

On use of nuclear energy

Unofficial translation

Law of the Republic of Kazakhstan dated 12 January 2016 № 442.

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This Law provides a legal framework and principles for regulating social relations in the nuclear energy use in order to protect the life and health of people, their property and the environment and aims to safeguard the nuclear non-proliferation regime, nuclear and radiation safety and nuclear security in the use of nuclear energy.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic definitions used in this Law

Basic definitions used in this Law are as follows:

1) exemption level - the values of physical quantities that determine the characteristics of nuclear materials, radioactive substances and electrophysical installations, established by the authorized body;

1-1) special drawing rights - a unit of account determined by the International Monetary Fund and used by it for operations and transactions;

2) nuclear energy - the energy released in nuclear reactions and during radioactive decay, as well as the energy of generated ionizing radiations

3) nuclear facilities - sources of ionizing radiation, radioactive wastes and spent nuclear fuel, nuclear, radiation, electrophysical installations, storage points and burial sites, transport packages and nuclear materials;

4) operation of nuclear facilities - administrative, economic and engineering activities carried out by a natural or legal person in the field of the nuclear energy use;

5) handling of nuclear facilities - a set of manual and (or) automated operations, actions with nuclear facilities during their construction, reconstruction, manufacture, receipt, transfer, supply, possession, use, operation, commissioning and decommissioning; operation, processing, installation, repair, maintenance, charging, recharging, dismantling, recycling, conservation, transportation, import, export, decontamination, post- utilization, storage, disposal;

6) the life cycle of a nuclear facility - the placement, design, production, building or construction, commissioning, operation, reconstruction, overhaul, decommissioning, transportation, handling, storage, burial and utilization of nuclear facilities;

7) state control and supervision in the field of nuclear energy use – an activity of the authorized body in the field of nuclear energy use within its competence, aimed at ensuring

compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of nuclear energy use by individuals and legal entities;

8) the authorized body in charge of the use of nuclear energy (hereinafter referred to as the authorized body) - a central executive body in charge of the use of nuclear energy;

9) sources of ionizing radiation - radioactive substances, apparatuses or devices containing radioactive substances, as well as electrophysical apparatuses or devices emitting or capable of emitting ionizing radiation;

10) register of sources of ionizing radiation - database of sources of ionizing radiation, which presents a constantly updated set of information on their availability, movement and location within the Republic of Kazakhstan, including information on movement during their export and import;

11) post-utilization - a set of operations, including the dismantlement and demolition of capital structures (buildings, constructions, complexes) after the termination of their operation (use, application) with simultaneous restoration and secondary use of regenerated elements (structures, materials, equipment), as well as processing of non-regenerable elements and waste;

12) burial - storing spent nuclear fuel or radioactive waste at a burial site with no intention to take it out;

13) burial site – a nuclear or radiation installation for the disposal of spent nuclear fuel or radioactive wastes;

14) closure of a burial site - completion of all operations after burying to secure a burial site;

15) installation commissioning - documented activities for putting into operation of the components and systems of a nuclear or radiation or electrophysical installation after completing its construction and relevant testing;

16) installation decommissioning - documented activities for terminating the operation of a nuclear/radiation/electrophysical installation, removing it from state control, taking the installation to its final state and providing a site for its deployment to meet safety requirements;

17) an operator - a legal person conducting activities related to the handling of nuclear facilities;

18) spent nuclear fuel - nuclear fuel that has been irradiated in a nuclear reactor and removed from it for good;

19) personnel - individuals permanently or temporarily working with sources of ionizing radiation or exposed to its effects because of working conditions;

20) radiological risk - the likelihood of harm to the life or health of a person, property of natural and legal persons, the environment as a result of exposure to radiation with account of severity of its consequences;

21) radiation safety – properties and characteristics of a nuclear facility ensured by a set of measures limiting radiation effects on personnel, population and the environment in accordance with statutory standards of the Republic of Kazakhstan;

22) radiation hazard category – characteristic of a nuclear facility showing the degree of its radiation hazard for the population and (or) the environment in the course of its handling or in the event of a possible accident;

23) radiation installation - a special, non-nuclear installation, including the premises, structures and equipment related to it, where nuclear materials and (or) radioactive substances are handled;

24) radioactive substances - any natural or man-made materials in any aggregate state that contain radionuclides;

25) radioactive wastes - radioactive substances, nuclear materials or radionuclide sources containing radionuclides in quantities above the exemption level, which are not intended for further use;

26) radionuclide source - a source of ionizing radiation containing radioactive substances specially created for useful application or being a by-product of any type of activity;

27) storage - temporary placing of nuclear fuel, nuclear materials, radioactive substances, radionuclide sources, spent nuclear fuel, radioactive wastes at storage facilities, with possibility of their removal for further handling;

28) storage facility - a nuclear or radiation installation intended for the storage of nuclear fuel, nuclear materials, radioactive substances, radionuclide sources, spent nuclear fuel, radioactive wastes;

29) transport package - a set of elements required for full placement and retention of radioactive contents during transportation;

30) physical protection - a unified system of organizational and technical measures to prevent unauthorized access to a nuclear facility;

31) electrophysical installation - special, non-nuclear or radiation, installation that generates or is capable of generating ionizing radiation, including its premises, structures and equipment;

32) nuclear safety - properties and characteristics of a nuclear facility, which, with certain probability, make a nuclear accident impossible;

33) nuclear installation - an installation, including premises, structures and equipment, where one or more of the following types of activities are carried out: production, processing, use, transportation, storage, disposal of nuclear material, except for installations for the extraction and (or) processing of natural uranium or thorium;

33-1) a unified operator of nuclear installations - an operator of a nuclear installation that owns directly and (or) indirectly more than fifty per cent of the voting shares (stakes in the authorized capital) of other operators of nuclear installations located within the same site of their location;

33-2) operator of a nuclear installation - a legal entity of the Republic of Kazakhstan operating one or more nuclear installations;

34) nuclear materials - materials containing or capable of reproducing fissile (fissionable) radionuclides;

34-1) nuclear damage - damage, including harm to human life or health, the environment, as well as losses to individuals and legal entities, caused as a result of exposure to ionizing radiation as a result of handling a nuclear installation or nuclear material coming from a nuclear installation, produced in it or aimed at a nuclear installation, as well as the costs of preventive measures;

34-2) nuclear incident - an incident or a series of incidents that cause nuclear damage or create a danger of causing nuclear damage;

35) nuclear security - unified system of organizational and technical measures aimed at preventing, detecting and (or) responding to theft, diversion, unauthorized access, illegal transfer, handling or other unlawful actions with respect to nuclear facilities and (or) an operator.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 14.05.2020 No. 329-VI (shall come into effect ten calendar days after the day of its first official publication); dated 25.02.2021 No. 12-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan on the use of nuclear energy

1. The legislation of the Republic of Kazakhstan on the use of nuclear energy 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 an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of the international treaty shall apply.

Chapter 2. STATE REGULATION OF THE USE OF NUCLEAR ENERGY

Article 3. State regulation of the use of nuclear energy

State regulation of the use of nuclear energy shall apply to:

- 1) activities of natural and legal persons involved in the use of nuclear energy;
- 2) activities of natural and legal persons performing works related to the life cycle of nuclear facilities;
- 3) nuclear tests' monitoring;
- 4) activities at former nuclear test sites and in other areas contaminated as a result of nuclear tests;
- 5) expertise of nuclear safety and (or) radiation safety, and (or) nuclear security;
- 6) the training and certification of personnel involved in nuclear facilities' handling.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication).

Article 4. Scope and principles of state regulation of the use of nuclear energy

1. The scope of state regulation of the use of nuclear energy includes effective protection of people's life and health, their property, the environment, maintenance of nuclear and radiation safety, of nuclear security and support of nuclear non-proliferation regime in the use of nuclear energy.

