government.

Footnote. Article 25 is in the wording of Law of the Republic of Kazakhstan № 116 dated 10.01.2006 (see Article 2 of Law №116 for the enactment procedure); as amended by Laws of the Republic of Kazakhstan № 297 dated 21.07.2007 (shall be enforced from the date of its official publication); № 180-IV dated 10.07.2009; № 378-IV dated 06.01.2011 (shall be

enforced upon expiry of ten calendar days after its first official publication); № 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); № 461-IV dated 15.07.2011 (shall be enforced upon expiry of six months after its first official publication); № 542-IV dated 13.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 36 dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 102-V dated 13.06.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 167-V dated 21.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 229-V dated 03.07.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (see subparagraph 7 of paragraph 1 of Article 3 for the enactment procedure); № 366-V dated 28.10.2015 (see art. 2 for the enactment procedure); № 433-V dated 03.12.2015 (shall go into effect on 01.01.2016); № 487-V dated 07.04.2016 (shall go into effect on the day of signing) № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.05.2020 № 337-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 26.01.2021 № 412-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 01.01.2023 № 182-VII (shall be enforced ten calendar days after the date of its first official publication); dated 02.01.2023 № 184-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 05.04.2023 № 221-VII (enforcement, see Art. 2); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 26. Competence of akimats of districts in the sphere of architectural, town-planning and construction activities

The competence of akimats of districts in the sphere of architectural, town planning and construction activities carried out in their entrusted territory includes:

1) coordination of activities for implementation of an integrated town planning scheme for the territory of a district(a district planning project), master plans of rural settlements approved in the manner prescribed by law;

1-1) provision of information and (or) data for adding to the database of a state town-planning cadaster in the established procedure;

2) (Is excluded)

3) (Is excluded)

4) (Is excluded)

5) provision of population with information on plans to develop a territory or on other urban development changes;

6) (Is excluded)

7) making decisions on construction, engineering preparation of territory, general improvement and landscaping, conservation of construction of unfinished objects, carrying out a set of works on post-utilization of objects of district significance;

7-1) keeping records and registration of acts on the demolition of buildings and structures of district significance;

8) (Is excluded)

9) keeping record of acts of objects' acceptance into service and of objects (complexes) put into service;

10) organization of preservation of housing stock, communications, monuments of history and culture of district significance and control over their maintenance (use, exploitation);

11) (Is excluded)

12) organizing the development and submitting for approval to the district maslikhat of urban development schemes for the territory of the district, as well as master plans for cities of district significance, townships and other rural localities that have passed a comprehensive urban planning expertise;

13) implementation of town planning projects drawn up for the development of approved master plans (schemes of territorial development) of inhabited localities;

13-1) consideration and approval of pre-project and project (design and estimate) documentation for the construction of objects and complexes financed from the local budget and for public money allocated for financing a local budget investment project;

14) monitoring of projects and complexes under construction (planned for construction) in accordance with the procedure established by an authorized body for architecture, town planning and construction;

14-1) filing monthly reports to the akimat of the oblast on allotments and changes in the designation purpose of land plots in the territory of the agglomeration;

15) decision-making on selection, submission and, in cases provided for by legislative acts, withdrawal for state needs of land plots in the entrusted territory for construction or other urban development;

16) decision-making on reconstruction through re-planning of premises of existing buildings;

16-1) ascertaining the possibility (impossibility) of granting the right to a land plot in cities of district significance in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;

16-2) issuance of a conclusion in the form of a reasoned refusal on the impossibility of granting the right to a land plot in cities of district significance in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;

17) exercise of other powers vested in local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local government.

Footnote. Article 26 as amended by Laws of the Republic of Kazakhstan № 13 dated 20.12.2004 (shall be enforced on 01.01.2005); № 116 dated 10.01.2006 (see Article of Law № 116 for the enactment procedure); № 452-IV dated 05.07.2011 (shall be enforced on 13.10.2011); № 36 dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 167-V dated 21.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall be enforced on 01.01.2015); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 487-V dated 07.04.2016 (shall go into effect on the day of signing); dated 26.01.2021 № 412-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 01.01.2023 № 182-VII (shall be enforced ten calendar days after the date of its first official publication); dated 05.04.2023 № 221-VII (enforcement, see Art. 2).

Article 27. Local executive bodies in the matter of architecture, town-planning and construction

Footnote. Title of Article 27 is in the wording of the Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Local executive bodies in the matter of architecture, town-planning and construction shall be the structural subdivisions of relevant akimats and shall be divided into:

1) regional bodies (bodies of cities of republican significance, the capital) for:

architecture and town planning;

construction (unitary customer service);

state architectural and construction control and supervision;

2) district (cities of regional significance) bodies:

architecture and town-planning;

construction (single customer service).

2. Competence of local executive bodies in the matter of architecture, town-planning and construction shall be established in accordance with Articles 24, 25 and 26 of this Law.

3. The heads of structural units of local executive bodies of cities of republican significance, the capital and cities of regional significance, performing functions in the field of architecture and town planning are chief architects of cities.

Heads of structural subdivisions of local executive bodies of district, carrying out functions in the scope of architecture and town-planning shall be the chief architects of districts by virtue of their position.

Footnote. Article 27 is in the wording of the Law of the Republic of Kazakhstan № 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); as amended by Laws of the Republic of Kazakhstan № 180-IV dated 10.07.2009; № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 542-IV dated 13.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 167-V dated 21.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication).

Chapter 4-1. General safety requirements in the scope of architecture, town-planning and construction activity

Footnote. Chapter 4-1 is supplemented by Law of the Republic of Kazakhstan № 209 dated 29 December, 2006 (see Article 2 for the enactment procedure).

Article 27-1. Objects of technical regulation and standardization

Footnote. The heading of Article 27-1 as amended by Law of the Republic of Kazakhstan № 184-VI as of 05.10.2018 (shall be enforced six months after its first official publication).

The objects of technical regulation and standardization in the field of architectural, town-planning and construction activity are buildings, structures, the processes of their design, construction, reconstruction, technical re-equipment, expansion, major repairs and operation, as well as building materials, products and structures.

In the designing, building, reconstruction, technical re-equipment, expansion, overhaul and operation of industrial enterprises in the territory of special economic zones, special industrial zones, also included in the single industrialization map, direct application of international building codes and rules, as well as international, regional standards and standards of foreign states shall be allowed pursuant to the legislation of the Republic of Kazakhstan in standardization. When constructing facilities on the territory of special economic zones, special industrial zones, also those included in the single industrialization map, it shall be allowed to use building materials and structures that meet the requirements of international building codes and regulations, as well as international, regional standards and standards of foreign states, in accordance with the legislation of the Republic of Kazakhstan in standardization.

Footnote. Article 27-1 as amended by Law of the Republic of Kazakhstan № 151-V dated 03.12.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 362-V dated 27.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 184-VI as of 05.10.2018 (shall be enforced six months after its first official publication); № 243-VI as of 03.04.2019 (shall be enforced ten calendar days

after its first official publication); dated 01.04.2021 № 26-VII (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 27.12.2021 № 87-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 27-2. Safety requirements for constructions

1. The design of objects of architectural, town planning and construction activities shall ensure the safety of buildings for human life and health and the environment.

2. When designing structures, all possible risks to human life and health and the environment must be identified and taken into account at all stages of the life cycle, taking into account the provision of windows with locks and (or) security mechanisms, including during normal operation, emergency situations, and suspected violations during construction and installation work and unacceptable construction.

3. When carrying out construction and installation work, the developer is obliged to carry out the entire range of security measures, taking into account the provision of windows with locks and (or) security mechanisms, determined by the design documentation, and to ensure the possibility of monitoring and supervising the progress at various stages of construction of the structure.

4. Buildings under construction shall be away from other objects at a required distance in accordance with established regulations.

5. When concluding a construction contract for the construction, renovation and repair of structures, customers shall specify in them the requirements of technical regulations and other regulatory and technical documents that ensure safety in the field of technical regulation.

6. At construction sites that are areas of increased hazard, a customer and contractor must ensure the safety of construction and installation works and exclude any possibility of causing harm to human life and health, the environment.

7. When designing and constructing buildings, it is necessary to take into account loads that can lead to the following events:

- 1) collapse of a whole building or its part;
- 2) unacceptable deformation;
- 3) damage to other parts of buildings or installations and equipment located in them due to significant deformations of load-bearing elements;

4) damage caused by accidental events, disproportionate to a root cause.

8. Buildings must be designed and constructed in such a way that in the event of a fire,

- 1) the strength of load-bearing elements was provided for a certain period;
- 2) the occurrence and distribution of fire and smoke inside a building was limited;
- 3) it is possible to provide immediate evacuation of people through emergency exits, including people with limited mobility;
- 4) rescue teams have safe access to fire sources.

9. Buildings shall be designed and constructed in such a way that they do not pose a hazard to human health and hygiene, in particular because of:

- 1) release of toxic gases and other harmful chemicals;
- 2) presence of dangerous particles or gases in the air;
- 3) hazardous radiation;
- 4) contamination of water or soil;
- 5) violations with release of water, fumes, solid or liquid waste;
- 6) moisture in parts of a building or on its internal surfaces.

10. Buildings shall be designed and constructed in such a way that their operation excludes an unacceptable risk of accidents such as slipping, falling, blows, burns, electric shock, injuries caused by explosions.

11. The noise insulation of a building shall be designed and constructed so as to exclude unacceptable risks to human life and health.

12. A building, as well as its heating, cooling and ventilation units shall be designed and constructed in such a way that the energy consumption required for the use of a building remains moderate, taking into account local climatic conditions, but without detriment to the health of people.

Footnote. Article 27-2 as amended by Law of the Republic of Kazakhstan № 378-IV dated 06.01.2011 (shall go into effect ten calendar days after its first official publication); № 433-V dated 03.12.2015 (shall go into effect on 01.01.2016); dated 23.02.2024 № 64-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 27-3. Safety requirements of construction materials

Construction materials shall comply with requirements of regulatory legal acts, establishing a set of mandatory safety requirements, as well as standards of radiation and chemical safety, allowing to build constructions, which in recognition of economic aspects is suitable for use and use of which provide carrying out of requirements, established in Article 22 of this Law.

Article 27-4. Requirements for results of engineering surveys and project documentation

1. Results of engineering surveys shall be reliable and carried out to the extent required for the establishment of design values of parameters and other design characteristics of a construction object, as well as measures planned to ensure its safety.

Estimated data as part of the results of engineering surveys shall be substantiated by a person performing engineering surveys and contain a forecast of changing their values in the course of construction and operation of an object.

When conducting analysis and assessment of the quality of construction projects, expert organizations shall be required to check the relevance of engineering surveys and the compliance of the compilation of these results with current standards, including the completeness, composition, volume, methods and technologies of production of engineering and geological surveys.

2. The conformity of design values of parameters and other characteristics of an object with safety requirements, as well as measures planned to ensure its safety, shall be substantiated by references to provisions of this Law and other regulatory and regulatory-legal acts of the Republic of Kazakhstan in the field of architecture, town planning and construction.

If there are no such requirements, the conformity of design values and characteristics of a building or structure with safety requirements, as well as measures planned to ensure its safety, shall be justified in one or several ways:

- 1) by research results;
- 2) by calculations and (or) tests carried out using certified methods or otherwise tested procedures;
- 3) by modeling scenarios of occurrence of hazardous natural processes and phenomena, and (or) man-caused impacts, also in case of unfavorable combination of dangerous natural processes and phenomena, and (or) man-caused impacts;
- 4) by assessment of the risk of occurrence of hazardous natural processes and phenomena, and (or) man-caused impacts.

Results of engineering surveys shall be taken into account when giving reasons.

Footnote. Chapter 4-1 is supplemented with Article 27-4 in accordance with Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Chapter 5. State standards in the field of architecture, town-planning and construction Article 28. State system of regulatory documents in the field of architecture, town planning and construction

1. State regulation of architectural, town planning and construction activities carried out in the Republic of Kazakhstan is ensured by the legislation of the Republic of Kazakhstan on architectural, town planning and construction activities, as well as the state system of regulatory documents in the field of architecture, town planning and construction.

2. The state system of regulatory documents in the field of architecture, town planning and construction includes:

- 1) regulatory legal acts establishing mandatory requirements for the organization of activities and governing relationships of subjects in the field of architecture, town planning and construction:

state town planning standards and regulations;
technical regulations for the design and construction of objects (buildings, structures, their complexes, communications);
standards of state architectural and construction control;
sectoral standards of other state control bodies in construction;
guideline documents in construction;

2) regulatory technical documents that establish mandatory safety requirements for individual types of products and (or) their life cycle processes in accordance with requirements of technical regulations (buildings, structures, their complexes, communications):

construction standards;

construction standards and rules (for the effective period concurrently with a period of validity determined by an authorized body for architecture, town planning and construction);

technological maps;

regulatory documents on price formation in construction;

3) optional regulatory technical documents:

codes of rules for design and construction;

regulatory and technical manuals;

technological design regulations;

standardization documents in the field of architectural, town-planning and construction activity, industry;

manuals and methodological recommendations that establish proven practices in the development and enforcement of mandatory requirements of technical regulations and building codes or on individual issues that are not regulated by mandatory standards.

3. The state system of regulatory documents also includes documents that were brought into force in the Republic of Kazakhstan in accordance with international treaties such as:

1) interstate building norms;

2) interstate standards in construction;

3) interstate codes of rules for design and construction.

4. The objects of state regulation are:

1) settlement systems, inhabited localities and their parts;

2) architectural, technological, engineering and construction parts of buildings, structures and other constructions, as well as individual premises;

3) engineering and (or) technological equipment of buildings, structures and other constructions;

4) building materials, products and structures;

5) town planning, architectural and construction and other design and estimate documentation.

5. State administration bodies that have approved regulatory documents in the field of architecture, town planning and construction bear responsibility for technical, economic and social validity of regulatory requirements and their compliance with the legislation of the Republic of Kazakhstan in accordance with laws of the Republic of Kazakhstan.

6. The procedure for development, coordination, approval, registration and enactment (suspension of validity, cancellation) of state standards is established by the authorized body for architecture, town planning and construction in coordination with other central executive bodies, whose competence includes these issues, unless otherwise provided for by laws of the Republic of Kazakhstan.

Footnote. Article 28 as amended by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); as amended by Law of the Republic of Kazakhstan № 184-VI as of 05.10.2018 (shall be enforced six months after its first official publication).

Article 29. Types of state regulatory documents in the field of architecture, town-planning and construction

State standards in the field of architecture, town planning and construction are divided into:

1) organizational and methodological regulatory documents, including standards for standardization and certification of construction products, geodetic work, engineering surveys for design and construction, organization of construction, acceptance into service, construction safety;

2) general regulatory and technical documents including main provisions for the reliability of structures, fire and explosion safety, protection against hazardous (harmful) impacts of natural, anthropogenic and man-triggered nature, technological tolerances and dimensional interchangeability and compatibility of building materials, products and structures;

3) town planning standards, including requirements, conditions and restrictions on organization of territories, planning, development of inhabited localities and areas of horticultural associations of citizens and their general improvement, on the development of master plans for industrial and agricultural enterprises;

4) regulatory and technical documents on the design and construction of buildings and structures for civil and industrial purposes, including transport, hydraulic engineering, land reclamation facilities, as well as main and field pipelines and communications;

5) regulatory documents for the engineering support of inhabited localities or their parts, separate buildings, structures and their complexes;

6) regulatory and technical documents for building materials, products and structures;

7) regulatory and technical documents for the equipment of construction and construction-and-installation organizations, including temporary and mobile structures and equipment;

8) regulatory documents on price formation in construction;

9) regulatory documents on maintaining the state town planning cadaster;

10) regulatory documents of state control and supervision bodies in the sphere of architectural, town planning and construction activities (state architectural and construction control, civil protection, state sanitary-epidemiological service, environmental protection);

11) regulatory documents on the procedure for organization and holding of tenders for contract work in construction.

Footnote. Article 29 as amended by Laws of the Republic of Kazakhstan № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 189-V dated 11.04.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication).

Article 29-1. Architectural, town planning and construction catalogs

1. Architectural, town planning and building catalogs are an information system of lists of :

regulatory legal acts and regulatory technical documents in the field of architecture, town planning and construction;

standard projects and standard project solutions for enterprises, buildings and structures;

building structures and products;

building materials;

production technologies;

regulatory documents on price formation in construction.

2. The procedure for the formation and maintenance of architectural, town planning and construction catalogs is established by an authorized body for architecture, town planning and construction.

Footnote. Chapter 5 is supplemented with Article 29-1 in accordance with Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication).

Article 30. Rules for managing development and going through licensing procedures in the construction industry

1. On the territory of the Republic of Kazakhstan, there are rules for organizing development and undergoing permitting procedures in the field of construction, regulating architectural, urban planning and construction activities on the ground, with the exception of the territory of the city of Almaty.

2. Rules for managing development and going through licensing procedures in the construction industry determine conditions and requirements for the use of land, design and

development of inhabited localities and suburban areas by subjects of architectural, town planning and construction activities, establish a licensing procedure for placing and building new items of real estate, for changes (re-profiling, re-equipment, redevelopment, reconstruction, expansion, overhaul) of existing ones and of functional purpose of premises, commissioning of real estate items.

3. Project approvals, obtained in accordance with a procedure established by the legislation of the Republic of Kazakhstan, before the introduction of rules for managing development and going through licensing procedures in the construction industry or amendments to them, are valid for the time period specified in previously issued permits.

This provision does not apply to cases where, due to bringing into force of new requirements, the effect of previous rules does not exclude the emergence of a threat to the health and life of people.

The rules for organizing development and permitting procedures in the construction shall take into account the requirements for ensuring access to residential, public and industrial buildings, facilities and premises for people with limited mobility.

Footnote. Article 30 as amended by Laws of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); as amended by Law of the Republic of Kazakhstan № 433-V dated 03.12.2015 (shall go into effect on 01.01.2016); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 01.07.2024 № 107-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Chapter 6. Architectural-construction control and supervision

Footnote. The title of chapter 6 as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 31. Organization of architectural and construction control and supervision

Footnote. Heading as amended by Law of the Republic of Kazakhstan № 378-IV dated 06.01.2011 (shall go into effect ten calendar days after its first official publication).

1. Architectural and construction control and supervision shall be carried out by:

1) the authorized body for architecture, urban planning and construction by visiting construction sites, as well as control and supervising the activities of local executive bodies for architecture, urban planning, construction and state architectural and construction control and supervision;

1-1) local executive bodies within the limits of their control and supervisory functions, performed by inspecting construction sites;

2) Is excluded by Law of the Republic of Kazakhstan No 542-IV dated 13.01.2012 (shall go into effect ten calendar days after its first official publication);

3) a customer through the organization of technical supervision of construction and acceptance of an object into service;

4) developers of project documentation by conducting designer's supervision of construction;

5) Is excluded by Law of the Republic of Kazakhstan No542-IV dated 13.01.2012 (shall go into effect ten calendar days after its first official publication);

1-1. State supervision in the sphere of architectural, urban planning and construction activities is an activity of the state body for architectural and construction control and supervision to verify compliance by the subjects of supervision with the requirements of the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities with the right to apply rapid response measures provided for in Article 31-3 of this Law, without initiating administrative proceedings.

