

On the development of agglomerations

Unofficial translation

The Law of the Republic of Kazakhstan dated January 1, 2023 № 181-VII LRK

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This Law shall regulate public relations aimed at creating legal and organizational conditions for the formation, development, and functioning of agglomerations in the Republic of Kazakhstan.

Article 1. Basic concepts used in this Law

The following basic concepts are used in this Law:

- 1) an agglomeration - a local system consisting of the capital or a city of republican significance, or a city of regional significance and settlements located around them that meet the criteria defined by this Law;
- 2) the territory of an agglomeration - land and water bodies within the boundaries (line) of the capital, city of republican significance, city of regional significance, determined by the Government of the Republic of Kazakhstan, and their suburban areas;
- 3) the structure of an agglomeration - a list of settlements located on the territory of the agglomeration;
- 4) a comprehensive plan for the development of the agglomeration - a document containing provisions aimed at ensuring sustainable socio-economic development of the agglomeration;
- 5) center of an agglomeration - the capital or a city of republican significance, or a city of regional significance, determined by the Government of the Republic of Kazakhstan;
- 6) an authorized body - the central executive body that carries out management and intersectoral coordination in the sphere of agglomerations development.

Article 2. Legislation of the Republic of Kazakhstan on the development of agglomerations

1. The legislation of the Republic of Kazakhstan on the development of agglomerations shall be 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, then the rules of the international treaty shall be applied.

Article 3. Principles for regulating relations in the sphere of agglomerations development

The principles for regulating relations in the sphere of agglomerations development shall be:

1) the principle of economic justification: adoption by the state of economically justified decisions that provide favorable conditions, including the stimulation of initiatives for the formation, development, and functioning of agglomerations, and investment attractiveness;

2) the principle of coherence: the implementation of a balanced regional policy, taking into account national and local interests through the adoption of agreed decisions on the development of agglomerations by local executive bodies;

3) the principle of justice: observance of interests of the administrative-territorial units included in the agglomeration.

Article 4. Designation of settlements to the agglomeration

1. The criteria for classifying settlements as an agglomeration shall be:

1) the presence of everyday labor, production, socio-cultural and other ties with the center of an agglomeration;

2) the tendency to a territorial merger with the center of an agglomeration.

2. Designation of settlements to the agglomeration shall be carried out by including them in the structure of an agglomeration, the procedure for the formation of which shall be determined by the authorized body.

3. The inclusion of settlements in the agglomeration shall be carried out by the Government of the Republic of Kazakhstan at the proposal of the authorized body.

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

The Government of the Republic of Kazakhstan shall:

1) develop the main directions of state policy in the sphere of agglomeration development ;

2) approve the list and structure of agglomerations in agreement with the Administration of the President of the Republic of Kazakhstan;

3) approve a comprehensive plan for the development of an agglomeration in agreement with the Administration of the President of the Republic of Kazakhstan;

4) approve the regulation of the agglomeration council;

5) approve the members of the agglomeration council;

6) perform other functions assigned to it by the Constitution, laws of the Republic of Kazakhstan, and acts of the President of the Republic of Kazakhstan.

Article 6. Competence of the authorized body

The authorized body shall:

1) implement the main directions of state policy in the field of agglomeration development;

2) coordinate the activities of central state bodies, local executive bodies, and local councils of agglomerations on the development of agglomerations;

3) develop proposals for defining goals and objectives aimed at ensuring the formation, development, and functioning of agglomerations;

4) provide assistance to local executive bodies of the capital, the city of republican significance, and the region, the settlements of which are included in the agglomeration, in terms of the development of agglomerations;

5) develop a list and structure of agglomerations;

6) develop regulations on the agglomeration council;

7) develop and approve the regulation on the local council of an agglomeration;

8) determine the requirements for the content of an agreement on the joint resolution of issues of local importance on the territory of an agglomeration;

9) exercise 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.

Article 7. Powers of local representative bodies of the capital, cities of republican significance, regions, settlements of which are included in the agglomeration, cities of regional significance (centers of agglomerations), districts, settlements of which are included in the agglomeration

Local representative bodies of the capital, cities of republican significance, regions, settlements of which are included in the agglomeration, cities of regional significance (centers of agglomerations), districts, settlements of which are included in the agglomeration shall:

1) coordinate draft agreements on the joint resolution of issues of local importance on the territory of an agglomeration:

between the capital or city of republican significance and the region, the settlements of which are included in the agglomeration;

between the city of regional significance (the center of an agglomeration) and the districts the settlements of which are included in the agglomeration;

2) make proposals to the local council of an agglomeration;

3) coordinate a comprehensive plan for the development of an agglomeration, submitted by the secretariat of the local council of an agglomeration;

4) exercise other powers to ensure citizens' rights and legitimate interests, in accordance with the legislation of the Republic of Kazakhstan.

