



On Energy Saving and increase of Energy Efficiency

Unofficial translation

The Law of the Republic of Kazakhstan dated 13 January 2012 № 541-IV.

Unofficial translation

Footnote. Throughout the text, the words "customs union", "of customs union" shall be replaced by the words "Eurasian Economic Union" in accordance with the Law of the Republic of Kazakhstan dated 26.12.2017 № 124-VI (shall be enforced from 01.01.2018).

This Law regulates public relations and determines legal, economic and organizational grounds of activity of individuals and legal entities in the field of energy saving and increase of energy efficiency.

Chapter 1. GENERAL PROVISIONS Article 1. Basic definitions used in this Law

The following basic definitions are used in this Law:

1) Is excluded by the Law of the Republic of Kazakhstan dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication);

1-1) is excluded by the Law of the Republic of Kazakhstan dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

2) subjects of the quasi-public sector - state-owned enterprises, limited liability partnerships, joint-stock companies, including national management holdings, national holdings, national companies, the founder, participant or shareholder of which shall be the state, as well as subsidiaries, affiliates and other legal entities that are affiliated with them in accordance with legislative acts of the Republic of Kazakhstan;

3) State Energy Register – systematic collection of information on the subjects of the State Energy Register;

4) Is excluded by the Law of the Republic of Kazakhstan dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

5) subjects of the State energy register - individual entrepreneurs and legal entities consuming energy resources in an amount equivalent to a thousand five hundred and more tons of conventional fuel per year, as well as state institutions, subjects of the quasi-public sector and natural monopolies;

5-1) target energy audit - an energy audit conducted on a voluntary basis, having a target nature and a limitation on the volume of conduct;

5-2) training center - a business entity carrying out activities in the field of retraining and (or) advanced training of personnel in the field of energy saving and energy efficiency improvement;

5-3) customers - state institutions, as well as state enterprises, legal entities, fifty or more percent of voting shares (interests in the authorized capital) of which belong to the state, and legal entities affiliated with them, with the exception of national management holdings, national holdings, national management companies and legal entities affiliated with them;

6) thermal modification – the measure on improvement of heat thermal technical characteristics of a building, structure and construction bringing to decrease of heat energy loss;

7) energy efficiency class of a building, structure, construction – level of economic efficiency of energy consumption of a building, structure, construction characterizing its energy efficiency at the stage of operation;

8) equivalent fuel – a unit accepted upon technical economic calculations specified in normatives and standards serving for correlation of a heat value of different types of organic fuels;

8-1) express energy audit - an energy audit carried out according to an abbreviated program and in order to confirm the results of energy analysis carried out within the framework of the management system in the field of energy saving and energy efficiency improvement and the previous conclusion on energy saving and energy efficiency improvement;

8-2) energy auditor (hereinafter referred to as the energy auditor) - an individual who has a certificate of conformity in the field of energy saving and energy efficiency improvement;

9) energy audit (hereinafter referred to as the energy audit) - collection, processing and analysis of data on the use of energy resources in order to assess the possibility and potential of energy saving and prepare an opinion on energy saving and energy efficiency improvement ;

10) energy resources – set of natural and produced carries of energy, reserved energy of which is used at the present time or may be used in a prospective in economic and other types of activity, as well as types of energy (atomic, electrical, chemical, electro-magnetic, heat and other types of energy);

11) effective use of energy resources – achievement of technically possible and economically viable level of using energy resources;

12) energy efficiency (hereinafter referred to as the energy efficiency) shall be the quantitative ratio of the volume of services, works, manufactured products (goods) or produced energy resources to the initial energy resources spent on it;

12-1) energy audit organization - a legal entity conducting energy audit;

12-2) Excluded by the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication);

12-3) energy service company – a legal entity performing works (services) in the field of energy saving and increase of energy efficiency, as well as with involvement of contracting organizations on account of own and (or) attracted funds within the energy service contract;

13) energy efficiency class of electrical energy consuming device – level of economic efficiency of energy consumption of electrical energy consuming device characterizing its energy efficiency at the stage of operation;

14) energy saving – realization of organizational, technical, technological, economic and other measures oriented to decrease of the volume of used energy resources;

14-1) management in the field of energy saving and energy efficiency improvement (hereinafter referred to as the energy management) – a set of administrative actions aimed at ensuring rational consumption of energy resources and increasing the energy efficiency of the facility;

14-2) certificate of conformity in the field of energy saving and energy efficiency improvement - a document issued by the compliance of confirmation body certifying the competence of the energy auditor to carry out work in the field of energy saving and energy efficiency improvement;

15) Is excluded by the Law of the Republic of Kazakhstan dated 29.03.2016№ 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication);

16) Is excluded by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

16-1) is excluded by the Law of the Republic of Kazakhstan dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

17) authorized body in the field of energy saving and increase of energy efficiency (hereinafter – authorized body) – a central executive body carrying out management in the field of energy saving and increase of energy efficiency;

17-1) national institution of development in the field of energy saving and energy efficiency improvement - a legal entity, fifty or more percent of voting shares (shares in the authorized capital) of which belong to the state;

17-2) energy efficiency map - a unified republican list of projects in the field of energy saving and energy efficiency improvement, indicating the sources of financing, schedules and action plans for their implementation;

18) Is excluded by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

19) energy saving equipment – the equipment enabling to increase efficiency of using energy resources;

20) energy saving material – the material enabling to increase efficiency of using energy resources.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); dated 29.06.2020 № 352-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 30.06.2022 № 130-VII (the procedure of entry into force, see Article 2).

