



## **On thermal power engineering**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated July 8, 2024 № 120-VIII LRK.

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This Law shall regulate public relations arising in the process of production, transportation, sale and consumption of thermal energy for municipal and production needs, as well as the high-quality functioning and development of heat supply systems and state regulation in the field of thermal energy.

## **Chapter 1. GENERAL PROVISIONS**

### **Article 1. Basic concepts used in this Law**

The following basic concepts are used in this Law:

- 1) a passport of readiness - an annually issued document confirming the readiness of heat producing and heat transporting subjects to operate in the autumn-winter period;
- 2) individual heat supply system - a heat supply system that provides a single consumer with heat energy from an autonomous source of heat energy without connection to the heating networks of centralized and local heat supply systems for the heating needs of an individual residential building;
- 3) local heat supply system - a heat supply system owned by one individual or legal entity or included in the common property of a condominium facility and functioning for one or more consumers of heat energy from one or more sources of heat energy through heating networks that are not networks of a centralized heat supply system;
- 4) heat network - a system of pipelines and devices (including central heating points, pumping stations) designed to transport and regulate the flow of coolant in order to transfer thermal energy from thermal energy sources to heat-consuming installations;
- 5) coolant - a liquid or gaseous substance (steam, air, water and other substances) used to transport thermal energy;
- 6) thermal power - the amount of thermal energy that can be generated by a thermal energy source, transferred by heating networks and (or) received by a consumer of thermal energy per unit of time;
- 7) heat supply - providing consumers with thermal energy, coolant, including maintaining thermal power;
- 8) heat supply development scheme - a document describing and justifying a set of actions for the development of thermal power engineering of the relevant administrative-territorial unit in order to meet the prospective need for the provision of thermal energy services, taking

into account the characteristics of the relevant territory, developed and approved in accordance with this Law;

9) emergency heat supply reservation - the minimum consumed thermal power or amount of thermal energy that ensures a safe state for personnel and the environment for heat-consuming installations of a thermal energy consumer with a completely stopped technological process;

10) heat supply reliability - a characteristic of the state of the heat supply system, which ensures the quality and safety of heat supply to thermal energy consumers;

11) technological reservation of heat supply - the minimum consumed thermal power required by the consumer of thermal energy to complete the technological process of production, with a duration of time in hours, after which the corresponding heat-consuming installations can be disconnected and the load can be reduced to the emergency reservation of heat supply;

12) heat supply system - a complex of installations intended for the production, transportation and use of heat carrier;

13) quality of heat supply - compliance of heat supply characteristics with thermodynamic parameters established by the legislation of the Republic of Kazakhstan;

14) heat supply entities - heat-producing and heat-transporting entities;

15) heat producing entity - an individual entrepreneur or a legal entity carrying out activities on production of thermal energy in accordance with this Law;

16) heat transporting entity - an individual entrepreneur or a legal entity carrying out activities on transportation and (or) sale of thermal energy in accordance with this Law;

17) heat consuming installations - a set of devices intended for use of thermal energy, heat carrier for needs of the consumer of thermal energy;

19) planned indicators of thermal power engineering - the value of key indicators planned for achievement in the short term;

20) actual indicators of thermal power engineering - the values of key indicators for a given (current) period of time;

21) target indicators of thermal power engineering - the value of key indicators planned to be achieved in the long-term (strategic) perspective;

22) key indicators of thermal power engineering - the main indicators (indicators) for assessing the state of thermal power engineering;

23) thermal power engineering facilities - heat energy sources, heating networks and heat-consuming installations;

24) an authorized body in the field of thermal power engineering (hereinafter - the authorized body) - the central executive body, carrying out management and inter-sectoral coordination in the field of thermal power engineering;

25) subjects of thermal power engineering - subjects of heat supply and consumers of thermal energy;