The subjects of supervision shall be:

1) the activities of local executive bodies for architecture, urban planning, construction and state architectural and construction control;

2) individuals and legal entities who are obliged to comply with the requirements of the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities.

2. In the event of a situation, the solution of which goes beyond the competence of bodies of state architectural and construction control and supervision, control and supervision shall be carried out with the involvement of:

1) an authorized body for technical regulation – with regard to certification of construction products;

1-1) an authorized body for standardization – with regard to standardization of construction products;

2) an authorized body in the field of industrial safety – with regard to compliance with requirements of industrial safety;

3) Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015);

4) an authorized state body in the field of environmental protection - regarding control over the impact of objects or their parts on ecological state of a territory caused by their construction and (or) operation;

4-1) an authorized body in the field of use and protection of the water fund - in terms of control over architectural, town planning and construction activities in water protection zones;

5) the authorized body for social protection of the population - in terms of providing access for persons with disabilities and people with limited mobility to social, transport and recreational infrastructure facilities.

3. Orders, instructions and other decisions of state bodies of architectural and construction control and supervision, as well as state bodies specified in paragraph 2 of this article, issued in accordance with a procedure established by law, are mandatory for all subjects of architectural, town planning and construction activities carried out in the Republic of Kazakhstan.

4. Is excluded by Law of the Republic of Kazakhstan № 125 dated 31.01.2006.

5. Mutual claims and disputes between subjects of architectural, town planning and construction activities and bodies (services, officials) of architectural and construction control and supervision are resolved in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Footnote. Article 31 as amended by Laws of the Republic of Kazakhstan № 40 dated 13.04.2005 (shall be enforced on 01.01.2005); № 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); № 125 dated 31.01.2006; № 213 dated 09.01.2007 (see Article 2 for the enactment procedure); № 180-IV dated 10.07.2009; № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); № 542-IV dated 13.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 189-V dated 11.04.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); № 366-V dated 28.10.2015 (shall go into effect ten days after the day of its first official publication); № 184-VI as of 05.10.2018 (shall be enforced six months after its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 31-1. Architectural-construction control and supervision

Footnote. Heading as amended by Law of the Republic of Kazakhstan № 378-IV dated 06.01.2011 (shall go into effect ten calendar days after its first official publication).

1. Is excluded by Law of the Republic of Kazakhstan № 378-IV dated 06.01.2011 (shall go into effect ten calendar days after its first official publication).

2. The customer (owner) and the contractor (general contractor) shall submit project and as-built technical documentation for a given object requested by a state body for architectural and construction control and supervision or a state construction inspector, as well as an expert opinion on relevant projects.

3. State architectural and construction control and supervision is carried out over:

1) the existence of a right to a land plot approved by project (design and estimate) documentation, of favorable conclusion of project appraisal, and also over notification of bodies exercising state architectural and construction control and supervision of the commencement of construction and installation works;

2) reliability of the data specified in the notification;

3) the existence of a license for a right to carry out relevant licensed architectural, town planning and construction activities;

4) the conformity of construction and installation works performed (in progress), building materials (construction products, structures) and equipment used to approved design solutions and state (interstate) standards, including those to ensure the strength, stableness, reliability of load-bearing and enclosing structures and operational qualities of buildings (constructions);

5) organization and implementation by the contractor (general contractor) of all types and forms of own production control and quality control of construction (input, operating, acceptance, laboratory, geodetic and others);

6) timely and correct execution of as-built documentation;

7) organization and implementation by a customer (owner) of technical and designer's supervision in the construction of objects;

8) compliance with requirements established by the legislation of the Republic of Kazakhstan on architectural, town planning and construction activities by persons carrying out technical and designer's supervision.

4. In case of revealing violations of state standards and (or) departures from approved projects (design solutions), state architectural and construction control and supervision bodies make decisions (issue prescriptions):

1) on the prohibition of the use of building materials, products, structures and equipment that do not comply with national standards, requirements of technical regulations and other regulatory technical documents;

2) on rectification of committed violations by the customer (developer) and/or contractor of a construction and installation entity (enterprise) within the established time limits;

3) on the suspension of construction and installation works in the event of failure to comply with the instructions specified in subparagraphs 1) and 2) of this paragraph.

4-1. If illegal re-equipment and redevelopment of residential and non-residential premises is discovered, bodies of state architectural and construction control and supervision make decisions (issue prescriptions):

1) on rectification of committed violations by the customer within the established time limits;

2) on suspension of construction and installation works.

5. Requirements of state bodies of architectural and construction control and supervision or state construction inspectors may be appealed in the manner established by the legislation of the Republic of Kazakhstan.

6. Is excluded by Law of the Republic of Kazakhstan № 188-IV dated 17.07.2009 (see Article 2 for the enactment procedure).

7. Architectural-construction control and supervision shall be carried out in the form of inspection and preventive control with a visit to the subject (object) of control and supervision in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

8. is excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

9. is excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

10. In case of revealing violations or a failure to rectify violations of standards and requirements established by the legislation of the Republic of Kazakhstan on architectural, town planning and construction activities at a construction site, a person carrying out technical supervision informs state architectural and construction control and supervision bodies on this for taking measures envisaged by laws of the Republic of Kazakhstan.

Footnote. Chapter 6 is supplemented by Article 31-1 in accordance with Law of the Republic of Kazakhstan № 125 dated 31 January, 2006; as amended by Laws of the Republic of Kazakhstan № 188-IV dated 17.07.2009 (see Article 2 for the enactment procedure); № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 31-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 36 dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall go into effect on 01.04.2015); № 366-V dated 28.10.2015 (shall go into effect ten days after the day of its first official publication); № 376-V dated 29.10.2015 (shall go into effect on 01.01.2016); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 184-VI as of 05.10.2018 (shall be enforced six months after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 31-2. Preventive control with a visit to the subject (object) of control and supervision

Footnote. The title of Article 31-2 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

1. Preventive control with a visit to the subject (object) of control and supervision, carried out by state bodies of architectural and construction control, is of a preventive and prophylactic nature.

2. State bodies of architectural-construction control shall have the right to carry out preventive control with a visit to the subject (object) of control and supervision, taking into account the priority established in the following order:

- 1) industrial facilities, industrial buildings, structures;
- 2) administrative buildings of state bodies, buildings of museums of republican significance, state archives, storages of national and cultural valuables and life support facilities of cities and inhabited localities, requiring special devices for artificial microclimate and (or) special security or anti-terrorism measures;
- 3) socially significant objects (educational, healthcare, cultural institutions and others);
- 4) housing and civil facilities;
- 5) objects of transport infrastructure;
- 6) water supply and sanitation facilities;
- 7) other buildings and structures.

At the same time, objects financed from budgetary funds and by quasi-public entities are visited on a priority basis, *ceteris paribus*.

In the event of an emergency situation at a construction site, state bodies of architectural-construction control shall visit the site on a priority basis.

3. Based on the results of preventive control with a visit to the subject (object) of control and supervision, an order shall be drawn up to eliminate the identified violations without initiating a case on an administrative offense.

Footnote. Chapter 6 is supplemented with Article 31-2 in accordance with Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); with amendments introduced by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 31-3. Rapid response measures and the procedure for their application

1. In the course of and (or) based on the results of state control, the local executive body of state architectural-construction control shall apply rapid response measures in cases of identifying activities, work, services of the subject (object) of control and supervision that pose a direct threat to the rights and legitimate interests of individuals and (or) legal entities, the life and health of people, the environment, and the national security of the Republic of Kazakhstan.

2. Rapid response measures are methods of influencing subjects (objects) of control and supervision applied in the course of and (or) based on the results of an inspection and (or) preventive control and supervision with a visit to the subject (object) of control and supervision, the types of which are provided for in this Article.

Rapid response measures shall be applied in the event of failure to comply with the relevant notification on the elimination of identified violations.

3. Rapid response measures include the following types:

1) suspension of construction and installation works;

2) suspension of activities or their individual types;

3) prohibition of activities or their individual types carried out in violation of the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities and (or) state regulations;

4) suspension of the permit and (or) annex to the permit;

5) deprivation (revocation) of the permit and (or) annex to the permit.

4. The basis for applying the rapid response measure shall be the violation of the requirements established by the legislation of the Republic of Kazakhstan, which are the subject of state control in accordance with Article 143 of the Entrepreneurial Code of the Republic of Kazakhstan.

5. The local executive body of state architectural-construction control shall also apply rapid response measures when establishing, through the information system for organizing construction on the principle of a "single window", violations of state regulations and (or) deviations from approved projects (design solutions).

6. The local executive body of state architectural-construction control, during the implementation and (or) based on the results of an inspection and (or) preventive control with a visit to the subject (object) of control and supervision, upon detection of a fact of the requirements violations that are the basis for the application of rapid response measures, shall draw up a resolution on the application of rapid response measures in the form approved by the authorized body in the field of architectural, urban planning and construction activities.

The resolution on the application of rapid response measures shall be drawn up and handed to the subject of control and supervision in accordance with Article 153 of the Entrepreneurial Code of the Republic of Kazakhstan.

In the event of an inspection being carried out through an automated registry, the resolution on the application of rapid response measures shall be issued automatically in this automated registry.

7. In the event of a refusal to accept the resolution on the application of rapid response measures when it is handed over in person, a corresponding entry shall be made in it and a video recording shall be carried out, recording the fact of refusal to accept the resolution on the application of rapid response measures. The resolution on the application of rapid response measures shall be sent to the legal address, location or actual address of the subject of control and supervision by registered mail with notification of its delivery.

8. Refusal to receive a resolution on the application of rapid response measures shall not be a basis for its non-fulfillment.

9. Violations of requirements identified during the implementation and (or) based on the results of an inspection and (or) preventive control with a visit to the subject (object) of control and supervision, which are the basis for applying rapid response measures, shall be

reflected in the act on the results of the inspection and (or) preventive control with a visit to the subject (object) of control and supervision, as well as in the order to eliminate the identified violations.

When an inspection is carried out through an automated register, an act on the results of the inspection shall not be issued.

10. The subject of control and supervision shall be obliged to eliminate the identified violations of the requirements, which are the basis for applying the rapid response measure, within the timeframes specified in the order to eliminate the identified violations.

11. Upon expiration of the timeframes for eliminating the violations of the requirements, identified as a result of the inspection and (or) preventive control with a visit to the subject (object) of control and supervision, an unscheduled inspection shall be carried out to monitor the elimination of identified violations of the requirements, which are the basis for applying the rapid response measure.

The effect of the resolution on applying the rapid response measures shall be terminated if the local executive body of state architectural-construction control confirms the elimination of identified violations of the requirements that are the basis for applying the rapid response measures, based on the act on the results of an unscheduled inspection in accordance with subparagraph 2-1) of paragraph 5 of Article 144 of the Entrepreneurial Code of the Republic of Kazakhstan.

12. In the event of failure to eliminate the identified violations of the requirements that are the basis for applying rapid response measures, based on the results of unscheduled inspection, measures shall be taken to bring the persons who committed the violations to justice in the manner established by the laws of the Republic of Kazakhstan.

13. Before the expiration of the deadlines specified in the order to eliminate the identified violations, the subject of control and supervision shall be obliged to provide information on the elimination of identified violations of the requirements with the attachment of materials proving the fact of the violations elimination.

In the event of providing the information specified in part one of this paragraph, an unscheduled inspection shall be carried out in accordance with part two of paragraph 10 of this Article.

14. In case of disagreement with the results of the inspection and (or) preventive control with a visit to the subject (object) of control and supervision, which entailed the application of rapid response measures, the subject of control and supervision may file a complaint to recognize the resolution on the application of rapid response measures as invalid and to cancel it.

The complaint shall be filed with a higher state body in the manner prescribed by Chapter 29 of the Entrepreneurial Code of the Republic of Kazakhstan, or with the court in the manner established by the legislation of the Republic of Kazakhstan.

The filing of a complaint does not suspend the execution of the resolution on applying rapid response measures.

15. The grounds for recognizing the resolution on applying rapid response measures as invalid and its cancellation shall be:

- 1) the absence of grounds for applying rapid response measures;
- 2) the application of a rapid response measure on a basis that does not correspond to the given measure;
- 3) the application by the local executive body of state architectural-construction control of rapid response measures on the issues that are not within their competence.

16. Information on applying rapid response measure shall be sent to the state body that carries out activities in the field of state legal statistics and special records within the limits of its competence, in the manner determined by the Prosecutor General's Office of the Republic of Kazakhstan.

Footnote. Chapter 6 has been supplemented by Article 31-3 in accordance with the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 31-4. State control by means of an automated information system

1. State control by means of an automated information system shall be carried out on the automated registry in the form of checking for compliance with the qualification or permit requirements for issued permits, requirements for sent notifications in accordance with the Law of the Republic of Kazakhstan "On Permits and Notifications". The inspection shall be carried out on an ongoing basis by monitoring information about the subject of architectural, urban planning and construction activities, including information obtained through integration with the information systems of state bodies and other organizations.

2. In case of identifying a violation of the requirements of the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities based on the results of the inspection for compliance with the qualification or permitting requirements for issued permits, requirements for sent notifications, the automated registry shall generate and send to the subject of architectural, urban planning and construction activities a notification on the elimination of the identified violations, indicating:

- 1) the number and date of the notification;
- 2) the name of a state body;
- 3) the name of the subject of architectural, urban planning and construction activities (object) of control and supervision, its location;
- 4) the identified violations and requirements for their elimination, indicating the deadline for fulfilling the requirements;

5) the signature of the official.

3. In case of failure to eliminate the violations specified in the notification on elimination of identified violations, rapid response measures shall be applied in the form of suspension of the permit and (or) annex to the permit in accordance with Article 31-3 of this Law.

Deprivation (revocation) of the permit and (or) annex to the permit shall be carried out for failure to implement the rapid response measure in the form of suspension of the permit and (or) annex to the permit in accordance with Article 31-3 of this Law.

In case of violation of the requirements of the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities two or more times during the year, a rapid response measure in the form of deprivation (revocation) of the permit and (or) annex to the permit in accordance with Article 31-3 of this Law shall be applied to the subject of architectural, urban planning and construction activities.

4. Notification on the elimination of the identified violations and the resolution on the application of rapid response measures in automatic mode shall be generated by means of an automated registry and sent to the user's personal accounts on the web portal of the "electronic government" and the information system in the field of construction, architecture and urban planning.

Footnote. Chapter 6 has been supplemented by Article 31-4 in accordance with the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 32. Licensing in the sphere of architectural, town-planning and construction activities

1. Certain types of activities in the field of architecture, town planning and construction are subject to licensing in accordance with the legislation of the Republic of Kazakhstan on permits and notifications.

2. Individuals and legal entities involved in implementation of project activities and construction and installation works in the field of architecture, town planning and construction are divided into the following categories:

I category includes those carrying out activities, specified in this paragraph, at objects of all levels of responsibility within the scope of the existing license;

II category includes those carrying out activities, specified in this paragraph, at objects of the second and third levels of responsibility, as well as works at objects of the first level of responsibility within the scope of the existing license under subcontracts;

III category includes those carrying out activities, specified in this paragraph, at objects of the second technically uncomplicated and third levels of responsibility, as well as works at objects of the first and second levels of responsibility within the scope of the existing license under subcontracts.

Individuals' and legal entities' assignment to a certain category is carried out by a licensor issuing a license in accordance with qualification requirements for design activities and

construction and installation works in the field of architecture, town planning and construction, and is specified in special provisions of license's validity.

2-1. Applicants for a license for design activities and construction and installation works, and licensees carrying out these activities, shall employ certified engineers and technicians.

Certified engineering and technical workers involved in the design and construction process shall not be allowed to work part-time in other organizations that carry out the specified types of activities.

2-2. Installation, start-up and adjustment of technological equipment and (or) materials by manufacturers or other persons according to the documentation, confirming relevant qualifications and (or) powers, are carried out in cases and in the order established by Law “On Permits and Notifications” of the Republic of Kazakhstan without a license in the field of architecture, town planning and construction.

3. Licensing of works in the sphere of architectural, town planning and construction activity is carried out by local executive bodies implementing state architectural and construction control in regions, cities of republican significance, the capital.

Footnote. Article 32 is in the wording of Law of the Republic of Kazakhstan № 461-IV dated 15.07.2011 (shall be enforced upon expiry of six months after its first official publication); as amended by Law of the Republic of Kazakhstan № 542-IV dated 13.01.2012 (shall be enforced from 30.01.2012); № 203-V dated 16.05.2014 (shall be enforced upon expiry of six months after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 366-V dated 28.10.2015 (shall go into effect ten days after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 32-1. Accreditation in the field of architectural, town planning and construction activities

1. Legal entities require accreditation, if they carry out:

certification of engineering and technical personnel participating in the design and construction process;

engineering services for technical supervision and expert works on technical investigation of reliability and stableness of buildings and structures at technically and technologically complex objects of the first and second levels of responsibility;

project management in the field of architecture, town planning and construction.

2. Accredited non-state certification centers for certification of engineering and technical personnel involved in the design and construction process provide monthly information on issued certificates to an authorized body for architecture, town planning and construction.

Footnote. Chapter 6 is supplemented with Article 32-1 in accordance with Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect three months after the day of its first official publication).

Article 32-2. Automated register

1. The automated register shall contain information and data on individuals and legal entities operating in the field of architectural, urban planning, and construction activities.

2. The procedure for maintaining the automated register shall be determined by the authorized body for architecture, urban planning and construction.

Footnote. Chapter 6 has been supplemented by Article 32-2 in accordance with the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 33. State architectural-construction inspectorate

1. Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.04.2015).

2. The State Architectural and Construction Inspectorate consists of:

1) a structural subdivision of an authorized body for architecture, town planning and construction, which performs state architectural and construction control over activities of local executive bodies for architecture, town planning, construction and state architectural and construction control;

2) a local executive body of a region, a city of republican significance, the capital implementing state architectural and construction control over the quality of objects' construction.

3. The state architectural and construction inspectorate is responsible for

1) is excluded by Law of the Republic of Kazakhstan № 36 dated 10.07.2012 (shall go into effect ten calendar days after its first official publication);

2) monitoring of objects under construction (reconstructed, expanded, modernized, overhauled ones) and commissioned ones;

3) is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.04.2015);

4) adoption of measures established by law against legal entities and officials, who committed irreversible violations or failed to rectify committed violations within legally established timeframes.

5) implementation of control and supervision over the activities of technical and author's supervision;

6) implementation of control and supervision over the organization and implementation by the customer (owner) of technical and author's supervision during the construction of facilities.