Article 2. Legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency

1. Legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of the international treaty shall be applied.

Chapter 2. STATE REGULATION IN THE FIELD OF ENERGY SAVING AND INCREASE OF ENERGY EFFICIENCY Article 3. Basic directions of state regulation in the field of energy saving and increase of energy efficiency

Basic directions of state regulation in the field of energy saving and increase of energy efficiency are:

1) carrying out of technical regulation in the field of energy saving and increase of energy efficiency;

2) carrying out of a balanced tariff policy and price formation in the field of production and consumption of energy resources;

3) stimulation of energy saving and increase of energy efficiency including use of energy saving equipment and materials;

4) carrying out of state control of efficient use of energy resources;

5) propaganda of economic, environmental and social advantages of efficient use of energy resources, increase of public educational level in this field;

6) ensuring of compliance with the legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency.

Article 4. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

1) develop basic directions of the state policy in the field of energy saving and increase of energy efficiency;

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) carry out an international cooperation in the field of energy saving and increase of energy efficiency;

4) – 15) are excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

16) Is excluded 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);

17) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

18) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

19) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

20) 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 4 as amended by the Laws 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); dated 29.09.2014 № 239-V (shall be enforced upon expiry of 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).

Article 5. Competence of the authorized body

Authorized body shall:

1) form and implement the state policy in energy saving and energy efficiency;

2) carry out an international cooperation in the field of energy saving and increase of energy efficiency within the competence;

3) carry out a cross-sector coordination of activity of the state bodies in the field of energy saving and increase of energy efficiency;

4) determine the procedure for the formation and maintenance of the State Energy Register;

5) carry out state control in the field of energy saving and energy efficiency improvement;
6) develop and approve regulatory legal acts in the field of energy saving and increase of energy efficiency;

6-1) approve the list of information-measuring complexes and technical means necessary for carrying out activities in the field of energy saving and increase of energy efficiency;

6-2) approve energy consumption standards, standard values of power coefficient in electrical networks of the subjects of the State Energy Register;

6-3) is excluded by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

6-4) define a national development institution in the field of energy saving and increase of energy efficiency;

6-5) approve the mechanism of assessing activity of local executive bodies on the issues of energy saving and increase of energy efficiency;

6-6) establish requirements on energy efficiency of buildings, structures, constructions and their elements being a part of building envelopes;

6-7) establish requirements on energy efficiency of a transport;

6-8) set requirements for energy efficiency of equipment, including electrical equipment;

6-9) approve the rules of determination and review of energy efficiency classes of buildings, structures, constructions;

6-10) develop and approve the procedure for conducting an energy audit;

6-11) approve the requirements on energy saving and increase of energy efficiency submitted to the design (design-estimate) documentation of buildings, structures, constructions;

6-12) approve the requirements to the form and content of a plan of measures on energy saving and increase of energy efficiency developed by a subject of the State Energy Register following the results of energy audit;

6-13) determine procedure for activity of training centres;

6-14) approve the form and terms of representing the reports on implementing the state policy in the field of energy saving and increase of energy efficiency by the central executive bodies;

6-15) develop and approve the methodology for calculating energy consumption standards ;

6-16) develop and approve rules for monitoring the energy consumption of state institutions;

6-17) set target indicators for energy efficiency for the subjects of the State energy register who consume energy resources in an amount equivalent to fifty thousand or more tons of conventional fuel per year;

7) develop and approve the form of a prescription on eliminating violation of the requirements of the legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency;

8) Is excluded 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);

9) form and place the list of subjects of the State Energy Register on own website not ensuring annual decrease of the volume of consumption of energy resources, water for a production unit, area of buildings, structures and constructions up to the sizes determined following the results of energy audit, as well as including the state institutions not complying with consumption standards;

10) coordinate the formation, maintenance and implementation of energy efficiency map, conduct research, development and technological work in the field of energy saving and increase of energy efficiency;

11) Is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

12) Is excluded by the Law of the Republic of Kazakhstan dated 29.03.2016№ 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication);

12-1) excluded by the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of twelve months after the adoption of national standards in the field of energy saving and energy efficiency);

13) maintain a register of legal entities carrying out activities in the field of energy saving and increase of energy efficiency;

13-1) excluded by the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of twelve months after the adoption of national standards in the field of energy saving and energy efficiency);

13-2) excluded by the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of twelve months after the adoption of national standards in the field of energy saving and energy efficiency);

13-3) excluded by the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of twelve months after the adoption of national standards in the field of energy saving and energy efficiency);

13-4) is excluded by the Law of the Republic of Kazakhstan dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

13-5) is excluded by the Law of the Republic of Kazakhstan dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

13-6) excluded by the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (

shall enter into force upon expiry of twelve months after the adoption of national standards in the field of energy saving and energy efficiency);

13-7) approve the form of marking buildings, structures, facilities for energy efficiency;

14) Is excluded by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

15) Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

15-1) develop and approve training modules and places in concurrence with the authorized body in the field of education;

15-2) establish requirements on energy efficiency of construction materials, products and constructions;

16) carry out a monitoring of implementing the state policy in the field of energy saving and increase of energy efficiency, conduct analysis of represented reports by the central authorized bodies in form and in terms established by the authorized body;

16-1) assess the activities of local executive bodies on energy conservation and energy efficiency;

16-2) develop and approve rules for monitoring public procurement and procurement of goods, works, services in the field of energy saving and energy efficiency improvement;

16-3) develop and approve a list of goods, works, services that shall be subject to energy efficiency requirements in the implementation of public procurement and procurement of goods, works, services;

16-4) establish requirements for energy efficiency of goods, works, services in the implementation of public procurement and procurement of goods, works, services;

16-5) monitors public procurement and procurement of goods, works, services in the field of energy saving and energy efficiency improvement;

17) develop and approve the standard form agreement in the field of energy saving and increase of energy efficiency;

17-1) approve standard forms of energy service contract;

17-2) define the procedure for the formation and maintenance of the energy efficiency map, selection and inclusion of projects in the energy efficiency map;

17-3) determine the procedure for analyzing conclusions on energy saving and energy efficiency improvement;

17-4) develop and approve professional standards for energy auditors;

18) Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015);

19) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

20) exercise other powers provided 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 5 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.06.2022 № 130-VII (shall enter into force upon expiry of twelve months after the adoption of national standards in the field of energy saving and energy efficiency); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 04.07.2023 № 15-VIII (shall be enforced sixty calendar days from the date of its first official publication).