- 26) thermal energy - an energy resource that is a commodity, the consumption of which changes the thermodynamic parameters of heat carriers;
- 27) service for the provision of thermal energy - a set of services for the production, transportation and sale of thermal energy;
- 28) commercial metering of thermal energy and (or) coolant - establishing the quantity and parameters of thermal energy and (or) coolant by commercial metering devices, and in the event of their malfunction or absence - by calculation for commercial settlements;
- 29) transportation of thermal energy - transmission and distribution of thermal energy, including the reception and delivery of thermal energy and (or) coolant from the source of thermal energy to the consumer of thermal energy;
- 30) consumer of thermal energy (hereinafter - the consumer) - an individual or legal entity purchasing thermal energy for its own consumption and (or) further sale to a sub-consumer in accordance with this Law;
- 31) source of thermal energy - a combined heat and power plant, boiler houses and other devices and (or) installations intended for the production of thermal energy;
- 32) commercial metering device - a technical device intended for commercial metering of thermal energy and (or) heat carrier, permitted for use in the manner determined by the legislation of the Republic of Kazakhstan;
- 33) sub-consumer - a consumer whose heating networks and (or) heat-consuming installations are connected to the consumer's heating networks;
- 34) centralized heat supply system - a heat supply system from one or more sources of heat energy with the transportation of heat carrier to consumers through heating networks with a total connected load of consumers (using heat energy for domestic needs) exceeding twenty megawatts;
- 35) fuel - substances used in economic activities for the production of thermal energy when burned;
- 36) unified state system for managing the fuel and energy complex (hereinafter - the information system of the authorized body) - the information system of the authorized body for monitoring and interacting with heat supply entities;
- 37) technological disruption - failure or damage to equipment of heat sources, heating networks, including as a result of fire or explosions, deviations from established modes, unauthorized shutdown or limitation of the operability of equipment or its malfunction, which led to a disruption in the technological process of production, transmission, consumption of electrical and (or) thermal energy;
- 38) a direct consumer - a consumer whose heating networks are connected to the collectors of heat sources of the heat-producing entity, and (or) having a connection to the steam pipeline of heat sources of the heat-producing entity;

39) an authorized body in the sphere of housing relations and housing and communal services - the central executive body that exercises management in the field of thermal power engineering in terms of heat energy consumption.

**Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 15.03.2025 № 172-VIII (shall enter into force dated 01.01.2025).**

## **Article 2. Legislation of the Republic of Kazakhstan in the field of thermal power engineering**

1. The legislation of the Republic of Kazakhstan in the field of thermal power engineering 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. International treaties ratified by the Republic of Kazakhstan shall have priority over this Law. The procedure and conditions for the operation of international treaties in the territory of the Republic of Kazakhstan, to which the Republic of Kazakhstan is a party, shall be determined by the legislation of the Republic of Kazakhstan.

## **Article 3. Main goals, objectives and principles of legislative regulation in the field of thermal power engineering**

1. Legislative regulation in the field of thermal power engineering shall be carried out in order to ensure the unity of management of thermal power engineering of the Republic of Kazakhstan as a particularly important life support system for the economic and social complexes of the country.

2. The main objectives of legislative regulation in the field of thermal power engineering shall be:

- 1) ensuring a balance of interests of consumers, heat supply entities and the state;
- 2) ensuring advanced, sustainable functioning and development of thermal power engineering on the basis of planning and program documents with the lowest costs;
- 3) ensuring the quality and reliability of heat supply in accordance with the requirements of technical regulations, standardization documents and the terms of concluded contracts established by this Law;
- 4) ensuring the implementation of state priorities for the transition to low-carbon development and environmental improvement, including by protecting the environment from the harmful effects of thermal power facilities, as well as developing and ensuring the priority use of centralized heat supply systems based on highly efficient co-generation of thermal energy, the use of energy-efficient technologies and equipment, renewable energy sources and other energy sources that reduce emissions of pollutants and greenhouse gases into the environment;
- 5) determining the responsibility of thermal power industry entities, including thermal power facility owners, for the safe and reliable operation of heat supply systems;
- 6) ensuring the implementation of measures to improve energy efficiency and introduce energy saving technologies, resource conservation and ensuring the possibility of using an optimal combination of various energy sources in thermal power engineering;

7) priority purchase of thermal energy by heat supply entities from industrial enterprises when utilizing excess heat from industrial processes, taking into account technical and economic feasibility;

8) providing incentives for heat supply entities to which price regulation applies to improve operational efficiency, reduce heat energy losses, and improve the quality and reliability of heat supply;

9) ensuring predictability of proceeds from regulated services for heat supply entities to which price regulation applies, in the event of approval of a long-term investment program;

10) expanding the participation of private entrepreneurs in thermal power engineering through the mechanism of public private partnership in accordance with the legislation of the Republic of Kazakhstan;

11) ensuring the investment attractiveness of thermal power engineering;

12) improving the regulated thermal energy market;

13) rational and economical consumption of thermal energy;

14) ensuring lending and subsidizing for the construction, reconstruction and modernization of heat supply systems;

15) development of thermal power engineering taking into account the approved heat supply development schemes.

3. The main principles of the legislation of the Republic of Kazakhstan in the field of thermal power engineering include:

1) effective, economically justified, environmentally friendly and systematic planning of thermal power engineering development;

2) increasing the energy efficiency of heat supply systems;

3) ensuring state control in the field of thermal power engineering;

4) monitoring and accountability of thermal power engineering entities;

5) fair state regulation of tariffs in the field of thermal power engineering taking into account the interests of heat supply entities and consumers of centralized and local heat supply systems in order to achieve reliable, sustainable and high-quality heat supply;

6) availability of thermal energy for consumers, including through subsidies;

7) provision of state support for the development of centralized and local heat supply systems, including through lending and subsidizing the construction, reconstruction and modernization of heat supply systems using budgetary funds.

