

On the plant world

Unofficial translation

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This Law regulates social relations and establishes legal frameworks of the state policy in the field of conservation, protection, restoration and use of the plant world.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic concepts used in this Law

The following basic concepts shall be used in this Law:

- 1) botanical collection – a systematized, documented collection of plants and (or) their parts, having scientific, educational, cultural, historical, aesthetic and other value;
- 2) genetic erosion – loss of genetic diversity caused by human activities, including unsustainable use and improper conservation of plant genetic resources;
- 3) cultivated plants – plants specially grown for food, fodder, technical and other needs;
- 4) wild relatives of cultivated plants – wild plants that are genetically close to cultivated plants, suitable for introduction into culture or use in breeding;
- 5) wild plants – plant species that grow and spread in their natural environment;
- 6) green spaces – plantations of trees, shrubs and herbaceous plants that perform protective, sanitary and hygienic, social, aesthetic and other functions in the territories of settlements;
- 7) plants – vascular, bryophyte plants, algae, as well as lichens and fungi;
- 8) the plant world – the totality of plant species, their populations and communities growing in natural conditions, as well as artificially planted in a certain area;
- 9) conservation of the plant world – a set of measures to preserve the plant world, prevent and combat fires, illegal use of the plant world and other violations of the legislation of the Republic of Kazakhstan;
- 10) authorized body in the field of conservation, protection, restoration and use of the plant world (hereinafter referred to as the authorized body) – the central executive body that carries out management and intersectoral coordination in the field of conservation, protection, restoration and use of the plant world;
- 11) restoration of the plant world – a set of measures to stabilize and (or) restore the quantitative and qualitative characteristics of populations, communities of wild plants;
- 12) protection of the plant world – a set of measures to protect the plant world from pests, diseases and the impact of adverse factors of natural and anthropogenic nature;

- 13) use of the plant world – legally regulated activities for the use of plant resources;
- 14) user of the plant world – an individual or legal entity who, in accordance with this Law and other laws of the Republic of Kazakhstan, has been granted the right to use the plant world;
- 15) plant community – a steady set of plants characterized by a certain species composition, structure, relationships of plants with each other and with environmental factors;
- 16) plant habitat – a land plot or a water body with natural conditions for the growth and development of a plant species;
- 17) plant population – a group of individuals of the same plant species that share a common gene pool and occupy a specific area;
- 18) plant resources – plants, their parts and derivatives, which are used or can be used for various purposes;
- 19) plant hybridization – the process of formation or production of hybrids, based on the combination of the genetic material of cells of different plant species;
- 20) plant acclimatization – adaptation of plants to new or changed growing conditions in which they go through all stages of development and give viable offspring;
- 21) plant introduction – intentional or accidental transfer of plant species outside their natural habitats and habitats;
- 22) plant reintroduction – the transfer of a certain plant species to their former places of their natural growth and habitat;
- 23) alien species of plants – a plant species that is unusual for a given territory, which, if penetrated into natural plant communities, can damage the plant world;
- 24) plant genetic bank – specially equipped storage facility for keeping samples of plant genetic material;
- 25) plant genetic material – material of plant origin, including reproductive and vegetatively propagated, containing functional units of heredity;
- 26) plant genetic resources – plant genetic material of actual or potential value;
- 27) collection of plant genetic resources – a systematized, documented collection of samples of plant genetic material stored under controlled conditions;
- 28) relict plants – plant species preserved from extinct, formerly widespread the plant worlds;
- 29) resource survey – a complex of scientific and survey works in a certain territory to study the raw materials of individual plant species and their communities and determine the possible volumes of their withdrawal;
- 30) flora – historically established set of plant species distributed in a certain area;
- 31) endemic plants – plant species that are limited in their distribution and not found in other territories.

Article 2. Legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world

1. The legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world 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. Property relations in the field of conservation, protection, restoration and use of the plant world shall be regulated by the civil legislation of the Republic of Kazakhstan, unless otherwise provided by this Law.

3. Public relations in the field of conservation, protection, restoration and use of the plant world, located on the lands of the forest fund and specially protected natural areas, as well as within the boundaries of protected areas of specially protected natural areas, shall be regulated by special legislation of the Republic of Kazakhstan.

4. 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. Goals, objectives and principles of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world

1. The goals of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world shall be:

- 1) ensuring the regulation of relations in the field of conservation, protection, restoration and use of the plant world in all its diversity;
- 2) creation of legal foundations for the conservation of natural diversity and the gene pool of wild plants, their rational use.

2. The objectives of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world shall be:

- 1) ensuring state regulation;
- 2) scientific support for the conservation, protection, restoration and use of the plant world;
- 3) ensuring public control;
- 4) development of international cooperation.

3. The conservation, protection, restoration and use of the plant world shall be based on the following principles:

- 1) recognition of national importance and priority of the conservation of the plant world as a factor in ensuring environmental sustainability and a favorable environment for life;
- 2) sustainable conservation, predominantly in natural conditions, of plant species, their populations and communities, as well as their habitats;
- 3) rational use of the plant world;
- 4) serviceability for the use of plant resources in the order of special use of the plant world;

5) inevitability of punishment for violation of the requirements of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world;

6) compensation for damage to and loss of the plant world;

7) accessibility of information in the field of conservation, protection, restoration and use of the plant world and public participation in decision-making in the field of conservation, protection, restoration and use of the plant world.

Article 4. Ownership of the plant world

The plant world belongs to the people of Kazakhstan. On behalf of the people of Kazakhstan, the right of ownership is exercised by the state. At the same time, the implementation of the property right by the state is realized through the regime of state ownership in the interests of the people of Kazakhstan.

Plants growing on privately owned lands can be used by private property entities in accordance with the legislation of the Republic of Kazakhstan.

Chapter 2. OBJECTS OF REGULATION AND SUBJECTS OF LEGAL RELATIONS IN THE FIELD OF CONSERVATION, PROTECTION, RESTORATION AND USE OF THE PLANT WORLD

Article 5. Objects of regulation in the field of conservation, protection, restoration and use of the plant world

1. The objects of regulation in the field of conservation, protection, restoration and use of the plant world (hereinafter referred to as the objects of regulation) are:

1) wild plants, their populations and communities, including:

rare and endangered;

endemic and relict;

medicinal;

other types of plants;

2) harvested (collected) wild plants, their parts and derivatives;

3) green spaces;

4) botanical collections and collections of plant genetic resources;

5) habitats of plants, their populations and communities.

2. The provisions of this Law shall not apply to:

1) agricultural plants;

2) plants growing on personal plots, plots for personal subsidiary farming, gardening, summer cottage construction and gardening.

Article 6. Subjects of legal relations in the field of conservation, protection, restoration and use of the plant world

The subjects of legal relations in the field of conservation, protection, restoration and use of the plant world are individuals and legal entities, state bodies and their officials, local self-government bodies.

Article 7. Rights and obligations of individuals and legal entities

1. Individuals and legal entities shall have the right to:

1) freely visit and stay in areas occupied by the plant world, with the exception of specially protected natural areas and areas of the state forest fund, where a special regime for the protection of territories has been established;

2) use the plant world in accordance with the legislation of the Republic of Kazakhstan;

3) the access to information in the field of conservation, protection, restoration and use of the plant world in accordance with this Law.