Article 6. Competence of other state bodies in the field of energy saving and increase of energy efficiency

1. Central executive bodies shall implement the state policy within the competence in the field of energy saving and increase of energy efficiency and represent the reports on energy saving and increase of energy efficiency to the authorized body in form and in terms established by the authorized body.

2. Authorized state body on affairs of architecture, urban planning and construction shall:

1) ensure compliance with requirements on energy saving and increase of energy efficiency in architectural construction and other predesign and (or) design (design-estimate) documentation developed and approved for the purpose of reconstruction, construction of buildings, structures, constructions;

2) ensure development and approval of predesign and (or) design (design-estimate) documentation of standard multifamily houses considering the thermal modification;

3) exercise other powers provided 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.

3. Authorized state body in the field of technical regulation shall:

1) carry out state control over the designation of the class and characteristics of energy efficiency in technical documentation and on the label of electrical energy-consuming devices in accordance with the technical regulations of the Eurasian Economic Union;

2) exercise other powers provided by this Law, other Laws of the Republic of Kazakhstan, the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

4. Local executive bodies of oblasts shall:

1) ensure inclusion of measures on energy saving and increase of energy efficiency to the development program of the relevant territory;

1-1) develop and approve road maps for energy saving and energy efficiency improvement with a period of implementation of three years in agreement with the authorized body, as well as implement them;

2) implement the state policy within the competence in the field of energy saving and increase of energy efficiency;

3) carry out a monitoring within the competence of compliance with the energy consumption standards by the state institutions;

4) carry out other functions in accordance with the legislation of the Republic of Kazakhstan.

5. Local executive bodies of cities of republican significance, the capital:

1) ensure inclusion of measures on energy saving and increase of energy efficiency to the development program of the relevant territory;

1-1) develop and approve road maps for energy saving and energy efficiency improvement with a period of implementation of three years in agreement with the authorized body, as well as implement them;

2) implement the state policy within the competence in the field of energy saving and increase of energy efficiency;

3) carry out a monitoring within the competence of compliance with the energy consumption standards by the state institutions, organize conduct of the energy audit, thermal modification of state institutions, procurement and installation of energy resources meters and automatic systems of heat consumption regulation for state institutions, as well as ensure modernization of a park and street lighting considering the use of energy saving lamps;

4) organize utilization of energy saving lumps containing mercury being in use of population;

5) carry out other functions in accordance with the legislation of the Republic of Kazakhstan.

6. Local executive bodies of districts (cities of oblast significance) shall:

1) ensure inclusion of measures on energy saving and increase of energy efficiency to the development program of the relevant territory;

2) implement the state policy within the competence in the field of energy saving and increase of energy efficiency;

3) carry out a monitoring within the competence of compliance with the energy consumption standards by the state institutions, organize conduct of the energy audit, thermal modification of state institutions, procurement and installation of energy resources meters and automatic systems of regulating heat consumption for state institutions, as well as ensure modernization of a park and street lighting considering the use of energy saving lamps;

4) organize utilization of energy saving lumps containing mercury being in use of population;

5) carry out other functions in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 7. State control in the field of energy saving and energy efficiency improvement

Footnote. The title of Article 7 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. State control in the field of energy saving and increase of energy efficiency shall be carried out of:

1) credibility of suggested information to the State Energy Register;

2) Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

3) compliance with energy consumption standards and standard values of power coefficient in electrical networks by the subjects of the State Energy Register;

4) the conduct of energy audit;

4-1) is excluded by the Law of the Republic of Kazakhstan dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

5) compliance with other requirements established by this Law and other regulatory legal acts in the field of energy saving and increase of energy efficiency.

2. State control in the field of energy saving and increasing energy efficiency is carried out in the form of inspection, preventive control with a visit to the subject (object) of control and preventive control without visiting the subject (object) of control.

Inspections and preventive control with a visit to the subject (object) of control shall be carried out in accordance with the Entrepreneur Code of the Republic of Kazakhstan.

Preventive control without visiting the subject (object) of control shall be carried out in accordance with this Law and the Entrepreneur Code of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 7-1. Preventive control without visiting the subject (object) of control in the field of energy saving and energy efficiency improvement

1. The goals of preventive control without visiting the subject (object) of control in the field of energy saving and energy efficiency improvement shall be timely suppression and prevention of violations of the requirements of the legislation of the Republic of Kazakhstan on energy saving and energy efficiency improvement, granting the subject of control the right to independently eliminate violations identified as a result of such control, and reduce the administrative burden on it.

2. Preventive control without visiting the subject (object) of control in the field of energy saving and energy efficiency improvement is carried out by studying, analyzing, comparing information obtained from various sources, including on the basis of information:

- 1) represented by central state and local executive bodies;
- 2) submitted by the National development institute in the field of energy saving and energy efficiency improvement;
- 3) received from the media and other sources, appeals from individuals and legal entities.

3. Preventive control without visiting the subject (object) of control in the field of energy saving and energy efficiency improvement shall be carried out by the authorized body.

4. Based on the results of preventive control without visiting the subject (object) of control, a recommendation shall be made to eliminate the identified violations of the requirements of the legislation of the Republic of Kazakhstan on energy saving and energy efficiency improvement (hereinafter referred to as the recommendation) within five working days from the date of detection of such violations without initiating an administrative offense case with mandatory explanation to the subject of control of the method of elimination of violations.