4. Central state bodies, as well as local representative and executive bodies, shall not have the right to interfere in the production and technological activities of heat supply entities related to the production and transportation of thermal energy or the technological management of these processes, except for cases stipulated by the laws of the Republic of Kazakhstan.

## **Chapter 2. STATE REGULATION IN THE FIELD OF THERMAL POWER ENGINEERING**

#### **Article 4. 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 field of thermal power engineering and organize their implementation;

**Note!**

Subparagraph 2) shall enter into force from 01.01.2027 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

2) approve the rules for providing state financial support to achieve target indicators of thermal power engineering;

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

#### **Article 5. Competence of the authorized body**

The authorized body shall:

1) form and implement state policy in the field of thermal power engineering in terms of production, transportation and sale of thermal energy;

2) develop and approve regulatory legal acts of the Republic of Kazakhstan, technical regulations, regulatory and technical documents in the field of thermal power engineering in terms of production, transportation and sale of thermal energy in accordance with the goals and objectives of this Law and the legislation of the Republic of Kazakhstan;

**Note!**

Subparagraph 3) shall enter into force from 01.01.2026 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

3) develop key indicators of thermal power engineering in terms of production and transportation of thermal energy;

**Note!**

Subparagraph 4) shall enter into force from 01.01.2026 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

4) develop target indicators for thermal power engineering in terms of production and transportation of thermal energy;

**Note!**

Subparagraph 5) shall enter into force from 01.01.2026 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

approve key and target indicators of thermal power engineering for the relevant administrative-territorial units, sectors of production, transportation, sale and consumption of thermal energy, as well as energy saving and energy efficiency improvement, developed by the relevant authorized bodies;

**Note!**

Subparagraph 6) shall enter into force from 01.01.2026 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

6) develop and approve the rules for data transmission by heat-producing and heat-transporting entities to the information system of the authorized body;

7) develop and approve the rules for crediting construction, reconstruction and modernization of heat supply systems in coordination with the central authorized body for budget planning;

8) develop and approve the rules for subsidizing the construction, reconstruction and modernization of heat supply systems in coordination with the central authorized body for budget planning;

9) provide loans and subsidies for the construction, reconstruction and modernization of heat supply systems;

10) coordinate local executive bodies of regions, cities of republican significance, and the capital in subsidizing the costs of heat supply entities for the repayment and servicing of loans from international financial organizations attracted for the implementation of projects for the expansion, modernization, reconstruction, renewal, maintenance of existing assets and the creation of new assets;

11) develop and approve the rules for subsidizing the costs of heat supply entities for the repayment and servicing of loans from international financial organizations attracted for the implementation of projects for the expansion, modernization, reconstruction, renewal, maintenance of existing assets and the creation of new assets;

12) keep records of technological violations in centralized heat supply systems;

13) participate in the work of commissions of heat supply entities operating in centralized heat supply systems to assess the readiness of heat power facilities and the buildings, premises, structures and equipment included in them for operation in the autumn-winter period;

14) carry out international cooperation on the issues of heat power development in the manner established by the legislation of the Republic of Kazakhstan;

15) 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 6. Competence of the authorized body in the sphere of housing relations and housing - communal services**

The authorized body in the sphere of housing relations and housing - communal services shall:

1) participate in the implementation of state policy in the field of thermal power engineering in terms of thermal energy consumption;

2) coordinate, develop and approve regulatory legal acts in the field of thermal power engineering in terms of thermal energy consumption in accordance with the goals and objectives of this Law and the legislation of the Republic of Kazakhstan;

**Note!**

Subparagraph 3) shall enter into force from 01.01.2026 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

3) develop and send to the authorized body key and target indicators of thermal power engineering in terms of thermal energy consumption;

4) within the limits of its competence, develop and approve regulatory and technical documentation in the field of thermal power engineering in terms of thermal energy consumption;

5) provide methodological support in the field of thermal power engineering in terms of thermal energy consumption;

6) organize scientific research in the field of thermal power engineering in terms of thermal energy consumption;

7) develop and approve standard rules for calculating utility consumption rates for the sale of thermal energy for consumers who do not have commercial metering devices;

8) 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. Competence of the authorized body in the field of energy saving and energy efficiency improvement**

The authorized body in the field of energy saving and energy efficiency improvement shall:

1) participate in the implementation of state policy in the field of thermal power engineering in terms of energy conservation and energy efficiency improvement;

2) develop and approve regulatory legal acts of the Republic of Kazakhstan in the field of thermal power engineering in terms of energy saving and energy efficiency improvement in accordance with the goals and objectives of this Law and the legislation of the Republic of Kazakhstan;

**Note!**

Subparagraph 3) shall enter into force from 01.01.2026 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

develop and send to the authorized body key and target indicators of thermal power engineering in terms of energy saving and increasing energy efficiency;

**Note!**

Subparagraph 4) shall enter into force from 01.01.2026 in accordance with Article 53 of this Law of the Republic of Kazakhstan.