2. State regulation of the use of nuclear energy is based on the principles of:

1) ensuring safety of people's life and health, environmental protection in the use of nuclear energy;

2) priority of ensuring security over other aspects of the use of nuclear energy;

3) mandatory and continuous state control over the safety of a nuclear facility;

4) accessibility, credibility and timeliness of information on nuclear facilities' safety and their effects on the population and environment;

5) obligatory compensation for damage caused by nuclear facilities' radiation effect on the life and health of people, property of natural and legal persons and also to the environment;

6) inadmissibility of excess radioactive contamination of the environment;

7) inadmissibility of import and burial of radioactive wastes and spent nuclear fuel from other states in the Republic of Kazakhstan, except for its own re-imported radioactive wastes;

8) mandatory state regulation of safety of the nuclear energy use.

3. In the Republic of Kazakhstan, natural and legal persons are forbidden to carry out activities related to the use of nuclear energy with a view to develop, create, produce, test, store or disseminate nuclear weapons.

Article 5. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan:

1) works out major directions of state policy in the use of nuclear energy;

2) decides on an area of construction, on the construction and cancellation of construction of nuclear facilities and burial sites;

3) decides on early decommissioning of a nuclear installation or closure of a burial site;

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

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

6) approves rules for selecting sites for nuclear installations and burial sites;

7) approves a national plan for responding to nuclear and radiation accidents;

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

8-1) ensure the payment of money to compensate for the caused nuclear damage to the extent that the caused nuclear damage exceeds the limit of civil liability of the operator of a nuclear installation or a unified operator of nuclear installations, established by Article 26-2 of this Law, by providing the necessary amount up to the full compensation for causing nuclear damage, as well as in cases provided for by the legislation of the Republic of Kazakhstan;

8-2) determine the limit of civil liability of the operator of a nuclear installation of the first category of radiation hazard in the cases and the manner provided for in paragraph 2 of Article 26-2 of this Law;

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

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 14.05.2020, No. 329-VI (shall come into effect ten calendar days after the day of its first official publication); dated 25.02.2021 No. 12-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 6. Competence of the authorized body

The authorized body:

1) implements the state policy on the use of nuclear energy;

2) carries out international cooperation in the field of peaceful uses of nuclear energy;

3) carries out state control and supervision in the field of nuclear energy use;

3-1) develops and approves the rules of investigation in the field the use of nuclear energy

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3-2) determines the list of requirements, violation of which leads to application of prompt response measures, as well as determines for specific violations of requirements a specific type of prompt response measure with indication of the period of validity of this measure (if necessary).

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

4) licenses activities in the field of the use of nuclear energy;

5) develops and approves technical regulations in the field of the use of nuclear energy;

6) develops and approves rules for physical protection of nuclear materials and nuclear installations;

7) develops and approves rules for physical protection of sources of ionizing radiation and storage facilities;

8) approves the rules for decommissioning of nuclear and radiation installations;

9) develops the procedure for inspections carried out by the International Atomic Energy Agency in the Republic of Kazakhstan;

- 10) develop and approve the rules for accreditation of organizations that carry out expert reviews of nuclear safety and (or) radiation safety, and (or) nuclear security;
- 11) develops and approves rules of state accounting of nuclear materials;
- 12) develops and approves rules of state accounting of sources of ionizing radiation;
- 13) develops and approves safety rules for handling radionuclide sources;
- 14) develops a national plan for addressing nuclear and radiation accidents;
- 15) excluded by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication);
- 16) develop and approve the rules for the transportation of nuclear materials, radioactive substances and radioactive waste;
- 17) develops rules for selecting sites for nuclear installations and burial sites;
- 18) approves the rules for conducting an expert review of nuclear safety and (or) radiation safety, and (or) nuclear security;
- 19) develops and approves rules for professional improvement of personnel involved in nuclear facilities' handling;
- 20) develops and approves rules for certification of personnel involved in nuclear facilities' handling;
- 21) submits to the Government of the Republic of Kazakhstan a proposal for early decommissioning of nuclear installations or closure of burial sites in the event of a threat to the safety of the population and (or) the environment;
- 22) decides on state registration and de-registration of nuclear materials or sources of ionizing radiation;
- 23) maintains state records of nuclear materials;
- 24) maintains state records of sources of ionizing radiation;
- 25) controls specific goods in the field of atomic energy use;
- 26) excluded by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication);
- 27) establishes the procedure for approving the design of transport packages and approves the design of transport packages, and also extends the validity of certificates of approval, confirmed by authorized bodies of other countries, to them in the Republic of Kazakhstan;
- 28) organizes research on nuclear and radiation safety and nuclear security, on maintenance of the nuclear non-proliferation regime and nuclear tests' monitoring;
- 29) develops and approves rules for collection, storage and burial of radioactive wastes and spent nuclear fuel;
- 30) develops and approves methodological recommendations for natural and legal persons engaged in activities related to the use of nuclear energy with respect to methods and techniques for confirming the conformity of a nuclear facility to requirements for nuclear and radiation safety and nuclear security established by the legislation of the Republic of Kazakhstan on the use of nuclear energy;

31) establish exemption levels for nuclear materials, radioactive substances and electrophysical installations subject to licensing in the field of the use of atomic energy;

32) exercises 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 6 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.02.2021 No. 12-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 28.12.2022 № 173-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 06.04.2024 No. 71-VIII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Article 7. State control and supervision in the field of nuclear energy use

1. State control and supervision in the field the use of nuclear energy shall be carried out in the form of inspection and preventive control with a visit of the subject (object) of control and supervision, investigation.

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

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

2. Preventive control without visiting the subject (object) of control and supervision shall be preventive and preventive in nature.

3. Preventive control without visiting the subject (object) of control and supervision in the field of atomic energy use shall be carried out by analysis:

1) information and reporting provided by individuals and legal entities in accordance with the requirements of the legislation of the Republic of Kazakhstan in the field of atomic energy use;

2) information received at the request of the authorized body on compliance with the legislation of the Republic of Kazakhstan in the field of atomic energy use within its competence - upon receipt of information about its violation;

3) information received from individuals and legal entities regarding compliance with the legislation of the Republic of Kazakhstan in the field of atomic energy use.

4. Subjects of preventive control without visiting the subject (object) of control and supervision in the field of atomic energy use shall be entities carrying out activities with facilities of I, II, III and IV categories of potential radiation hazard.

5. If violations are detected based on the results of preventive control without visiting the subject (object) of control and supervision in the actions (inaction) of the subject of control and supervision, the authorized body shall draw up and send a recommendation on elimination of violations identified based on the results of preventive control without visiting the subject (object) of control and supervision within five working days from the date of detection of violations.

6. The recommendation on elimination of violations revealed by the results of preventive control without visiting the subject (object) of control and supervision, sent by one of the following methods, shall be considered to be handed over (received) in the following cases:

1) on purpose - with a mark of receipt;

2) by mail - by sending a registered letter with notification;

3) electronically - by sending by the authorized body to the electronic address of the subject of control and supervision specified in the documents previously submitted by the subject of control and supervision to the authorized body.

7. The deadline for the implementation of the recommendation on the elimination of violations identified by the results of preventive control without visiting the subject (object) of control and supervision should be at least ten working days from the day following the day of its delivery (receipt).

8. The subject of control and supervision, in case of disagreement with the violations specified in the recommendation on elimination of violations identified by the results of preventive control without visiting the subject (object) of control and supervision, shall have the right to send an objection to the authorized body that sent the recommendation within five working days from the day following the day of delivery (receipt) of the recommendation.

9. Failure to comply with the recommendations on elimination of violations revealed by the results of preventive control without visiting the subject (object) of control and supervision within the established period entails inclusion of the subject (object) of control and supervision in the semi-annual list for conducting preventive control with visiting the subject (object) of control and supervision.

10. The frequency of preventive control without visiting the subject (object) of control and supervision shall be determined as necessary, but not more often than the frequency of information and reporting provided for by the legislation of the Republic of Kazakhstan in the field of atomic energy use.