5. The recommendation should be handed over to the subject of control personally against signature or in another way confirming the facts of its sending and receipt.

A recommendation sent by one of the following methods shall be deemed to have been handed over (received) in the following cases:

- 1) on purpose - from the date of the mark in the recommendation on receipt;
- 2) by mail - from the date of notification of receipt of mail by registered mail;

3) electronically - from the date of sending to the email address of the subject of control.

If the subject of control refuses to accept the recommendation, the person delivering or handing it over makes an appropriate mark on the recommendation, which is returned to the authorized body.

6. The recommendation must be executed within ten working days from the day following the day of its delivery (receipt), except for cases when the longer period of execution shall be indicated in the recommendation itself.

7. In case of disagreement with the violations specified in the recommendation, the control subject has the right to send an objection to the authorized body within five working days from the day following the day of delivery (receipt) of the recommendation.

8. Failure to comply with the recommendation within the established period shall entail the appointment of preventive control with a visit to the subject (object) of control by inclusion in the six-month list of preventive control with a visit to the subject (object) of control.

9. The frequency of preventive control without visiting the subject (object) of control in the field of energy saving and energy efficiency improvement shall be no more than twice a year.

10. The results of preventive control without visiting the subject (object) of control in the field of energy saving and energy efficiency improvement shall be recorded in a special log of preventive control registration without visiting the subject (object), which shall be numbered, laced and sealed by the authorized body.

Footnote. Chapter 2 as added by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Chapter 3. COMMON REQUIREMENTS IN THE FIELD OF ENERGY SAVING

AND INCREASE OF ENERGY EFFICIENCY Article 8. Use of energy saving equipment and materials, restrictions on acceptance of new objects and payment of consumed heat energy

1. Construction projects of objects consuming energy resources shall provide compulsory use of energy saving materials, installation of energy and water resources meters, automatic system of heat consumption regulation.

Projects of multifamily residential houses shall provide compulsory use of energy saving materials, installation of general house heat energy meters and house-to-house meters of electric energy, cold and hot water, gas, as well as devices-regulators in heating systems, automatic systems of heat consumption regulation.

2. Acceptance of new objects for operation consuming energy and water resources that are not equipped with the relevant energy and water resources meters and automatic systems of heat consumption regulation shall not be allowed.

3. Requirements of paragraphs 1 and 2 of this Article in a part of automatic systems of heat consumption regulation shall not apply to the objects with hourly average consumption of heat energy (including the costs for heat energy, heating, ventilation, conditioning and hot water supply) less than 50 kW.

4. Consumers shall pay for the consumed thermal energy at rates differentiated depending on the presence or absence of thermal energy meters, the volume of consumption and (or) other criteria, in accordance with the legislation of the Republic of Kazakhstan on thermal energy and concluded contracts.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 15.06.2015 № 322-V (as amended by the Laws of the Republic of Kazakhstan dated); dated 28.12.2016 № 34-VI (shall be enforced from 01.01.2017); dated 08.07.2024 № 121-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 9. State Energy Register

1. Information entered in the State energy register in relation to the subjects of the State energy register, with the exception of state institutions, shall include:

1) individual identification number of an individual entrepreneur, his postal address, name or business identification number of a legal entity, his postal address, name and main activities;

2) volumes of extraction, production, consumption, transfer and losses of energy resources and water in natural and money terms for one calendar year;

3) a copy of the action plan for energy saving and energy efficiency improvement, as well as additions and/or amendments made to this action plan;

4) the results of the implementation of the action plan for energy saving and energy efficiency improvement during the reporting period;

5) actual energy consumption for a production unit and (or) loss of energy resources for heating for a unit area of buildings, structures, constructions;

6) a copy of the conclusion on energy saving and energy efficiency improvement;

6-1) is excluded by the Law of the Republic of Kazakhstan dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

7) Excluded by the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

1-1. Information entered into the State energy register in relation to the subjects of the State energy register, which shall be state institutions, shall include:

1) business identification number of the legal entity, its postal address, name and main activities;

2) the volume of consumption of energy resources and water in physical and monetary terms for one calendar year;

3) measures for energy saving and energy efficiency improvement during the reporting period and a copy of the conclusion on energy saving and energy efficiency improvement or technical report (if any);

4) sources of heating and consumption of energy resources for heating per unit area of buildings, structures, structures for the reporting period;

5) list of power-consuming equipment.

2. The information specified in paragraphs 1 and 1-1 of this Article shall be provided by the subjects of the state energy register to the national institute for development in the field of energy saving and energy efficiency improvement on paper or electronic media annually until April 1.

At the same time, the information specified in subparagraphs 3), 4) and 6) of paragraph 1 of this Article shall be provided by the entities of the state energy register that consume energy resources in an amount equivalent to less than a thousand five hundred tons of conventional fuel per year if any.

3. On the basis of data of the State Energy Register and state bodies, the authorized body shall ensure analysis and forecasting of energy intensity of the gross domestic product and efficiency of using energy resources in the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 10. Energy management

Footnote. Article 10 is excluded by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its official publication).

Article 11. Ensuring of energy efficiency of buildings, structures, constructions

1. Buildings, structures, constructions under design and construction (reconstructed, capital repaired) shall conform to requirements of the legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency.

2. Requirements on energy efficiency of buildings, structures, constructions shall include:

1) indices characterizing specific value of loss of energy resources in a building, structure, construction;

2) requirements to architectural, spatial planning, technological, constructional and engineering technical decisions influencing on energy efficiency of buildings, structures, constructions;

3) requirements to engineering systems and technological equipment used in buildings, structures, constructions;

4) requirements to technologies and materials enabling to exclude irrational (unreasonable) loss of energy resources included to the design documentation and applied upon construction (reconstruction, capital repair) of buildings, structures, constructions.