4) develop and ensure monitoring of the implementation of plans to reduce heat consumption by thermal power facilities in order to achieve target indicators of thermal power ;

5) 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 8. Competence of local executive bodies**

1. Local executive bodies of cities of republican significance, the capital, districts and cities of regional significance shall:

**Note!**

Subparagraph 1) shall enter into force from 01.01.2027 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

1) based on the rules for the development and approval of heat supply development schemes approved by the authorized body, develop long-term and medium-term heat supply development schemes for the relevant administrative-territorial units and submit them for approval to the local representative body;

2) monitor the state of heat power engineering, including in terms of assessing the operational reliability, technological and economic availability of heat energy in the manner determined by the authorized body, and submit reports to state bodies by regions in terms of preparation for the heating season based on data received, including from the state body for state energy supervision and control;

**Note!**

Subparagraph 3) shall enter into force from 01.01.2027 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

3) monitor the implementation of heat supply development schemes;

4) collect, update and publish information on the state of heat power facilities;

5) maintain a register of heat supply entities;

6) provide the authorized body with data received from heat supply entities as part of monitoring, in accordance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering;

7) keep records of technological violations in local heat supply systems;

8) coordinate scheduled repairs of heat sources and heat networks in local heat supply systems;

9) monitor the preparation and implementation of repair and restoration works on heat sources, heat networks, heat-consuming installations of consumers in local heat supply systems and their operation in the autumn-winter period;

10) apply to the court and participate in the consideration by the court of cases on violations of the legislation of the Republic of Kazakhstan in the field of thermal power engineering;

Note!

Subparagraph 11) shall enter into force from 01.07.2025 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

11) develop the procedure for providing social assistance to certain categories of citizens of the Republic of Kazakhstan for payment or reimbursement of expenses for ensuring energy conservation and increasing energy efficiency and expenses for payment of services for the provision of thermal energy;

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

2. Local executive bodies of regions shall:

1) if necessary, provide financing for the development and implementation of schemes for the development of heat supply of districts and cities of regional significance of the corresponding region;

Note!

Subparagraph 2) shall enter into force from 01.01.2027 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

2) carry out general coordination of the development of heat supply systems in the region according to the developed heat supply development schemes;

3) maintain a regional register of heat supply entities;

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

3. Local executive bodies of regions, cities of republican significance, and the capital shall subsidize the costs of heat-producing entities for the purchase of fuel for the uninterrupted conduct of the heating season in the manner determined by the authorized body.

Local executive bodies of regions, cities of republican significance, and the capital shall subsidize the costs of heat supply entities for the repayment and servicing of loans from international financial organizations attracted for the implementation of projects for the expansion, modernization, reconstruction, renewal, maintenance of existing assets and the creation of new assets in the manner determined by the authorized body.

## **Article 9. Competence of local representative bodies of cities of republican significance, the capital, districts and cities of regional significance**

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

Note!

Subparagraph 1) shall enter into force from 01.01.2027 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

1) approve heat supply development schemes;

Note!

Subparagraph 2) shall enter into force from 01.07.2025 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

2) approve the procedure for providing social assistance to certain categories of citizens of the Republic of Kazakhstan for payment or reimbursement of expenses for ensuring energy saving and increasing energy efficiency and expenses for payment of services for providing thermal energy;

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

### **Chapter 3. STATE AND PRODUCTION CONTROL IN THE FIELD OF THERMAL POWER ENGINEERING**

#### **Article 10. State control in the field of thermal power engineering**

1. State control in the field of thermal power engineering in terms of operation and technical condition of heat power facilities, heat-producing and heat-transporting entities ( hereinafter - the state control) shall be carried out by the state body for state energy supervision and control and local executive bodies in the form of remote control and inspection in accordance with this Law, investigation in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Law for compliance of the activities of subjects (objects) of control with the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering.

2. State control in the field of thermal power engineering shall be carried out by local executive bodies for compliance by consumers with the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering in the form of an unscheduled inspection, preventive control with a visit to the subject (object) of control in the field of thermal power engineering in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Preventive control without a visit of the subject (object) of control in the field of thermal power engineering shall be carried out in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and Article 11 of this Law.

3. Subjects (objects) of control shall be individuals or legal entities that have thermal power engineering facilities, heat-producing and heat-transporting entities.

4. The state body for state energy supervision and control shall carry out state control in the centralized heat supply system for:

1) compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering, as well as compliance with technical and technological standards during the operation of thermal power engineering facilities;

2) compliance with the requirements for the safe operation of thermal power engineering facilities and the buildings, premises, structures and equipment included in their composition;

- 3) the quality and reliability of heat supply, safety of the heat supply system;
- 4) non-admission or suspension from work of employees who have not passed the test of knowledge of technical operation rules and safety regulations;
- 5) preparation and implementation of repair and restoration works of heat-producing and heat-transporting entities, including in the autumn-winter period.