Footnote. Article 7 - as amended by the Law of the Republic of Kazakhstan dated 30.12.2021 № 95-VII (shall enter into force from 01.01.2023); as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 No. 71-VIII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Article 7-1. Procedure for conducting inspection of subjects, carrying out activities with nuclear installations and objects of I and II categories of potential radiation hazard

Footnote. Chapter 2 is supplemented by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 № 95-VII (shall enter into force from 01.01.2023).

Article 7-2. Prompt response measures and the procedure for their application in the field of the use of nuclear energy

1. In the course of implementation and (or) based on the results of state control, the authorized body applies prompt response measures in cases of revealing violations of the requirements of the legislation of the Republic of Kazakhstan in the field of the use of nuclear energy, if the activity of the subject (object) of control and supervision poses a direct threat to the constitutional rights, freedoms and legitimate interests of individuals and legal entities, life and health of people, property, environment, national security of the Republic of Kazakhstan.

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

3. Prompt response measures include the following types:

- 1) suspension of activities of control and supervision subjects (objects);
- 2) prohibition of activities of the subject (object) of control and supervision on production of products, manufacturing of devices and facilities, rendering of services, performance of works in the field of the use of nuclear energy or certain types of entrepreneurial activities;
- 3) prohibition of import, use and sale on the territory of the Republic of Kazakhstan of products, devices and installations intended for use and application by the public, as well as in entrepreneurial and (or) other activities;
- 4) temporary dismissal of persons from work.

4. The grounds for the application of prompt response measures shall be violations 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 Entrepreneur Code of the Republic of Kazakhstan.

When conducting an investigation to establish the causes of violation of the requirements of the legislation of the Republic of Kazakhstan and to determine the subjects (objects) of control and supervision that have committed violations of these requirements, prompt response measures shall be applied only in respect of violations of the requirements set forth in the checklists.

5. The authorized body in the course of implementation and (or) as a result of state control in the detection of violations of requirements, which are the basis for the application of

prompt response measures, shall draw up an act of supervision in the form approved by the authorized body.

The act of supervision shall be drawn up and delivered to the subject of control and supervision according to Article 153 of the Entrepreneur Code of the Republic of Kazakhstan.

6. In case of refusal to accept a supervisory act when it is delivered by hand, a corresponding record shall be made in it and a video recording shall be made to record the fact of refusal to accept the act. The act of supervision shall be sent to the legal address, location or actual address of the subject of control and supervision by a letter with notification of its delivery.

7. Refusal to receive a supervisory act shall not be a ground for its non-execution.

8. Violations of requirements revealed in the course of implementation and (or) as a result of state control, which are grounds for application of prompt response measures, are reflected in acts on the results of preventive control with a visit to the subject (object) of control and supervision and (or) inspection, investigation, as well as in the order to eliminate the revealed violations of requirements of regulatory legal acts of the Republic of Kazakhstan in the field of use of nuclear energy.

9. The subject of control and supervision shall be obliged to eliminate the revealed violations of the requirements, which are the grounds for application of prompt response measures, within the terms specified in the act on the results of investigation, the order to eliminate the revealed violations of the requirements of regulatory legal acts of the Republic of Kazakhstan in the use of nuclear energy.

10. Upon expiration of the time limits for elimination of violations of requirements revealed by the results of preventive control with a visit to the subject (object) of control and supervision and (or) inspection, investigation, an unscheduled inspection shall be conducted to control the elimination of revealed violations that are the basis for the application of prompt response measures.

The act of supervision shall be terminated in case of confirmation by the authorized body of elimination of revealed violations of requirements, which are the basis for application of prompt response measures, on the basis of the act on the results of unscheduled inspection in accordance with subparagraph 2-1) of paragraph 5 of Article 144 of the Entrepreneur Code of the Republic of Kazakhstan.

11. In case of failure to eliminate the revealed violations of the requirements, which are the basis for the application of prompt response measures, based on the results of an unscheduled inspection, measures shall be taken to bring the persons who committed violations to responsibility in accordance with the procedure established by the laws of the Republic of Kazakhstan.

12. Prior to the expiration of the terms stipulated by the act on the results of the investigation, the instruction to eliminate identified violations of the requirements of regulatory legal acts of the Republic of Kazakhstan in the use of nuclear energy, the subject

of control and supervision is obliged to provide information on the elimination of identified violations of the requirements with the attachment of materials proving the fact of elimination of violations.

In case of provision of information provided for in part one of this paragraph, an unscheduled inspection shall be conducted in accordance with part two of paragraph 10 of this Article.

13. A subject of control and supervision in case of disagreement with the results of state control, which entailed the application of measures of prompt response, may file a complaint to recognize the act of supervision as invalid and its cancellation.

A complaint shall be filed with a higher state body in the manner prescribed by Chapter 29 of the Entrepreneur Code of the Republic of Kazakhstan, or with a court in the manner prescribed by the legislation of the Republic of Kazakhstan.

Filing a complaint does not suspend the execution of The grounds for invalidation of a supervisory act and its revocation shall be:

- 1) absence of grounds for application of a prompt response measure;
- 2) application of a prompt response measure on the grounds that do not correspond to this measure;
- 3) application by the authorized body of prompt response measures on issues that do not fall within its competence.

15. Information on the application of prompt response measures shall be sent to the state body, carrying out within its competence activities in the field of state legal statistics and special records, in the manner determined by the General Prosecutor's Office of the Republic of Kazakhstan.

Footnote. Chapter 2 is added with Article 7-2 in accordance with the Law of the Republic of Kazakhstan dated 06.04.2024 No. 71-VIII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Article 7-3. Investigation in the field of the use of nuclear energy

1. The investigations shall be conducted based on the grounds, provided for in subparagraphs 1) and 5) of paragraph 3 of Article 144-4 of the Entrepreneur Code of the Republic of Kazakhstan.

2. Investigations shall be conducted by officials of the authorized body in accordance with this Law and the rules of investigation in the use of nuclear energy.

3. Subjects of control and supervision within the framework of investigation shall be obliged to ensure:

- 1) provision to an official of the authorized body or members of the commission, involved experts and specialists with special clothing and personal protective equipment, the requirement for the availability of which is stipulated by the internal documents of the subject of control and supervision;

- 2) submission of documents and (or) materials, including archival materials, written and (or) oral explanations related to the investigation;
 - 3) unimpeded opportunity to conduct an examination, inspection;
 - 4) unimpeded access of officials of the authorized body, members of the commission, invited experts and specialists to the territory of the object related to the subject of the investigation (administrative buildings, structures, facilities, premises and other objects).
4. In the course of the investigation, the reasons for violation of the requirements of the legislation of the Republic of Kazakhstan shall be established, the subjects (objects) of control and supervision that have committed violations of the requirements of the legislation of the Republic of Kazakhstan, which became the basis for the investigation, shall be determined.
5. Based on the results of the investigation, an act on the results of the investigation shall be drawn up, which shall, among other things, reflect the identified violations, instructions for their elimination, and deadlines for elimination of the identified violations.
- Terms for eliminating the identified violations shall be determined taking into account the circumstances affecting the real possibility of its fulfillment, but not less than ten calendar days from the date of delivery of the act on the results of the investigation.
- Prior to the expiration of the terms stipulated by the act on the results of the investigation, the subject of control and supervision shall be obliged to provide information on the elimination of identified violations with the attachment of materials (if necessary) proving the fact of elimination of violations.
6. If it is necessary to incur additional time and (or) financial expenses for elimination of the revealed violations, the subject of control and supervision, not later than three working days from the date of delivery of the act on the results of the investigation, has the right to apply to the authorized body with an application for extension of the terms of elimination of the revealed violations.
7. In case of identification of the subject of control and supervision, who allowed violations of the requirements of the legislation of the Republic of Kazakhstan, measures shall be taken to bring persons to responsibility in the manner prescribed by the laws of the Republic of Kazakhstan
8. In case of provision of information on elimination of revealed violations or upon expiry of the terms for their elimination, an unscheduled inspection shall be conducted.
9. Grounds for invalidation of acts on appointment, extension of terms and results of investigation and (or) their revocation are non-compliance with the procedure for conducting investigations in the use of nuclear energy.
10. The results of the investigation, except for information constituting state secrets or other secrets protected by the laws of the Republic of Kazakhstan, shall be published within ten working days after the day of completion of the investigation on the Internet resource of the authorized body.