Performance of requirements on energy efficiency upon putting of buildings, structures, constructions into operation shall be imposed on a tenant builder.

3. Requirements on energy efficiency shall not apply to the following buildings, structures, constructions:

1) buildings, structures, constructions that are related to the objects of historical and cultural heritage;

2) temporary structures of economic designation, utility rooms, the period of service of which is no more than two years;

3) individual residential houses, as well as structures being on cottage and garden plots;

4) detached buildings, structures, constructions with a floor area less than fifty square metres;

5) cultic buildings, structures and constructions;

6) detached not heated buildings, structures, constructions.

4. The required energy efficiency class shall be indicated in the assignment for the development of a construction (reconstruction, overhaul) project and the cadastral passport of the real estate object when registering real estate rights after commissioning of the completed construction (reconstruction, overhaul) facility.

5. The energy efficiency class of existing buildings, constructions, structures and its revision shall be established according to the procedure determined by the authorized body, based on the energy audit results, and shall be indicated in the cadastral passport of the property.

The conclusion of the energy audit shall be attached to the cadastral passport of the real estate object (buildings, constructions, structures).

6. Marking of existing buildings, structures and constructions on energy efficiency shall be established based on the results of the energy audit and indicated in the conclusion on energy saving and energy efficiency improvement.

Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 30.06.2022 № 130-VII (shall

enter into force upon expiry of sixty calendar days after the day of its first official publication); dated 05.04.2023 № 221-VII (shall be enforced from 01.07.2023).

Article 12. Electric energy consuming devices

1. Technical documentation and labels of electric energy consuming devices sold in the territory of the Republic of Kazakhstan shall contain information on a class and characteristics of their energy efficiency.

2. The list of electrical energy-consuming devices covered by the requirements of paragraph 1 of this article shall be established by the technical regulations of the Eurasian Economic Union.

3. The definition of the class and characteristics of energy efficiency shall be made in accordance with the technical regulations of the Eurasian Economic Union and shall be carried out by the manufacturer (importer).

4. Manufacturers (importers) shall be obliged to indicate the class and characteristics of energy efficiency in the technical documentation and on the labels of electrical energy-consuming devices in accordance with the technical regulations of the Eurasian Economic Union.

Article 13. Restrictions on sale and use of products

Footnote. Title of Article 13 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. For the purpose of energy saving and increase of energy efficiency, it shall not be allowed:

1) the use of electric incandescent lamps of 25 W and above, which can be used in AC circuits for lighting purposes;

2) carrying out procurements of electric incandescent lamps with capacity of 25 W and more for the state institutions and subjects of quasi-public sector that may be used in alternating current circuits for the purpose of lighting;

3) sale and use of technologies and materials not conforming to requirements established by the legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency, in buildings, structures, constructions under construction (reconstructed, capital repaired);

4) sale and (or) use of electrical energy consuming devices that do not contain information about the class and characteristics of their energy efficiency in accordance with the technical regulations of the Eurasian Economic Union;

of their energy efficiency according to the technical regulation of the Customs Union;

5) use for commercial accounting purposes of electric energy meters with accuracy class higher than 1.0.

Restrictions provided by this paragraph shall not apply to individuals.

2. Use of electric metres not intended for differentiated accounting and electric energy consumption control by times shall be prohibited in newly introduced objects and upon replacement of electric metres in existed objects.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Chapter 4. MEASURES ORIENTED TO ENSURING OF ENERGY SAVING AND INCREASE OF ENERGY EFFICIENCY Article 14. Notification in the field of energy saving and increase of energy efficiency

1. The following activities shall be subject to notification in the field of energy saving and increase of energy efficiency:

- 1) energy audit carried out by legal entities;
- 2) retraining and (or) improving the skills of personnel engaged in activities in the field of energy saving and increase of energy efficiency.

2. Before the start or termination of activities in the field of energy saving and energy efficiency improvement, business entities shall notify the authorized body in the manner prescribed by the Law of the Republic of Kazakhstan "On permits and notifications".

3. Legal entities, that have notified the authorized body about the beginning of activities in the field of energy saving and increase of energy efficiency for conducting an energy audit shall meet the following requirements:

- 1) have at least four energy auditors in the state;
 - 1-1) have a certificate of conformity in the field of energy saving and energy efficiency improvement for the first head of a legal entity;
- 2) to own, on the right of ownership or on other legal grounds, verified on the territory of the Republic of Kazakhstan information - measuring complexes and technical means in accordance with the list of information- measuring systems and technical means approved by the authorized body.

4. Entities of entrepreneur that have notified the authorized body about the start of activities in the field of energy saving and energy efficiency improvement for retraining and (or) advanced training of personnel engaged in activities in the field of energy saving and energy efficiency improvement must meet the following requirements:

- 1) to have approved training programs and plans in accordance with approved training programs and plans in agreement with the authorized body in the field of education;
- 2) to have at least two teachers with a higher education in the staff, including at least one teacher with a scientific degree not lower than the candidate (Master) of technical sciences;

3) to own, on the right of ownership or on other legal grounds, the training room, computers and information -measuring complexes and technical means in accordance with the list of information - measuring systems and technical means approved by the authorized body.

Footnote. Article 14 in the new wording of the Law of the Republic of Kazakhstan dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); as amended by the Law of the RK dated 30.06.2022 № 130-VII (the procedure of entry into force, see Art. 2).

Article 14-1. Confirmation of compliance of the energy auditor

National standards in the field of energy saving and energy efficiency improvement shall be developed and approved in accordance with the procedure established by the legislation of the Republic of Kazakhstan in the field of standardization.