4. The State Architectural and Construction Inspectorate (State Construction Inspector) is entitled:

1) to request information on objects and complexes planned for construction and under construction (reconstructed, expanding, modernized, overhauled ones) in the Republic of

Kazakhstan from subjects of architectural, town planning and construction activities and receive it from them;

2) to request necessary project and as-built technical documentation for a given construction project, as well as conclusions of the examination of relevant projects from persons carrying out technical and architectural supervision and to receive it from them for information;

3) is excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication);

4) is excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication);

5) to involve independent laboratories for laboratory testing of structures under construction and building materials, products and structures used for checking compliance with project requirements and state (interstate) standards.

5. In case of revealing violations of state standards and (or) departures from approved projects (design solutions), the state architectural and construction inspectorate issues instructions on rectification of committed violations by the customer (developer) and/or the contracting construction and installation organization (enterprise) within the established time limits.

5-1. Is excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication).

6. The State Architectural and Construction Inspectorate shall not check:

1) the construction of individual residential houses and other technically uncomplicated buildings intended for personal use by citizens, except for facilities being built using budgetary funds, and individual residential houses with more than two storeys;

2) the construction of temporary structures located on private household plots or plots of horticultural associations, as well as of residential and (or) household facilities for seasonal work and pasture-based cattle farming;

3) reconstruction (re-planning, re-equipment) of premises (separate parts) of existing buildings, not related to the change of load-bearing and enclosing structures, engineering systems and equipment, as well as changes in the functional purpose of the premises.

7. The head of the authorized body implementing state architectural-construction control and supervision over the activities of local executive bodies for architecture, urban planning, construction and state architectural-construction control, his deputies and full-time employees whose job responsibilities include implementation of control and supervision are, respectively, the Chief State Construction Inspector of the Republic of Kazakhstan, deputies of the Chief State Construction Inspector of the Republic of Kazakhstan and state construction inspectors of the Republic of Kazakhstan.

In regions, cities of republican significance, the capital, heads of bodies executing state architectural and construction control and supervision over the progress and quality of

construction of objects in the entrusted territory, their deputies and full-time employees, whose duties include on-the-spot inspection of construction projects, are chief state building inspectors, deputy chief state building inspectors and state building inspectors of regions, cities of republican significance, the capital, respectively.

The Chief State Building Inspector of the Republic of Kazakhstan and his/her deputies, as well as chief state building inspectors of regions, cities of republican significance, the capital are authorized to examine cases on administrative violations and impose administrative penalties.

Footnote. Article 33 is in the wording of Law of the Republic of Kazakhstan № 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); as amended by Laws of the Republic of Kazakhstan № 297 dated 21.07.2007 (shall be enforced from the date of its official publication); № 180-IV dated 10.07.2009; № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); № 461-IV dated 15.07.2011 (shall be enforced upon expiry of six months after its first official publication); № 542-IV dated 13.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 36 dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall go into effect on 01.04.2015); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); dated 29.06.2020 № 352-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 34. Designer's supervision

1. Designer's supervision is carried out by developers of project (design and estimate) documentation at all construction sites, except for those specified in paragraph 6 of article 33 and paragraph 1 of article 74 of this Law.

2. Designer's supervision, conducted during the construction of objects, is carried out on the basis of a contract.

Designer's supervision is mandatory during the entire period of construction (reconstruction, restoration, expansion, modernization, modernization, overhaul) of an object or the conservation of construction of uncompleted objects using funds provided for in the project (design and estimate) documentation for the construction of objects in accordance with current regulations.

At the completion of a construction object, a person, carrying out designer's supervision, issues a statement of conformity of the executed work with the project to the customer (developer).

2-1. The developer of a project has a right to delegate the execution (performance) of designer's supervision of the construction of an object to:

1) an expert having a certificate entitling him/her to carry out engineering services in the sphere of architectural, town planning and construction activities;

2) the customer for independent selection of a provider of engineering services for the conduct of designer's supervision, which has an appropriate certificate.

2-2. Persons conducting designer's supervision have a right to:

1) free access to a relevant object under construction;

2) familiarization with the documentation related to the object under construction;

3) control over the execution of their instructions entered in the designer's supervision log

;

4) require from the customer and contractor (general contractor) of strict adherence to the design solutions provided for by the approved project, as well as the requirements of the legislation of the Republic of Kazakhstan and state (interstate) standards;

5) issue written instructions on mandatory rectification by the contractor (general contractor) of violations of state (interstate) standards and (or) departures from project decisions envisaged in the approved project, which were committed in the course of construction.

2-3. Persons performing designer's supervision are obliged:

1) to ensure exact implementation of design solutions provided for by the approved project in the course of construction;

2) to carry out regular and proper maintenance of the designer's supervision log;

3) to participate in the preparation and signing of hidden works acts and certificates of interim acceptance of critical structures;

4) to timely make decisions on introducing well-reasoned changes to the approved project (design and estimate) documentation in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

5) to inform a customer on the failure to perform or improper performance by the contractor (general contractor) of instructions, as well as to inform relevant subdivision of a state architectural and construction control and supervision body.

6) to fill out annexes to act of object's acceptance into service making actual measurements.

2-4. Persons carrying out designer's supervision shall bear responsibility established by laws of the Republic of Kazakhstan for a failure to perform (improper performance of) duties assigned to them or for execution of their activities with violation of the requirements of the legislation of the Republic of Kazakhstan.

3. Is excluded by Law of the Republic of Kazakhstan № 167-V dated 21.01.2014 (shall go into effect ten calendar days after its first official publication).

Footnote. Article 34 as amended by Laws of the Republic of Kazakhstan № 13 dated 20.12.2004 (shall be enforced from 01.01.2005); № 180-IV dated 10.07.2009; № 461-IV dated 15.07.2011 (shall be enforced upon expiry of six months after its first official publication); № 36 dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 167-V dated 21.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.04.2015); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication);

Article 34-1. Technical supervision

1. Technical supervision is mandatory for all construction objects, except for those specified in paragraph 6 of article 33 and paragraph 1 of article 74 of this Law.

At the completion of a construction object, persons carrying out technical supervision shall issue a conclusion on the quality of construction and installation works to a customer (developer).

2. Technical supervision is carried out by a customer independently and (or) with involvement of experts having a certificate entitling them to render engineering services in the sphere of architectural, town planning and construction activities for the money envisaged in the design estimates for the construction of objects in accordance with current regulations.

3. Administrators of budget programs (customers) are entitled to involve experts active on the market with an appropriate certificate for engineering services in the sphere of architectural, town planning and construction activities for technical supervision over the implementation of projects financed from public funds.

4. Persons exercising technical supervision shall have a right to:

1) free access to an object under construction;

2) familiarization with the documentation related to an object under construction;

3) require of a contractor (general contractor) to strictly comply with design decisions and calculations provided for by the approved project and also with requirements of organizational and technological documents that determine the technological process of construction and installation works;

4) issue written instructions on mandatory elimination by a contractor (general contractor) of violations of state (interstate) standards, departures from design decisions envisaged by the approved project, and (or) requirements of organizational and technological documents with a right to suspend construction and installation works to execute instructions within established time limits.

5. Persons carrying out technical supervision are obliged:

1) to provide supervision over compliance with requirements of organizational and technological documents that determine the technological process of construction and installation works by the contractor (general contractor);

2) to ensure high-quality execution of construction and installation works;

3) to ensure supervision of compliance with requirements specified in subparagraphs 1), 3), 4), 5) and 6) of paragraph 3 of article 31-1 of this Law;

4) to carry out regular and proper maintenance of the technical supervision log;

5) to participate in the preparation and signing of hidden works act and certificates of interim acceptance of critical structures;

6) on a monthly basis, to submit a report on the state and progress of the construction of an object to a state architectural and construction control and supervision body;

7) in the event of failure to comply or improper compliance by the contractor (general contractor) with the instructions, to notify the customer of this within the established time frame, and also inform the relevant division of the state architectural-construction control and supervision body to take measures provided for by the laws of the Republic of Kazakhstan;

8) to control the execution of their instructions entered in the log of technical supervision.

6. A person exercising technical supervision shall be liable under the laws of the Republic of Kazakhstan for a failure to perform (improper performance of) duties or carrying out his/her activities with violation of the requirements of the legislation of the Republic of Kazakhstan.

7. Technical supervision of technically and technologically complex objects of the first and second levels of responsibility shall be performed by accredited legal entities with at least three experts having a certificate for technical supervision at the corresponding level of responsibility.

Individuals having a certificate of a technical supervision expert carry out activities at objects of technically simple second and third levels of responsibility.

8. Individuals and accredited legal entities, performing technical supervision activities, are obliged to have own or leased measuring and control instruments, regulatory documentation and an accredited laboratory (an external one).

9. Accreditation of legal entities carrying out technical supervision is performed by an authorized body for architecture, town planning and construction.

Footnote. Is supplemented by Article 34-1 of the Law of the Republic of Kazakhstan № 38 dated 12.04.2005; as amended by Laws of the Republic of Kazakhstan № 461-IV dated 15.07.2011 (shall be enforced upon expiry of six months after its first official publication); № 36 dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 112-V dated 02.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall go into effect on 01.04.2015); № 366-V dated 28.10.2015 (shall go into effect three months after the day of its

first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 34-2. Rights and obligations of a construction project owner

1. A construction project owner has a right:
 - 1) to control the progress and quality of works performed by a contractor (general contractor) and observance of work schedules;
 - 2) not to accept the work that a contractor failed to perform in compliance with requirements;
 - 3) to monitor technical supervision activities;
 - 4) to refuse to recognize conclusions of technical and designer's supervision in case of non-conformities;
 - 5) to exercise other rights in accordance with laws of the Republic of Kazakhstan.
2. A construction project owner shall:
 - 1) provide a contractor (general contractor) with approved project (design and estimate) documentation prior to the commencement of construction and installation works;
 - 2) provide an object with all necessary permits envisaged by the legislation of the Republic of Kazakhstan;
 - 3) ensure technical and designer's supervision of the construction of an object;
 - 4) take measures against a contractor (general contractor) for a failure to perform or untimely and poor-quality execution of instructions of technical and designer's supervision;
 - 5) provide working conditions for technical and designer's supervision;
 - 6) ensure fulfillment of instructions given by bodies of state architectural and construction control and supervision;
 - 7) ensure admission to an object for officials of state architectural and construction control and supervision bodies for monitoring technical supervision activities;
 - 8) within three working days of approval of an act of object's acceptance into service, send the approved act of object's acceptance into service together with technical characteristics of the object, declaration of conformity, conclusion on the quality of construction and installation works and statement of conformity of the completed work with the approved project to the "Government for Citizens" State Corporation at the location of the object;
 - 9) perform other duties envisaged by laws of the Republic of Kazakhstan.

Footnote. Chapter 6 is supplemented with Article 34-2 in accordance with Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.04.2015); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication).

Article 34-3. Rights and obligations of a contractor (general contractor)

1. A contractor (general contractor) has a right to require a customer of:

1) provision of necessary conditions for performing works within the framework of a concluded contract;

2) provision of an object with all necessary permits, established by the legislation of the Republic of Kazakhstan.

2. A contractor (general contractor) is obliged:

1) to perform construction and installation works in accordance with approved project (design and estimate) documentation submitted by a customer, requirements of the legislation of the Republic of Kazakhstan and regulatory and technical documents;

2) to carry out all types and forms of own quality control of construction production (input, operational, intermediate, acceptance, laboratory, geodetic and other ones);

3) to ensure proper and timely maintenance of as-built technical documentation;

4) to timely eliminate drawbacks (defects and deficiencies) discovered in the course of construction;

5) to carry out laboratory quality control of construction and installation works in progress (of completed ones) and building materials, products and structures used at the request of state architectural and construction control and supervision bodies;

6) to ensure admission to an object for officials of state architectural and construction control and supervision bodies to monitor technical supervision activities;

7) to comply with requirements of bodies of state architectural and construction control and supervision bodies, instructions of persons carrying out technical and designer's supervision;

8) to prevent obstacles to and interference in the work of state architectural and construction control and supervision bodies;

9) to perform other duties envisaged by laws of the Republic of Kazakhstan.

Footnote. Chapter 6 is supplemented with Article 34-3 in accordance with Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.04.2015).

Article 34-4. Technical investigation of reliability and stableness of buildings and structures

1. During the construction of different-purpose objects and repair of motor roads or constructed facilities, technical investigation of reliability and stableness of buildings and structures is carried out, where necessary.

2. Technical investigation of reliability and stableness of buildings and structures is carried out by a customer with the involvement of experts having an appropriate certificate entitling them to carry out expert works on the basis of a contract.

3. Administrators of budget programs (customers) have a right to involve certified legal entities active on the market and employing experts with an appropriate certificate for performing expert works in the field of architectural, town planning and construction

activities, to carry out technical investigation of reliability and stableness of buildings and structures for implementation of projects financed from public funds.

4. After examining reliability and stableness of a building and structure, persons carrying out technical investigation shall issue a statement to a customer (developer) on the condition of buildings and structures, including recommendations.

5. Technical investigation of reliability and stableness of buildings and structures must be carried out by accredited legal entities that employ at least three experts with a certificate for the performance of technical investigation of reliability and stableness of buildings and structures, as well as one expert with a certificate for appraising town planning, pre-project and design and estimate documentation and specializing in the structural part, and an engineer-geodesist, carrying out activities at objects of the first and second levels of responsibility.

Individuals with an expert certificate for technical investigation of reliability and stableness of buildings and structures carry out activities at objects of the third level of responsibility on their own.

Individuals and accredited legal entities carrying out technical investigation of reliability and stableness of buildings and structures shall have own or leased administrative and production base, computers equipped with licensed software to perform verification calculations, measuring and control instruments, regulatory documentation and accredited laboratory (external one).

6. Legal entities carrying out technical investigation of reliability and stableness of buildings and structures are accredited by an authorized body for architectural, town planning and construction activities.

7. Technical investigation of reliability and stableness of buildings and structures is carried out in case of:

- 1) detection of defects and damages in critical (load-bearing) components and joints posing hazard of destruction, nonconformity of quality indicators of building materials in use;
- 2) consequences of fires and natural disasters;
- 3) issuance of an order by state architectural and construction control and supervision bodies;
- 4) changes in approved design decisions related to changes in the structural design of buildings and structures, production technology;
- 5) expiration of the period of standard operating life of a building, structure;
- 6) deciding on economic feasibility of repair or reconstruction;
- 7) an increase in controlled natural and climatic effects (snow, wind impacts);
- 8) technical inspections of buildings that come due (regularly) in the course of technical operation of buildings and structures;
- 9) conservation or suspension of an object under construction for a time period of more than six months;

10) modernization, reconstruction, re-equipment, changes in the intended purpose of premises or structure in service.

8. Persons carrying out technical investigation of reliability and stableness of buildings and structures are entitled to:

1) free access to an object under construction or already completed one to do relevant work;

2) receive from a customer all design and technical and as-built documentation required for performing technical investigation;

3) perform all the works constituting technical investigation.

9. Persons carrying out technical investigation of reliability and stableness of buildings and structures must:

1) ensure the performance of investigation in accordance with regulatory documentation, requirements of organizational and technological documents with account of standards for calculating load-bearing capacity, actual quality indicators of building material and design solutions implemented, taking into consideration discovered defects, changes in design decisions, material applied, which determine technical condition of buildings and structures and of separate structural elements;

2) ensure good-quality performance of technical investigation works in accordance with regulatory requirements of the type of investigation in action;

3) involve an accredited testing laboratory (if they have no own accredited laboratory) for technical investigation;

4) for metrological support, use means of testing, measurement and control, checked in accordance with the established procedure and relevant regulatory and technical documentation;

5) perform verification calculations based on the actual state of structures and elements of buildings and constructions, taking into account soil conditions at a construction site.

10. Carrying out technical investigation of reliability and stableness of buildings and structures of an operating enterprise, experts doing investigation shall be instructed on special safety rules in effect at an object.

11. An expert performing technical investigation of reliability and stableness of buildings and structures shall be responsible for the quality of examination s/he is conducting, the correctness of decisions made and the completeness of recommendations developed. Recommendations issued by an expert (accredited organization) should ensure reliability and stableness of buildings and structures following their implementation.

12. All conclusions and prescriptions of experts subsequent to results of technical surveys are mandatory for execution by a customer.

13. The customer is responsible for reliability of the source data, archival materials submitted to an expert (experts) for technical investigation.

14. For a failure to perform (improperly perform) duties or carrying out his/her activities with violation of the requirements of regulatory enactments and legislation of the Republic of Kazakhstan, a person carrying out technical investigation of reliability and stableness of buildings and structures is liable under the laws of the Republic of Kazakhstan.

Footnote. Chapter 6 is supplemented with Article 34-4 in accordance with Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect three months after the day of its first official publication); as amended by Law of the Republic of Kazakhstan № 487-V dated 07.04.2016 (shall go into effect on the day of signing).

Article 35. Officials performing architectural and construction control and supervision

1. The following persons shall be regarded as officials performing architectural and construction control and supervision:

1) (Is excluded)

1-1) state building inspectors of an authorized body for architecture, town planning and construction, carrying out control over activities of local executive bodies for architecture, town planning, construction and state architectural and construction control;

1-2) state building inspectors of regions, cities of republican significance, the capital carrying out control over construction of objects in the entrusted area;

2) Is excluded by Law of the Republic of Kazakhstan № 542-IV dated 13.01.2012 (shall go into effect ten calendar days after its first official publication);

3) full-time employees of an authorized state body for architecture, town planning and construction and local executive bodies;

4) Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2016);

2. State construction inspectors, performing state architectural and construction control and supervision, must be certified.

3. Duties of officials performing architectural and construction control and supervision are :

1) identification and analysis of the causes of violations of state standards and requirements (conditions, restrictions) committed by subjects of architectural, town planning and construction activities in the Republic of Kazakhstan;

2) by virtue of their authority, taking enforcement actions aimed at eliminating violations of state standards and requirements (conditions, restrictions) committed by subjects of architectural, town planning and construction activities, as well as their consequences;

3) development of measures to improve the forms and methods of implementing state architectural and construction control and supervision.

4. The rights of officials exercising architectural and construction control and supervision are established within the limits of powers of relevant bodies of architectural and construction

control and supervision, unless otherwise provided for by the legislation of the Republic of Kazakhstan.

Footnote. Article 35 as amended by Laws of the Republic of Kazakhstan № 13 dated 20.12.2004 (shall be enforced from 01.01.2005); № 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); № 180-IV dated 10.07.2009; № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 542-IV dated 13.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall go into effect on 01.01.2016); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 36. Orders of bodies of architectural-construction control and supervision

1. Bodies of architectural-construction control and supervision shall issue orders to the subjects of architectural, town-planning and construction activity (responsible persons, representing the subjects) depending on established violations or qualifications (inconsistencies) to requirements (conditions, restrictions), provided by the state standards, other compulsory requirements.

2. The right to sign prescriptions shall subject to the civil servants, carrying out architectural-construction control and supervision, unless otherwise provided by the legislation of the Republic of Kazakhstan.

3. Orders, issued by the bodies of architectural-construction control and supervision shall be subject to compulsory implementation by all subjects of architectural, town-planning and construction activity in the territory of the Republic of Kazakhstan in accordance with the legislation.