Individuals and legal entities, carrying out special use of the plant world shall also have right to:

1) dispose of harvested (collected) plant resources, as well as income from their sale in accordance with the legislation of the Republic of Kazakhstan;

2) for compensation for losses caused by violation of the rights of users of the plant world or by the forced acquisition of a land plot for state needs, in accordance with the legislation of the Republic of Kazakhstan.

2. Individuals and legal entities shall be obliged:

1) to prevent destruction and damage, illegal collection of wild plants, their parts and derivatives;

2) to comply with the requirements of the rules for the use of the plant world and prevent negative impacts on the places where plants grow;

3) not to violate the integrity of natural plant communities, contribute to the conservation of their biological diversity;

4) to prevent deterioration of the state of other natural objects in the process of using the plant world;

5) to comply with fire safety requirements in areas occupied by the plant world;

6) not to violate the rights of other persons when using the plant world.

Individuals and legal entities, carrying out special use of the plant world, shall also be obliged to:

1) carry out activities on the assigned plots of land, water bodies for the conservation, protection, restoration and use of the plant world;

2) timely pay for the use of plant resources in the order of special use of the plant world in accordance with the tax legislation of the Republic of Kazakhstan.

3. Individuals and legal entities shall have other rights and bear other obligations established by the laws of the Republic of Kazakhstan.

Chapter 3. STATE REGULATION IN THE FIELD OF CONSERVATION, PROTECTION, RESTORATION AND USE OF THE PLANT WORLD

Article 8. Competence of the Government of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world

The Government of the Republic of Kazakhstan shall:

- 1) develop main directions of the state policy in the field of conservation, protection, restoration and use of the plant world;
- 2) exercise the rights of possession, use and disposal of the plant world;
- 3) approve the list of rare and endangered plant species;
- 4) decide on the seizure of rare and endangered plant species, their parts or derivatives and approves the volume of their seizure;
- 5) carry out 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 9. Competence of the authorized body, department of the authorized body and its territorial subdivisions in the field of conservation, protection, restoration and use of the plant world

1. The authorized body shall:

- 1) implement state policy in the field of conservation, protection, restoration and use of the plant world;
- 2) coordinate the activities of central and local executive bodies in the field of conservation, protection, restoration and use of the plant world;
- 3) develop and approve the rules for state monitoring and state cadastre of the plant world ;
- 4) develop and approve the rules for taking the inventory of the plant world;
- 5) approve basic rates for calculation of the amount of damage caused by violation of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world;
- 6) develop and approve the rules for formation, storage, accounting and use of botanical collections, collections of plant genetic resources;
- 7) develop and approve the rules for establishing restrictions (suspension) of the right to use wild plants;
- 8) develop and approve the rules for handling of the gene pool of the plant world;
- 9) develop and approve the rules for the use of the plant world;
- 10) develop and approve the list of medicinal plants in coordination with the authorized body in the field of healthcare;
- 11) develop and approve the rules for transfer of naturally growing rare and endangered plant species under protection to land owners, land users and water users;
- 12) develop and approve the list of endemic and relict plants;

13) develop and approve the methodology for conducting a resource survey of plant resources and determining the limits of their use;

14) develop and approve the rules for accreditation of specialized organizations that carry out resource surveys;

15) develop the list of rare and endangered plants;

16) develop and approve the model rules for creation, maintenance and protection of green spaces of settlements;

17) ensure access for individuals and legal entities to information in the field of conservation, protection, restoration and use of the plant world;

18) exercise state control in the field of protection, protection, restoration and use of wild plants;

19) 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.

2. The department of the authorized body and its territorial subdivisions shall carry out their activities within the competencies established by the authorized body and this Law.

Article 10. Competence of local representative bodies of regions, cities of republican significance and the capital in the field of conservation, protection, restoration and use of the plant world

Local representative bodies of regions, cities of republican significance and the capital shall:

1) approve the action plans in the field of conservation, protection, restoration and use of the plant world;

2) hear the reports of local executive bodies on the handling of the plant world;

3) approve the rates of payment for the use of plant resources in the order of special use of the plant world, with the exception of rates for timber sold on the vine on the plots of the state forest fund;

4) approve the rules for the creation, maintenance and protection of green spaces in settlements;

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

Article 11. Competence of local executive bodies of regions, cities of republican significance and the capital in the field of conservation, protection, restoration and use of the plant world

The local executive bodies of regions, cities of republican significance and the capital shall:

1) develop and implement the action plans in the field of conservation, protection, restoration and use of the plant world;

2) organize the activity in the field of conservation, protection, restoration and use of the plant world;

- 3) ensure the maintenance of green spaces located on public lands of settlements;
- 4) develop rates of payment for the use of plant resources in the order of special use of the plant world, with the exception of rates for timber sold on the vine on the plots of the state forestry fund;
- 5) develop rules for the creation, maintenance and protection of green spaces in settlements;
- 6) make decisions on establishing restrictions (suspension) of the right to use wild plants in accordance with the legislation of the Republic of Kazakhstan;
- 7) provide access for individuals and legal entities to information in the field of conservation, protection, restoration and use of the plant world;
- 8) exercise on behalf of local government other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

Chapter 4. CONSERVATION AND PROTECTION OF THE PLANT WORLD

Article 12. Conservation of the plant world and plant habitats

1. The plant world and plant habitats are subject to conservation.
2. Conservation of the plant world and plant habitats is ensured by:
 - 1) prevention and suppression of damage or destruction of plant species, their populations and communities;
 - 2) reservation of land plots where it is planned to create or expand specially protected natural areas with restriction within these plots of economic activity that negatively affects the state of the plant world;
 - 3) preservation of the gene pool of valuable plant species in the areas of their natural growth, in botanical collections, as well as the genetic material of these species in the collections of plant genetic resources;
 - 4) organization of scientific research (work) in the field of conservation, protection, restoration and use of the plant world;
 - 5) establishment of restrictions (suspension) of the right to use wild plants;
 - 6) bringing individuals and legal entities to responsibility for violation of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world;
 - 7) promotion of the conservation of the plant world, the formation of an ecological culture in society;
 - 8) implementation of other measures of state regulation.
3. Conservation of the plant world and plant habitats shall be carried out by local executive bodies except for cases, where conservation of the plant world and plant habitats are entrusted to the owners of land plots, land and water users, users of the plant world in accordance with the legislation of the Republic of Kazakhstan.

Article 13. Establishment of restriction (suspension) of the right to use wild plants

In order to preserve the plant world, state bodies and local executive bodies, within their competence, shall establish a restriction (suspension) of the right to use wild plants:

1) in the event of threats to individual plant species, their populations, communities and habitats, the conservation of the plant gene pool;

2) to maintain the unique species diversity of the territory, as well as a rare or typical natural landscape;

3) on land plots reserved for the creation or expansion of specially protected natural areas, as well as those located in the buffer zones of specially protected natural areas, in accordance with the legislation of the Republic of Kazakhstan in the field of specially protected natural areas;

4) on the plots of the state forest fund in accordance with the forest legislation of the Republic of Kazakhstan;

5) on land plots, water bodies with rare and endangered, endemic and relict plant species;

6) on land plots provided and used for scientific research;

7) on land plots with plants that have undergone degradation and requiring work to restore them;

8) in other cases set forth by the legislation of the Republic of Kazakhstan.