5. Local executive bodies shall exercise state control in local heat supply systems for:

- 1) compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering, technical and technological standards by subjects (objects) of control;
- 2) reliability and quality of heat supply, safety of the heat supply system;
- 3) preparation and implementation of repair and restoration works of heat sources, heating networks and their functioning, including in the autumn-winter period.

**Article 11. Preventive control without a visit to the subject (object) of control in the field of thermal power engineering**

1. Preventive control without a visit to the subject (object) of control in the field of thermal power engineering shall be carried out in order to ensure safe, reliable and stable operation of heat supply systems of the Republic of Kazakhstan.

2. Preventive control without a visit to the subject (object) of control in the field of thermal power engineering shall be carried out by analysing information received at the request of the local executive body on the issues of compliance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering within the limits of its competence upon receipt of information about its violation.

3. Preventive control without a visit to the subject (object) of control in the field of thermal power engineering shall be carried out in relation to consumers.

4. In case of detection of violations in the actions (inactions) of the subject of control in the field of thermal power engineering based on the results of preventive control without a visit to the subject (object) of control in the field of thermal power engineering, the local executive body shall prepare and send a recommendation to eliminate the violations within a period of no later than five working days from the date of detection of the violations.

5. The recommendation to eliminate the violations shall be delivered to the subject of control in the field of thermal power engineering in person against signature or by another means confirming the facts of sending and receipt.

A recommendation to eliminate the violations sent by one of the following methods shall be considered to have been properly delivered in the following cases:

- 1) in person - from the date of the note in the recommendation on receipt;
- 2) by mail - registered letter with notification;
- 3) electronically - from the date of sending by the local executive body to the e-mail address of the subject of control in the field of thermal power engineering specified in the letter upon request of the local executive body.

6. The subject of control in the field of thermal power engineering that has received a recommendation to eliminate violations shall be obliged, within ten working days from the day following the day of its delivery, to submit to the local executive body an action plan for eliminating the identified violations, indicating specific deadlines for their elimination, stipulated by the recommendation to eliminate violations.

After the expiration of the deadlines specified in the recommendation to eliminate violations, the subject of control in the field of thermal power engineering shall submit the information on implementation of the recommendation to eliminate violations to the local executive body.

The subject of control in the field of thermal power engineering shall attach materials proving the fact of elimination of the violation to the information submitted on the implementation of recommendation to eliminate violations.

7. In the event of disagreement with the violations specified in the recommendation to eliminate the violations, the subject of control in the field of thermal power engineering shall have the right to send an objection to the local executive body that sent the recommendation to eliminate the violations within five working days from the day following the day of its delivery.

8. Failure to comply with the recommendation to eliminate the violations within the established time period shall entail the appointment of a preventive control with a visit to the subject (object) of control in the field of thermal power engineering by including it in the semi-annual list of preventive control with a visit to the subject (object) of control in the field of thermal power engineering.

9. Preventive control without a visit to the subject of control in the field of thermal power engineering shall be carried out if the circumstances specified in paragraph 2 of this Article arise.

10. Preventive control without a visit to the subject of control in the field of thermal power engineering shall be carried out no more than twice a year.

## **Article 12. Remote control**

1. Remote control shall be carried out by the state body for state energy supervision and control and local executive bodies (hereinafter - the control bodies) on an ongoing basis by analysing the activities of the subjects (objects) of control in order to identify violations of the legislation of the Republic of Kazakhstan in the field of thermal power engineering that affect the safety, reliability and quality of production, transmission, sale and consumption of thermal energy.

2. Remote control shall be carried out by the control bodies in relation to the subjects (objects) of control that have committed violations, in accordance with paragraph 1 of this Article, based on the analysis of activities of the subjects (objects) of control and data from information systems, reports submitted by the subjects (objects) of control, open sources, mass media, as well as other information on the activities of the subject (object) of control,

including information obtained within the framework of interdepartmental interaction with state bodies.

3. In case of detection of violations based on the results of remote control, a conclusion on the results of remote control shall be drawn up and sent to the subject (object) of control no later than five working days from the date of detection of violations.

The form of the conclusion on the results of remote control shall be approved by the authorized body.

4. As part of the remote control, the control bodies shall have the right to:

1) request the information and documents or copies thereof from the subjects (objects) of control and their officials in writing;

2) summon the head of the subject of control or his/her authorized person in order to obtain the necessary information concerning the subject of remote control.

5. The subjects (objects) of control shall be obliged to submit the information and documents specified in the request of the control bodies within the time-frames established by the control bodies.