11. Appealing the act on the results of the investigation shall not suspend the execution of the act.

Footnote. Chapter 2 is added with Article 7-3 in accordance with the Law of the Republic of Kazakhstan dated 06.04.2024 No. 71-VIII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Chapter 3. TERMS AND PROCEDURE FOR CONDUCTING ACTIVITIES RELATED TO THE USE OF NUCLEAR ENERGY

Article 8. General terms of conducting activities related to the use of nuclear energy

1. Natural and legal persons engaged in activities related to the use of nuclear energy shall :
- 1) have a license for a relevant type of activity in the sphere of the use of nuclear energy;
 - 2) ensure fit-for-purpose handling of nuclear facilities;
 - 3) ensure that the design and operational characteristics and parameters of the nuclear facility comply with the requirements of nuclear, radiation and nuclear physical safety, control of specific goods and (or) the requirements of the non-proliferation regime of nuclear weapons;
 - 4) have an organizational structure and system of internal documents ensuring compliance with the requirements for nuclear and radiation safety and nuclear security established by the legislation of the Republic of Kazakhstan on the use of nuclear energy;
 - 5) have an organizational structure and system of internal documents ensuring compliance with the requirements to the accounting of nuclear materials in accordance with the legislation of the Republic of Kazakhstan on the use of nuclear energy;
 - 6) have an organizational structure and system of internal documents ensuring compliance with the requirements to the accounting of sources of ionizing radiation in accordance with the legislation of the Republic of Kazakhstan on the use of nuclear energy;
 - 7) ensure the accounting and control of nuclear materials and submit reports on their availability, movement and location to the authorized body;
 - 8) ensure the accounting and control of sources of ionizing radiation and submit reports on their availability, movement and location to the authorized body;
 - 9) inform the authorized body of any proposed changes in the systems, equipment, design and operational documentation of the nuclear installation related to ensuring nuclear, radiation or nuclear security;
 - 10) inform the authorized body on accidents and incidents related to nuclear and radiation safety and nuclear security;
 - 11) possess necessary organizational, financial, material and technical resources and have qualified personnel for the safe operation and maintenance of a nuclear installation throughout its life cycle;

12) provide for funds for decommissioning a nuclear installation, closing a burial site, for post-utilization, disposal of radioactive wastes, for curing effects of radiation accidents, compensation for harm to the life and health of people, to property of natural and legal persons and the environment;

13) obey the requirements for nuclear and radiation safety and nuclear security established by the legislation of the Republic of Kazakhstan on the use of nuclear energy;

14) record and analyze doses of radiation, to which personnel, admitted to nuclear and radiation-hazardous works related to the nuclear energy use, are exposed and ensure the enforcement of their rights to compensation;

15) train personnel involved in the handling of a nuclear facility, ensure their proficiency maintenance and timely certification.

2. Natural and legal persons operating nuclear facilities and (or) owners of such facilities shall have no right to transfer nuclear facilities to other natural and legal persons, who have no licenses for conducting a relevant type of activity in the use of nuclear energy.

3. In the event of termination of activities, natural and legal persons handling nuclear facilities are required, for safe cessation of activities, to take following measures:

1) to transfer nuclear materials and (or) sources of ionizing radiation to natural and legal persons handling nuclear facilities and having appropriate licenses for handling them;

2) to transfer radioactive wastes and (or) spent radionuclide sources to storage facilities or burial sites;

3) to transfer spent nuclear fuel to storage facilities or burial sites or to legal persons handling nuclear facilities and having appropriate licenses for handling nuclear materials;

4) to carry out environmental rehabilitation, reclamation of the territory, decontamination of equipment and premises contaminated through implementation of operations to be discontinued.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication); dated 28.12.2022 № 173-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 9. Licensing of activities related to the use of nuclear energy

1. Licensing of activities related to the use of nuclear energy is carried out in accordance with this Law and legislation of the Republic of Kazakhstan on permits and notifications.

In the field of the use of atomic energy, licenses shall be issued for the following types of activities:

1) performance of works related to the stages of the life cycle of objects using atomic energy;

2) handling of nuclear materials;

3) handling of radioactive substances, devices and installations containing radioactive substances;

- 4) handling of devices and installations that generate ionizing radiation;
- 5) provision of services in the field of the use of atomic energy;
- 6) radioactive waste management;
- 7) transportation, including transit, of nuclear materials, radioactive substances, radioisotope sources of ionizing radiation, radioactive waste within the territory of the Republic of Kazakhstan;
- 8) activities in the territories of former nuclear test sites and other territories contaminated as a result of nuclear tests.

The license shall not be issued for the following activities:

- 1) handling of nuclear materials below the exemption level;
- 2) handling of radioactive substances, devices and installations containing radioactive substances, below the exemption level;
- 3) handling devices and installations that generate ionizing radiation below the exemption level.

2. The term for consideration of an application for a license and (or) annex to a license for the types of activities specified in subparagraphs 1), 2), 3), 4), 5), 6), 7) and 8) of part two of paragraph 1 of this Article, shall be determined in accordance with the legislation of the Republic of Kazakhstan on permits and notifications.

3. Excluded by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect from 01.01.2021).

4. Appendix to a license contains special terms for the issue of a license specifying the type of devices, installations, materials, substances, wastes, which a licensee handles, from the list below:

- 1) installations for production of nuclear fuel and its components;
- 2) nuclear power plants;
- 3) research nuclear (atomic) reactors;
- 4) thermonuclear reactors;
- 5) installations for extraction and processing of natural uranium;
- 6) storage facilities for high-level radioactive waste;
- 7) storage facilities for intermediate-level radioactive waste;
- 8) storage facilities for low-level radioactive waste;
- 9) storage facilities for spent nuclear fuel;
- 10) storage facilities for radionuclide sources;
- 11) burial sites for high-level radioactive waste;
- 12) burial sites for intermediate-level radioactive waste;
- 13) burial sites for low-level radioactive waste;
- 14) burial sites for spent nuclear fuel;
- 15) burial sites for spent radionuclide sources;
- 16) nuclear materials with specification of isotopic composition;

- 17) radioactive substances;
- 18) radiopharmaceuticals;
- 19) neutron generators;
- 20) uranium-bearing substances;
- 21) thorium-bearing substances;
- 22) products of processing of natural uranium;
- 23) closed radionuclide sources with specification of activity;
- 24) high-level radioactive waste;
- 25) intermediate-level radioactive waste;
- 26) low-level radioactive waste;
- 27) radioisotope spectrometers, analyzers, sensors, meters;
- 28) X-ray spectrometers, analyzers, sensors, meters;
- 29) stationary radioisotope flaw detectors;
- 30) portable radioisotope flaw detectors;
- 31) stationary X-ray flaw detectors;
- 32) portable X-ray flaw detectors;
- 33) radioisotope installations for inspection of hand luggage, baggage, transport, materials, substances;
- 34) X-ray equipment for inspection of hand luggage, baggage, transport, materials, substances;
- 35) X-ray equipment for body search of a person;
- 36) electron accelerators with energy level up to 10 MeV;
- 37) electron accelerators with energy level above 10 MeV;
- 38) ion accelerators with energy level up to 2 MeV/nucleon;
- 39) ion accelerators with energy level above 2 MeV/nucleon;
- 40) charged particle medical accelerators;
- 41) general-purpose medical x-ray equipment;
- 42) medical dental x-ray equipment;
- 43) medical x-ray mammography units;
- 44) medical X-ray angiography equipment;
- 45) medical CT scanners;
- 46) medical radioisotope diagnostic equipment;
- 47) medical X-ray therapeutic equipment;
- 48) medical x-ray simulators;
- 49) medical gamma-therapy units.

4-1. The absence of the original documents when checking the applicant's compliance with the qualification or permit requirements before the issuance of a permit and (or) an annex to the permit shall be the basis for refusing to issue a permit and (or) an annex to the permit.