Article 14. Fire protection of the plant world

1. Fire protection of the plant world shall be carried out by local executive bodies, land owners, land and water users, users of the plant world in accordance with the legislation of the Republic of Kazakhstan.

2. In case of fires in the plant habitats, local executive bodies, land owners, land and water users, users of the plant world shall take immediate measures to localize and extinguish them in accordance with the legislation of the Republic of Kazakhstan.

3. In order to ensure fire safety of the plant world during a period of high fire danger in forests, on lands of all categories, it shall be prohibited to burn dry vegetation (stubble, straw, stubble and other plant residues), with the exception of measures to eliminate outbreaks of quarantine objects and alien species of pests and plant diseases in compliance with fire safety requirements.

In order to reduce the risk of fires, as well as in case of economic necessity, mowing of dry coastal-aquatic vegetation is allowed in agreement with the authorized state body in the field of protection, reproduction and use of wildlife.

Article 15. Protection of the plant world

1. Protection of the plant world, growing on lands that are in state and private ownership, shall be carried out in accordance with this Law and other legislation of the Republic of Kazakhstan.

2. In order to protect the plant world, local executive bodies, owners of land plots, land users shall be obliged to ensure:

1) implementation of measures for phytosanitary monitoring, prevention and timely detection of quarantine objects, especially dangerous harmful organisms, alien and other types of pests and pathogens of plants, reducing the impact of adverse factors on plants;

2) control of foci of quarantine objects, especially dangerous harmful organisms, alien and other types of pests and pathogens of plant diseases by methods and means that ensure their effectiveness and environmental safety in accordance with the legislation of the Republic of Kazakhstan;

3) timely informing the authorized body and authorized bodies in the field of plant protection, plant quarantine, forestry, specially protected natural areas about the facts of the occurrence of outbreaks of quarantine objects, especially dangerous harmful organisms, alien and other types of pests and pathogens of plants.

Article 16. Protection of rare and endangered, endemic and relict plant species

1. The assignment of plant species to the category of rare and threatening plant species shall be carried out on the basis of inventory data and scientific research conducted within the boundaries of the natural area of the spread of these species, and the conclusion of the cross-sectoral botanical commission.

2. The protection of rare and threatened disappearance of plant species shall be carried out by:

1) identifying areas of their growth, study, preservation in botanical collections and collections of genetic resources of plants;

2) establishment of a special protection regime in the areas of their growth;

3) creation and expansion of specially protected natural areas;

4) ensuring their preservation by the owners and users of the sites on which these plants grow, in accordance with the legislation of the Republic of Kazakhstan.

3. Withdrawal of rare and endangered species of plants, their parts or derivatives shall be carried out on the basis of a decision of the Government of the Republic of Kazakhstan for:

1) reproduction in specially created conditions in order to:

restoration of the number of natural populations;

international exchange (international trade);

2) scientific research, including the creation of collections, plant genetic banks;

3) selection.

The provisions of this paragraph shall not apply to rare and endangered plant species planted and growing as part of green spaces on the territory of settlements, with the exception of urban forests.

4. The protection of endemic and relict plants shall be carried out in accordance with the provisions of Article 12 of this Law.

Chapter 5. RESTORATION AND PRESERVATION OF THE PLANT WORLD

Article 17. Restoration of the plant world

1. Restoration of the plant world shall be ensured by:

1) maintaining (creating) favorable conditions for the growth of wild plants, their populations and communities;

2) promoting the natural recovery of wild plants, their populations and communities;

3) planting (sowing) plants and caring for them;

4) restrictions (suspension) of activities that have a negative impact on plant species, their populations and communities, habitats, in accordance with the legislation of the Republic of Kazakhstan.

2. The restoration of the plant world shall be carried out on the basis of land management and forest management materials, urban planning and other documents, as well as surveys or instructions from authorized state bodies.

Methods and technologies (agrotechnical measures) for carrying out restoration work shall be determined by projects developed on the basis of scientific recommendations by specialized organizations.

3. Restoration of plant species, their populations and communities shall be carried out using planting material, seeds, vegetative parts of mother plants of a guaranteed genotype.

Article 18. Genetic preservation of the plant world

1. Genetic preservation of the plant world shall be carried out through:

1) maintenance and restoration of plant species, populations in places of their natural growth;

2) preservation of plant diversity outside the places of its natural growth.

2. Maintenance and restoration of plant species, their populations in places of natural growth shall be ensured by allocating sites where the gene pool of the species and its established natural varieties (forms) have been preserved, giving them the status of an object of the state natural reserve fund and specially protected natural areas in accordance with the procedure set forth by the legislation of the Republic of Kazakhstan.

3. Preservation of plant diversity outside the places of its natural growth shall be ensured by artificial creation and maintenance of plantations, living collections of valuable plant species and (or) their varieties (forms), as well as maintenance in a controlled environment using various methods of plant conservation from populations, their vegetative parts, seeds (spore).

4. Information on plant genetic resources preserved shall be generated by the competent authorities and the national focal point for access and benefit-sharing (hereinafter referred to as the national focal point).

Access to such information shall be carried out through the national clearing-house mechanism in accordance with the rules for handling the gene pool of the plant world.

Chapter 6. INTRODUCTION, ACCLIMATION AND HYBRIDIZATION OF PLANTS

Article 19. Introduction and (or) acclimatization of plants

1. The introduction and (or) acclimatization of plants shall be allowed for their plantation cultivation for economic purposes, scientific research in specially designated areas and conservation in botanical collections, as well as landscaping of settlements.

Introduction and (or) acclimatization of plants shall be carried out on the basis of a notification in the field of conservation, protection, restoration and use of the plant world.

2. Restoration of wild plants in their natural environment shall be carried out by means of reintroduction or re-acclimatization of native flora species.

3. The introduction of alien plant species and genetically modified plant organisms into natural plant communities shall be prohibited.

Article 20. Hybridization of plants

1. Artificial hybridization of plants shall be allowed for research and breeding purposes.

Sites where plant hybridization work is carried out should not be a source of genetic erosion for the plant world.

2. In order to reduce the threat of natural hybridization of plants, genetic erosion within the areas of growth of wild relatives of cultivated plants, which are a source of a valuable gene pool for breeding, it shall be prohibited to place them less than two kilometers from their outer border of:

fruit and nut orchards (plantations), plantings of other types of flowering plants;
plantings (plantations) of plant hybrids.

Chapter 7. SCIENTIFIC RESEARCH (WORKS) IN THE FIELD OF CONSERVATION, PROTECTION, RESTORATION AND USE OF THE PLANT WORLD

Article 21. Организация научных исследований (работ) in the field of conservation, protection, restoration and use of the plant world

1. Organization of scientific research (works) in the field of conservation, protection, restoration and use of the plant world shall be carried out for the purposes of:

1) assessing the state of plant species, including rare and endangered, endemic and relict plant species, the populations, communities and ecological systems they form, studying the influence of natural and technogenic factors on them;

2) development of scientific foundations for the inventory, conducting state monitoring and state cadastre of the Plant World;

3) development of scientific recommendations in the field of conservation, protection, restoration and use of the plant world, conservation of the gene pool of the plant world, as well as development of standards in the field of conservation, protection, restoration and use of the plant world and environmental stresses;

4) collection, systematization, study, storage and use of botanical collections and collections of plant genetic resources;

5) development of scientific substantiation of measures to preserve the diversity of wild plants and natural landscapes;

6) conducting scientific and technical expertise in the field of conservation, protection, restoration and use of the plant world;

7) development of legal and economic mechanisms in the field of conservation, protection, restoration and use of the plant world;

8) participation in international research programs and projects.