6. The conclusion on the results of remote control shall be drawn up in two copies. One copy of the conclusion on the results of remote control shall be sent to the subject (object) of control, the second copy remains with the control body.

The conclusion on the results of remote control sent in one of the following ways shall be considered to be properly delivered in the following cases:

1) in person - from the date of the note in the conclusion on receipt;

2) by mail - registered letter with notification;

3) electronically - from the date of sending by the control body to the e-mail address of the subject (object) of control specified in the letter upon the request of the control body.

7. The subject of control that has received the conclusion on the results of remote control shall be obliged, within ten working days from the day following the day of its delivery, to submit to the control body that carried out the remote control a plan of measures to eliminate the identified violations, indicating specific deadlines for their elimination.

After the expiration of the deadlines specified in the conclusion on the results of remote control, the subject of control shall submit the information on execution of the conclusion on the results of remote control.

The subject of control shall attach materials proving the fact of elimination of the violation to the information submitted on the execution of the conclusion on the results of remote control.

8. In case of disagreement with the violations specified in the conclusion on the results of remote control, the subject of control shall have the right to send an objection to the control body that conducted the remote control and sent the conclusion on the results of remote control within five working days from the day following the day of its delivery.

The subject of control shall be obliged to set out comments and (or) arguments, which are sent to the control body in the objection.

The control body that conducted the remote control, within ten working days from the date of receipt of the objection, taking into account the comments and (or) arguments, shall make a decision on accepting or rejecting the objection with a reasoned justification.

9. Failure to implement the conclusion on the results of remote control within the established time period shall be the grounds for assignment of an unscheduled inspection of the subject (object) of control in accordance with this Law.

### **Article 13. Inspections in the field of thermal power engineering**

1. Inspection of the subject (object) of control (hereinafter - the inspection) is the activity of control bodies in relation to the subject (object) of control for compliance with the requirements stipulated by paragraphs 4 and 5 of Article 10 of this Law.

The inspection shall be carried out with a visit to the subject (object) of control, based on the results of which, if violations are identified by the subject (object) of control, a report on the results of the inspection and an order to eliminate the identified violations shall be drawn up.

2. Inspections are divided into scheduled and unscheduled.

3. Scheduled inspections shall be carried out on the basis of the act on assignment of an inspection in accordance with the annual list of inspections approved by the control bodies by December 10 of the year preceding the year of the scheduled inspection.

The annual list of inspections shall be formed taking into account the classification of subjects (objects) of control by the degree of wear of the main equipment and (or) the number of technological violations and shall be posted on the Internet resource of the control bodies no later than December 20 of the year preceding the year of the inspections.

Subjects (objects) of control by the degree of wear of the main equipment are divided into :

- 1) low risk - wear up to 50 percent;
- 2) medium risk - wear from 51 to 75 percent;
- 3) high risk - wear over 75 percent.

Subjects (objects) of control by the number of technological violations in accordance with the classification of technological violations approved by the authorized body are divided into :

- 1) low risk - presence of failures of degree II;
- 2) medium risk - presence of failures of degree I, II;
- 3) high risk - presence of accidents, failures of degree I, II.

Inspection of subjects (objects) of control classified as low risk shall be carried out no more than once every two years, with the exception of unscheduled inspections.

Inspection of subjects (objects) of control classified as medium and high risk shall be carried out no more than once a year, with the exception of unscheduled inspections.

The annual list of inspections shall be formed using information systems in automatic mode based on data from administrative sources, as well as information tools.

In the absence of a functioning information system in automatic mode, the annual list of inspections shall be formed independently by the control bodies taking into account the risk levels for wear and tear of the main equipment and (or) the number of technological violations.

When the control bodies draw up a list of inspections and semi-annual lists of preventive control with a visit to the subject of control in the field of heat power engineering, unified terms of the inspection period shall be established for the same subjects (objects) of control.

The annual list of inspections in relation to subjects (objects) of control shall be formed with the mandatory indication of the objects for which the inspection is scheduled.

Amendments and additions to the annual list of inspections shall be made in cases of liquidation, reorganization of the inspected subject (object) of control, change of its name, as well as occurrence of an emergency of natural, man-made and social nature, introduction of a state of emergency, occurrence or threat of occurrence of the spread of an epidemic, outbreaks of quarantine objects and especially dangerous harmful organisms, infectious, parasitic diseases, poisoning, radiation accidents and related restrictions.

The form of the annual list of inspections shall be approved by the authorized body.

4. The control body shall notify in writing the subject (object) of control or its authorized person, the state body carrying out activities in the field of legal statistics and special records within the limits of its competence, of the commencement of the inspection at least three working days before the commencement of the inspection, indicating the date of its commencement, unless otherwise provided for by this Article.