5. The validity of a license for activities related to the use of nuclear energy may be suspended for a period not exceeding six months in case of:

- 1) radiation accidents and/or incidents;
- 2) violation of the requirements for nuclear and (or) radiation safety and/or nuclear security, accounting of nuclear materials, sources of ionizing radiation, which were revealed through inspections;
- 3) discovery of unreliable information in the licensee's materials submitted upon the receipt of the license;
- 4) in case of non-fulfilment of instructions to eliminate violations of the requirements of the legislation of the Republic of Kazakhstan in the field of the use of atomic energy within the established time limits.

6. In case of suspension of a license, the licensee continues to ensure nuclear and radiation safety and nuclear security.

7. A license shall be suspended or revoked in accordance with the procedure established by laws of the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (refer to Article 2 for the enforcement procedure).

Article 10. Radiation hazard categories of installations

1. Nuclear, radiation, electrophysical installations are divided into four radiation hazard categories:

- 1) category 1 - installations, in case of an accident at which, radiation exposure of the population outside their sanitary protection zone is possible;
- 2) category 2 – installations, in case of an accident at which, radiation exposure is limited to their sanitary protection zones;
- 3) category 3 - installations, the radiation impact of which is limited to their site;
- 4) category 4 - installations, the radiation impact of which is limited only to work spaces or a workplace where operations related to the implementation of activities related to the use of nuclear energy are performed.

2. Natural and legal persons engaged in activities related to the use of nuclear energy and (or) owning installations shall set radiation hazard categories of nuclear, radiation, electrophysical installations in accordance with sanitary and epidemiological requirements to ensure radiation safety and the legislation of the Republic of Kazakhstan on the use of nuclear energy.

3. Only legal entities may own nuclear installations and radiation installations of 1st and 2nd categories of radiation hazard.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication).

Article 11. Hazard categories of radionuclide sources

1. To optimize radiation protection and ensure nuclear and radiation safety and nuclear security, radionuclide sources are divided into five hazard categories based on the ratio of the source activity to the threshold activity with dangerous effects on people:

1) category 1 - sources with the value of the ratio of activity to the threshold activity over 1000;

2) category 2 - sources with the value of the ratio of activity to the threshold activity from 10 to 1000;

3) category 3 - sources with the value of the ratio of activity to the threshold activity from 1 to 10;

4) category 4 - sources with the value of the ratio of activity to the threshold activity from 0.01 to 1;

5) category 5 - sources with the activity value above the exemption level and with the value of the ratio of activity to the threshold activity fewer than 0.01.

2. Values of the threshold activity for various radioisotopes are set by the authorized body

Article 12. Construction of nuclear installations and burial sites

1. A decision on the construction and approving an area for the construction of nuclear installations and burial sites shall be made by the Government of the Republic of Kazakhstan with the consent of local representative bodies, in whose entrusted territory an installation or burial site is planned to be built, with account of:

1) the need in them to address economic problems of the country and its certain regions;

2) availability of required conditions for siting these facilities that meet the requirements of the legislation of the Republic of Kazakhstan on the use of nuclear energy;

3) the absence of a threat to the security of the said facilities from civil and military facilities located nearby;

4) requirements set by the environmental legislation of the Republic of Kazakhstan;

5) possible social and economic consequences of the siting of these facilities for industrial, agricultural and social development of a region.

2. After taking a decision on the construction and the area of construction, work on the selection of a site for a nuclear installation or burial site shall be carried out.

3. A site for a nuclear installation or burial facility shall be selected with account of:

1) possible external natural or man-made impacts;

2) possible spread of radioactive substances;

3) possibility to prevent damage to the population and the environment as a result of operating a nuclear installation or burial site or as a result of incidents or accidents.

4. Designing, building and commissioning of a nuclear installation or a burial site shall be carried out in accordance with this Law and other laws of the Republic of Kazakhstan.

5. Design documents for the construction, reconstruction, decommissioning of nuclear installations and disposal facilities must undergo environmental and sanitary and epidemiological expertise.

6. Only legal persons may construct nuclear installations and burial sites.

7. In the event of a threat to national security, the Government of the Republic of Kazakhstan is entitled to take a decision to cancel the construction of a nuclear installation or burial site.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication).

Article 13. Nuclear security

1. Nuclear security shall be provided by an operator carrying out activities related to the use of nuclear energy.

2. In order to ensure nuclear security, physical protection of nuclear facilities is carried out, which shall ensure:

1) protection of a nuclear facility from unauthorized exemption, theft of nuclear materials or illegal seizure of a nuclear installation;

2) protection of nuclear facilities from subversion;

3) mitigating or minimizing radiological consequences of a possible subversive action at nuclear facilities.

3. Protection of nuclear facilities of radiation hazard categories 1 and 2 is carried out by specialized security units of internal affairs bodies.

Article 14. State accounting of nuclear materials and sources of ionizing radiation

1. Nuclear materials and sources of ionizing radiation are subject to state accounting in the manner established by the authorized body.

2. The state accounting of nuclear materials and sources of ionizing radiation provides exact information on the quantity of nuclear materials, sources of ionizing radiation, their movement and location in their handling.

3. Natural and legal persons handling nuclear facilities shall submit reports on availability, movement and location of nuclear materials and sources of ionizing radiation to the authorized body.

4. The authorized body shall analyze and verify the information received on the availability, movement and location of sources of ionizing radiation and add it to the register of sources of ionizing radiation.

Article 15. Export and import in the field of the use of nuclear energy

1. The export and import of nuclear and special non-nuclear materials, equipment, installations, technologies, sources of ionizing radiation, equipment and relevant dual-use

goods and technologies, works, services related to their production shall be carried out on the basis of a one-time license of the central executive body carrying out state regulation in the field of control of specific goods, in agreement with the authorized body.

2. It is prohibited to export products or results of intellectual creative activity, if an exporter is credibly informed of the use of such products or results of intellectual creative activity for the development, creation, testing and supply of nuclear weapons or its components.

3. In order to meet the standards and requirements in the field of control of specific goods in the field of nuclear energy use, exporters create in-house control systems for specific goods in accordance with the legislation of the Republic of Kazakhstan in the field of control of specific goods.

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 28.12.2022 № 173-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 16. Transportation of nuclear materials, radioactive substances and radioactive wastes

1. Transportation of nuclear materials, radioactive substances and radioactive wastes is carried out in accordance with the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

2. Transportation of nuclear materials, radioactive substances and radioactive waste shall include all operations and conditions that are associated with the manufacture and maintenance of transport packaging sets, as well as with the preparation, loading, dispatch, transportation, including transit storage, unloading and acceptance at the final destination of goods, including those related to emergencies.

3. The consignor, the carrier and the consignee are obliged to ensure compliance with the requirements for nuclear and radiation safety and nuclear security, as well as to create conditions required for safe transportation in accordance with the legislation of the Republic of Kazakhstan.

4. Transportation of nuclear materials, radioactive substances and radioactive waste shall be carried out upon a license for the relevant activity in the sphere of the nuclear energy use.

5. Transportation of nuclear materials, radioactive substances and radioactive waste shall be carried out in transport packages, the design of which is approved by the authorized body with specification of the code and type of packaging of nuclear materials, radioactive substances and radioactive waste permitted for transportation, terms of transportation, number and date of registration, their lifetime.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication).

Article 17. Management of radioactive wastes and spent nuclear fuel

1. Radioactive wastes generated in the Republic of Kazakhstan shall be buried in such a way as to ensure radiation protection of the population and the environment for the entire period of time during which they may pose a potential hazard.

2. Natural and legal persons engaged in activities in the field of the nuclear energy use, which generates radioactive waste, are obliged to take measures to minimize them.

3. The safe disposal of spent nuclear fuel and radioactive waste should be provided for by the design and operational documentation as an obligatory stage of any type of activity leading to their formation.

4. Only legal persons shall be allowed to handle spent nuclear fuel.

5. Activities for the management of radioactive waste and spent nuclear fuel shall be carried out on the basis of a license.