Confirmation of the compliance of the energy auditor shall be carried out in accordance with the Laws of the Republic of Kazakhstan " On technical regulation" and "On accreditation in the field of conformity assessment" and national standards for energy conservation and energy efficiency.

Footnote. Chapter 4 as added by the Article 14-1 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (the procedure of entry into force, see Art. 2)

Article 14-2. Energy auditor

1. The energy auditor shall carry out its activities only as part of one energy audit organization on the basis of an employment contract and (or) as an individual entrepreneur.

2. The energy auditor, which shall be an individual entrepreneur, shall conduct an energy audit of only buildings, structures, constructions.

3. The energy auditor, being an individual entrepreneur, shall be obliged to own, on the right of ownership or on other legal basis, information and measuring complexes and technical means on the territory of the Republic of Kazakhstan according to the list of information and measuring complexes and technical means approved by the authorized body.

Footnote. Chapter 4 as added by Article 14-2 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 15. Comprehensive non-departmental examination of construction projects in a part of energy saving and increase of energy efficiency

1. Comprehensive non-departmental examination of the projects (feasibility studies and design-estimate documentation) intended for construction of new objects or changes (expansions, modernizations, technical repowering, reconstruction, capital repair) of existing objects (buildings, structures and their complexes, communications) shall be conducted in accordance with the legislation on architectural, urban planning and construction activity.

2. Execution of a comprehensive non-departmental examination of projects in a part of energy saving and increase of energy efficiency shall be compulsory for:

1) for objects the project consumption of energy resources of which exceeds the equivalent rate for five hundred of equivalent fuel per year;

2) on construction projects of unique objects not ensured by existence of current state or interstate regulations and developed according to the special technical conditions (special rules) substituting them.

3. If the construction (expansion, modernization, technical repowering, reconstruction, capital repair) of objects (buildings, structures and their complexes, communications) is not begun according to the projects mentioned in paragraphs 1 and 2 of this Article within three years after conduct of the comprehensive non-departmental examination and their approval, this projects shall be subject to bringing to conformity to the state (interstate) regulations being current at the moment before the realization and shall be used for realization only after conduct of a new comprehensive non-departmental examination.

Footnote. Article 15 is in the wording of the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Note!

Chapter 4 is to be supplemented with Article 15-1 in accordance with the Law of the Republic of Kazakhstan dated 08.07.2024 № 121-VIII (shall be enforced from 01.01.2026).

Article 16. Energy audit

1. Excluded by the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

2. The energy audit shall be carried out at the expense of the applicant on the basis of an agreement concluded in accordance with the legislation of the Republic of Kazakhstan.

3. Based on the results of the energy audit or express energy audit, a conclusion on energy saving and energy efficiency improvement shall be drawn up.

Based on the results of the target energy audit, a technical report on energy saving and energy efficiency improvement shall be compiled.

3-1. The subjects of the State energy register, with the exception of state institutions, shall develop and approve an action plan for energy saving and energy efficiency improvement based on the results of an energy audit or express energy audit. A plan of measures for energy saving and energy efficiency improvement shall be developed and approved within six months from the date of receipt of an opinion on energy saving and energy efficiency improvement.

4. Subjects of the State energy register, consuming energy resources in an amount equivalent to a thousand five hundred and more tons of conventional fuel per year, with the

exception of state institutions, shall undergo a mandatory energy audit at least once every five years.

4-1. Subjects of the State energy register, consuming energy resources in an amount equivalent to a thousand five hundred and more tons of conventional fuel per year, with the exception of state institutions, shall have the right to conduct an express energy audit instead of a mandatory energy audit, while complying with the following conditions:

1) availability of the previous conclusion on energy saving and energy efficiency improvement;

2) achieving the potential for energy saving in the amount of at least five percent over the past five years due to the implementation of the action plan for energy saving and energy efficiency and (or) reducing their specific energy consumption per unit of product in the amount of at least five percent over five years;

3) availability of a certificate of conformity of the energy management system.

5. Subjects of the State Energy Registry, except for the state institutions, shall be obliged within four years, and those, engaged in production, collection, storage, transportation, processing and sale of agricultural and fishery products, - within six years from the date of enactment of this Law, to receive a conclusion on the results of the energy audit.

5-1. is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

6. Energy audit organizations or energy auditors who shall be individual entrepreneurs shall be prohibited from conducting an energy audit:

the applicant, whose participant, creditor shall be energy audit organizations and their employees or energy auditors who are individual entrepreneurs;

employees of which, performing energy audits (energy auditors), shall be in labor relations with the applicant or be close relatives (parents, children, adoptive parents (adopters) , adopted (adopted), full-born and incomplete siblings, grandparents, grandmothers, grandchildren) or spouse (spouse), or characteristic of officials of the applicant, and also a shareholder (participant) owning ten or more percent of the shares (or shares in the authorized capital) of the applicant;

in cases where the voting shares (interests in the authorized capital) of the energy audit organization directly or indirectly belong to the applicant. Indirect affiliation means the ownership by each subsequent affiliate of shares (equity interest) of another legal entity;

employees of which performing energy audits (energy auditors) have personal property interests in the applicant;

if the energy audit organization and their employees, energy auditors who are individual entrepreneurs have monetary obligations to the applicant or the applicant to them, with the exception of obligations to conduct an energy audit.

7. Subjects of the State energy register shall not conduct a mandatory energy audit in cases:

- 1) consumption of energy resources in an amount equivalent to less than a thousand five hundred tons of conventional fuel per year;
- 2) absence of energy resources consumption on the balance sheet of the facility (s);
- 3) consumption of energy resources only for the purpose of vehicle operation;
- 4) if they are an object of historical and cultural heritage or a cult building, structure and structure.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 17.11.2015 №. 407-V (shall be enforced from 01.01.2019); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.06.2022 № 130-VII (the procedure of entry into force, see Art. 2).