2. Organization and conduct of scientific research (works) in the field of conservation, protection, restoration and use of the plant world are carried out in accordance with the legislation of the Republic of Kazakhstan on science.

Article 22. Botanical collections and collections of plant genetic resources

1. The botanical collection include:

living collections of plants of botanical gardens, dendrological parks and other types of specially protected natural areas, arboretums (arboretums), greenhouses, nurseries of scientific and other organizations;

Seeds and other parts of living plants stored as genetic material in special conditions; herbariums and collections of various parts of fossil plants.

2. Collections of plant genetic resources include:

national collections, which are a collection of valuable and unique samples of plant genetic resources, preserved in accordance with the requirements of international standards;

research and breeding collections that contain samples of various genetic material of plants and are formed to solve specific research, general education and breeding tasks;

temporary research collections, which are formed on the basis of samples obtained from research and breeding and other collections to support research and breeding programs;

core collections consisting of samples of plant genetic resources, the minimum number of which contains the main genetic diversity of a plant species;

international returnable collections, which are collections of samples of the world's plant diversity transferred for storage from international organizations, foreign national collections or plant genetic banks, which are managed on the basis of international agreements.

3. Botanical collections and collections of plant genetic resources are created by scientific organizations, environmental organizations that have the status of environmental and scientific organizations, other legal entities, as well as individuals in accordance with the legislation of the Republic of Kazakhstan.

Botanical collections and collections of plant genetic resources can be both publicly and privately owned.

4. The formation of botanical collections and collections of plant genetic resources shall be carried out by:

1) withdrawal of plants or their parts and derivatives in the places of their natural growth in accordance with this Law, the forest legislation of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan in the field of specially protected natural areas;

2) acquisition of documented samples of plants or their parts or derivatives from collections, or other plants for preservation in their own collections on the basis of a contract of sale, exchange, donation or other transaction on their alienation or otherwise provided by the legislation of the Republic of Kazakhstan;

3) selection from the main collection of a part that acts as an independent collection.

5. Import into the territory of the Republic of Kazakhstan and export from the territory of the Republic of Kazakhstan of botanical collections and collections of plant genetic resources or their individual components (plants, their parts and derivatives) shall be carried out in accordance with the rules of formation, storage, accounting and use of botanical collections, collections of plant genetic resources.

6. Owners of botanical collections and collections of plant genetic resources shall be obliged to register them.

Chapter 8. INVENTORY, STATE MONITORING AND STATE CADASTRE OF THE PLANT WORLD

Article 23. Inventory of the plant world

1. The inventory of the plant world shall be carried out in order to identify, record, analyze changes in the quantitative and qualitative characteristics of wild plants, their populations and communities, determine the conditions for their use and provide state bodies and local executive bodies, interested individuals and legal entities with information in the field of conservation, protection, restoration and use of the plant world in accordance with the procedure set forth by the legislation of the Republic of Kazakhstan.

2. Owners of land plots, land and water users, users of the plant world shall participate in the inventory of the plant world on the plots assigned to them.

Article 24. State monitoring of the plant world

1. The state monitoring of the plant world is a system of periodic observations, assessment and forecasting of the state of wild plants, their populations and communities, as well as the habitats of these species in order to make informed decisions in the field of conservation, protection, restoration and use of the plant world.

State monitoring of the plant world shall be carried out on indicator plant species in places of their natural growth, on specially designated monitoring sites.

2. To obtain monitoring information, the following shall be used:

Earth remote sensing methods;

land management projects, geobotanical and forest management materials, maps;

results of scientific research, resource surveys and design surveys;

the results of the inventory of the plant world, state accounting of the forest fund and other materials.

Article 25. State cadastre of the plant world

The state cadastre of the plant world contains a systematic set of data on the distribution and allocation of plant species by land categories, their quantitative and qualitative characteristics, economic assessment, as well as other data necessary for management and coordination in the field of conservation, protection, restoration and use of the plant world.

Article 26. The procedure for conducting an inventory, maintaining state monitoring and the state cadastre of the plant world

1. Inventory, state monitoring and maintenance of the state cadastre of the plant world shall be carried out by specialized organizations of the authorized body and authorized bodies in the field of forestry, land management.

2. Inventory, state monitoring and maintenance of the state cadastre of the plant world shall be carried out in accordance with the rules for conducting an inventory of the plant world, the rules for conducting state monitoring and the state cadastre of the plant world, approved by the authorized body in agreement with the authorized bodies in the field of forestry, according to land administration.

Chapter 9. THE USE OF THE PLANT WORLD

Article 27. Types of the use of the plant world

1. The following types of the use of the plant world shall be allowed in the territory of the Republic of Kazakhstan:

- 1) through general use:
 - use of the plant world for personal and domestic use;
 - use of the plant world for research, educational, cultural, educational, health, recreational, aesthetic, tourist purposes;
- 2) through special use:
 - use of the plant world for the needs of animal husbandry;
 - use of the plant world for pharmaceutical, food and technical needs.

2. General use of the plant world is free of charge and without appropriate permissions

The special use of the plant world is subject to payment for the use of plant resources in accordance with the tax legislation of the Republic of Kazakhstan and sending a notice to the field of conservation, protection, restoration and use of the plant world in the manner prescribed by this Law and the Law of the Republic of Kazakhstan “On Permissions and Notifications”.

Article 28. The use of the plant world for personal and domestic use

The use of the plant world for personal and domestic use is carried out by individuals in order to collect wild fruits, nuts, mushrooms, berries, medicinal raw materials and other plant resources, with the exception of rare and endangered plant species.

Collection by individuals for personal and home use of wild fruits, nuts, mushrooms, berries, medicinal raw materials and other plant resources shall be allowed within the limits approved by the decision of the local representative body of the region, city of republican

significance and the capital on the proposal of the local executive body of the region, city of republican significance and capitals.

Article 29. The use of the plant world for research, educational, cultural, educational, health, recreational, aesthetic and tourism purposes

1. The use of the plant world for research, educational, cultural, educational, health, recreational, aesthetic and tourism purposes shall be carried out with or without the withdrawal of wild plants, their parts and derivatives and is allowed in cases where this does not have a negative impact on the plant world and habitats of plants, in accordance with the rules for using the plant world.

2. For the purposes of preservation of the plant world, natural landscapes in areas used for mass recreation and tourism, local executive bodies, land owners, land users, water users shall be obliged to ensure the improvement of these plots in accordance with the urban planning and architectural and construction documentation, environmental and sanitary requirements.

Article 30. The use of the plant world for needs of livestock production

1. The use of the plant world for the needs of livestock production on pasture sites shall be carried out in accordance with the approved plan for pasture management and use, taking into account the established maximum allowable load on the total pasture area and pasture rotation schemes.