Footnote. Article 36 As amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 № 13 (shall be enforced from 01.01.2005); dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.07.2011 № 461-IV (shall be enforced upon expiry of six months after its first official publication).

Section 2. Architecture and town-planning Chapter 7. State town-planning cadaster Article 37. The subjects and appointment of the state town-planning cadaster

1. The state town-planning cadaster shall contain details on previous and current state of territories, buildings and constructions, hardscaping and improvements, as well as town-planning development designing and building of territories and inhabited localities, data of belonging of territories and objects to the relevant zones, their present and future appointment, ecological, engineering-geological, hydrogeological, geotechnical and seismic situations, engineering support.

2. Data of the state town-planning cadaster shall be used upon:

- 1) development and implementation of town-planning and architectural-construction documentation;
- 2) development and change of objects of real estate properties;
- 3) implementation of real estate transactions, its registration;
- 4) assessment of investment activity;
- 5) issuance of town-planning and architectural and planning assignments;
- 6) carrying out of architectural-construction control and supervision, environmental protection;
- 7) provision of mandatory services to individuals and legal entities by natural monopoly and quasi-public sector subjects in accordance with the Entrepreneur Code of the Republic of Kazakhstan;
- 8) urban planning as a tool for monitoring and accounting for the placement of facilities in the region.

3. The state town-planning cadaster shall be used for establishment the sizes of taxes on land and other real property, legal regulation of the use of turnover of immovable property, control of rational use of territories of inhabited localities, observance of town-planning regulations and analysis of projects installation.

3-1. Individuals and legal entities shall avail of the state urban cadastre data in the manner prescribed by the legislation of the Republic of Kazakhstan.

Data from the state urban cadastre that do not contain state secrets and other secrets protected by law shall be provided to interested individuals and legal entities for a fee. Information from the state urban planning cadastre shall be provided free of charge to state bodies, organizations rendering public services, as well as natural monopoly and quasi-public sector subjects providing mandatory services to individuals and legal entities, at the expense of funds budgeted for these purposes.

4. The state town-planning cadaster shall divided by levels on:

- 1) republican;
- 2) regional;
- 3) district region;
- 4) base (inhabited localities, including the cities of republican significance and capital).

Footnote. Article 37 as amended by Laws of the Republic of Kazakhstan № 13 dated 20.12.2004 (shall be enforced from 1 January, 2005); № 116 dated 10 January, 2006 (see Article 2 of Law № 116 for the enactment procedure); № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 36 dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 167-V dated 21.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.04.2023 № 221-VII (enforcement, see Art. 2).

Article 38. State town-planning cadaster

1. The state town planning cadaster shall be maintained according to a unified system throughout the Republic of Kazakhstan.

2. Activities related to the maintenance of the state town planning cadaster are qualified as a state monopoly and carried out by a republican state-owned enterprise on the basis of the right of economic management established by the decision of the Government of the Republic of Kazakhstan.

Prices for goods (works, services) produced and (or) sold by a state monopoly entity are established by an authorized body for architecture, town planning and construction with the agreement of an antimonopoly body.

3. Information of the state town planning cadaster is a public information resource.

3-1. To collect, process, store and provide information and (or) data from the state town planning cadastre, methods of remote sensing of the Earth, ground surveys and observations, file materials, as well as information obtained through information interaction with the automated information system of the state urban planning cadastre shall be applied.

The format for providing information and (or) data to the automated information system of the state urban planning cadastre and the structure of their data shall be established by the state regulatory document for maintaining the state urban planning cadastre of the Republic of Kazakhstan, approved by the authorized body for architecture, urban planning and construction.

4. Informational basis of the state town planning cadaster of an upper level is state town planning cadasters of lower levels.

Footnote. Article 38 as amended by Law of the Republic of Kazakhstan № 167-V dated 21.01.2014 (shall go into effect ten days after the day of its first official publication); as amended by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall go into effect ten days after the day of its first official publication); dated 05.04.2023 № 221-VII (shall be enforced from 01.07.2023).

Article 39. The state town-planning cadaster of regional (city of republican significance, the capital) and basic level

Footnote. Article 39 is excluded by Law of the Republic of Kazakhstan № 167-V dated 21.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 40. Monitoring of objects of architectural, town-planning and construction activities and state town-planning cadaster

1. The state town planning cadaster is maintained according to a unified system throughout the Republic of Kazakhstan for the collection, processing, recording, registration,

storage and provision of information on architectural, town planning and construction activities established by an authorized body for architecture, town planning and construction.

Monitoring of objects is conducted by the State Town Planning Cadaster.

2. The sources of initial information (data) for the state town planning cadaster are:

1) central and local executive bodies, territorial bodies of state property management and privatization, land resources, geodesy and cartography;

2) registration, technical inventory and real estate appraisal services;

3) the services of sanitary-epidemiological surveillance, of environmental protection and natural resources;

4) bodies, carrying out state control in the sphere of protection and use of objects of historical and cultural heritage;

5) data of land, water and other sectoral cadastres, registers and other informatization objects;

6) data of natural monopolies, quasi-public organizations subjects providing mandatory services to individuals and legal entities.

Footnote. Article 40 as amended by Laws of the Republic of Kazakhstan № 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); № 204 dated 11.12.2006 (shall be enforced from the date of its official publication); № 258-IV dated 19.03.2010; № 366-V dated 28.10.2015 (shall go into effect ten days after the day of its first official publication); dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.04.2023 № 221-VII (shall be enforced from 01.07.2023).

Chapter 8. Town-planning development designing and building of territories Article 41.

Town-planning regulations

1. Town-planning regulations of the use of building and constructions, as well as any changes in their state upon maintenance of the state town-planning cadaster shall be specified by types, kinds and characteristics of preferences, prohibitions, restrictions and other regimes, being in force within established period.

Sources of regulations shall be the town-planning and architectural-construction documentation, approved according to the procedure, established by the legislation.

2. Classifiers of the state town-planning regulations and their indices shall be established on the republican and local levels in accordance with the legislation of the Republic of Kazakhstan.

3. A system of the state regulations for the maintenance of the state town-planning cadaster shall provide their following types:

1) appointment and (or) change of functional use of territory and real property, linked with it, upon carrying out architectural, town-planning and construction activity;

2) intensity of development and arrangement (building) of territory and inhabited localities;

3) ensuring a balance of development and arrangement (building) of territory and inhabited localities;

4) impact of arrangement (building) of territory and inhabited localities on the environment.

4. Appointment and (or) change of functional use of territory and real property, linked with it, upon carrying out architectural, town-planning and construction activity shall be implemented in the town-planning regulations of the following types:

1) functional purpose and (or) change of territory;

2) functional purpose of newly constructed and reconstructed buildings and construction;

3) change of functional use of existing buildings and constructions.

5. Development and arrangement (building) of territories and inhabited localities in consequence of carrying out of architectural, town-planning and construction activity shall be reflected in the town-planning regulations of the following types:

1) scales of reclaimed territories;

2) prohibitions, permits and restrictions on certain types of architectural, town-planning and construction activity for this territory;

3) external forces on the territory in the result of carrying out of architectural, town-planning and construction activity;

4) regimes of development and changes of territory or real estate properties in the result of carrying out of architectural, town-planning and construction activity;

5) formation of planning of structure and architectural look of inhabited locality or its part ;

6) formation (improvement) of social, recreational, transport and engineering infrastructure of inhabited locality or its part.

6. A balance of development of territory and inhabited locality shall be provided by the town-planning regulations of the following types:

1) resource conditions of development of territories and objects;

2) environmental conditions of territories and inhabited localities;

3) engineering conditions of life support of population.

7. Impact of arrangement (building) of territories and inhabited localities on the environment shall be regulated by the town-planning regulations of the following types:

1) arrangement of environmentally and sanitary sensitive installations;

2) arrangement of objects, representing man-triggered hazard;

3) arrangement of environment of a person relatively to the sources of natural hazards;

4) sanitary, fire-prevention and other compulsory requirements;

5) engineering and transport conditions.

8. Details of town-planning regulations shall subject to inclusion into the state town-planning cadaster.

Footnote. Article 41 as amended by Law of the Republic of Kazakhstan N 116 dated 10 January, 2006 (see Article 2 of Law № 116 for the enactment procedure).

Article 42. General scheme of territorial planning of the Republic of Kazakhstan

1. The planning of territory and siting of productive forces within its limits shall be carried out in accordance with decisions adopted in the general scheme for territorial planning of the Republic of Kazakhstan.

2. The general scheme of territorial planning of the Republic of Kazakhstan includes:

1) basic principles of settlement and deployment of productive forces in compliance with provisions of strategic and economic planning;

2) main provisions of efficient management of natural resources and economic activities, development of transport, engineering, social and recreational infrastructure of republican significance;

3) basic measures to improve the environmental situation in regions, to preserve territories with objects of historical and cultural heritage and (or) protected landscape objects;

4) types of use or restrictions on the use of specially protected areas, mineral resource deposits exposed to hazardous (harmful) phenomena and natural and man-made processes or extreme natural and climatic conditions for implementation of architectural and town planning activities;

5) Is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect after the day of its first official publication).

3. The general scheme:

1) ensures state regulation of the system of settlement and placement of productive forces;

2) establishes the status, purpose and nature of the use of territories, taking into account the administrative and territorial structure of the Republic of Kazakhstan;

3) coordinates interregional and inter-branch state interests in socio-economic and economic development through implementation of architectural, town planning and construction activities.

4. Basic provisions of the general scheme are approved by the Government of the Republic of Kazakhstan.

5. The procedure for the development and approval of the general scheme shall be established by the Government of the Republic of Kazakhstan.

Footnote. Article 42 as amended by Laws of the Republic of Kazakhstan № 204 dated 11.12.2006 (shall be enforced from the date of its official publication); № 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 195-V dated 17.04.2014 (shall be enforced upon expiry of six months after

its first official publication); № 366-V dated 28.10.2015 (shall go into effect ten days after the day of its first official publication).

Article 43. Interregional schemes of territorial planning

1. Interregional schemes of territorial planning are developed in conformity with the general scheme of territorial planning of the Republic of Kazakhstan, they serve for mutually agreed (consolidated) architectural, town planning and construction activities in two or more regions (or their parts), agglomerations, as well as socio-economic or ecological districts without regard to the boundaries of administrative-territorial units and determine:

- 1) zoning of the planned territory;
- 2) town planning development and territorial development;
- 3) measures for integrated development of the system of settlement and deployment of productive forces, transport, engineering, social and recreational infrastructures of regional and interregional significance;
- 4) measures for efficient management of natural resources, provision of resources, protection of the environment;

5) Is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect after the day of its first official publication).

2. Interregional schemes of territorial planning are developed at the request of an authorized body for architecture, town planning and construction in cooperation with local executive bodies.

Regional territorial development schemes for agglomerations shall be drawn up by the order of the authorized body for architecture, urban planning and construction together with local executive bodies and are subject to coordination with local councils of agglomerations.

3. The interregional scheme for territorial planning is approved by the Government of the Republic of Kazakhstan.

4. Interstate regional planning schemes developed on the basis of international treaties, ratified by their parties and approved by the parties concerned, are the basis for mutually agreed (consolidated) architectural, town planning and construction activities in the regions of the Republic of Kazakhstan and neighboring foreign states.

The procedure for the development, harmonization and approval of interstate schemes for regional development, as well as adoption of measures to support their implementation by the participating states, is established in accordance with international treaties.

Footnote. Article 43 as amended by Law of the Republic of Kazakhstan № 195-V dated 17.04.2014 (shall be enforced upon expiry of six months after its first official publication); № 366-V dated 28.10.2015 (shall go into effect ten days after the day of its first official publication); dated 01.01.2023 № 182-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 44. Complex schemes of town-planning designing of territories

1. Organization (development, arrangement, building) of territory of separate regions (region or its any part) shall be carried out on the basis of complex scheme of town-planning designing of territory.

Complex schemes shall be developed in accordance with general scheme of organization of territory of the Republic of Kazakhstan and relevant interregional scheme of territorial development.

2. Complex schemes of town-planning designing of territory shall determine the purposes of the state town-planning policy in recognition of social and economic, industrial and economic, natural climatic conditions in the territory of this region, its zoning, as well as shall establish the basic directions:

- 1) improvement the system of settlement;
- 2) development of inhabited localities, industrial, transport, engineering, social and recreational infrastructure;
- 3) protection of territories from hazard (harmful) impacts of natural and human-triggered, man-triggered phenomena and processes;
- 4) improvement of environmental setting by the town-planning tools and methods;
- 5) preservation of objects of historical-cultural heritage and (or) protected landscape objects.

Functional zoning of territories and intensity of their use shall be determined in recognition of restrictions on the use of territories.

3. Complex schemes shall contain suggestions on establishment of boundaries of inhabited localities in this region, suburban zones, provision of resources for the complex development of territory, including reserved area.

4. Procedure of development and coordination of complex schemes of town-planning designing of territories of regions and measures on their implementation shall be established by the Government of the Republic of Kazakhstan.

5. Approval of complex schemes of town-planning designing of territories of regions shall be carried out in the manner established by this Law and other legislative acts of the Republic of Kazakhstan.

Footnote. Article 44 as amended by Law of the Republic of Kazakhstan № 204 dated 11 December, 2006 (shall be enforced from the date of its official publication); No . 195-V as of 17.04.2014 (shall be enforced upon expiry of six months after its first official publication); dated 28.10.2015 № 366-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 45. Territory of inhabited localities

1. Territory shall make spatial basis of urban and rural settlements within the boundaries (lines of inhabited locality), established on the surface of the earth and (or) water surface.

2. Underground and air space within the boundaries (lines) of inhabited locality is under the jurisdiction of local executive bodies, unless otherwise provided by the legislative acts of the Republic of Kazakhstan.

3. Regime and procedure of the use of territories of inhabited localities shall be determined in accordance with zoning, established by approved town-planning documentation

Article 46. Boundary (line) of inhabited localities of the Republic of Kazakhstan

1. The boundary of an inhabited locality establishes its territory (town planning space) and is set (changed) on the basis of an approved master plan of a given settlement in the order established by legislative acts of the Republic of Kazakhstan.

2. The composition, content and procedure for the development of draft boundaries (line) of inhabited localities shall be determined in accordance with regulatory legal acts, state regulations, other documents of an authorized body for architecture, town planning and construction.

3. Projects of boundaries (line) of cities and towns can be developed as part of integrated schemes for town planning of a region.

Projects of boundaries (line) of cities of republican significance, as well as other cities with more than one hundred thousand inhabitants, are coordinated with an authorized body for architecture, town planning and construction.

4. Projects of boundaries (line) of medium-sized and small towns, urban-type settlements, and rural settlements can be developed and coordinated as part of master plans for these settlements.

Footnote. Article 46 as amended by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten days after the day of its first official publication).

Article 47. Master plans of inhabited localities

1. Planning and development of the territories of inhabited localities shall be carried out on the basis of master plans approved in accordance with the established procedure.

2. Master plans for inhabited localities are a key town planning document that determines integrated planning of the development of a city, village, rural settlement or other inhabited locality and is worked out in accordance with the approved general scheme of territorial planning and integrated scheme of town planning of regions.

Inhabited localities with more than five thousand people shall be provided with current master plans approved in accordance with the established procedure.

Inhabited localities with up to five thousand people can have an approved scheme of planning and development of this inhabited locality as a basic town planning document (simplified version of a master plan). The composition, content, procedure for the development and approval of schemes for planning and development of small settlements shall be determined by an authorized body for architecture, town planning and construction.

2-1. The composition and volume of source materials necessary for the development of master plans shall be established by state regulations.

The initial materials of master plans must be entered into the state urban planning cadastre before the comprehensive urban planning expertise is carried out in accordance with the rules for conducting a comprehensive urban planning expertise of urban planning projects at all levels.

3. The master plan specifies:

1) the main directions of development of the territory of a populated area, including social, recreational, industrial, transport, engineering infrastructure and placement of a communications network, taking into account natural and climatic, existing and predicted demographic and socio-economic conditions;

2) functional zoning and restriction on the use of territories of these zones;

3) the ratio of the built-up and undeveloped territories of an inhabited locality;

4) preferential buffer zones and zones of land acquisition, reserve territories;

5) measures to protect a territory from hazardous (harmful) effects of natural and man-made phenomena and processes, improve the environmental situation;

5-1) main directions for development of the transport section of a master plan, which includes an integrated transport scheme, general scheme of the street-road network and comprehensive scheme for traffic management;

6) other measures to ensure sustainable development of an inhabited locality.

4. The master plan for development of an inhabited locality with historical town planning value should be developed with account of a historical and architectural support plan and along with projects of historical zone development and protection of monuments.

5. The master plan of an inhabited locality shall be valid until the approval of a new master plan or approval of amendments to a current master plan insofar as it does not contravene the legislation of the Republic of Kazakhstan.

Footnote. Article 47 as amended by Laws of the Republic of Kazakhstan № 204 dated 11.12.2006 (shall be enforced from the date of its official publication); by Constitutional Law of the Republic of Kazakhstan № 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 195-V dated 17.04.2014 (shall be enforced upon expiry of six months after its first official publication); № 366-V dated 28.10.2015 (shall go into effect ten days after the day of its first official publication); dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official

publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 47-1. Detailed planning projects

1. Projects for urban development of certain parts of the territories of inhabited localities (detailed planning projects) are developed on the basis of the master plan of an inhabited locality approved in the established manner.

2. Detailed planning projects are developed in accordance with the elements of the planning structure, town-planning regulations and the concept of unified architectural style provided for in master plans of inhabited localities.

The concept of unified architectural style is provided for the capital, cities of republican and regional significance.

2-1. The composition and volume of source materials necessary for the development of detailed planning projects shall be established by state regulations.

The source materials of detailed planning projects must be entered into the state urban planning cadastre prior to the comprehensive urban planning expertise in accordance with the rules for conducting a comprehensive urban planning expertise of urban planning projects at all levels.

3. The detailed planning project establishes:

1) main directions of the territory planning with determination of functional town-planning zoning;

2) red, yellow lines and construction control lines;

3) reservation of territory for the placement of social, cultural and public utility facilities, electric charging stations, organization of street and road networks and transport services, and routing of utility lines;

4) street cross profiles;

5) general improvement and landscaping of the territory;

6) public town-planning restrictions;

7) utility lines plan;

8) road infrastructure development plan;

9) the concept of unified architectural style of a part of territories of the capital, cities of republican and regional significance.

10) plans for the construction of communication facilities, communication lines and other engineering infrastructure facilities, as well as the reservation of territory for communication needs.

4. The approved project of detailed planning may be amended and supplemented no more than twice a year, except for the cases caused by the need to adjust the current project of detailed planning for the construction of social, cultural and unique objects at the expense of budgetary funds.