Article 8. Powers of local executive bodies of the capital, the city of republican significance, and the region, the settlements of which are included in the agglomeration

1. Local executive bodies of the capital, the city of republican significance, and the region, the settlements of which are included in the agglomeration shall:

1) participate in the joint resolution of issues of local importance of settlements included in the agglomeration;

2) participate in the preparation and signing of an agreement on the joint resolution of issues of local importance on the territory of an agglomeration between the capital or city of republican significance and the region, the settlements of which are included in the agglomeration;

- 3) participate in the creation and activities of the local agglomeration council;
- 4) provide assistance to local executive bodies of the districts, the settlements of which are included in the agglomeration, in resolving issues of the agglomeration development;
- 5) take measures to increase the competitive opportunities of an agglomeration;
- 6) send proposals to the secretariat of the local council of an agglomeration for inclusion in the comprehensive plan for the agglomeration development;
- 7) exercise other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local government.

2. Along with the powers specified in paragraph 1 of this Article, local executive bodies of the capital and the city of republican significance, within their competence shall:

- 1) coordinate the activities of entities for the implementation of a general plan of the capital and city of republican significance, approved in accordance with the procedure established by the legislation of the Republic of Kazakhstan, the integrated scheme for urban planning of territories classified as a suburban area of the capital and city of republican significance;

- 2) organize the development of a draft general plan for the capital, city of republican significance, and their suburban areas;

- 3) coordinate draft state regulations (state regulatory documents) in the field of architecture, urban planning, and construction, applied on the territory of the capital, city of republican significance, and their suburban areas.

3. Along with the powers specified in paragraph 1 of this Article, the local executive body of the region, the settlements of which are included in the agglomeration, within its competence shall carry out the development and submission of proposals for holding events aimed at promoting the brand of an agglomeration, and the implementation of these activities for consideration by the akimat of the capital or city of republican significance.

Article 9. Powers of local executive bodies of the city of regional significance (the center of an agglomeration) and districts the settlements of which are included in the agglomeration

Local executive bodies of the city of regional significance (the center of an agglomeration) and districts, the settlements of which are included in the agglomeration shall:

- 1) participate in the joint resolution of issues of local importance of settlements included in the agglomeration;

- 2) participate in the preparation and signing of an agreement on the joint resolution of issues of local importance on the territory of the agglomeration between the city of regional significance (the center of the agglomeration) and the districts the settlements of which are included in the agglomeration;

- 3) participate in the creation and activities of the local agglomeration council;

- 4) send proposals to the secretariat of the local council of the agglomeration for inclusion in the comprehensive plan for the development of an agglomeration;

5) exercise other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local government.

Article 10 Agreement on the joint resolution of issues of local importance on the territory of an agglomeration

1. An agreement on the joint resolution of issues of local importance on the territory of an agglomeration shall be concluded taking into account the requirements established by the authorized body and this Law.

2. Preparation and conclusion of an agreement on the joint resolution of issues of local importance on the territory of an agglomeration shall be regulated in accordance with the Civil Code of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan.

3. An agreement on the joint resolution of issues of local importance on the territory of an agglomeration shall be signed by the first heads of local executive bodies included in the agglomeration.

Article 11. Agglomerations Council

1. The Agglomerations Council shall be a consultative and advisory body under the Government of the Republic of Kazakhstan, created for the purpose of interdepartmental coordination of issues on the development of agglomerations, as well as resolving issues of organizational, informational, and analytical support for the development of agglomerations.

2. Decisions of the Agglomerations Council shall be taken by a majority vote of members of the Agglomerations Council.

3. The procedure for forming the Agglomerations Council and organizing its activities shall be established by the regulation of the Agglomerations Council.

Article 12. The local council of an agglomeration

1. The local council of an agglomeration shall be a consultative and advisory body created by a joint decision of local executive bodies of the capital or city of republican significance and the region, the settlements of which are included in the agglomeration, the city of regional significance (the center of an agglomeration) and the districts, the settlements of which are included in the agglomeration, on the basis of an agreement on the joint resolution of issues of local importance on the territory of an agglomeration for the purpose of interdepartmental coordination of the agglomeration development, as well as resolving issues of organizational, informational, and analytical support for the development of an agglomeration.