2. The use of the plant world for the purpose of harvesting fodder, haymaking shall be carried out on specially designated areas of agricultural land, water fund, state forest fund, specially protected natural areas in compliance with the requirements of the legislation of the Republic of Kazakhstan.

3. The use of the plant world for the needs of beekeeping shall be carried out on agricultural lands, areas of the state forest fund, specially protected natural areas and other lands in agreement with their owners and land users in accordance with the legislation of the Republic of Kazakhstan.

Article 31. The use of the plant world for pharmaceutical, food and technical needs

1. The types of use of the plant world for pharmaceutical, food and technical needs include the harvesting (collection) of wild plants for use and obtaining products of their processing, carried out within the limits approved by local executive bodies of regions, cities of republican significance and the capital.

The use of the plant world for pharmaceutical, food and technical needs shall be carried out in a strictly established time frame and in ways that do not damage the plant world.

2. Procurement (collection) of wild medicinal plants for pharmaceutical needs shall be carried out taking into account the preservation of their populations and communities, as well as their habitats.

Repeated procurement (collection) of wild-growing medicinal plants for pharmaceutical needs in the same thicket shall be allowed only after their complete restoration.

At the same time, it shall be allowed to harvest (collect) inflorescences and other above-ground organs of annual plants in the same thicket no more than once every two years, the above-ground organs of perennial plants - no more than once every four to six years, and their underground organs - no more than once every twelve – twenty years, depending on the type of medicinal plant and the geographical conditions of its growth.

3. The types of use of the plant world for food needs include the harvesting (collection) of plant resources: fruits, berries, nuts, mushrooms, as well as individual plants, their parts and derivatives used for processing and production of food products.

4. The types of use of the plant world for technical needs include the harvesting (collection) of wild plant resources used for industrial processing, production of building and packaging materials, tanning agents and dyes, utilitarian products, souvenirs and other purposes.

5. In order to reduce the anthropogenic load on the population and the community of wild plants, prevent their degradation, as well as sustainable provision of the needs of processing industries, planting cultivation of such plants shall be carried out.

6. The use of the plant world for pharmaceutical, food and technical needs shall be carried out in accordance with the terms of use of the plant world.

Article 32. Limits on the use of plant resources

1. Limits on the use of plant resources shall be established for the purposes of their rational use.

Limits on the use of plant resources shall be determined on the basis of resource surveys conducted by specialized organizations accredited by the authorized body and approved by local executive bodies of regions, cities of republican significance and the capital for a period determined by the materials of the resource survey.

2. Specialized organizations accredited by the authorized body shall be responsible for conducting a resource survey and providing reliable information in accordance with the laws of the Republic of Kazakhstan.

3. A resource survey shall be carried out at the request of users of the plant world at its own expense in accordance with the methodology for conducting a resource survey of plant resources and determining the limits of their use.

Chapter 10. NOTIFICATIONS IN THE FIELD OF CONSERVATION, PROTECTION, RESTORATION AND USE OF THE PLANT WORLD

Article 33. Notifications in the field of conservation, protection, restoration and use of the plant world

1. The following shall be subject to notification in the field of conservation, protection, restoration and use of the plant world:

- 1) harvesting (collection) of wild plants for pharmaceutical, food and technical needs;
- 2) introduction and (or) acclimatization of plants;

3) export from the territory of the Republic of Kazakhstan and import into the territory of the Republic of Kazakhstan of plant genetic resources in accordance with the obligations under the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, a party to which is the Republic of Kazakhstan.

2. The implementation of the activities specified in paragraph 1 of this article shall be allowed provided that a notification is sent in the field of conservation, protection, restoration and use of the plant world in accordance with this Law and the Law of the Republic of Kazakhstan "On Permissions and Notifications".

3. Notifications shall be sent by individuals and (or) legal entities to:

local executive bodies of regions, cities of republican significance and the capital when harvesting (collecting) wild plants for pharmaceutical, food and technical needs;

The department of the authorized body and its territorial units in case of:

introduction and (or) acclimatization of plants;

export from the territory of the Republic of Kazakhstan and import into the territory of the Republic of Kazakhstan of plant genetic resources in accordance with the obligations under the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, a party to which is the Republic of Kazakhstan.

Article 34. Notification procedure

1. Notifications in the field of conservation, protection, restoration and use of the plant world shall be sent at least ten working days before the expected date of the activity specified in paragraph 1 of Article 33 of this Law.

A notice shall be attached with:

for harvesting (collecting) wild plants for pharmaceutical, food and technical needs:

1) information containing information about the land plot, the volume and period of harvesting (collection) of wild plants;

2) consent of the owner of the land plot or land user for the harvesting (collection) of wild plants or a document of title;

3) resource survey materials;

4) receipt of payment for the use of plant resources as a special use of the plant world, except for cases of payment through the payment gateway of "electronic government";

for introduction and (or) acclimatization of plants:

1) information, containing information about:

origin of planting material, seeds and their quantity;

place, volume and timing (period) of planting, sowing plants;

2) quarantine certificate for planting material, seeds (for domestic transportation);

3) act of quarantine phytosanitary control and supervision issued by the state plant quarantine inspector (for imports);

- 4) passport for seeds and (or) passport for planting material;
- 5) recommendations of the environmental and scientific organization for the introduction and (or) acclimatization of plants;

for the export from the territory of the Republic of Kazakhstan and the import into the territory of the Republic of Kazakhstan of plant genetic resources in accordance with the obligations under the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, a party which is the Republic of Kazakhstan:

- 1) reasoned opinion for access to plant genetic resources issued by the relevant state body;
- 2) phytosanitary certificate;
- 3) national certificate for access to plant genetic resources issued by the national coordination center;
- 4) treaty on access to plant genetic resources.

2. State bodies that receive notifications in the field of conservation, protection, restoration and use of the plant world, within ten working days are required to provide consent or a reasoned refusal to carry out the activities specified in paragraph 1 of Article 33 of this Law, subject to the notification procedure.

If a state body submits a reasoned refusal, the activity can be carried out only if the reasons for the refusal are eliminated.

Chapter 11. GREEN SPACES

Article 35. Green space management

1. The creation of green spaces shall be carried out by local executive bodies based on the recommendations of scientific organizations.

Individuals and legal entities shall have the right to create green spaces at their own expense in areas determined by local executive bodies.

2. Owners of land plots and land users shall ensure the maintenance and protection of green spaces on their plots.

3. The adoption by local executive bodies of decisions on the development or reconstruction of territories occupied by green spaces, including parks, squares, boulevards, sanitary protection zones of organizations and other industrial facilities, shall be carried out in accordance with the legislation of the Republic of Kazakhstan and with the obligatory holding of public hearings.

4. In order to protect green spaces, local executive bodies shall be obliged to:
- conduct inventory and phytopathological surveys;
 - keep records and register of green spaces;
 - maintain documentation, including work plans for landscaping the territories of the settlement;
 - develop and approve a dendrological plan (landscaping plan);

carry out digitalization of monitoring the state of green spaces.

Article 36. Compensatory plantings

1. Compensatory plantings are the plantings of green spaces on the site of removal (cutting) or on sites determined by the dendrological plan (landscaping plan).