Footnote. Chapter 8 is supplemented with Article 47-1 in accordance with Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication); dated 18.07.2024 № 126-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 48. Zoning of territories of inhabited localities

1. Master plans (schemes of planning and development) of inhabited localities shall provide for zoning of their territories, determine the type of use of a particular territory, individual functional zones, establish restrictions on their use and ensure:

- 1) favorable environment for human habitation, life and activities;
- 2) prevention of excessive concentration of population and producing units;
- 3) protection from environmental pollution, including specially protected natural areas;
- 4) protection of territories having the monuments of history and culture;
- 5) protection of a territory from hazardous (harmful) impact of anthropogenic, man-made processes and emergency situations;
- 6) reducing the impact of undesirable natural phenomena.

2. Is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect after the day of its first official publication).

3. Depending on a role in the administrative and territorial structure, socio-economic conditions and industrial and economic specialization in cities and rural settlements, the following types of functional zones may be established:

- 1) residential areas;
- 2) public (public-business) zones;
- 3) recreational areas;
- 4) zones of engineering and transport infrastructures;
- 5) industrial (production) zones;
- 6) zones of agricultural use;
- 7) special purpose areas;
- 8) zones of regime territories;
- 9) suburban areas;
- 10) sanitary protection zones;
- 11) reserve areas (town planning resources).

4. The territory of residential, social (cultural-business) recreational zones, engineering and transport infrastructure areas must be within the allotted boundaries and well-developed, taking into account accessibility for persons with disabilities and limited mobility.

Footnote. Article 48 as amended by Law of the Republic of Kazakhstan № 204 dated 11 December, 2006 (shall be enforced from the date of its official publication); № 366-V dated 28.10.2015 (shall go into effect ten days after the day of its first official publication); № 433-V dated 03.12.2015 (shall go into effect on 01.01.2016); dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 49. Residential zone

1. Residential zone of inhabited locality shall be intended for building by multi-compartment buildings (houses) with equipped building surrounding grounds and free-standing residential buildings with garden plots.

2. Residential zone shall be provided by free standing and (or) the objects of medical service, social, cultural and educational significance, built in residential building (or adjacent to), objects of engineering and transport infrastructure.

The construction of multi-apartment residential buildings (houses) in residential areas without taking into account the placement of social infrastructure facilities (education and healthcare facilities) is not allowed.

2-1. Residential zone shall be provided by parking and parking lots for transport vehicles, required parking area in accordance with the number of apartments, and children's and sports playgrounds with regard to availability for people with limited mobility.

3. In a residential area, it is permitted to locate hotels, above-ground and underground garages, open parking lots for motor vehicles, electric charging stations, as well as industrial facilities the placement and operation of which do not have an impact on the environment that requires the establishment of sanitary protection zones.

In a residential area, places may be provided for the construction (placement) of garages or parking lots for special vehicles, including autos.

4. A territory of horticultural and garden societies, placed within the boundaries (lines) of inhabited locality in particular cases may be referred to the residential zones.

Footnote. Article 49 as amended by Law of the Republic of Kazakhstan dated № 195-V 17.04.2014 (shall be enforced upon expiry of six months after its first official publication); dated 30.12.2020 № 395-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 23.02.2024 № 64-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 18.07.2024 № 126-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 49-1. House-side land plot of a multi-apartment residential building

1. The design documentation for construction of a multi- apartment residential building in accordance with the general plan of a settlement should provide for a house-side land plot of a multi-apartment residential building, adjacent to a multi- apartment residential building and intended for improvement, landscaping, placing sports, playgrounds, access roads, parking lots, sidewalks, small architectural forms.

The house-side land plot of a multi-apartment residential building, together with the improvement elements located on it, shall be included in the common property of the condominium object.

2. If the house-side land plot, specified in paragraph 1 of this Article is not included in the common property of the condominium object, then it shall be in exclusive state ownership as a common use area in settlements.

3. Maintenance and improvement of common use lands, not included in the common property of the condominium object, shall be carried out at the expense of the local budget. It is prohibited to impose the owners of apartments, non-residential premises of a multi-apartment residential building with the responsibilities for maintenance of common use lands.

Footnote. Chapter 8 is supplemented by Article 49-1 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 50. Social (social and business) zone

1. The public (public and business) zone of a populated area is intended for the placement of administrative, scientific research, public institutions and their complexes, hotels and hotel complexes, business and financial activity centres, cultural, educational, healthcare, sports, commercial, trade and public catering facilities, consumer services, open parking lots for vehicles and electric charging stations at the specified facilities, above-ground and underground garages, other buildings and structures that do not require special sanitary and environmental protection measures.

2. Residential buildings (houses) may be included in the list of objects, allowed to the arrangement in the social (social and business) zone.

Footnote. Article 50 as amended by the Law of the Republic of Kazakhstan dated 18.07.2024 № 126-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 51. Recreational zone

1. Recreational zones in the inhabited localities shall be intended for organization and arrangement of resting places of population and include the gardens, forest parks, parks and squares, zoo parks, storages of water, beaches, water parks, objects of landscape architecture,

other places of rest and tourism, as well as buildings and constructions of leisure and (or) health-improvement significance.

2. Protected natural features, located within the boundaries (lines) of inhabited locality may be included in the recreational zone.

3. Arrangement (construction) of new and extension of current industrial, communal and storage facilities, buildings and constructions of housing and civil purpose, not directly associated with functioning of recreational zone shall not be allowed in the territory of recreational zone.

Article 52. Zones of engineering and transport infrastructure

1. Zones of engineering and transport infrastructure of inhabited locality shall be intended for arrangement and functioning of services and constructions of transport and communication, main pipelines, networks of engineering support, technical equipment.

Prevention it from harmful (hazard) impact shall be provided by observance of necessary discontinuities until residential areas (plots) and objects of housing and civil purpose, as well as other compulsory requirements and restrictions in accordance with the state standards and rules. Services and constructions, making a direct adverse impact on human health and living environment upon operation shall be arranged outside inhabited localities.

2. A territory of objects of engineering and transport infrastructure in the designated boundaries shall be comfortable in recognition of technical and operational characteristics of specified objects. Obligations on creation of living environment and maintenance of territories shall be assigned to the owners of objects.

Article 53. Industrial (processing) areas

1. Industrial (production) zones (districts) of a populated area are intended for the placement of industrial enterprises and their complexes, other production, communal and storage facilities that ensure the functioning of engineering and transport infrastructure. In an industrial zone, in the absence of hazardous production facilities, it is permitted to place residential premises for the accommodation of emergency teams of a given enterprise.

2. Placement of industrial (communal, storage) objects, as well as objects of engineering and transport infrastructure in the residential areas shall be allowed only in the cases, when their arrangement and functioning shall not present a threat to population, not make a harmful environmental impact and not require facilities of sanitary protection zone. In other cases a sanitary protection zone, separating industrial area from other shall be provided.

3. Obligations on creation of living environment and maintenance of industrial zone, as well as territories of industrial facilities, located in the residential areas shall be assigned to the owners of objects.

Footnote. Article 53 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 54. Zones of agricultural use in the inhabited locality

1. Zones of agricultural use within the boundaries (line) of an inhabited locality are intended for agriculture and can be used until the change in the type of their use in accordance with the approved master plan of an inhabited locality.

2. In cases where the location and functioning of an agricultural use zone may have an adverse effect on the population or environment, a sanitary protection zone should be provided.

3. Obligations for the maintenance of agricultural use zones (and if necessary, land reclamation) are imposed on a land user, unless otherwise provided for by the legislation of the Republic of Kazakhstan.

Footnote. Article 54 as amended by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten days after the day of its first official publication).

Article 55. Zones of special purpose

1. Arrangement of zone of special purpose, allocated for cemeteries, crematoriums, animal burial sites (biothermal pits), refuse tips of domestic wastes, enterprises on primary trash processing (waste), treatment facilities, other objects, functioning of which inconsistently with functioning of other zones of inhabited locality shall be allowed within the boundaries (lines) of inhabited locality.

2. Necessity of facility of sanitary protection zones, separating the specified objects from residential and recreational areas, objects of infrastructure of inhabited locality shall be established by the legislation of the Republic of Kazakhstan.

3. Obligations on maintenance of the zone of special purpose shall be assigned on the owner of enterprise (land-user), unless otherwise provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 55 as amended by Law of the Republic of Kazakhstan № 165-V dated 17.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 56. Zones of regime territories

1. Special zones of regime territories, as well as other territories of special regulation in the inhabited localities or out of their bounds shall be provided for arrangement of military and other objects, in relation of which a special regime is established.

A territory, within the inhabited localities and out of their bounds, intended for arrangement of protected objects shall be the zones of regime territories.

2. The procedure for using the zones of regime territories and the adjacent territories is established by the Government of the Republic of Kazakhstan in accordance with state standards, unless otherwise provided by legislative acts of the Republic of Kazakhstan.

Footnote. Article 56 as amended by Law of the Republic of Kazakhstan № 553-IV dated 13.02.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.11.2024 № 138-VIII (shall be enforced ten calendar days after the day of its first official publication).

Article 57. Suburban zones

1. Suburban zones shall include the lands, adjacent to the boundary (line) of city, intended for development of territory of this city, other inhabited localities, including in the suburban zone, as well as exercising of sanitary protection functions, arrangement of resting places of population, horticultural and garden societies.

2. Establishment of boundaries of suburban zones shall be carried out on the basis of approved town-planning documentation in accordance with this Law and lend legislation of the Republic of Kazakhstan.

Article 58. Sanitary protection zone

1. Appropriate sanitary protection zone shall be provided in the cases, when arrangement and functioning of industrial, communal and storage objects, as well as objects of special purpose may constitute a threat to population and (or) make a harmful environmental impact. Parameters and requirements shall be established by the technical regulations on industrial safety of functioning of specified objects, as well as state standards in the field of sanitary and epidemiological welfare of population and animal life, environmental protection, architecture, town-planning and construction, in the scope of civil protection depending on purpose of sanitary protection zone.

2. Arrangement (construction) of residential buildings, organizations of education, institutions of health care and leisure, sports and health buildings, including arrangement of horticultural and market-gardening land plots, as well as production of agricultural products shall not be allowed in the sanitary protection zone, depending on its parameters and implements.

3. Obligations on maintenance of sanitary protection zone shall be assigned to the owners of objects, for which it is intended.

Footnote. Article 58 as amended by Law of the Republic of Kazakhstan № 209 dated 29.12.2006 (see Article 2 for the enactment procedure); № 180-IV dated 10.07.2009; № 189-

V dated 11.04.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 59. Reserved areas

1. Reserved areas shall be the town-planning resources, intended for development of inhabited localities or development (arrangement) of intersettlement territories.

2. Reserved territories (town-planning resources) shall be determined and approved in the composition of complex schemes of town-planning designing of territories and master plans of inhabited localities and their functional zones.

3. Territories, determined by the town-planning resources of inhabited locality shall subject to reservation and shall be used only in accordance with their purpose according to development of inhabited localities and their parts.

4. Reserved territories may be used for purposes of not provided by approved town-planning documentation, if a method and regime of such use shall not prevent to the planned prospective development of inhabited locality or its part.

5. Use of reserved territories in the boundaries of zones of special town-planning regulation shall be carried out in accordance with regime, established for specified zones.

6. Temporary use of reserved territories shall be carried out in the manner established by the government of the Republic of Kazakhstan.

Chapter 9. Town-planning and architectural-construction documentation Article 60. Project (design and estimate) documentation

1. Construction (reconstruction, restoration, expansion, technical re-equipment, modernization, overhaul) of objects and their complexes, as well as laying of communications , land use engineering, general improvement and landscaping are carried out in keeping with project (design and estimate) documentation developed in accordance with detailed planning projects, a development project drawn up on the basis of the master plan of an inhabited locality (or a substituting scheme for planning and development of inhabited localities with up to five thousand people) that were approved according to the established procedure.

In cases specified in paragraph 2 of this article, it is allowed to perform construction either without project (design and estimate) documentation or using simplified rough sketches.

At to objects of the international specialized exhibition in the Republic of Kazakhstan, concurrent development of pre-project and project (design and estimate) documentation is allowed.

1-1. In the case of construction (expansion, modernization, technical re-equipment, reconstruction, restoration, overhaul) of objects and their complexes without project (design and estimate) documentation or using project (design and estimate) documentation, which failed to undergo appraisal in the established manner, construction and installation works are

suspended in accordance with the Code on Administrative Offenses of the Republic of Kazakhstan.

Resumption of construction and installation works is only possible in case of availability of appropriate project (design and estimate) documentation that has passed appraisal in the established manner.

2. Without project (design and estimate) documentation or according to rough sketches (sketch designs), the customer (owner), in coordination with local executive bodies of cities of republican significance, the capital, districts (cities of regional significance), may carry out:

- 1) construction of individual residential houses with no more than two storeys;
- 2) erection of household structures on the territory of individual household plots, as well as on plots of gardening and horticultural partnerships (societies);
- 3) construction of on-site communication lines;
- 4) landscaping in personal and summer residence places that does not require changes in existing engineering networks;
- 4-1) construction of fishery technological reservoirs (fish pond, fish pool) for fish farming (aquaculture) with a water surface area of one pond and (or) pool of no more than 0.15 hectares, construction of fish farming facilities for fish farming;
- 5) construction of mobile complexes of container, block and modular design, as well as one-story buildings (structures) for trade, public catering and consumer services, built from prefabricated structures;
- 6) in case of emergency and (or) emergency situations, restoration work, construction of prefabricated technically non-complex buildings and structures with no more than two storeys ;
- 7) construction of buildings or structures for temporary, seasonal or auxiliary purposes (warehouses and storage facilities (with a span of up to 6 meters, a height of up to 7 meters and an area of up to 2,000 square meters inclusive), requiring special conditions for storing goods and materials), not hazardous to fire, explosion, gas, chemically aggressive, poisonous and toxic substances, greenhouses, hotbeds, pavilions, communication structures, lighting, fencing and similar structures;
- 8) construction of temporary buildings for residential and (or) household premises for seasonal work and distant-pasture cattle rearing;
- 9) construction of open-type car parks for the number of cars no more than fifty units, as well as garages with boxes for no more than two cars;
- 10) major repair of linear engineering networks and structures on them, which does not require a change in their position, depth (height) marks, pipe diameter;
- 11) construction of small architectural forms and fencing of territories;
- 12) construction of outdoor sports grounds, sidewalks, paving around buildings (structures);

13) repair and replacement of units of technological or engineering equipment for which the technological resource has been exhausted and which do not require reconstruction or re-profiling of the enterprise (workshop);

14) protection of engineering networks from electrocorrosion;

15) construction of detached one-story buildings (structures) to accommodate objects of individual entrepreneurship with a total area of up to 20 square meters;

16) reconstruction of individual residential buildings no higher than two storeys, not requiring the allocation of an additional land plot (addition of territory), not exceeding two storeys after reconstruction;

17) re-planning (re-equipment) of premises for non-industrial purposes, carried out (carried out) in existing buildings and not requiring (not requiring) changes in load-bearing structures;

18) construction of power supply networks with an installed capacity of up to 200 kW for business entities;

19) construction and installation of an automatic security and fire alarm system inside administrative and amenity and industrial buildings;

20) construction of water supply and sanitation networks for residential houses of homestead type;

21) construction of on-site networks and installation of in-house gas supply systems for domestic use of individual residential buildings.

During reconstruction (redevelopment, re-equipment) of residential and non-residential premises in residential houses (residential buildings), not requiring the allocation of an additional land plot (addition of territory), not associated with any changes in load-bearing structures and enclosing (external) engineering systems and communications, not worsening the architectural and aesthetic, fire-fighting, explosion-proof and sanitary qualities, not having a harmful impact on the environment during operation, approval of draft designs with local executive bodies of cities of republican significance, the capital, districts (cities of regional significance) shall not be required.

3. Is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect after the day of its first official publication).

4. The procedure for the development, mandatory composition and content of pre-project and project (design and estimate) documentation shall be established by state standards approved by an authorized body for architecture, town planning and construction.

5. The procedure for approving and amending the approved pre-project and project (design and estimate) documentation is determined by this Law and other regulatory legal acts of the Republic of Kazakhstan.

6. The rules and order of conducting contract works for implementation of project (design and estimate) documentation are established in accordance with the Civil Code of the Republic of Kazakhstan.

7. Project (design and estimate) documentation, according to which no construction has been commenced within three or more years after its approval in the manner established by the legislation of the Republic of Kazakhstan, is considered to be obsolete and may be used for implementation after its adjustment, re-examination and re-approval in accordance with the procedure established by the legislation Republic of Kazakhstan.

Pre-project documentation, according to which no design and estimate documentation has been developed and approved within three years after its approval in the manner established by the legislation of the Republic of Kazakhstan, is considered to be obsolete and may be used for implementation after its adjustment, re-examination and re-approval in accordance with the procedure established by the legislation of the Republic Kazakhstan.

7-1. To adjust project (design and estimate) documentation, it is necessary to engage the design organization that developed it.

If it is not possible to involve the author of project (design and estimate) documentation, the design organization shall be determined under procedures established by the legislation of the Republic of Kazakhstan.

7-2. In the event that, upon the decision of the customer, there is a reasonable need to adjust the project (design and estimate) documentation approved in accordance with the legislation of the Republic of Kazakhstan, the adjustment of pre-project documentation (if any) is not required.

8. The inclusion of pre-project and project (design and estimate) documentation in the national archive fund, title guarantees of the mentioned documents, as well as rights of use and restrictions on their use are established in accordance with the legislation of the Republic of Kazakhstan.

9. Pre-design and (or) design (design and estimate) documentation executed by foreign legal entities or individual specialists for the development of territories and (or) construction on the territory of the Republic of Kazakhstan, except for the pre-project and (or) design (design and estimate) documentation for objects of international specialized exhibition on the territory of the Republic of Kazakhstan, as well as special economic zones, special industrial zones, should be developed on the terms and by stages of pre-project and design work, in the composition and volume of design (design and estimate) documentation, which are established by this Law, state regulations and design assignment, as well as in compliance with the mandatory requirements established by state regulations, including fire and industrial safety requirements, unless otherwise provided by an international treaty ratified by the Republic of Kazakhstan.

Departure from this rule is allowed:

1) by the decision of a customer (investor), if a customer (investor) fulfills the whole of mandatory conditions mentioned below:

compliance with fire and explosion safety standards, reliability of structures, stability of object operation and labor protection established by the legislation of the Republic of

Kazakhstan and state regulatory documents, which shall be confirmed by comprehensive external appraisal of projects;

provision of suppliers of goods (works and services) with the required information in accordance with the legislation of the Republic of Kazakhstan and government regulatory documents;

2) in the designing, construction, reconstruction, technical re-equipment, expansion of facilities included in the unified industrialization map.