2. The local council of an agglomeration may include representatives of state bodies, local representative and executive bodies of the capital or city of republican significance and the region, the settlements of which are included in the agglomeration, cities of regional significance (the center of the agglomeration) and districts, the settlements of which are included in the agglomeration, representatives of the National Chamber of Entrepreneurs of the Republic of Kazakhstan and other organizations operating and registered on the territory of settlements that are part of the agglomeration.

3. The members of the local council of an agglomeration shall be approved by a joint decision of local executive bodies of the capital or city of republican significance and the region, the settlements of which are included in the agglomeration, the cities of regional significance (the center of the agglomeration) and districts, the settlements of which are included in the agglomeration, in accordance with an equal number of representation from the capital or city of republican significance and the region, the settlements of which are included in the agglomeration, the cities of regional significance (the center of the agglomeration) and districts, the settlements of which are included in the agglomeration, regardless of the number of people living in them.

4. The number of members of the local council of an agglomeration, and the procedure for its formation, including the selection of candidates for the local council of an agglomeration shall be determined in the agreement on the joint resolution of issues of local importance on the territory of an agglomeration, taking into account the requirements of this Article.

5. The powers of the local council of an agglomeration shall include:

1) development of proposals for defining the goals and objectives aimed at ensuring the formation, development, and functioning of an agglomeration;

2) coordination of a comprehensive plan for the development of an agglomeration, developed by the secretariat of the local council of an agglomeration;

3) compilation and publication of an annual report on the development of an agglomeration on the

Internet resources;

4) determination of the secretariat of the local council of an agglomeration;

5) other powers in accordance with the legislation of the Republic of Kazakhstan.

6. The chairman of the local council of an agglomeration shall be elected from among its members at a meeting of the local council of an agglomeration.

7. Meetings of the local council of an agglomeration shall be held at least once a quarter.

8. The decisions at the meetings of the local council of an agglomeration shall be taken by a majority vote of members of the local council of an agglomeration. If the local council of an agglomeration does not make a decision on a certain issue twice in a row, then the decision on this issue shall be made by the council of agglomerations.

9. The secretariat of the local council of an agglomeration shall perform the following functions:

1) assistance in the implementation of projects and decisions adopted by the local council of an agglomeration;

2) monitoring the implementation of decisions taken by the local council of an agglomeration;

3) collection and provision of data and information on the agglomeration to the local council of an agglomeration;

4) preparing a draft comprehensive plan for developing an agglomeration.

Article 13. Comprehensive plan for the development of an agglomeration

1. A comprehensive plan for the development of an agglomeration takes into account the documents of the State Planning System, general plans (or their replacement schemes for the development and construction of settlements with a population of up to five thousand people) and contains the following provisions:

1) assessment of the current state of socio-economic development of settlements included in the agglomeration;

2) problems of urban and spatial planning, development of communal, transport, and social infrastructure of the agglomeration;

3) goals and objectives of the development of an agglomeration, including in the spheres of development of communal, transport, and social infrastructure, improvement, protection, and environmental protection, industrial development, development of the consumer market, regulation of migration on the territory of an agglomeration, as well as in other spheres of socio-economic development;

4) main parameters and indicators, characterizing the goals and objectives of the development of an agglomeration;

5) a set of measures grouped according to the objectives of the agglomeration development, indicating the sources, amount of financing, terms of implementation of activities, and responsible executors;

6) assessing the socio-economic efficiency of a comprehensive plan for developing an agglomeration.

2. A comprehensive plan for the development of an agglomeration shall be developed by the secretariat of the local council of an agglomeration for a five-year period.

3. The secretariat of the local agglomeration council shall ensure the placement of information in the media on the preparation of a draft comprehensive plan for the development of an agglomeration and the acceptance of proposals from interested individuals and legal entities.

4. The secretariat of the local agglomeration council shall develop a draft comprehensive plan for the development of an agglomeration, taking into account the proposals received, and provide public hearings on the draft comprehensive plan for the development of an agglomeration in accordance with the procedure determined by the local agglomeration council.

5. The secretariat of the local council of an agglomeration shall send the draft comprehensive plan for the development of an agglomeration to the authorized body for consideration by the Government of the Republic of Kazakhstan.

6. Local executive bodies must take the necessary measures to implement the comprehensive plan for the development of an agglomeration and ensure the consistency of

general plans (or their replacement schemes for the development and construction of settlements with a population of up to five thousand people), budgets and other documents with it.

Article 14. The procedure for entry into force of this Law

This Law shall enter into force upon expiry of ten calendar days after the day of its first official publication.

The President of the Republic of Kazakhstan

K. TOKAYEV

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