Compensatory plantings shall be carried out at the expense of individuals and (or) legal entities in whose interests the removal (cutting down) of green spaces was made or through whose fault these plantings were damaged or destroyed.

Individuals and (or) legal entities, in whose interests the removal (cutting down) of green plantings was carried out, or through whose fault these plantings were damaged or destroyed, shall be obliged to ensure the care of compensatory plantings.:

for trees and shrubs: conifers - within three years, hardwoods - within two years;
herbaceous plants - during the growing season of one year.

2. Compensation plantings shall be carried out in the following amounts:

1) when cutting down green spaces with the permission of the local executive body in accordance with the Law of the Republic of Kazakhstan “On Permissions and Notifications”, as well as their death on the territory adjacent to buildings, structures owned or used by individuals and (or) legal entities – ten-fold;

2) in case of illegal removal (cutting down) of green spaces or their damage, which led to their death - in a fifty-fold amount.

In case of illegal removal (cutting down) of green spaces included in the list of rare and endangered plant species, or damage to them, which led to their death, compensatory plantings are carried out in a hundred-fold amount.

3. In the event of the loss of a compensatory planting before the expiration of the care period specified in part three of clause 1 of this article, individuals and (or) legal entities shall be obliged to re-plant green spaces and care for them.

Chapter 12. PARTICULARITIES OF HANDLING WITH PLANTS GROWING ON INDIVIDUAL PLOTS OF LAND AND WATER BODIES

Article 37. Particularities of handling with plants growing in the border zone

1. Particularities of handling plants growing in the border zone shall be established by the authorized body in agreement with the National Security Committee of the Republic of Kazakhstan.

2. The use of the plant world growing in the border zone may be limited, suspended or prohibited in accordance with the legislation of the Republic of Kazakhstan on the State Border of the Republic of Kazakhstan, if it is incompatible with the intended purpose and the established special regime of these territories.

Article 38. Handling with the plants growing on lands subjected to radioactive and (or) chemical contamination

Handling with the plants growing on lands subjected to radioactive and (or) chemical contamination shall be prohibited.

The use of the plant world on these lands shall be permitted only after the completion of all measures to eliminate the consequences of radioactive and (or) chemical contamination and a comprehensive environmental survey based on the decision of the Government of the Republic of Kazakhstan to grant ownership or land use of these lands.

Article 39. Particularities of regulation of spreading the distribution of aquatic vegetation

At water bodies used for the needs of water, fisheries and electric power industry, it shall be allowed to carry out reclamation work and measures to combat excess aquatic vegetation in accordance with the legislation of the Republic of Kazakhstan.

In fishery reservoirs, regulation of the spread of excess aquatic vegetation shall be carried out by carrying out fishery melioration.

Chapter 13. INTERNATIONAL COOPERATION IN THE FIELD OF CONSERVATION, PROTECTION, RESTORATION AND USE OF THE PLANT WORLD

Article 40. International cooperation in the field of conservation, protection, restoration and use of the plant world

International cooperation in the field of conservation, protection, restoration and use of the plant world is based on liabilities of the Republic of Kazakhstan under international treaties and shall be carried out through:

- 1) communication of information in the field of conservation, protection, restoration and use of the plant world;
- 2) conducting joint research and monitoring of the plant world;
- 3) identification and conservation of plants of international importance;
- 4) access to plant genetic resources and traditional knowledge associated with plant genetic resources.

Article 41. International exchange (international trade) in the field of conservation, protection, restoration and use of the plant world

1. International exchange (international trade) by importing into the Republic of Kazakhstan and (or) exporting from the Republic of Kazakhstan plants, their parts and derivatives, genetic material for scientific and other purposes shall be carried out in accordance with the procedure set forth by the legislation of the Republic of Kazakhstan.

2. International exchange (international trade) by importing into the Republic of Kazakhstan and (or) exporting from the Republic of Kazakhstan rare and endangered species of plants, their parts and derivatives shall be carried out in accordance with international treaties to which the Republic of Kazakhstan is a party.

3. The international exchange of reproductive material of the gene pool of the plant world shall be carried out on a reimbursable and (or) gratuitous basis in accordance with an international agreement or a decision of the Government of the Republic of Kazakhstan.

Chapter 14. ECONOMIC REGULATION MECHANISM IN THE FIELD OF CONSERVATION, PROTECTION, RESTORATION AND USE OF THE PLANT WORLD

Article 42. Economic regulation mechanism in the field of conservation, protection, restoration and use of the plant world

Economic regulation mechanism in the field of conservation, protection, restoration and use of the plant world includes:

- 1) collection of fees for the use of plant resources as a special use of the plant world;
- 2) compensation for damage caused to the plant world;
- 3) compensation of losses of the plant world.

Article 43. Financing of activities in the field of conservation, protection, restoration and use of the plant world

Financing of activities in the field of conservation, protection, restoration and use of the plant world shall be carried out at the expenses of:

- 1) payments for negative impact on the environment;
- 2) funds of investors;
- 3) user funds of the plant world;
- 4) grants;
- 5) voluntary contributions and donations from individuals and legal entities;
- 6) other sources not prohibited by the legislation of the Republic of Kazakhstan.

Article 44. Compensation of damage caused to the plant world

1. Compensation for damage caused to the plant world shall be carried out in the form of criminal, administrative or civil liability for illegal seizure, harvesting (collection), damage or death of wild plants.

2. The amount of compensation for damage to the plant world shall be determined by the relevant territorial divisions of the department of the authorized body in accordance with the basic rates for calculating the amount of damage caused by violation of the law of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world.

Article 45. Compensation of losses of the plant world

1. Losses of the plant world shall be subject to compensation in cases of removal of wild plants (irretrievable loss) on land plots of all categories of land transferred to other categories for the purposes of subsoil use, construction (reconstruction) of buildings, structures, roads, pipelines and other facilities in accordance with project documentation for such objects, which received a positive conclusion from the state environmental expertise, as well as the forced acquisition of a land plot for state needs.

2. Losses of the plant world shall be compensated by individuals or legal entities in whose interests wild plants are removed, in accordance with the standards for compensation for losses of the plant world, approved by the authorized body.

3. Losses of the plant world shall be subject to within the period of six months from the date of the decision to grant the right to a land plot.

Chapter 15. IMPLEMENTATION OF STATE AND PUBLIC CONTROL IN THE FIELD OF PROTECTION, PROTECTION, RESTORATION AND USE OF WILD PLANTS

Article 46. State control in the field of protection, protection, restoration and use of wild plants

State control in the field of protection, protection, restoration and use of wild plants shall be carried out by the authorized body and other state bodies (hereinafter referred to as the control bodies) through inspections in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Law for compliance of the activities of the subjects (objects) of control with the requirements of the law of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world.

Article 47. Subjects and objects of state control in the field of protection, protection, restoration and use of wild plants

1. Subjects and objects of state control in the field of protection, protection, restoration and use of wild plants shall be individuals and (or) legal entities.

2. The objects of state control in the field of protection, protection, restoration and use of wild plants shall be:

1) the objects of regulation, provided for in subparagraphs 1), 2) and 5) of paragraph 1 of Article 5 of this Law, before and after harvesting (collection) of plant resources and their current state;

2) tools, methods and (or) ways of harvesting of the plant world;

3) information confirming the right to use the plant world.