Footnote. Article 60 as amended by Laws of the Republic of Kazakhstan № 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); № 180-IV dated 10.07.2009; № 36 dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 151-V dated 03.12.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 167-V dated 21.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 487-V dated 07.04.2016 (shall go into effect on the day of signing) № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 202-VI as of 26.12.2018 (вводится в действие с 01.01.2019); № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication); от 03.04.2019 № 243-VI (shall be enforced ten calendar days after its first official publication); dated 29.06.2020 № 352-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 27.12.2021 № 87-VII (shall be enforced ten calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 60-1. Price formation in construction

1. Regulatory documents on price formation in construction shall ensure:

1) the planning of costs for the construction of objects at the expense of public investments and funds of subjects of the quasi-public sector;

2) the reliability of feasibility studies and determining the estimated cost of construction of objects at the expense of public investments and funds of subjects of the quasi-public sector.

2. Measures for implementation of provisions of regulatory documents on price formation in construction include:

1) analysis and updating of existing estimate norms with account of the development of economic conditions;

2) development of estimate norms for new efficient technologies in construction;

3) updating of the estimate and regulatory framework based on monitoring, processing and analysis of current prices for building materials, products, equipment.

Footnote. Chapter 9 is supplemented with Article 60-1 in accordance with Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication).

Article 61. Town-planning projects

1. Spatial arrangement of settlement and placement of productive forces in the Republic of Kazakhstan and its individual regions, development of inter-settlement territories and their provision with necessary facilities, territorial planning and development of inhabited localities, including areas of their influence, or separate parts of an inhabited locality are carried out in an integrated manner on the basis of town planning projects.

Urban planning projects are an integral part of the state urban planning cadastre and shall be subject to mandatory entry into the automated information system of the state urban planning cadastre in accordance with the rules for registration in the database of the state urban planning cadastre of urban planning projects, pre-design and design (design and estimate) documentation, as well as objects of architectural, urban planning and construction activity. Information on the development, implementation, updating of urban planning projects shall be entered without fail into the automated information system of the state urban planning cadastre.

2. Compliance with town planning decisions established by approved town planning projects is mandatory in working out conditions for competitions (tenders, contract tenders) for design and construction, design assignments (including architectural and planning assignment) and development of architectural and construction projects.

3. The cost of work performed in the course of a comprehensive urban planning expertise on urban planning projects shall be determined in accordance with the rules developed and approved by the authorized body for architecture, urban planning and construction..

4. Town planning projects (town planning and development projects of territories) are divided into:

1) projects for the organization and planning of development of territories of national significance;

2) projects of town planning development of territories of regional significance;

3) projects of town planning and development of cities (including their suburban areas or without them) and rural settlements;

4) projects of urban development of inter-settlement territories for the construction of industrial complexes or other objects of closed type located outside inhabited localities.

5. Town planning projects of national significance include:

1) the general scheme of territorial planning of the Republic of Kazakhstan;

2) interregional schemes of territorial development of two or more regions (or their parts), of agglomeration.

6. Town planning projects of regional significance include:

1) integrated schemes of town planning of oblasts (regions);

2) integrated schemes of town planning of districts.

7. Town planning projects and development of inhabited localities include:

1) master plans of cities with estimated population of more than one hundred thousand people;

2) master plans of towns with up to one hundred thousand people;

3) master plans of rural settlements with more than five thousand people;

4) master plans of rural settlements with up to five thousand people - planning and development schemes (simplified version of master plans for small settlements);

5) projects of urban development of certain parts of urban territories (detailed planning projects, industrial zone planning projects and development projects derivative of the current master plan), except for situational plans and master plans of objects as part of feasibility studies or design estimates, intended for the construction of buildings and structures, their complexes.

Footnote. Article 61 as amended by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); dated 05.04.2023 № 221-VII (enforcement, see Art 2.).

Article 62. Architectural project

1. An architectural project as an independent project for the creation of a structure (monument), and also as part of project (design and estimate) documentation for construction, shall contain architectural, artistic, compositional and space-planning solutions that take into account social, economic, functional, engineering, technical, fire-fighting, anti-explosive, sanitary-hygienic, environmental requirements, as well as energy efficiency requirements and other requirements to an object to the extent allowing for the development of a construction project or other documentation for construction.

2. An architectural project is developed:

1) on the basis of a design assignment approved by a customer (investor), and materials for selecting a site (route), results of engineering surveys, technical conditions for engineering support of an object;

2) in accordance with approved town planning projects and pre-project documentation;

3) in accordance with an architectural and planning assignment of local executive bodies of cities of republican significance, the capital, districts (cities of regional significance);

4) for the objects of the international specialized exhibition in the territory of the Republic of Kazakhstan in accordance with the architectural and planning assignment issued by a legal entity with 100% state participation in the authorized capital, the main activity of which is the

organization and holding of the international specialized exhibition in the territory of the Republic of Kazakhstan, as well as post-exhibition use of the territory of the international specialized exhibition.

It is allowed to simultaneously develop architectural design and pre-project documentation for the objects of the international specialized exhibition in the territory of the Republic of Kazakhstan.

3. Compliance with solutions of an architectural project in the development of a construction project is mandatory.

Changes in architectural projects can be made with the consent of an author (authors) or with his/her (their) participation. In the case of deviations from requirements of an architectural and planning assignment, coordination is required with the body that issued it.

4. If it is necessary to simplify the development of design documents for the construction (reconstruction, re-planning, re-equipment) of technically non-complex objects, an architectural project may be executed in the form of a rough sketch (sketch design) in accordance with the architectural and planning assignment

Footnote. Article 62 as amended by Laws of the Republic of Kazakhstan № 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); № 542-IV dated 13.01.2012 (shall be enforced upon expiry of six months after its first official publication); № 151-V dated 03.12.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 122-VI as of 25.12.2017 (shall be enforced from 01.01.2018); № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication).

Article 63. Construction project

1. Project (design and estimate documentation) for the construction of new buildings and structures, their complexes, engineering and transport communications shall provide town planning substantiation of the location of an object, economic, architectural, spatial-planning, functional, technological, constructive, engineering, environmental, energy-saving and other decisions in the amount required for carrying out the construction and commissioning of the completed construction project.

Construction projects also include design estimates, based on the results of conducted technical investigation and designed for:

- 1) capital repair of existing objects or restoration of buildings and structures;
- 2) reconstruction, expansion, modernization or technical re-equipment of objects in operation;
- 3) post-utilization of dismantled overaged objects, except for demolition of dangerous buildings and structures;

4) conservation (re-opening) of unfinished objects, the construction of which was suspended.

2. Design solutions and indicators of a construction project approved in accordance with the procedure established by law are mandatory in the course of its performance.

3. A construction project is developed:

1) on the basis of a design assignment approved by a customer, materials for selection and allotment (permission for use) of a land plot (site, route), technical conditions of engineering and utility support of an object, results of engineering surveys, other source data, including results of pre-project activities of a customer;

2) in accordance with substantiations for investment in construction (feasibility studies, technical and economic calculations), approved by the legally established procedure, and, if necessary, with the list of building materials, products, structures, engineering equipment and devices agreed on with a contractor;

3) in accordance with an architectural and planning assignment of local executive bodies of cities of republican significance, the capital, districts (cities of regional significance);

4) for the objects of the international specialized exhibition in the territory of the Republic of Kazakhstan in accordance with the architectural and planning assignment issued by a legal entity with 100% state participation in the authorized capital, the main activity of which is the organization and holding of the international specialized exhibition in the territory of the Republic of Kazakhstan, as well as post-exhibition use of the territory of the international specialized exhibition.

At to objects of the international specialized exhibition in the Republic of Kazakhstan, concurrent development of a construction project and pre-project documentation is allowed.

If town planning and (or) architectural projects are approved, initial documentation for the development of a construction project shall be consistent with solutions specified in them.

4. In the cases specified in paragraph 4, article 62 of this Law, a construction project may be a rough sketch (sketch design).

5. The procedure for amending an approved construction project during construction and installation works shall be established by state building standards and rules for maintaining state, designer's and technical supervision approved by an authorized body for architecture, town planning and construction in accordance with the procedure established by law.

Footnote. Article 63 as amended by Laws of the Republic of Kazakhstan № 116 dated 10.01.2006 (see Article 2 of Law № 116 for the enactment procedure); № 180-IV dated 10.07.2009; № 542-IV dated 13.01.2012 (shall be enforced upon expiry of six months after its first official publication); № 151-V dated 03.12.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall go into effect on 01.01.2015); № 122-VI as of 25.12.2017 (shall be enforced from 01.01.2018); № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication

); dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 63-1. State Bank of Construction Projects

1. Activities for the formation and maintenance of the state bank of construction projects, as well as the provision of feasibility studies, standard projects and design (design and estimate) documentation from the state bank of construction projects shall come under the state monopoly.

2. The state expert organization shall carry out the formation and maintenance of the state bank of construction projects, as well as the provision of feasibility studies, standard projects and design (design and estimate) documentation from the state bank of construction projects, developed at the expense of public investments and funds of subjects of the quasi-public sector.

3. Prices for goods (works, services) produced and (or) sold by a state monopoly entity shall be set by the authorized body for architecture, urban planning and construction in agreement with the antimonopoly body.

4. Property (exclusive) copyrights to works of architecture specified in paragraph 2 of this article shall be regulated by the legislation of the Republic of Kazakhstan on copyright and related rights.

Footnote. The Law is amended with Article 63-1 in accordance with the Law of the Republic of Kazakhstan dated 29.06.2020 № 352-VI (shall come into force upon expiration of six months after the date of its first official publication).

Article 64. Projects appraisal

Footnote. Article 64 is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015).

Chapter 9-1. Projects appraisal

Footnote. Section 2 is supplemented by chapter 9-1 in accordance with Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015).

Article 64-1. Appraisal of projects in the field of construction and town planning of territories

1. Comprehensive external appraisal of projects in the field of construction of objects is carried out by expert organizations and experts certified for appropriate sections (parts) of feasibility studies or design estimates.

A comprehensive urban planning expertise of urban planning projects of territories shall be carried out by a state expert organization in accordance with the rules for conducting a comprehensive urban planning expertise of urban planning projects at all levels.

Favorable expert opinions shall be the basis for approval of projects under examination.

1-1. In case of legal proceedings for civil cases, criminal cases, and administrative offence cases regarding a conclusion of comprehensive external appraisal of object construction projects, a forensic examination can be carried out in the manner prescribed by the Civil Procedure Code of the Republic of Kazakhstan, the Criminal Procedure Code of the Republic of Kazakhstan or the Administrative Offences Code of the Republic of Kazakhstan, respectively.

2. Appraisal is mandatory for:

1) urban planning projects of all levels;

2) feasibility studies and design estimates for construction of buildings and structures, their complexes, engineering and transport communications financed from or with the involvement of public funds, also without public funds, but envisaging a legally established share of state property in the volume of products or services provided, as well as non-state loans under a state guarantee or state suretyship;

3) design and estimate documentation intended for the construction of facilities financed without the participation of budgetary funds or other forms of public investment, except for construction projects for technically simple facilities indicated in paragraph 2 of Article 60 of this Law.

2-1. Excluded by the Law of the Republic of Kazakhstan dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official publication).

3. Is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect after the day of its first official publication).

4. Technically non-complex objects specified in paragraph 2 of Article 60 of this Law are not subject to mandatory examination.

5. In the case of the second use of approved individual construction projects, as well as adaptation of existing standard projects for large-scale construction, which previously received favorable opinions of sectoral and comprehensive external appraisals, new sectoral appraisals are not required, though comprehensive external appraisals shall be carried out for adaptation of these projects to a specific locality and conditions.

6. The approval and further implementation of construction projects (feasibility studies or design estimates) subject to compulsory comprehensive external appraisal is not allowed without its favorable conclusion.

7. The customer of construction projects (feasibility studies or design estimates) is also the customer of expert works on this project. In cases stipulated by the legislation of the Republic of Kazakhstan on public procurement, the responsibility of the customer includes organizing and conducting separate tenders for the development and examination of construction projects. Separate competitions are held within timeframes excluding breaks between the project preparation and its presentation to an expert organization that was determined the winner by this time according to the results of the competition.

8. The customer of projects subject to comprehensive external appraisal, but not classified as a state monopoly and not being the subject of public procurement, has a right, at his/her discretion, to select any accredited expert organization for conducting appraisal.

9. Customers are required to submit a complete set of documents for comprehensive external appraisal as provided for by government regulations. The customer is responsible for the reliability of documents submitted for examination.

10. Expert organizations set up expert commissions (expert groups) and also engage specialists (specialized institutes and organizations), including foreign experts, having documents entitling them to engage in expert activities issued by the relevant body of a foreign state.

Specialists, who directly or indirectly participated in the preparation and (or) development of projects under consideration or who are representatives of design organizations that developed them, shall not be included in expert commissions (expert groups) and shall not be involved in any other form of comprehensive external appraisal of projects.

11. Customers and designers, as well as experts or expert organizations, in cases of violation by one of the parties of the procedure for maintaining or summing up the result of a comprehensive non-departmental examination of projects, shall have the right to apply to the authorized body for architecture, urban planning and construction with the justification for this appeal.

In case of disagreement with the results of a comprehensive non-departmental examination, the customer may appeal the conclusion of the experts in the manner prescribed by the laws of the Republic of Kazakhstan.

12. An appraisal is also carried out in case the customer discovers the need to make changes to project (design and estimate) documentation due to a poorly developed project, which was previously approved by an appraisal, and (or) unjustified departures from the approved project found during the construction.

In this case, the customer sends relevant information to an authorized body for architecture, town planning and construction.

13. Comprehensive external appraisal of individual construction projects requiring special regulation and (or) town planning regulation, is carried out in accordance with individual plans for the phased development and approval of design estimates for the construction of certain objects that require special regulation and (or) town planning regulations.

The procedure for the development and approval of individual plans for the phased development and approval of design estimates for the construction of individual objects requiring special regulation and (or) town planning regulations is governed by rules for conducting comprehensive external appraisal of feasibility studies and design estimates for the construction of new buildings, as well as changes (reconstruction, expansion, technical re-equipment, modernization and major repairs) of existing buildings, complexes, engineering and transport communications, regardless of funding source.

14. Customers are obliged to provide a complete package of documents for a comprehensive urban planning expertise in accordance with the rules for conducting a comprehensive urban planning expertise of urban planning projects at all levels. The customer is responsible for the accuracy of the documents submitted for examination.

The customers of the complex urban planning expertise shall be:

the authorized body for architecture, urban planning and construction – on projects of national importance;

local executive bodies - on projects of regional significance and projects for the development and construction of settlements.

The customer of urban planning projects shall also be the customer of expert works on this project.

Footnote. Article 64-1 as amended by Laws of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 487-V dated 07.04.2016 (shall go into effect on the day of signing); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 202-VI as of 26.12.2018 (shall be enforced from 01.01.2019); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 № 352-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 29.06.2020 № 351-VI (shall come into force from 01.07.2021); dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official publication).

Article 64-2. Cost and timeframes of conducting comprehensive external appraisal of construction projects

1. Comprehensive external appraisal of construction projects (feasibility studies and design estimates) is carried out on the basis of contracts concluded by appraisal's customers and expert organizations, including expenses in the cost of development of a project in question.

2. The cost of expert works performed by a state expert organization with the participation of industry appraisals, regardless of the source of funding, is established in accordance with the rules for determining the cost of works on the implementation of comprehensive external appraisal of construction projects, approved by an authorized body for architecture, town planning and construction.

3. The cost of expert works performed by accredited expert organizations with the participation of industry expert assessments is established in accordance with a contract between a customer and expert organization.

Under contracts fulfilled within the framework of public procurement, the cost of expert works cannot be lower than the cost established in accordance with rules for determining the

cost of works on implementation of comprehensive external appraisal of construction projects approved by an authorized body for architecture, town planning and construction.

4. The procedure and duration (timeframes) of comprehensive external appraisal of the feasibility study of construction, as well as design estimates for construction are established in the manner determined by an authorized body for architecture, town planning and construction, and are the same for all subjects of expert activities in the field of design of construction projects.

Footnote. Article 64-2 as amended by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication).

Article 64-3. Types of project appraisal

1. Appraisal of projects is divided into the following types:

1) examination of projects (comprehensive non-departmental examination of construction projects (feasibility studies, design estimates) intended for construction, carried out by accredited expert organizations or experts with an appropriate certificate;

2) comprehensive external appraisal of construction projects (feasibility studies and design estimates), classified as a state monopoly;

3) comprehensive urban planning expertise - expertise of urban planning projects at all levels, classified as a state monopoly;

expert groups set up by relevant local executive bodies for projects approved by maslikhats;

4) interstate appraisal of projects of mutual interest for two or more states-parties to relevant international agreements for the design and construction of objects or town planning for adjacent border areas, carried out by international expert commissions set up by authorized bodies of interested States.

2. Projects of town planning of territories (town planning projects) of various levels are subject to comprehensive town planning appraisal in the manner established by this Law, as well as state regulations in the field of architecture, town planning and construction. Favorable conclusions of comprehensive town planning appraisal are the basis for approval of town planning projects of an appropriate level and their further implementation.

3. The procedure for conducting an interstate appraisal of projects affecting interests of two or more countries is established in accordance with an international treaty.

Footnote. Article 64-3 as amended by the Law of the Republic of Kazakhstan dated 05.04.2023 № 221-VII (enactment, see Article 2).

Article 64-4. Expert activity classified as a state monopoly

1. State monopoly shall comprise:

1) comprehensive urban planning expertise of urban planning projects at all levels;

2) comprehensive non-departmental expertise of construction projects (feasibility studies, design estimates) for:

construction of new industrial buildings and structures related to potentially hazardous construction sites, as well as new technically and (or) technologically complex facilities, their complexes, engineering and transport communications, regardless of funding sources;

reconstruction, expansion, improvement, technical re-equipment and overhaul of existing facilities financed from budgetary funds and other forms of public investment, classified as:

potentially dangerous;

technically and (or) technologically complex;

reconstruction, expansion, improvement, technical re-equipment and overhaul of existing facilities financed from the funds of the quasi-public sector entities, assigned to the first responsibility level;

standard projects developed by the authorized body in architectural, urban planning and construction activities.

2. A comprehensive urban planning expertise of urban planning projects and a comprehensive non-departmental expertise related to the state monopoly shall be conducted by a state expert organization.

In civil proceedings, criminal cases, as well as cases of administrative offenses in relation to the conclusion of a comprehensive non-departmental examination related to the state monopoly, a legal expertise may be carried out in the manner established, respectively, by the Civil Procedural Code of the Republic of Kazakhstan, the Criminal Procedure Code of the Republic of Kazakhstan or the Code of the Republic of Kazakhstan on Administrative Infractions.

The activities technologically related to the production of goods, works, services include maintaining a portal and an information system for organizing a comprehensive urban planning expertise of urban planning projects and a comprehensive non-departmental expertise of construction projects on "one contact" principle.

3. The requirements of this article shall not apply to the objects of the international specialized exhibition on the territory of the Republic of Kazakhstan and special industrial zones.

Footnote. Article 64-4 as amended by Laws of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2016); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 487-V dated 07.04.2016 (shall go into effect on the day of signing); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 202-VI as of 26.12.2018 (shall be enforced from 01.01.2019); dated 29.06.2020 № 352-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (shall come into force upon expiration of ten calendar days after the date of its first

official publication); dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official publication).