Chapter 5. STATE SUPPORT IN THE FIELD OF ENERGY SAVING AND INCREASE OF ENERGY EFFICIENCY Article 17. Directions of the state support in the field of energy saving and increase of energy efficiency

State support in the field of energy saving and increase of energy efficiency shall be carried out on the following directions:

- 1) stimulation of using energy efficiency equipment;
- 2) assistance in carrying out educational activity and informational support of measures in the field of energy saving and increase of energy efficiency;
- 3) implementation of a comprehensive plan of increasing the energy efficiency;
- 4) conduct of scientific and research works in the field of energy saving and increase of energy efficiency, as well as financial of development and improvement of methodological and regulatory legal base in the field of energy saving and increase of energy efficiency;
- 5) utilization of energy saving lumps containing mercury being in use of population;
- 6) creation of training centres;
- 7) rendering of assistance to owners of residential houses (residential buildings), housing units (flats) in payment of measures oriented to ensuring of energy saving and increase of energy efficiency in accordance with the legislation of the Republic of Kazakhstan on housing relations;
- 8) assistance in the implementation of projects within the framework of energy service agreements;
- 9) assistance in the implementation of projects within the framework of the energy efficiency map.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its

first official publication); dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 18. Agreement in the field of energy saving and increase of energy efficiency

1. Agreement in the field of energy saving and increase of energy efficiency shall be concluded on a voluntary basis between the authorized body, local executive body of the oblast, city of republican significance, the capital and subject of the State Energy Register consuming energy resources in the volume of one hundred thousand and more tons of the equivalent fuel per year (hereinafter – Agreement).

2. Ground for conclusion of the Agreement is the application of a subject of the State Energy Register consuming energy resources in the volume of one hundred thousand and more tons of the equivalent fuel per year, to the local executive body of the oblast, city of republican significance, the capital.

Subject of the Agreement is acceptance of obligations by a subject of the State Energy Register on decreasing the energy intensity by it for a production unit in the volume no less than for fifteen percent within five years on account of performance of the plan of measures on energy saving and increase of energy efficiency. Agreement shall be concluded for the term no less than five years.

3. Termination of the validity of the Agreement shall be carried out in accordance with the rules of civil legislation of the Republic of Kazakhstan.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 18-1. Energy service contract

1. Energy service agreements with energy service companies may be concluded in order to save energy and increase the energy efficiency of energy resources used by individuals and legal entities, including state institutions and quasi-public sector entities.

State institutions shall conclude energy service agreements in accordance with the standard energy service agreement for state institutions for the period of not more than six years.

2. Energy service contract shall contain the conditions:

1) on a size of economy of energy resources that shall be ensured by the energy service company in a result of execution of the energy service contract;

2) on a term of validity of energy service contract that shall be less than the term required for reaching the size of economy of energy resources established by the energy service contract;

3) on payment of works on account of funds received from the annual economy of used energy resources.

Price at the energy service contract shall be determined proceeding from the reached or planned to reaching indices in a result of realization of energy service contract, as well as proceeding from the cost of saved energy resources or from economy of energy resources formed on account of decreasing the energy intensity for a production unit.

3. Energy service contract may contain a condition on obligatoriness of an energy service company to ensure the regime, consumption (using) conditions of energy resources (including temperature regime, level of lighting, other characteristics conforming to requirements in the field of labour organization, maintenance of buildings, structures, constructions), regime, production conditions, transfer of energy resources and other coordinated conditions upon execution of the energy service contract coordinated by parties.

Footnote. Chapter 5 is supplemented by Article 18-1 in accordance with the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 19. Information support of activity on energy saving and increase of energy efficiency

Information support of activity on energy saving and increase of energy efficiency shall be carried out by central and local executive bodies and subjects of a quasi-public sector on a regular basis by:

- 1) propaganda of effective use of energy resources;
- 2) coordination of works on creation of demonstration projects of high level energy efficiency;
- 3) assistance in organizing the exhibitions of energy saving materials and equipment.

Footnote. Article 19 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).

Chapter 6. RIGHTS AND OBLIGATIONS OF SUBJECTS IN THE FIELD

OF ENERGY SAVING AND INCREASE OF ENERGY EFFICIENCY Article 20. National institute of development in the field of energy saving and increase of energy efficiency

National institute for energy conservation and energy efficiency development shall:

- 1) form and maintain the State Energy Register;
- 2) form and maintain a map of energy efficiency, carry out the selection and inclusion of projects in the energy efficiency map;

3) transfer information about the subjects of the State Energy Register that are evading to provide information or providing inaccurate information to the authorized body;

4) request and receive information necessary for the formation and maintenance of the State Energy Register from the subjects of the State Energy Register, business entities operating in the field of energy saving and energy efficiency improvement, energy auditors who are individual entrepreneurs, as well as from energy service companies;

5) submit proposals on the formation and maintenance of the State Energy Register and energy efficiency map to the authorized body;

6) evaluate and analyze the effectiveness of energy saving and energy efficiency plans, assessment and analysis of the effectiveness of energy saving and energy efficiency measures, carried out by the subjects of the State Energy Register, analysis of the consumption of energy resources of the subjects of the State Energy Register, comparative analysis with the previous year, an analytical study on the energy intensity of gross domestic product and energy efficiency in the Republic of Kazakhstan, analysis on specific costs and energy consumption standards of the subjects of the State Energy Register, analysis of the practical implementation of this Law, shall provide recommendations for the implementation of state policies in the field of energy saving and energy efficiency improvement and shall provide summary information to the authorized body;

6-1) monitor the energy consumption of state institutions and publish a report on the results of monitoring the energy consumption of state institutions on its Internet resource;

6-2) assist the authorized body in monitoring public procurement and procurement of goods, works, services in the field of energy saving and energy efficiency and in preparing recommendations for updating the list of goods, works, services that shall be subject to energy efficiency requirements in the implementation of public procurement and procurement of goods, works, services;

Note!