6. The management of radioactive waste and (or) spent nuclear fuel must ensure compliance with nuclear and radiation safety and nuclear security requirements in accordance with the legislation of the Republic of Kazakhstan on the nuclear energy use, as well as international treaties ratified by the Republic of Kazakhstan.

7. Requirements of the Environmental Code of the Republic of Kazakhstan shall be observed in managing radioactive waste and spent nuclear fuel.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication).

Article 18. Implementation of activities at former nuclear test sites and in other territories contaminated as a result of nuclear tests

1. Activities at former nuclear test sites and in other territories contaminated as a result of nuclear tests shall be subject to licensing in accordance with this Law and the legislation of the Republic of Kazakhstan on permits and notifications.

2. Boundaries of the territories of former nuclear test sites and other territories contaminated as a result of nuclear tests shall be established with account of their radioactive contamination.

Article 19. Control over the use of materials containing natural radionuclides above exemption levels

1. Irradiation of personnel and the population, caused by the content of natural radionuclides above exemption levels in materials used in production not related to the nuclear energy use, shall not exceed hygienic standards approved by the state body in the field of sanitary and epidemiological welfare of the population.

2. State bodies of the Sanitary and Epidemiological Service carry out radiation monitoring in order to protect personnel and the population from excessive exposure to materials containing natural radionuclides above exemption levels.

Article 20. Qualification of nuclear facilities' personnel

1. To ensure nuclear and radiation safety and nuclear security, emergency preparedness and response to nuclear and/or radiation accidents, personnel involved in the handling of nuclear facilities shall have appropriate qualification.

2. Personnel involved in the handling of nuclear facilities are divided into the following categories:

1) specialists – personnel including top managers, senior managers (heads of departments and sectors); junior managers (senior operators, technical service and technical support team leaders and their deputies); engineering and (or) scientific personnel, whose activities are related to the operation of a nuclear facility;

2) technicians – personnel including instrumentation technicians, radiation control technicians, chemical laboratory technicians, mechanic technicians, electrical technicians and electronic equipment technicians, and other specialized personnel involved in activities related to the operation of a nuclear installation ;

3) workers – personnel including welders, locksmiths, mechanics, electricians, machine operators and other qualified work personnel.

3. Personnel involved in the handling of nuclear facilities shall meet qualification requirements approved by the authorized body.

4. Natural and legal persons engaged in activities related to the use of nuclear energy are prohibited from allowing workers, not meeting qualification requirements and/or having medical contra-indications to the declared type of work, to work at nuclear facilities.

5. In order to maintain a proper professional level and meet the need to increase the knowledge and skills of personnel involved in the handling of nuclear facilities, natural and legal persons, carrying out activities related to the nuclear energy use, shall provide their training in accordance with the procedure set by the authorized body.

Article 21. Certification of nuclear facilities' personnel

1. Personnel employed at nuclear facilities shall be certified in the manner determined by the authorized body for compliance with the level of their qualifications and professional training for the position held.

2. Certification of personnel is carried out to verify their knowledge of the standards of and requirements to nuclear and radiation safety, nuclear security, and also to assess their ability to make decisions in performing labor duties.

3. The authorized body certifies:

1) specialists, whose duties include direct management of an installation, provision of nuclear and radiation safety, nuclear security in the implementation of activities related to the nuclear energy use;

2) personnel of a nuclear installation whose duties include control over nuclear, radiation and nuclear security, accounting and control of nuclear materials, sources of ionizing radiation, radioactive waste;

3) personnel of a radiation, electrophysical installation, whose duties include monitoring of radiation safety, accounting and control of sources of ionizing radiation.

Other personnel shall be certified by individuals and legal entities carrying out activities in the field of the use of atomic energy, in accordance with the rules for attestation of personnel employed at nuclear facilities.

4. Types of personnel's certification are as follows:

- 1) primary certification;
- 2) scheduled certification;
- 3) special certification;
- 4) recertification.

5. Primary certification of personnel shall be carried out within one month after an employee's appointment to a position. Scheduled certification is held once every three years. Special certification shall be conducted in case of:

- 1) incidents at nuclear facilities – with regard to persons who allowed their occurrence;
- 2) violations of requirements to nuclear and/or radiation safety and/or nuclear security, accounting of nuclear materials, sources of ionizing radiation, which was discovered through inspections of the authorized body – with regard to persons who committed a violation;
- 3) taking a relevant decision by a natural or legal person engaged in activities related to the nuclear energy use.

Re-certification shall be appointed in the event of a negative result following the results of the primary or periodic, or extraordinary certification.

6. If an employee has received a negative conclusion based on the results of primary or periodic, or extraordinary certification, he/she shall be suspended from work until the results of re-certification are received in accordance with the labour legislation of the Republic of Kazakhstan.

An employment contract with an employee who has received a negative conclusion about the inconsistency of the position held or the work performed due to insufficient qualifications and professional training based on the results of re-certification shall be terminated in accordance with the labour legislation of the Republic of Kazakhstan.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication).

Article 22. Decommissioning of installations, early decommissioning of a nuclear or radiation installation and closure of a burial site

1. At the stage of designing a nuclear installation or burial site, an operator develops a preliminary plan for decommissioning a nuclear installation or closing a burial site in accordance with the legislation of the Republic of Kazakhstan on the nuclear energy use.

2. The preliminary decommissioning plan describes stages of decommissioning a nuclear installation or closing a burial site, methods for dismantling basic structures, estimating the

cost and timing of work, the necessary resources, measures to ensure nuclear and radiation safety and nuclear security, basic norms and characteristics of a nuclear installation site after its decommissioning or a burial site after its closure.

3. In the course of operating a nuclear installation or a burial site, a preliminary decommissioning plan shall be revisited and updated with account of new technical and technological developments, changes in the requirements to nuclear and radiation safety and nuclear security, cost of work and required resources.

4. If a decision is taken to decommission a nuclear installation or close a burial site, the operator shall draw up a final plan for decommissioning with account of technologies, techniques, economic indicators available at that time, of requirements of the legislation of the Republic of Kazakhstan on the use of nuclear energy. The final decommissioning plan is the basis for the design and implementation of decommissioning a nuclear installation or closing a burial site.

5. An operator takes a decision to stop the operation of an installation independently at any stage of its life cycle. At the same time, the operator notifies the authorized body of the decision taken, the date of commencement and the timing of the decommissioning work. The operator ensures the completion of the decommissioning plan in full.

6. The decision on early decommissioning of a nuclear installation is made by the Government of the Republic of Kazakhstan upon the authorized body's proposal in case of violation of the requirements to safe operation of a nuclear installation that has led or could lead to a nuclear and/or radiation accident and substantiated inability of the operator to ensure further safe operation of the nuclear installation.

7. The decision to close a burial site is taken by the Government of the Republic of Kazakhstan upon the authorized body's proposal upon completion of measures for its closure. The authorized body's proposal is based on the measures to close the burial site carried out by the operator, including:

- 1) reclamation of the territory contaminated through the operation of a burial site;
- 2) control measurements of the radiation situation at a burial site;
- 3) preparation of a documentation package with full description of the buried radioactive wastes, the burial site design, geotectonic, geological and geophysical characteristics of the burial site for sending it to the archive.

Article 23. Emergency preparedness and response

1. The national plan for addressing nuclear and radiation accidents shall be put into effect by a decision of the authorized body:

- 1) if effects of a nuclear or radiation accident have gone beyond the boundaries of the site of an emergency nuclear, radiation or electrophysical installation or there is a threat of it;
- 2) in case of transboundary nuclear or radiation accidents that have occurred in another state, but the effects of which extend to the territory of the Republic of Kazakhstan or there is a threat of it.

2. The national plan for addressing nuclear and radiation accidents specifies:

1) rights and obligations of central and local executive bodies of the Republic of Kazakhstan, and also of natural and legal persons in the event of a nuclear or radiation accident;

2) the operations procedures and management of preparedness and response activities to nuclear and radiation accidents;

3) coordination of actions of organizations and state bodies in the event of a nuclear or radiation accident and in remedial action.