Notification of the commencement of the inspection sent by one of the following methods shall be deemed to have been duly delivered in the following cases:

- 1) in person - from the date of the mark in the notification of receipt;
- 2) by mail - registered letter with notification;
- 3) electronically - from the date of sending by the control body to the e-mail address of the subject (object) of control specified in the letter upon request of the control body.

An unscheduled inspection is an inspection assigned by the control body based on specific facts and circumstances that served as the basis for assigning an unscheduled inspection in relation to a specific subject (object) of control, with the aim of preventing and (or) eliminating an immediate threat to human life, health, the environment, the rights and legitimate interests of individuals and legal entities, and the state.

When conducting an unscheduled inspection, with the exception of cases provided for in subparagraphs 3), 4), 5) and 6) of paragraph 6 of this Article, the control body shall be obliged to notify the subject (object) of control on the commencement of the unscheduled inspection of the subject (object) of control at least 24 hours before its commencement, indicating the subject of the inspection of the subject (object) of control.



6. The grounds for conducting an unscheduled inspection of subjects (objects) of control shall be:

1) control over the implementation of measures based on the results of investigation of accidents or failures of the 1st degree in accordance with the classification of technological violations approved by the authorized body;

2) failure to implement the measures specified in the conclusion on the results of remote control, including failure to provide information on the elimination of the identified violations, and (or) failure to eliminate the violation;

3) appeals from individuals and legal entities with supporting materials proving the fact of violation of the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering;

4) information from official sources on accidents or failures of the 1st degree in accordance with the classification of technological violations approved by the authorized body;

5) control over the execution of orders to eliminate the violations identified based on the results of a scheduled inspection, if the subject (object) of control has failed more than once to provide information on the elimination of the violations identified and (or) has not eliminated the violations identified;

6) a prosecutor's request for specific facts of causing or threatening harm to life, human health, the environment, the rights and legitimate interests of individuals and legal entities, the state;

7) appeals from state bodies regarding specific cases of harm to human life, health, the environment, violated rights and legitimate interests of individuals and legal entities, the state, as well as violations of the requirements of the legislation of the Republic of Kazakhstan, failure to eliminate which entails harm to human life, health, rights and legitimate interests of individuals and legal entities, the state;

8) an instruction from a criminal prosecution body on the grounds provided for by the Criminal Procedure Code of the Republic of Kazakhstan;

9) an instruction from the first head of a higher state body to take measures against subjects (objects) of control over violations of the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering.

7. Unscheduled inspections shall not be carried out in cases of anonymous appeals.

#### **Article 14. The procedure for carrying out inspections**

1. Officials of the control body who arrived for an inspection shall be required to present to the subject (object) of the inspection:

1) the act on the assignment of the inspection;

2) the service ID or identification card.

2. The act on the assignment of the inspection shall indicate:

1) the date and number of the act;

- 2) the name of the state body;
- 3) surname, name, patronymic (if any) and position of the persons authorized to conduct the inspection;
- 4) information about specialists, consultants and experts, as well as officials of state bodies and subordinate organizations involved in the inspection (if necessary);
- 5) name of the subject (object) of control, its location, identification number, list of objects;
- 6) type of inspection;
- 7) subject of inspection;
- 8) the term for conducting an inspection;
- 9) grounds for inspection;
- 10) inspected period;
- 11) the rights and obligations of the subject (object) of control;
- 12) the signature of the official authorized to sign the act;
- 13) the signature of the head of the subject (object) of control or his/her authorized person on receipt or refusal to receive the act.

3. The commencement of the inspection shall be considered to be the date of delivery to the subject (object) of control or his/her authorized person of the act on the assignment of the inspection.

The act on the assignment of the inspection, sent in one of the following ways, shall be considered to be properly delivered in the following cases:

- 1) in person - from the date of the note in the receipt notification;
- 2) by mail - by registered letter with notification;
- 3) electronically - from the date of sending by the control body to the electronic address of the subject (object) of control specified in the letter upon request of the control body.

The act on the assignment of an inspection shall be registered in the inspection registration log of the control body that assigned the inspection.

4. In case of refusal to receive the act on the assignment of an inspection, when it is handed over in person, a corresponding entry shall be made in it and a video shall be recorded confirming the fact of refusal to accept the act.

Refusal to receive the act on the assignment of an inspection shall not be a ground for its non-execution and cancellation of the inspection.

5. In cases of refusal to receive the act on the assignment of an inspection, as well as obstruction of access of the control body officials to the subject (object) of the inspection, materials, equipment necessary for the inspection, a protocol on an administrative offence shall be drawn up in the manner established by the Code of the Republic of Kazakhstan on Administrative offences.

6. The inspection may be conducted only by the official(s) specified in the inspection assignment document.

The members of the officials conducting the inspection may be changed by decision of the control body, of which the subject (object) of inspection shall be notified prior to the start of participation in the inspection of persons not specified in the inspection assignment document, with an indication of the reason for the change.