Article 64-5. Accredited expert organization

1. Accredited expert organizations:

carry out mandatory comprehensive external appraisal of projects (feasibility studies and design estimates) intended for construction, except for projects specified in paragraph 1 of article 64-4 of this Law;

shall be members (associate members) of the chamber from the date of its establishment.

1-1. An accredited expert organization of a special industrial zone shall conduct a mandatory comprehensive non-departmental examination of projects (feasibility studies and design estimates) intended for the construction of facilities on the territory of a special industrial zone. An accredited expert organization of a special industrial zone is not a member (associate member) of a professional association of accredited expert organizations.

2. Accredited expert organizations have a right to conduct an appraisal of both the entire set of documents for the project as a whole and of separate sections (parts) of the project with the issuance of local expert opinions in cases where:

1) Is excluded by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect after the day of its first official publication);

2) the construction of objects (complexes) is provided for by start-up complexes or by turns;

2-1) Is excluded by Law of the Republic of Kazakhstan № 202-VI as of 26.12.2018 (shall be enforced from 01.01.2019);

3) the construction of linear structures of engineering or transport infrastructure is divided into separate sections (segments).

Local conclusions of comprehensive external appraisal of certain sections (parts) of a project are not grounds for approval of design estimates as a whole, but are used as a part of a consolidated expert opinion. An exception to this requirement is cases, where on the basis of results of a technical survey, it is required to develop only estimate documentation for major repairs in order to restore performance by replacing used elements or engineering systems at a facility.

3. An accredited expert organization may carry out a comprehensive external appraisal of construction projects that are not subject to mandatory appraisal, if a customer decides so.

4. Accredited expert organizations, with the exception of accredited expert organizations of a special industrial zone, shall not have the right to engage in any other activity, except for the expert one provided for by this Law.

Footnote. Article 64-5 as amended by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 122-VI as of 25.12.2017 (shall be enforced from 01.01.2018); № 202-VI as of 26.12.2018

(shall be enforced from 01.01.2019); dated 01.04.2021 № 26-VII (shall come into force upon expiration of ten calendar days after the date of its first official publication).

Article 64-6. Experts in the field of designing construction objects

1. To obtain a certificate entitling to expert activities in design of construction projects and urban planning projects, an individual must have a higher education in the relevant field, at least five years of experience in the field of design in the relevant section (part) of feasibility studies or design and estimate documentation for the construction of facilities, urban planning projects and pass attestation. The attestation procedure can be conducted in English.

2. A certified expert, who has not been engaged in practical expert activities for three years, is allowed to carry out expert activities only after re-certification.

3. Experts may not carry out expert activities solely, except for cases when they are involved as freelance experts under a contract with another accredited or state expert organization, as well as when performing expert examinations of certain sections (parts) of a project on the instructions of the management of an expert organization.

Footnote. Article 64-6 as amended by the Law of the Republic of Kazakhstan dated 01.04.2021 № 26-VII (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official publication).

Article 64-7. A record of accredited expert organizations and certified experts

A record of accredited expert organizations and certified experts shall be carried out by maintenance of register.

Register of accredited expert organizations shall contain collection of information on requisites of legal entities, date of issue and number of accreditation certificate, on existence of accredited experts in the staff, specialized on examination of different sections of projects, as well as details on adopted measures of responsibility, established by the Laws of the Republic of Kazakhstan in relation of this legal entity.

Register of accredited experts shall contain collection of information on personal details of expert, date of issue and number of certificate, on specialization, education and work experience on profession, as well as details on adopted measures of responsibility to the expert, established by the Laws of the Republic of Kazakhstan, as well as on deprivation of certificate with recognition of expert as unconscientious.

Article 64-8. Rights, obligations and responsibility of subjects of expert activity

1. Rights and obligations of expert organizations shall be established by this Law and their charters.

2. Expert shall have a right to:

1) participate in the complex town-planning examination on projects of town-planning designing of territories in the composition of expert commissions (expert groups);

1-1) carry out an examination of individual sections (parts) of an urban planning project according to professional specialization, draw up the relevant parts of an expert opinion on them, initiate withdrawal by an expert organization of a previously issued opinion if the customer fails to comply with the conditions (requirements) specified in the conclusions of the revoked expert opinion;

2) request and acquire the necessary materials and information from the customers and developers of section (part) of project in the manner established by the legislation of the Republic of Kazakhstan;

3) carry out an examination on separate sections (parts) of projects according to the professional specialization, specified in the certificate, make on them the relevant parts of expert conclusion, initiate revocation by expert organization of previously issued conclusions in the cases of nonfulfillment of conditions (requirements), specified in the summaries of revoked expert conclusion by the customer. Local conclusions, made by expert on separate sections (parts) of project shall not be the basis for approval of project (design and estimate) documentation as a whole shall not be used in the content of summary expert conclusion;

4) engage in pedagogical, scientific and (or) other creative activity.

3. The expert shall be prohibited to:

1) conduct an examination on projects, in participation of which this expert participated directly or indirectly or conducted with participation of husband (wife) and (or) close relatives;

2) engage in other types of enterprise activity, related with architecture, town-planning and construction activity;

3) be in the labor, financial and (or) other dependent relations with other subjects of architecture, town-planning and construction activity.

4. An expert shall be obliged to:

1) be on the staff of one of expert organizations for carrying out of professional activity;

2) maintain confidentiality and provide official and commercial secret on considered projects, unless otherwise provided by the Laws of the Republic of Kazakhstan;

3) have a seal with the surname, name, patronymic (in its existence), position, number of certificate and date of its issuance;

4) systematically improve their professional qualifications;

5) observe professional ethics.

5. In the cases of revelation of facts of unsatisfactory conducted examination, the expert organizations and experts shall bear responsibility, established by the Laws of the Republic of Kazakhstan.

Expert organizations shall bear responsibility in common with relevant developers of projects for substandard projects, presented for approval after conducting of examination.

Footnote. Article 64-8 as amended by the Law of the Republic of Kazakhstan dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official publication).

Article 64-9. Independence of expert activity

1. Experts are independent from the subjects of architecture, town-planning and construction activity in their activity.

2. Nobody shall have a right to intervene into the work of experts or expert organizations in the course of acceptance of documentation for examination, consideration of projects, preparation and drawing up of expert conclusions on them, unless otherwise provided by the Laws of the Republic of Kazakhstan.

3. The state bodies and organizations, as well as other subjects of architecture, town-planning and construction activity shall bear responsibility, established by the Laws of the Republic of Kazakhstan for intervention into professional activity of experts and expert organizations.

Article 64-10. Requirements to the expert organizations

1. Expert organizations shall have at least five experts in their composition, certified by specialization, relevant to the basic sections of project.

1-1. The expert organization of a special industrial zone must include at least seven experts certified in specializations corresponding to the main sections of the project.

2. Expert organizations after their state registration shall be obliged to:

1) obtain accreditation in accordance with the rules of accreditation of expert organizations;

2) keep a record of date of acquisition of documents to the examination and date of issuance of expert conclusions within maintenance of record management.

2-1. The expert organization of a special industrial zone shall be obliged to:

1) pass accreditation in accordance with the rules of accreditation of expert organizations;

2) as part of record keeping, keep records from the date of receipt of documents for examination and the date of issue of expert opinions.

Footnote. Article 64-10 as amended by the Law of the Republic of Kazakhstan dated 01.04.2021 № 26-VII (shall come into force upon expiration of ten calendar days after the date of its first official publication).

Article 64-11. Professional association of accredited expert organizations

1. Activities of the chamber are regulated by this Law, the legislation of the Republic of Kazakhstan on non-commercial organizations and by-laws.

Entry fees are not allowed.

2. The supreme governing body of the chamber is the general meeting (meeting of representatives) of its members.

3. The executive body of the chamber is the board elected by the general meeting (meeting of representatives) of its members.

The board of the chamber also includes at least three representatives of an authorized body for architecture, town planning and construction.

4. Functions of the chamber are:

1) representation, protection of rights and legitimate interests of its members at state bodies of the Republic of Kazakhstan, as well as in international organizations;

2) is excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication);

3) holding of permanent training courses for experts;

4) analysis, summary and dissemination of positive experience of experts and expert organizations;

5) development of a code of ethics for experts and verification of its compliance;

6) other functions stipulated by its charter.

5. The chamber shall post information on accredited expert organizations on its Internet resource.

Footnote. Article 64-11 as amended by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication).

Section 3. Construction Chapter 10. The state regulation of the process of construction Article 65. Customers and contractors

1. Key participants of relationships in construction contracted works (including design, survey, expert, research works for construction, production of building materials, products and structures for orders), not related to public procurement, are the customer-investor of a project (program) or his/her authorized representative and contractor (general contractor).

2. Citizens of the Republic of Kazakhstan, foreigners, stateless persons, domestic and foreign legal entities may act as customers of contractor's work in construction.

3. Contractors engaged in contracting in construction may be individuals and legal entities (including joint ventures) licensed to carry out appropriate types of architectural, town planning and (or) construction activities in the Republic of Kazakhstan.

4. For construction of technically complex objects, including unique construction facilities and large investment projects, and for "pilot" projects implemented as part of the

implementation of treasury support for public procurement, the customer (investor) of the project (program) may involve engineering organizations for the management of construction project of facilities.

The procedure for rendering engineering services for the management of construction project of facilities and qualification requirements for organizations, rendering services for the management of construction project of facilities shall be established by the authorized body for architecture, town-planning and construction.

Footnote. Article 65 as amended by Law of the Republic of Kazakhstan № 204 dated 11 December, 2006 (shall go into effect from the date of its official publication); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 66. Selection of a contractor

1. Selection of a contractor by customer (investor or its authorized body) for performing contractor's works, not referring to the state procurements may be carried out:

1) without holding of a competition, unless otherwise provided for this project (program) by the legislation of the Republic of Kazakhstan;

2) on the results of closed or open competition (tender procedure);

3) with preliminary assessment of entries for participation in competition (tender procedure) or without.

2. The main participants of competitions (tender procedures) for contractor's works shall be:

1) organizer (sponsor) of competitions (tender procedures) represented by customer or its authorized body, being in force on the basis of powers of customer;

2) the judges of competition (tender commission) – permanent or temporary collegial working body of organizer (sponsor) of competition (tender);

3) entries – allowed to participation in competition (tender procedure) of person, officially referred to organizer (sponsor) with application on intendment to participate in open competition, as well as a person, accepted an invitation to participate in the closed competition (tender procedure).

3. At the moment of making decision on holding of competition (tender) at the selection of a contractor, as well as at the beginning of installation of project (program) a customer shall:

1) have the necessary sources of financing or right for construction to manage of necessary amount in the period of time, required for installation of project (program). This provision shall not be in force in the case of inclusion of requirement on financing of construction by contractor in the conditions of competition (tender);

2) have the relevant rights to the land plots (area or line of route under construction) or decision of executive body or its provision.

4. If at the selection of contractor by conditions of competition (tender procedure) is determined that compilation of justification of investments and development of project (design and estimate) documentation is the responsibility of customer, that at the moment of holding of competition (tender procedure) to contractor's works a customer shall be obliged to have justification of investments and project (design and estimate) documentation, undergone the necessary state examination and approved in accordance with established procedure.

5. The place of organization and holding of open competition (tender procedure) at the selection of contractor shall be the territory of the Republic of Kazakhstan, unless otherwise provided by international treaties, ratified by the Republic of Kazakhstan.

6. Procedure and conditions of competition (tender procedure) shall be determined by customer or on its instruction by organizer (sponsor) of competition, unless otherwise provided by the legislative acts of the Republic of Kazakhstan.

7. To participate in competitions (tender procedures) shall not be allowed:

1) individuals and legal entities, which in the manner established by the legislation is not allowed the maintenance of economic activity in the territory of the Republic of Kazakhstan;

2) legal entities, adjudicated bankrupt;

3) persons, being organizers (sponsors) of competition (tender procedure) or members of its judges (tender commission);

4) not registered in the manner established by the legislation of organization.

8. Customer or organizer (sponsor) of competition (tender procedure) and judges (tender commission) shall not have a right to request the compulsory presentation of information, being its commercial secret, from entries.

9. Announcement of held competition (tender procedure) for the contractor's works as accomplished and approval (recognition) by customer of any of the participants as the winner (winners) shall be the basis for conclusion of an agreement between them for execution of contractor's works, provided by conditions of competition.

10. Customer, organizer (sponsor) of competition (tender procedure) for the contractor's works and judges of competition (tender commission) for non-fulfilment or improper fulfilment of their obligations shall bear responsibility in accordance with the legislative acts of the Republic of Kazakhstan.

11. Contractor's works, not relating to the state procurements shall be executed on the basis of agreement, concluded between the customer (investor of project or program) and contractor (main contractor), selected by them.

Types and volumes of works (services), which contractor (main contractor) intends to transfer to execution to the subcontractors shall be specified in the owner-contractor agreement in a mandatory manner. Upon that the transfer to subcontract in the total of more

than two-thirds value of all contractor's works (prices of contract), provided by agreement shall not be allowed.

The maximum volumes of works (services) performed (provided) as part of public procurement, which can be transferred to subcontractors (co-contractors) for the performance of works or the provision of services, are determined in accordance with the legislation of the Republic of Kazakhstan on public procurement.

12. Obligations and responsibility of customer before the contractor and contractor before the customer shall be established by the owner-contractor agreement, unless otherwise provided by the legislation of the Republic of Kazakhstan.

13. Periods of guarantee of stable functioning of construction project after its completion, determining financial responsibility of contractor shall be established by the.

Upon indetermination of periods of guarantee, the standard, provided by second part of paragraph 1 of Article 69 of this Law shall be applied by owner-contractor agreement.

Footnote. Article 66 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); № 202-VI as of 26.12.2018 (shall be enforced from 01.01.2019).

Article 67. Recognition of results of competition (tender procedure) for contractor's works as invalid

1. Results (the choice of the winner and other results) of competition (tender procedure) for contractor's works, held with violation of procedure and conditions, established for this competition (tender procedure) or not in accordance with the legislation may be appealed by the participant (participants) in a judicial procedure.

2. Recognition of results of competition (tender procedure) as invalid shall entail cancellation of agreement, concluded between the customer and the winner (winners), and competition (tender procedure) shall be announced as invalid.

3. A competition (tender procedure), announced as invalid may be held repeatedly in other terms, unless otherwise provided by the legislation of the Republic of Kazakhstan.

Article 68. Basic requirements for the construction process

1. This article stipulates procedures that shall be performed and requirements that shall be met at relevant stages of the construction process.

2. The customer intending to build an object is obliged, in accordance with the land legislation of the Republic of Kazakhstan, to obtain a decision on the granting of the appropriate land right from local executive bodies of districts (cities). Given the customer's appropriate land right and a functional zone in accordance with the approved detailed planning project for the object's construction, no additional decision from local executive bodies of districts (cities) is required.

Construction and installation works at an object are only allowed on land plots, for which the appropriate land use right or private property right has been granted in accordance with the legislation of the Republic of Kazakhstan. use or private property) is granted in accordance with the legislation of the Republic of Kazakhstan.

The construction of communication facilities for cellular or satellite communications equipment, including space for cellular or satellite communications equipment, shall be allowed if there is a lease agreement for a land plot and (or) part of it with the owner of the land plot, regardless of the intended purpose of the land plot.

3. Is excluded by Law of the Republic of Kazakhstan № 479-V dated 29.03.2016 (shall go into effect after the day of its first official publication).

4. The period of validity of a decision of local executive bodies of districts (cities) on granting a relevant right to land from the date of adoption of the decision prior to the commencement of construction shall be established in accordance with the land legislation of the Republic of Kazakhstan with account of standard length of project design and approval in accordance with the established procedure and shall be indicated in the permit document.

5. If a favorable decision on granting a relevant right to land is impossible, local executive bodies of districts (cities) are obliged to reply to an applicant (customer) within 10 days from the time of his/her application with a reasoned refusal pointing out to the regulations (provisions, conditions, restrictions, servitudes) of the legislation of the Republic of Kazakhstan, with which his/her intention to implement this construction comes into conflict.

6. The decision of local executive bodies of districts (cities) to grant the appropriate land right and to give an architectural and planning assignment are the grounds for the customer to draw up an assignment for designing the planned object.

The design assignment is made by a customer or his/her authorized person (developer) and approved by the customer.

The design assignment is an integral part of the contract for execution of an order for the development of pre-project and (or) project (design and estimate) documentation.

The design assignment shall include the required object parameters, other source data.

7. Providers of engineering and municipal services in the district of proposed construction, at the request of local executive body of a region, city of republican significance, the capital, district, city of regional significance, shall submit, in accordance with the procedure established by an authorized body for architecture, town planning and construction, specifications of connection to the sources of engineering and municipal services in keeping with requested (calculated) parameters required for construction and sustainable operation of an object to be put into service in future.

The specifications issued may be changed within the period of their validity by the consumer's filing of a written request (application, claim) for new technical specifications.

Projects of external engineering networks and structures developed in accordance with technical conditions issued by providers of engineering and utility services after

comprehensive external appraisal are not subject to additional approval by engineering and utility service providers and structural units of local executive bodies performing functions in the field of architecture and town planning.

8. Suppliers of engineering and utility services for a construction object are not allowed to set unreasonable requirements for customer's participation (equity participation) in the expansion (reconstruction, modernization, technical re-equipment) of engineering (municipal) infrastructure facilities, when issuing technical specifications.

In cases where the existing level of provision of engineering (municipal) infrastructure of a given locality or district of construction does not allow providing services in keeping with parameters requested by the customer, issues concerning costs associated with the expansion (reconstruction, modernization, technical re-equipment) of infrastructure facilities to cover additional loads of connected subscribers, shall be settled by suppliers (manufacturers) and customer (consumer) on a contractual and returnable basis.

9. Local executive bodies of the capital, cities of republican significance, districts (cities of regional significance), on the basis of a decision to grant the appropriate land right or the land right owned by the customer, issue an architectural and planning assignment with technical conditions for connection to sources of engineering and utility services and architectural concept of the object's construction, to the customer.

10. The composition and amount of source materials required for issuing an architectural and planning assignment are established by state regulatory documents.

In cases where the construction of a new object or reconstruction (re-planning, re-equipment, modernization, restoration) of an existing facility does not require allotting (additional allotment of a piece of land) of a land plot, and if for these purposes there is no need to connect to sources of engineering and municipal services, a relevant entry is made in the architectural and planning assignment.

11. The project (design and estimate) documentation developed in accordance with the design assignment, architectural and planning assignment and other source materials are subject to coordination, comprehensive external appraisal and approval in accordance with the requirements established by state regulatory documents.

Appraisal of the documentation is carried out in accordance with the requirements established by Chapter 9-1 of this Law.

12. Prior to the commencement of construction and installation works, the customer is obliged to notify bodies carrying out state architectural and construction control of the beginning of performance of construction and installation works using the procedure established by the Law of the Republic of Kazakhstan "On Permits and Notifications".