Article 48. Types of inspections in the field of protection, protection, restoration and use of wild plants

1. Inspections with a visit (hereinafter referred to as the check) are divided into periodic and unscheduled.

2. Periodic inspections shall be carried out on the basis of an act on the appointment of an inspection in accordance with the semi-annual schedule of inspections approved by the control body.

Amendments to the semi-annual inspection schedules shall be carried out on the basis of the analysis and monitoring of the activities of subjects (objects) of control.

3. Unscheduled inspections shall be carried out on the basis of an act on the appointment of an unscheduled inspection without prior notification of the subject of control in cases of:

1) appeals of individuals and (or) legal entities on specific facts about causing damage to life, human health, the environment and the legitimate interests of individuals and (or) legal entities, the state in the presence of convincing grounds and supporting evidence;

2) demands of the prosecutor on specific facts of causing or threatening harm to life, human health, the environment and the legitimate interests of individuals and (or) legal entities, the state;

3) major wildfires;

4) detection of illegal procurement (collection) of regulated objects provided for in subparagraphs 1) and 2) of paragraph 1 of Article 5 of this Law, including during patrols.

4. Unscheduled inspections shall not be carried out in cases of anonymous requests.

Footnote. Article 48 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 49. The procedure for carrying out inspections in the field of protection, protection, restoration and use of wild plants with a visit to the subject (object) of control

1. Subjects (objects) of control in the field of protection, protection, restoration and use of wild plants shall be subject to inspections.

2. An official of the control body shall verify the compliance of the activities of the subjects (objects) of control with the requirements of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world, as well as control over the unauthorized removal of wild plants with a visit to the subject (object) control.

Prior to the periodic inspection, the official of the control body shall be obliged to notify in writing the subject of control (the head of the legal entity or his authorized person, an individual) of the start of the inspection for compliance with the requirements at least thirty calendar days before the start of the inspection, indicating the date of its commencement.

3. The official of the control body, who arrived for the inspection, shall be obliged to present to the subject of control:

1) an act on the appointment of an inspection;

2) identification card;

3) if necessary, permission from the competent authority to visit sensitive facilities.

4. The act on the appointment of the inspection shall indicate:

1) number and date of the act;

2) the name of the control body;

3) surname, name, patronymic (if it is indicated in the identity document) and position of the person authorized to conduct the check;

4) information about specialists, consultants and experts involved in the inspection (if any);

5) the name of the subject (object) of control or the surname, name, patronymic (if it is indicated in the identity document) of the individual in respect of whom the inspection is scheduled, his location, identification number, list of objects, plot of territory;

6) the type of inspection scheduled;

- 7) the term for the inspection;
- 8) grounds for conducting an inspection, including regulatory legal acts, the mandatory requirements of which are subject to verification;
- 9) period under review;
- 10) rights and obligations of the subject (object) of control;
- 11) signature of the person authorized to sign acts;
- 12) the signature of the head of the legal entity or his authorized person, an individual on receipt or refusal to receive an act on the appointment of an inspection.

5. The beginning of the inspection shall be the date of delivery to the subject of control or his authorized person of the act on the appointment of the inspection.

The act on the appointment of an inspection shall be recorded in the register of inspections of the control body that appointed the inspection.

6. The term for conducting an inspection shall be established taking into account the scope of the work ahead, the tasks set and should not exceed five working days.

7. The term for conducting an inspection can be extended only once by the head of the control body or by a person replacing him, only if it is necessary to conduct expert examinations.

The term for extending the inspection should not exceed three working days from the date of receipt of the results of the expert examination.

8. Extending the term of the inspection shall be drawn up by an act on extending the period of inspection.

The act on extending the period of inspection shall indicate the number and date of registration of the previous act on assigning the inspection and the reason for the extension.

9. The refusal of the subject of control or its authorized person to accept an act on assigning the inspection, or the failure to provide materials and information necessary for conducting an inspection, shall not be an obstacle to the access of an official of the control body to the objects of control.

10. Based on the results of inspections, officials of the control body shall draw up:

- 1) an act on the results of the inspection;
- 2) an order to eliminate the identified violations in cases of violations.

11. The act on the results of the inspection shall indicate:

- 1) number, date, time and place of drawing up the act;
- 2) the name of the control body;
- 3) the date and number of the act on the appointment of the inspection, on the basis of which the inspection was carried out;
- 4) surname, name, patronymic (if it is indicated in the identity document) and the position of the official, who carried out the inspection;
- 5) information about specialists, consultants and experts involved in the inspection;

6) the name of the subject (object) of control or the surname, name, patronymic (if it is indicated in the identity document) of the individual in respect of whom the inspection is scheduled, his location, identification number, list of objects, plot of territory;

7) date, place and period of the inspection;

8) information about the results of the inspection, including the identified violations, their nature;

9) information about familiarization or refusal to familiarize with the act on the results of the inspection of the representative of the subject of control (the head of the legal entity or its authorized person, individual), their signature or refusal to sign, as well as a note on the presence of comments and (or) objections to the results of conducted inspection;

10) signature of the official, who carried out the inspection.

In the absence of violations of the requirements of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world, an appropriate entry shall be made in the act on the results of the inspection.

12. In case of detection of violations, an order to eliminate the identified violations shall be attached to the act on the results of the inspection.

13. The order to eliminate the identified violations shall indicate:

1) date, time and place of the order;

2) the name of the control body;

3) surname, name, patronymic (if it is indicated in the identity document) and position of the official who conducted the inspection;

4) name of the subject (object) of control or surname, name, patronymic (if it is indicated in the identity document) of the individual in respect of which the inspection is scheduled, position of the representative of the individual or legal entity who was present during the inspection;

5) date, place and period of the inspection;

6) list of identified violations in accordance with the requirements of the law of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world;

7) recommendations and guidelines for the elimination of identified violations and the timing of their elimination;

8) information about familiarization or refusal to familiarize with the instruction of the representative of the subject of control (the head of the legal entity or its authorized person, individual), as well as the persons present during the verification, their signature or refusal to sign;

9) signature of the official, who carried out the inspection.

14. The deadlines for the execution of the order to eliminate the identified violations shall be determined taking into account the circumstances that affect the real possibility of its

execution, and are at least ten calendar days from the date of delivery of the order to eliminate the identified violations.

If additional time and (or) financial costs are necessary, the subject of control, no later than three working days from the date of delivery of the act on the results of the inspection and the order to eliminate the identified violations, shall have the right to apply to the control body that conducted the inspection with an application to extend the deadlines for eliminating the identified violations.

In the application, the subject of control shall be obliged to state the measures that will be taken to eliminate the identified violations, and the objective reasons for extending the deadlines for their elimination.

The control body that conducted the inspection, within three working days from the date of receipt of the application, taking into account the arguments set out in the application for the extension of the deadlines for eliminating the identified violations, shall make a decision to extend the deadlines for eliminating the identified violations or to refuse to extend with a reasoned justification.

15. The act on the results of the inspection, the order to eliminate the identified violations shall be drawn up in two copies.

The control body shall issue the first copy of the act on the results of the inspection, instructions to eliminate the identified violations on paper against signature or in electronic form to the subject of control (the head of the legal entity or his authorized person, an individual) for familiarization and taking measures to eliminate the identified violations and other actions, the second copy remains with the control body.