3. Having received information on a nuclear or radiation accident, the authorized body shall immediately inform thereof, and also it shall inform the authorized body in the field of civil protection on introduction into effect of the national plan for addressing nuclear and radiation accidents.

4. Operators develop and approve plans for emergency response in accordance with the legislation of the Republic of Kazakhstan. Plans for emergency response provide for the order of operations and actions in the event of a nuclear or radiation accident and for remedial action to minimize possible impact on personnel, population and the environment in accordance with the radiation hazard category of a nuclear, radiation or electrophysical installation.

5. Operators, at all stages of handling nuclear facilities, ensure implementation of emergency preparedness and response measures.

6. In case of transboundary accidents or incidents in the field of the nuclear energy use, the authorized body together with the authorized body in the field of civil protection shall take measures to notify and respond in accordance with international treaties ratified by the Republic of Kazakhstan.

Chapter 4. EXAMINATION OF NUCLEAR SAFETY AND (OR) RADIATION SAFETY AND (OR) NUCLEAR SECURITY. ACCREDITATION OF ORGANIZATIONS PERFORMING EXAMINATION OF NUCLEAR SAFETY AND (OR) RADIATION SAFETY AND (OR) NUCLEAR SECURITY

Footnote. The heading of Chapter 4 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication).

Article 24. The expertise in nuclear safety and (or) radiation safety and (or) nuclear security

1. Expertise in nuclear safety and (or) radiation safety, and (or) nuclear security shall be carried out to implement an independent assessment of the safety of nuclear installations, radiation installations of 1 and 2 categories of radiation hazard for the entire period during which they may pose a potential hazard.

2. Expertise in nuclear safety and (or) radiation safety and (or) nuclear security shall be repeated in case of changes in the systems, equipment, design and operational documentation

of nuclear and radiation installations related to ensuring nuclear, radiation and (or) nuclear security.

The operating organization shall simultaneously notify in writing the authorized body and the expert organization that previously carried out the nuclear safety and (or) radiation safety and (or) nuclear safety review of the planned changes with the submission of design and operational documentation of the nuclear and radiation installation.

3. Examination of nuclear safety and (or) radiation safety, and (or) nuclear security shall be carried out by organizations accredited in the authorized body for the implementation of this type of activity. Herewith, a person who is in close or inherent relationships with officials of the operating organization, as well as individuals who are in labour or other contractual relations with the operating organization may not act as an expert.

4. Documents for expert review of nuclear safety and (or) radiation safety and (or) nuclear security shall be submitted by the operating organization.

5. Based on the results of the expert review of nuclear safety and (or) radiation safety, and (or) nuclear security, a conclusion shall be issued on the admissibility and possibility of deciding on the implementation of the object of expertise.

6. Obtaining a negative expert opinion shall not deprive the operating organization that has eliminated all the comments indicated in the expert opinion of the right to re-apply for an expert opinion.

7. Financing of the expertise of nuclear safety and (or) radiation safety, and (or) nuclear security shall be carried out at the expense of the operating organization or other sources not prohibited by the legislation of the Republic of Kazakhstan.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication)

Article 25 Objects of expertise of nuclear safety and (or) radiation safety, and (or) nuclear security

Subject to nuclear safety and (or) radiation safety and (or) nuclear security expertise shall be:

1) project documentation for the selection of sites for placement and construction of nuclear installations, radiation installations of 1 and 2 categories of radiation hazard;

2) design and operational documentation of nuclear installations, radiation installations of 1 and 2 categories of radiation hazard;

3) project documentation for the technical modernization of nuclear installations, radiation installations of 1 and 2 categories of radiation hazard;

4) design and operational documentation for the decommissioning of nuclear installations, and radiation installations of 1 and 2 categories of radiation hazard.

Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication).

Article 26 Accreditation of organizations carrying out an expert review of nuclear safety and (or) radiation safety, and (or) nuclear security

Footnote. The heading of Article 26 as amended by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication).

1. The authorized body shall conduct accreditation of organizations that carry out an expert review of nuclear safety and (or) radiation safety, and (or) nuclear security.

2. Accreditation certificate shall be issued based on the results of accreditation. The accreditation certificate is valid for three years. The accreditation certificate shall include the scope of accreditation, types of work in the field of accreditation, applied calculation techniques and software and hardware.

3. The organization carrying out nuclear expertise safety and (or) radiation safety, and (or) nuclear security, must have:

1) at least five years of practical experience in the field of accreditation or of activities directly related to accreditation;

2) qualified personnel capable of performing works in the relevant area of accreditation;

3) software and hardware and (or) calculation techniques for the performance of the claimed types of work.

4. Consideration of documents on accreditation is carried out by the authorized body within twenty working days from the date of their receipt.

5. An applicant may be refused accreditation, if:

1) submitted documents contain unreliable information;

2) submitted documents do not comply with the requirements established by the legislation of the Republic of Kazakhstan;

3) the qualification of the applicant's personnel is inconsistent with the claimed area of accreditation;

4) there is discrepancy between calculation methods and software with the claimed area of accreditation;

5) there is a court decision prohibiting the engagement in claimed activities.

The decision to refuse accreditation may be appealed in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

6. Accredited organizations shall:

1) submit documentation related to the implementation of activities in the field of accreditation at the request of the authorized body;

2) not disclose confidential information received in the course of performance of the work, except for cases stipulated by the legislation of the Republic of Kazakhstan.

7. The authorized body shall maintain a register of accredited organizations that carry out expert examination of nuclear safety and (or) radiation safety, and (or) nuclear security.

8. Excluded by the Law of the Republic of Kazakhstan dated 25.02.2021 No. 12-VII (shall come into effect ten calendar days after the day of its first official publication).

Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 25.11.2019 No. 272-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 25.02.2021 No. 12-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Chapter 4-1. CIVIL LEGAL LIABILITY OF A NUCLEAR INSTALLATION OPERATOR OR A UNIFIED OPERATOR OF NUCLEAR INSTALLATIONS FOR CAUSING NUCLEAR DAMAGE AND ITS FINANCIAL SECURITY

Footnote. The law is supplemented by Chapter 4-1 in accordance with the Law of the Republic of Kazakhstan dated 14.05.2020 No. 329-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 26-1. Civil legal liability of a nuclear installation operator or a unified operator of nuclear installations for causing nuclear damage

1. Regardless of fault, the operator of a nuclear installation or a unified operator of nuclear installations shall bear civil liability for causing nuclear damage, except for the cases provided for by this Law.

2. The operator of a nuclear installation or a unified operator of nuclear installations shall bear civil liability for causing nuclear damage based on evidence that such damage was caused by a nuclear incident related to nuclear material supplied and (or) produced at the operator's nuclear installation, and which occurred before the moment when another operator of a nuclear installation assumed responsibility for nuclear material in accordance with the legislation of the Republic of Kazakhstan and (or) the terms of the agreement concluded between them.

If a nuclear incident is related to nuclear material supplied to a foreign legal entity located within the territory of a state that is not a party to international treaties ratified by the Republic of Kazakhstan, on liability for nuclear damage, the operator of a nuclear installation or a unified operator of nuclear installations shall bear civil legal liability until the nuclear material is unloaded from the vehicle in which it was delivered to the territory of the state of destination.

If a nuclear incident is associated with nuclear material supplied with the consent of the operator of a nuclear installation or a unified operator of nuclear installations from a foreign legal entity located within the territory of a state that is not a party to international treaties ratified by the Republic of Kazakhstan, on liability for nuclear damage, the operator of a nuclear installation or a unified operator of nuclear installations shall bear civil liability after the loading of nuclear material onto a vehicle from the territory of the state of its export.

3. Civil liability of the operator of a nuclear installation or a unified operator of nuclear installations shall extend to the nuclear damage caused, regardless of the place of its infliction, except for the cases provided for by this Law.