At the same time, notification by energy transmission organizations about the start of construction and installation works for technological connection to their own networks of electrical installations with an installed capacity of up to 200 kW of business entities, shall not be required.

13. The construction process is accompanied by architectural and construction control and supervision in accordance with provisions of Chapter 6 of this Law.

14. The completed construction object is subject to acceptance into service in accordance with provisions of Chapter 11 of this Law.

The act of acceptance of a completed object, approved in the established procedure, is the basis for entering in the information system of the legal cadaster of identification and technical information on buildings, structures and (or) their components about a newly created real estate item, for registration of rights to real estate.

15. The procedure, terms for executing and issuing documents required for the construction of new objects and for changing existing facilities are established by rules for construction arrangement and going through licensing procedures in the construction sector.

16. To ensure the safety of aircraft flights, compliance with flight safety requirements, taking into account the possible negative impacts of the aerodrome equipment and aircraft flights on human health and activities of individuals and legal entities, construction on the aerodrome territory shall be carried out taking into account the restrictions provided for by the legislation of the Republic of Kazakhstan on the use of airspace of the Republic of Kazakhstan and aviation activities.

Footnote. Article 68 as amended by Law of the Republic of Kazakhstan № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); as amended by Laws of the Republic of Kazakhstan № 479-V dated 29.03.2016 (shall go into effect twenty-one calendar days after the day of its first official publication); № 49-VI dated 27.02.2017 (shall go into effect two months after the day of its first official publication); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); dated 29.06.2020 № 352-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 02.07.2020 № 355-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 68-1. Information systems in construction, architecture and urban planning

1. In construction, architecture and urban planning at all stages, including planning of the territories of settlements, design, examination, construction and operation of construction projects, information systems can be used to automate various processes and simplify procedures.

2. Information systems in construction, architecture and urban planning shall be state and non-state by ownership form.

3. The use of state information systems in architecture, urban planning and construction shall be determined by the authorized body for architecture, urban planning and construction.

4. In their activities the architecture, urban planning and construction entities are obliged to use state information systems in construction, architecture and urban planning, determined by the authorized body for architecture, urban planning and construction.

In other cases, the result of the entities' activities shall be recognized as invalid and subject to the application of appropriate measures under the legislation of the Republic of Kazakhstan.

Footnote. Article 68-1 is supplemented pursuant to the Law of the Republic of Kazakhstan dated 05.04.2023 № 221-VII (shall be enforced nine months after the date of its first official publication).

Article 69. Guarantee period of operation of objects

1. Guarantee period of operation of construction objects shall be established in accordance with Civil Code of the Republic of Kazakhstan.

In all other cases a guarantee period shall be established depending on normative period of operation of completed project (in accordance with the class of construction solidity in whole or produced separate types of construction installation works) upon conclusion of agreement between the customer and contractor (main contractor) for construction, but may not be less than two years from the date of acceptance of object for operation. This limit of guarantee period shall not be distributed to the temporary structures and constructions of auxiliary support purpose, intended for the personal use of citizens.

2. Responsibility on detected inconsistencies and violations during established guarantee period shall be imposed on the contractor (main contractor) with obligations on their elimination.

2-1. The author's and technical supervision shall be held accountable for discrepancies and violations related to the adopted design, engineering or technological solutions, identified during the established warranty term in the manner prescribed by the legislation of the Republic of Kazakhstan.

3. If the inconsistencies and violations, detected during a guarantee period are occurred in the result of defective work of other executors (prospectors, projectors, subcontractors, producers or suppliers of construction materials, products, constructions, facility), the contractor (main contractor) shall have a right to partially shift responsibility to the guilty person.

4. If the inconsistencies and violations, detected during a guarantee period are occurred by non-implementation of rules of operation and support of object or circumstances, not depending from performers of construction installation works, the last one shall be excused from responsibility.

5. The disputes and reciprocal claims on measures and extent of responsibility, related with a guarantee periods of operation of objects shall be decided in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 69 as amended by Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced six months after the date of its first official publication).

Article 70. Quality in construction

1. Regulations and provisions, establishing requirements to the subjects of architectural, town-planning and construction activity in assurance of proper quality of construction and construction products shall be regulated by the Civil Code of the Republic of Kazakhstan and shall be distributed to all types of dimensional, plate and line capital structures (constructions, building and their complexes, services), including technological and engineering equipment, relating to them, as well as to all types of works (services) on their designing, construction, manufacturing (production) of construction materials, products and constructions, depending on purpose of construction products (objects).

2. Safety and quality of construction products (objects) shall be provided by:

- 1) compliance with safety requirements established by technical regulations and standardization documents for construction products;
- 2) licensing of subjects of architectural, town-planning and construction activity and attestation of specialists;
- 3) examination of justification of investments in construction and project (design and estimate) documentation;
- 4) architectural-building inspection and supervision, technical and architectural supervision;
- 5) product standardization, used in designing and construction;
- 6) attestation and accreditation of test and analytical laboratories, product certification, used in construction, as well as technical assessment of new products, methods of production, harness in construction;
- 7) metrological activity in designing and construction;
- 8) organization of commissioning and acceptance of completely constructed objects for operation;
- 9) technological advancements and construction technology;
- 10) conducting of conditioning of objects in earthquake-prone regions;
- 11) inspection and observance of the state of operated or preserved and other uncompleted construction objects, intervention in order of ensurance of regulatory characteristics.

3. During the whole period of construction (conservation) and period of service (operation) of objects assurance of the following basic characteristics of their quality by the possessors (customers, owners, hirers, tenants) is compulsory:

- 1) safety during erection and operation, including maintenance of works and support;
- 2) compliance with the requirements of protection of labour;
- 3) stableness and reliability of functioning;
- 4) compliance with environmental requirements.

Ensuring the principal characteristics of quality shall be the obligation of all subjects, participating in the engineering investigations for capital construction, designing, manufacturing (production) and delivery of construction materials, products and structures, construction, conservation of construction of uncompleted objects, acceptance for operation, support and operation of objects, as well as their post-utilization.

4. The bodies (services, civil servants) of architectural-building inspection and supervision, examinations of projects, standardization and certification of construction products, customers, builders, prospectors, projectors, fabricators (producers) and suppliers of products, used in construction, clerks of works, possessors (users, hirers, tenants) of specified products (objects) shall be the subjects, ensuring the quality of construction products (objects) in accordance with their functions.

Footnote. Article 70 as amended by Laws of the Republic of Kazakhstan № 209 dated 29 December, 2006 (see Article 2 for the enactment procedure); № 213 dated 9 January, 2007 (see Article 2 for the enactment procedure); № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication) ; № 184-VI as of 05.10.2018 (shall be enforced six months after its first official publication).

Article 71. Obligations of possessors in organization of safety and quality characteristics of objects

Possessors shall be charged with the following obligations, directed to preservation of principal characteristics of objects, ensuring safety and their appropriate quality upon operation:

1) perform the works on resetting, strengthening, rebuilding, replanning, re-equipment, reconstruction, expansion, technical re-equipping, embodiment, restoration and post-utilization of object, as well as change of architectural look and (or) town-planning aspects of object only in accordance with procedure, established by the legislation, of passing of licensing procedures by construction, sanitary, fire-prevention, blast resistant, ecological and other compulsory regulations and rules;

2) adoption of measures to prevent the wrecking and (or) destruction of object by users (hirers, tenants);

3) organization of performance of set of works on post-utilization of object.

Footnote. Article 71 as amended by Law of the Republic of Kazakhstan № 209 dated 29 December, 2006 (see Article 2 for the enactment procedure).

Article 72. Obligations of users in ensuring of quality characteristics of objects

Users (hirers, tenants) shall be charged with the following obligations, directed to preservation of principal characteristics of objects, ensuring their appropriate quality upon operation:

1) use of object in whole or its leased part in accordance with rules (procedure, instructions), established by the legislation, on their operation or under the terms of employment agreement (rental);

2) timely and appropriate performance of works on support and repair, imposed on the user (hirer, tenant) under the terms of employment agreement (rental);

3) perform the works on resetting, strengthening, rebuilding, replanning, re-equipment, reconstruction, expansion, technical re-equipping, embodiment, restoration as well as change of architectural look and (or) town-planning aspects of object only with consent of possessor and in accordance with construction, sanitary, fire-prevention, blast resistant, ecological and other compulsory regulations and rules;

4) notification of possessor on occurring changes of characteristics of object or technical accidents, occurring upon its operation.

Chapter 11. Acceptance of construction objects for operation

Article 73. General procedure of acceptance of objects for operation

1. Acceptance of constructed objects is governed by the Civil Code of the Republic of Kazakhstan and this Law.

2. The customer carries out the acceptance and commissioning of a constructed object, which is fully completed, in accordance with the approved project and upon availability of the declaration of conformity, conclusion on the quality of construction and installation works and statement of conformity of the completed work with the approved project.

In this case, the complete readiness of a constructed object is determined in accordance with rules of the organization of construction and rules of going through licensing procedures in the construction industry.

In certain cases specified in article 74 of this Law, the acceptance of a completed object into service is performed by an owner (customer, investor, developer) independently.

2-1. The commissioning of completed road works for the construction of fiber-optic communication lines shall be made by the customer for the construction of fiber-optic communication lines along highways when they are fully ready and it is carried out in accordance with the legislation of the Republic of Kazakhstan.

3. Construction participants shall bear responsibility established by laws of the Republic of Kazakhstan for acceptance and commissioning of unfinished objects of construction.

4. The acceptance of a constructed object into service shall be documented by an act. The act of object's acceptance into service is subject to approval.

The act of object's acceptance into service shall be approved by the customer. The date of approval of the act of object's acceptance into service and of the object's putting into service is the day it was signed

5. The act of acceptance of a completed object into service is signed by the customer, contractor (general contractor), persons carrying out technical and designer's supervision on the basis of the declaration of conformity, statement of conformity of the completed work with the project and conclusion on the quality of construction and installation works.

In the case of acceptance into service of an object with violations and construction defects, people accepting an object into service are liable under the laws of the Republic of Kazakhstan.

6. Duties of persons engaged in accepting an object into service include:

- 1) statement and documentation of readiness of the completed construction of an object;
- 2) assessment of compliance of the completed construction and installation works and the installed technological, engineering or other equipment with project (design and estimate) documentation, regulatory requirements (conditions, restrictions) approved in the established procedure;
- 3) statement of whether actions of a contractor comply with regulatory requirements of the approved project, or availability of deviations and their coordination in accordance with the procedure established by state regulations;
- 4) establishment of compliance of the capacity (load capacity, throughput capability) of a facility put into service with indicators approved in the project;
- 5) evaluation of the progressiveness of architectural and construction, engineering and technological solutions, as well as an object as a whole;
- 6) check-out and control testing of assembled technological equipment and engineering systems;
- 7) in case of object's unfitness, submission to the customer of a relevant reasoned conclusion.

6-1. An act of acceptance of an object into service is signed after the final inspection of a facility and its compliance with the requirements stipulated in this chapter.

7. The operation of the constructed object without an approved act of object's acceptance into service is not allowed. It is allowed to operate industrial (production) facilities in the territory of special economic zones during start-up and adjustment works. The products meeting the requirements of standardization and safety, which are manufactured during start-up and adjustment works, can be sold after the approval of the act of object's acceptance into service.

8. The basis for entering identification and technical information on buildings, structures and (or) their components for newly created immovable property into the information system of the legal cadastre, for the registration of rights to immovable property in the "Government for Citizens" State Corporation is the approved act of object's acceptance into service.

Footnote. Article 73 as amended by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2016); as amended by Laws of the Republic of Kazakhstan № 487-V dated 07.04.2016 (shall go into effect on the day of signing); № 49-VI dated 27.02.2017 (shall go into effect two months after the day of its first official publication); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 243-VI as of 03.04.2019 (shall be enforced ten calendar days after its first

official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 74. Independent acceptance of objects into service by owners

1. The owner (customer, investor, developer) shall independently carry out the commissioning of completely constructed technically non-complex facilities specified in paragraph 2 of Article 60 of this Law.

2. The norms of this article may not be applicable if the changes in the premises (separate parts of the building) specified in paragraph 2 of Article 60 of this Law, as well as the construction and operation of the listed technically uncomplicated facilities infringe the rights of other citizens or are contrary to state, public and (or) private interests.

3. The provisions of this article also do not apply to objects:

- 1) the construction of which is financed by public investment or with their participation;
- 2) construction of individual residential houses with more than two storeys.

4. The procedure for acceptance, as well as the form of an act of owner's independent acceptance of a completed object into service is approved by an authorized body for architecture, town planning and construction.

5. The act of the owner's independent acceptance of the constructed facility into operation with the application of executive geodetic survey of the actual position of engineering networks and (or) buildings (structures) is subject to mandatory registration with local executive bodies performing functions in architecture and urban planning, in the information system of the state urban planning cadastre.

An executive geodetic survey shall not be required when the owner independently delivers the objects for the objects specified in subparagraphs 4), 11), 13), 16), 17), and 19) of part one, part two of paragraph 2 of Article 60 of this Law.

Footnote. Article 74 as amended by Laws of the Republic of Kazakhstan № 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); № 461-IV dated 15.07.2011 (shall be enforced upon expiry of six months after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); № 366-V dated 28.10.2015 (shall go into effect ten calendar days after the day of its first official publication); № 487-V dated 07.04.2016 (shall go into effect on the day of signing); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); dated 29.06.2020 № 352-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 05.04.2023 № 221-VII (shall be enforced from 01.07.2023); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 75. Procedure for objects' acceptance into service

1. An object's acceptance from a contractor (general contractor) is carried out by a customer along with technical and designer's supervision.

2. A customer accepts an object into service after receiving a written notice of its readiness for acceptance into service from a contractor (general contractor).

3. From the day of receiving the notice of the object's readiness from the contractor (general contractor), the customer shall begin requesting the contractor (general contractor) and persons carrying out technical and designer's supervision to produce a declaration of conformity, conclusion on the quality of construction and installation works and statement of conformity of the completed work with the project.

The contractor (general contractor) and persons carrying out technical and designer's supervision shall submit a declaration of conformity, conclusion on the quality of construction and installation works and statement of conformity of the completed work with the project or unfavorable conclusions within three working days upon receipt of the customer's request.

The statement of conformity of the completed work with the project issued by the designer's supervision entitles engineering and utility services to give access to services they render in accordance with previous technical conditions issued during the object's design, if this does not contradict current rules and regulations.

4. The customer, on the basis of a declaration of conformity, conclusion on the quality of construction and installation works and statement of conformity of the completed work with the project, together with the contractor (general contractor), persons performing technical and architectural supervision, shall check operational technical documentation in terms of its presence and full set, inspect and accept the object into service according to the relevant act (make final check of the object in terms of its readiness to be accepted into service).

5. In case of violations of approved project decisions and state (interstate) standards, and of unfavorable conclusions, the customer accepts the object into service after the contractor (general contractor) rectifies violations.

After discovered violations are rectified, the object's acceptance into service is carried out according to the procedure established by this article.

6. Provision of the customer with project (design and estimate) documentation, declaration of conformity, conclusion on the quality of construction and installation works and statement of conformity of the completed work with the project does not relieve contractors for design and construction and installation works, persons carrying out technical and designer's supervision of responsibility for works performed in the process of design, construction, acceptance and commissioning of an object.

Footnote. Article 75 as amended by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2016) ; as amended by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication).

Article 75-1. The order for maintaining and recording of acts of object's acceptance into service

1. The State Corporation "Government for Citizens" within one day from the date of receipt from the applicant of the approved act of acceptance of the facility into operation with the technical characteristics of the facility attached to it and the executive geodetic survey of the actual position of engineering networks and (or) buildings (structures), declaration of conformity, conclusions on the quality of construction and installation works and compliance of the work performed with the approved project, shall send at the same time:

1) to the structural unit of the relevant local executive body that performs functions in architecture and urban planning at the location of the facility, an approved act of acceptance of the facility into operation with the technical characteristics of the facility attached to it and executive geodetic survey of the actual position of engineering networks and (or) buildings (structures));

2) to the bodies of state architectural and construction control at the location of the facility , an approved act of acceptance of the facility into operation with the technical characteristics of the facility, a declaration of conformity and conclusions on the quality of construction and installation works and compliance of the work performed with the approved project.

2. Local executive bodies performing functions in architecture and urban planning, before expiry of one working day from the date of receipt of documents from the State Corporation "Government for Citizens", shall check the customer's compliance with the procedures determined by the rules for organizing the urban development and passing permitting procedures, and record the act of acceptance into operation through the information system of the state urban cadastre.

Based on the checking results, if the construction object is found to be inconsistent with the rules for organizing development and passing permitting procedures, within one working day from the date of receipt of documents from the State Corporation "Government for Citizens", the state architectural and construction control bodies and the registration authority shall be notified in writing about it.

If there is no discrepancy within one working day from the date of receipt of documents from the State Corporation "Government for Citizens", the registration authority shall be notified in writing.

3. The state bodies for architectural and construction control, until the expiration of one working day of receipt of documents from the "Government for Citizens" State Corporation, shall check the customer's compliance with standards and requirements established by the legislation of the Republic of Kazakhstan on architectural, town-planning and construction activity.

If violations are detected within one working day of receipt of documents from the "Government for Citizens" State Corporation, the registration authority shall be informed

thereof in writing and liability measures shall be applied in accordance with the legislation of the Republic of Kazakhstan.

If there are no violations, the registration authority shall be informed thereof in writing within one working day of receipt of documents from the “Government for Citizens” State Corporation.

4. Responsibility for the provision of information within the time frames, specified in paragraphs 2 and 3 of this article, rests with officials of local executive bodies performing functions in the field of architecture and town planning and in the field of state architectural and construction control, in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Chapter 11 is supplemented with Article 75-1 in accordance with Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 05.04.2023 № 221-VII (shall be enforced from 01.07.2023).

Article 76. Objects accepted into service by acceptance commissions

Footnote. Article 76 is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2016).

Article 77. Acceptance and working committee

Footnote. Article 78 is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2016).

Article 78. State acceptance committee

Footnote. Article 78 is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall go into effect on 01.01.2016)

Article 79. Responsibility of participants of commissioning and acceptance of completed objects

Participants in the commissioning and acceptance into operation of constructed facilities, including customers (investors, developers), persons exercising technical and architectural supervision, responsible executors of the contract for survey, design, construction and installation works, manufacturers and suppliers of building materials, products, structures and equipment, also services for operational supervision of the construction and installation of equipment and other participants shall be held accountable in keeping with the laws of the Republic of Kazakhstan for a threat to the life or health of citizens, as well as damage (harm) to state, public or private interests caused by violations or deviations from mandatory regulatory requirements (conditions, restrictions), including for non-compliance with the requirements for providing accessibility of facilities for persons with disabilities and other low-mobility population groups.

Footnote. Article 79 is in the wording of Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); as amended by Law of the Republic of Kazakhstan № 433-V dated 03.12.2015 (shall go into effect on 01.01.2016); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

*The President
of the Republic of Kazakhstan*

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