The act on the results of the inspection, the order to eliminate the identified violations, generated in electronic form, shall be sent to the email address specified by the subject of control.

16. If there are comments and (or) objections based on the results of the audit, the head of a legal entity or an individual or their representatives shall state comments and (or) objections in writing.

Comments and (or) objections are attached to the act on the results of the inspection, about which an appropriate note shall be made.

17. The end of the inspection period shall be considered to be the day of delivery to the subject of control of the act on the results of the inspection no later than the deadline for the end of the inspection specified in the act on the appointment of the inspection (the act on prolonging the inspection, if any).

18. After the expiration of the period for eliminating the identified violations specified in the order to eliminate the identified violations, the subject of control, within the period established in this order, shall be obliged to provide information on the elimination of the identified violations to the control body that conducted the inspection.

19. If the subject of control fails to provide information on the execution of the order to eliminate the identified violations based on the results of the inspection, the control body that conducted the inspection within two working days shall direct a request about the need to provide information on the execution of the order to the subject of control.

20. In case of early elimination of the identified violations specified in the order to eliminate the identified violations, the subject of control shall be obliged to provide the control body that conducted the inspection with information on the elimination of the identified violations.

The subject of control shall attach (if necessary) materials proving the fact of elimination of the violation to the information provided on the elimination of identified violations.

21. An official of the control body when carrying out patrols in the assigned territories of the Republic of Kazakhstan in case of detection of unauthorized removal of wild plants shall immediately transfer materials to law enforcement agencies if the sum of damage amounts to or exceeds a hundred-fold monthly calculation index established by Law on the republican budget and effective for 1 January of the corresponding financial year, or shall draw up a protocol on an administrative offense if the amount of damage is less than a hundred-fold monthly calculation index established by the Law on the Republican Budget and effective as of January 1 of the corresponding financial year.

The provisions of paragraphs 1 – 20 of this Article shall not apply to cases provided for by this paragraph.

22. The results of inspections may be appealed by the subject of control in the manner prescribed by the laws of the Republic of Kazakhstan.

Consideration by a higher state body of the application of the subject of control on the cancellation of the act on the results of inspection due to the invalidity of the audit, the cancellation of the order to eliminate the identified violations shall be carried out within ten working days from the date of submission of the application.

Recognition by a higher state body of the results of the audit as invalid shall be the basis for their cancellation.

The act on the results of inspection and the order to eliminate the identified violations based on the results of the audits, which were declared invalid, cannot be evidence of a violation by the subjects of control of the established requirements.

Article 50. Acts of officials exercising state control in the field of protection, protection, restoration and use of wild plants

Acts of officials exercising state control in the field of protection, protection, restoration and use of wild plants shall be:

- 1) a protocol on an administrative offence;
- 2) an act on the results of inspection;
- 3) an order:

on elimination of identified violations of the requirements of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world;

on the prohibition or suspension of economic activities of individuals and legal entities without a court decision for a period of not more than three days with the obligatory presentation of a statement of claim to the court within the specified period (in this case, the act on prohibition or suspension of activities is valid until the identified violations are eliminated or a court decision is issued);

4) a decree:

on bringing the perpetrators to administrative responsibility or in the case of a criminally punishable act - transfer of materials to law enforcement agencies in case of violation of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world;

on the seizure of illegally obtained objects of regulation provided for in subparagraphs 1) and 2) of paragraph 1 of Article 5 of this Law, as well as devices, mechanisms and vehicles used for this for temporary storage until a court decision is issued.

Article 51. The rights of officials exercising state control in the field of protection, protection, restoration and use of wild plants

1. Officials exercising state control in the field of protection, protection, restoration and use of wild plants shall have the right:

1) carry out patrols in the assigned territories of the Republic of Kazakhstan in order to detect unauthorized removal of wild plants;

2) stop individuals, vehicles at the sites of identified violations of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world, as well as at the points of entry into and exit from these sites, inspect them;

3) inspect documents for the right to use the plant world from persons located at the sites of harvesting (collection) of plant resources, and when leaving them;

4) determine the amount of damage caused as a result of violation of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world, bring claims against the guilty persons for voluntary compensation for this damage, or file lawsuits in court;

5) draw up protocols on administrative offenses in the field of conservation, protection, restoration and use of the plant world;

6) issue orders to eliminate identified violations of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world;

7) issue decrees:

on bringing the perpetrators to administrative responsibility or in the case of a criminally punishable act - transfer of materials to law enforcement agencies in case of violation of the

legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world;

on the seizure of illegally obtained objects of regulation provided for in subparagraphs 1) and 2) of paragraph 1 of Article 5 of this Law, as well as devices, mechanisms and vehicles used for this for temporary storage until a court decision is issued.

Officials exercising state control in the field of protection, protection, restoration and use of wild plants shall also be subject to other rights provided for paragraph 1 of Article 154 of the Entrepreneur Code of the Republic of Kazakhstan.

2. Officials exercising state control in the field of protection, protection, restoration and use of wild plants shall be provided with uniforms with insignia (without shoulder straps).

Article 52. Legal and social protection of officials exercising state control in the field of protection, protection, restoration and use of wild plants

Officials exercising state control in the field of protection, protection, restoration and use of wild plants shall be subject to legal and social protection in accordance with the legislation of the Republic of Kazakhstan.

Article 53. Public control in the field of conservation, protection, restoration and use of wild plants

Public control in the field of conservation, protection, restoration and use of wild plants shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Chapter 16. SETTLEMENT OF DISPUTES AND RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN

Article 54. Settlement of disputes in the field of conservation, protection, restoration and use of the plant world

Disputes in the field of conservation, protection, restoration and use of the plant world, providing the plant world for use shall be regulated in accordance with the procedure set forth by the legislation of the Republic of Kazakhstan.

Article 55. Responsibility for the breach of the law of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world

Breach of the legislation of the Republic of Kazakhstan in the field of conservation, protection, restoration and use of the plant world shall entail responsibility established by the laws of the Republic of Kazakhstan.

Chapter 17. FINAL AND TRANSITIONAL PROVISIONS

Article 56. Transitional provisions

Permissions for the use of the plant world obtained by users prior to the entry into force of this Law shall be valid for the period for which they were issued.

Article 57. Procedure for application of this Law

This Law shall apply to legal relations arising after its entry into force.

The normative legal acts adopted prior to the entry into force of this Law, regulating relations in the field of conservation, protection, restoration and use of the plant world, shall apply to the extent not contrary to this Law.

Article 58. Procedure for enactment of this Law

This Law shall enter into force upon the expiration of sixty calendar days after the day of its first official publication, with the exception of subparagraph 4) of paragraph 3 of Article 3, subparagraph 2) of part two of paragraph 2 of Article 7, subparagraph 3) of Article 10, subparagraph 4) of Article 11, part second of paragraph 2 of Article 27, subparagraph 4) of the second part of paragraph 1 of Article 34, subparagraph 1) of Article 42, which come into effect after the date of entry into force of the relevant amendments and additions to the Кодекс of the Republic of Kazakhstan “On taxes and other obligatory payments in budget” (Tax Code).

President of the Republic of Kazakhstan

K. TOKAYEV