Article 20 is to be supplemented with subparagraph 6-3 in accordance with the Law of the Republic of Kazakhstan dated 08.07.2024 № 121-VIII (shall be enforced from 01.01.2026).

7) analyze conclusions on energy saving and energy efficiency improvement and provide information to the authorized body;

8) provide information, analytical and consulting services in the field of energy saving and energy efficiency improvement;

9) cooperate with international organizations in order to attract information, educational and financial resources to stimulate the development of energy saving;

10) issue expert opinions and (or) recommendations in the field of energy saving and increase of energy efficiency to the authorized body.

Footnote. Article 20 in the new wording of the Law of the Republic of Kazakhstan dated 17.11.2015 № 407-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.03.2016

№ 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); dated 30.06.2022 № 130-VII (the procedure of entry into force, see Art. 2).

Article 21. Rights and obligations of subjects in the field of energy saving and increase of energy efficiency

1. The entities in the field of energy saving and energy efficiency improvement specified in paragraphs 2, 3, 4 and 5 of this Article shall have the right to:

1) make proposals to the state bodies on ensuring of energy saving and increase of energy efficiency;

2) receive information from the authorized body on the issues of energy saving and increase of energy efficiency.

1-1. Individual entrepreneurs and legal entities shall have the right to conclude energy service contracts with the energy service companies.

2. Individual entrepreneurs and legal entities shall be obliged to:

1) comply with the regulation values of a capacity factor in electric networks;

2) not to exceed energy consumption standards;

3) when producing and (or) transferring energy resources, water, not to allow their direct losses caused by malfunction of equipment, valves, operation of pipelines without their thermal insulation or non-compliance with the operating mode of energy-consuming equipment.

2-1. Customers defined by this Law shall be obliged to carry out state purchases and purchases of goods, works, services in accordance with energy efficiency requirements.

3. Subjects of the State Energy Register shall be obliged to represent information mentioned in Article 9 of this Law and ensure annual decrease of the volume of consumption of energy resources and water for a production unit, areas of buildings, structures and constructions up to the sizes determined following the results of the energy audit with the exception of state institutions within five years after conduct of energy audit.

At the same time, state institutions that shall not have the right to own real estate shall be exempted from providing the information specified in paragraph 1-1 of Article 9 of this Law.

3-1. Subjects of the State Energy Register, consuming energy resources in an amount equivalent to a thousand five hundred and more tons of conventional fuel per year, shall be obliged to appoint a responsible person for energy saving and energy efficiency improvement.

3-2. Subjects of the State Energy Register, consuming energy resources in an amount equivalent to fifty thousand or more tons of conventional fuel per year, shall be obliged to ensure the achievement of energy efficiency targets established by the authorized body.

4. Energy audit organizations and energy auditors, being individual entrepreneurs, shall be obliged to:

1) comply with the procedure for conducting energy audit established by the legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency;

2) fulfill prescriptions of the authorized body in due time on elimination of admitted violations upon conduct of the energy audit;

3) Excluded by the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

5. Training centres shall be obliged to:

1) comply with the order of activity of the training centres established by the legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency;

2) fulfill prescriptions of the authorized body in due time on elimination of admitted violations upon conduct of retraining and (or) raising of qualification of a personnel carrying out the activity in the field of energy saving and increase of energy efficiency;

3) Excluded by the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 № 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 30.06.2022 № 130-VII (the procedure of entry into force, see Art. 2).

Chapter 7. FINAL PROVISIONS Article 22. Responsibility for breach of the legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency

Breach of the legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency shall entail responsibility in accordance with the Laws of the Republic of Kazakhstan.

Article 23. Appeal against actions (inaction) of an official of the authorized body

Individuals and (or) legal entities have the right to appeal against the actions (inaction) of an official of the authorized body in the manner prescribed by the laws of the Republic of Kazakhstan.

Footnote. Article 23 - as amended by the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 23-1. Transitional provisions

The energy auditor, who has the certificate of the energy auditor in the field of energy saving and energy efficiency improvement, shall have the right to undergo confirmation of the compliance of the energy auditor after six months from the date of adoption of national standards in the field of energy saving and energy efficiency improvement.

Footnote. Chapter 7 as added by the Article 23-1 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2022 № 130-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 24. Order of entering of this Law into force

1. This Law enters into force upon expiry of six months after its first official publication, with the exception of:

subparagraph 9) of Article 5 that enters into force from 1 January 2013;

paragraph 2 of Article 8 that enters into force from 1 January 2013;

paragraph 4 of Article 8 that enters into force from 1 July 2012;

Article 9 that enters into force from 1 January 2013;

paragraph 1 of Article 10 that enters into force from 1 January 2014;

subparagraph 1) of paragraph 1 of Article 13 that enters into force for electric incandescent lamps with a capacity of 100 W and more – from 1 July 2012, with a capacity of 75 W and more – from 1 January 2013, with a capacity of 25 W and more – from 1 January 2014;

subparagraph 5) of paragraph 1 of Article 13 that enters into force from 1 January 2014;

paragraphs 1 and 9 of Article 15 that enters into force from 1 January 2013;

paragraph 3 of Article 21 that enters into force from 1 January 2013.

2. The Law of the Republic of Kazakhstan dated 25 December 1997 “On energy saving” shall be deemed to have lost force (The Bulletin of the Parliament of the Republic of Kazakhstan, 1997, № 24, Article 343; 2004, № 23, Article 142; 2006, №1, Article 5; 2009, № 13-14, Article 62; 2010, №5, Article 23; 2011, №1, Article 2; № 11, Article 102).

The President

of the Republic of Kazakhstan