4. If along with the nuclear damage caused, other losses cannot be separated from the losses caused by a nuclear incident, then such losses shall be recognized as nuclear damage and are subject to compensation by the operator of the nuclear installation or the unified operator of nuclear installations in accordance with the legislation of the Republic of Kazakhstan.

Article 26-2. Limit of civil legal liability of a nuclear installation operator or a unified operator of nuclear installations for causing nuclear damage

1. The limit of civil liability of a nuclear installation operator or a unified operator of nuclear installations for causing nuclear damage per one nuclear incident shall be:

1) one hundred and fifty million special drawing rights for nuclear installations belonging to the first category of radiation hazard;

2) five million special drawing rights for nuclear installations belonging to the second and third categories of radiation hazard.

2. Taking into account the type, composition, power and other technical parameters of nuclear installations, nuclear materials, radioactive waste, as well as their quantity, the Government of the Republic of Kazakhstan has the right to determine a different limit of civil liability for causing nuclear damage to the operator of a nuclear installation of the first category of radiation hazard, but not below the limit equivalent to five million special drawing rights.

Article 26-3. Financial provision of civil liability of the operator of a nuclear installation or a unified operator of nuclear installations for causing nuclear damage

1. The operator of a nuclear installation or a unified operator of nuclear installations shall be obliged to have financial security within the limits of civil liability established by Article 26-2 of this Law, except for nuclear installations that are under the jurisdiction of an authorized body.

The civil liability of the operator of a nuclear installation or a unified operator of nuclear installations concerning several nuclear installations located within the same site of their location may be represented by financial security, the amount of which is determined for one nuclear installation, based on the highest category of radiation hazard of nuclear installations.

2. Methods of financial provision of civil liability for causing nuclear damage shall be determined by the operator of a nuclear installation or a unified operator of nuclear installations.

Financial security of civil liability of the operator of a nuclear installation or a unified operator of nuclear installations in the event of compensation for nuclear damage consists of

insurance of civil liability of the operator of a nuclear installation or a unified operator of nuclear installations for nuclear damage or other security provided for by the legislation of the Republic of Kazakhstan.

3. A legal entity, including an insurer, that has provided financial security to a nuclear installation operator or a unified operator of nuclear installations within the limits of civil liability established by Article 26-2 of this Law, shall not be entitled to unilaterally suspend or terminate financial security without notifying it and the authorized body about it in writing not less than one hundred and fifty calendar days before the date of suspension or termination of financial security.

4. Verification of the availability of financial support for civil liability of a nuclear plant operator or a unified nuclear plant operator shall be carried out in accordance with Article 7 of this Law.

Footnote. Article 26-3 as amended by the Law of the Republic of Kazakhstan dated 30.12.2021 № 95-VII (shall enter into force from 01.01.2023).

Article 26-4. Contract of insurance of civil liability of the operator of a nuclear installation or a unified operator of nuclear installations for causing nuclear damage

1. Insurance of civil liability of the operator of a nuclear installation or a unified operator of nuclear installations for causing nuclear damage shall be carried out in accordance with the legislation of the Republic of Kazakhstan, taking into account the specifics established by this Law.

2. A unified operator of nuclear installations shall have the right to insure the civil liability of a nuclear installation operator or a unified operator of nuclear installations for causing nuclear damage in respect of one or several nuclear installations.

3. The contract of insurance of civil liability of the operator of a nuclear installation or a unified operator of nuclear installations for inflicted nuclear damage must contain the following conditions:

1) the obligation of the insurer to make an insurance payment in the event of a nuclear incident, except for cases where nuclear damage arose as a result of an armed conflict, hostilities, civil war or insurrection, and was also caused in whole or in part as a result of intent or gross negligence of a physical and (or) legal persons in terms of payment of compensation for causing nuclear damage to such person;

2) refusal to transfer to the insurer, which is obliged to make or made the insurance payment, the rights of the insured to compensation for losses (subrogation), except for the cases provided for by this Law;

3) the right of the beneficiary, the insured, as well as the authorized body, instead of the insured, to notify the insurer of the occurrence of an insured event;

4) the obligation to notify the insurer of the occurrence of an insured event no later than ten working days from the moment of its occurrence.

4. The sum insured under the civil liability insurance contract for nuclear damage, concluded with the operator of a nuclear installation or a unified operator of nuclear installations in respect of all or several nuclear installations located within the same site of their location, shall be determined as for one nuclear installation, based on from the highest category of radiation hazard of nuclear installations.

5. The insurer shall not be released from making insurance payments if the operator of a nuclear installation or a unified operator of nuclear installations has waived its right to claim against an individual or legal entity liable for losses indemnified by the insurer, or the exercise of this right has become impossible due to the fault of the operator of a nuclear installation or a unified operator of nuclear installations. nuclear facility operator.

Article 26-5. Limitation of actions

1. The limitation period for claims related to compensation for causing nuclear damage to human life or health shall be set at thirty years from the date of the nuclear incident. Claims filed after thirty years from the date of the onset of a nuclear incident shall be satisfied for the past time, but not more than for three years preceding the filing of a claim.

2. The limitation period for claims related to compensation for nuclear damage, including damage to the environment and losses of individuals and legal entities, as well as the costs of preventive measures, shall be set at ten years from the date of the nuclear incident.

Article 26-6. Recourse requirements

The operator of a nuclear installation or a unified operator of nuclear installations who bears civil liability for nuclear damage, or any other legal entity that has compensated for such damage in the manner of its financial security provided for by this Law, shall not have the right to claim back (recourse), except for the right regression:

- 1) provided for by a civil law contract;
- 2) to an individual guilty of causing nuclear damage.

Article 26-7. The procedure and grounds for the release of the operator of a nuclear installation or a unified operator of nuclear installations from civil liability for causing nuclear damage

1. The release of the operator of a nuclear installation or a unified operator of nuclear installations from civil liability for causing nuclear damage shall be carried out in a judicial proceeding.

2. An operator of a nuclear installation or a unified operator of nuclear installations shall be released from civil liability for causing nuclear damage if there is evidence that nuclear damage arose as a result of an armed conflict, hostilities, civil war or insurrection, and was also caused in whole or in part as a result of intent or gross negligence of an individual and (or) legal entity in terms of payment of compensation for causing nuclear damage to such person.

Chapter 5. FINAL PROVISIONS

Article 27. Liability for violation of the legislation of the Republic of Kazakhstan on the use of nuclear energy

Violation of the legislation of the Republic of Kazakhstan on the use of nuclear energy entails responsibility established by the laws of the Republic of Kazakhstan.

Article 28. Compensation for harm caused by improper handling of nuclear facilities

1. Damage caused to natural and legal persons as a result of improper handling of nuclear facilities shall be compensated for in accordance with the legislation of the Republic of Kazakhstan.

2. Natural and legal persons guilty of improper handling of nuclear facilities shall compensate for damage to land, water, plant and animal life, including expenses for land reclamation and restoration of soil fertility, in accordance with the legislation of the Republic of Kazakhstan.

Article 29. Procedure for the enactment of this Law

1. This Law shall take effect ten calendar days after the day of its first official publication.

2. The Law of the Republic of Kazakhstan dated 14 April, 1997 "On use of nuclear energy" shall be considered to have lost force (Bulletin of the Parliament of the Republic of Kazakhstan, 1997, № 7, Art. 83; 2004, № 23, Art. 142; 2007, № 1, Art. 4; № 2, Art. 18; № 8, Art. 52; 2009, № 18, Art. 84; 2010, № 5, Art. 23; 2011, № 1, Art. 2; 2012, № 15, Art. 97; 2014, № 1, Art. 4; № 10, Art. 52; № 19-I, 19-II, Art. 96; the Law of the Republic of Kazakhstan dated 29 October, 2015 " On Introduction of Amendments and Supplements to Some Legislative Acts of the Republic of Kazakhstan on Issues of entrepreneurship", published in the newspapers "Egemen Kazakhstan" and "Kazakhstanskaya Pravda" 3 November, 2015).

*The President
of the Republic of Kazakhstan*

N. NAZARBAYEV