7. The timeframes for conducting the inspection shall be established taking into account the volume of the upcoming work, as well as the subject of the inspection, and shall not exceed:

1) during scheduled inspections for subjects (objects) of inspection classified as high risk, twenty working days, for subjects (objects) of inspection classified as medium and low risk – fifteen working days;

2) during unscheduled inspections – ten working days.

8. The inspection period may be extended if it is necessary to conduct special studies, tests, examinations, as well as in connection with a significant volume of work only once by the head of the control body (or the person substituting him/her) for a period of no more than thirty working days.

The extension of the inspection period shall be formalized by an additional act on extension of the inspection period with the delivery of a notification to the subject (object) of control before the end of the inspection period, which indicates the date and registration number of the previous act on the assignment of the inspection and the reason for the extension.

9. The inspection may be suspended only once by the head of the control body (or the person substituting him/her):

1) in the event of conducting special studies, tests and examinations for a period exceeding thirty working days (until the conclusion is received);

2) if it is necessary to obtain information and documents from third parties for a period exceeding thirty working days (until they are received);

3) if force majeure circumstances arise that prevent the inspection from being conducted.

The suspension of the inspection shall be formalized by an act on the suspension of the inspection period with the delivery of a notification to the subject (object) of control before the end of the inspection period, which indicates the date and registration number of the previous act on the assignment of the inspection and the reason for the suspension.

After the termination of the grounds for suspending the inspection provided for in part one of paragraph of this Article, the inspection shall be resumed from the period of suspension.

The resumption of an inspection shall be formalized by an act on the resumption of the inspection with the delivery of a notification to the subject (object) of control before the end of the inspection suspension period, which indicates the date of the resumption of the inspection.

An act on the suspension of the inspection and an act on the resumption of the inspection sent by one of the following ways shall be considered to have been properly delivered in the following cases:

- 1) in person - from the date of the mark in the notification of receipt;
- 2) by mail - registered letter with notification;
- 3) electronically - from the date of sending by the control body to the e-mail address of the subject (object) of control specified in the letter upon request of the control body.

10. Based on the results of the inspection, the official(s) of the control body shall draw up an act on the inspection results and, if violations are identified, an order to eliminate the violations identified.

If violations of the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering are identified, a protocol on an administrative offence shall be drawn up in accordance with the Code of the Republic of Kazakhstan on Administrative Offences if there are grounds for initiating administrative proceedings.

11. An act on the inspection results shall indicate:

- 1) the date and place of drawing up the act;
- 2) the name of the state body;
- 3) date and number of the act on the assignment of the inspection (additional acts on the extension of the inspection period, suspension of the inspection, if any);
- 4) surname, name, patronymic (if indicated in the identity document) and position of the person(s) who conducted the inspection;
- 5) name of the subject (object) of control, its location or surname, name, patronymic (if indicated in the identity document) of the subject of control, position of the representative of an individual or legal entity present during the inspection;
- 6) period of the inspection;
- 7) type of inspection;
- 8) information on the inspection results, including any violations identified;
- 9) information on familiarization or refusal to familiarize with the inspection results act, as well as persons present during the inspection, their signatures or a record of refusal to sign;
- 10) signature of the official(s) who conducted the inspection.

If there are no violations of the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering, a corresponding entry shall be made in the inspection results act.

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

- 1) date and place of preparation of the order;
- 2) name of the state body;
- 3) surname, name, patronymic (if indicated in the identity document) and position of the official(s) who conducted the inspection;

4) name of the subject (object) of control, its location or surname, name, patronymic (if indicated in the identity document) of an individual in respect of whom the inspection is scheduled, the position of the representative of an individual or legal entity present during the inspection (if any);

5) date, place and period of the inspection;

6) the list of violations identified in accordance with the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering;

7) recommendations and instructions for eliminating the identified violations and the timeframes for their elimination;

8) information on familiarization or refusal to familiarize with the order by the subject (object) of control or its authorized person, their signatures or refusal to sign;

9) signature of the official(s) who conducted the inspection.

The order on elimination of the identified violations shall be accompanied, if available, with the conclusions of the conducted studies (tests), examinations and other documents or copies thereof related to the results of the inspection (inspection act on damaged equipment, records of technical control means, observation and recording devices, loggrams, oscillograms, extracts from operational logs, explanatory notes, diagrams, drawings, photo, audio and video materials, questionnaires and other materials).

13. The forms of the act on the assignment of an inspection, the act on the results of an inspection, the act on the extension of an inspection, the act on the suspension of an inspection, the act on the resumption of an inspection, the order to eliminate the identified violations shall be approved by the authorized body.

14. The act on the results of an inspection, the order on elimination of the identified violations shall be drawn up in three copies.

The control body shall submit the first copies of the act on the results of an inspection, the order on elimination of the identified violations in electronic form to the state body that carries out activities in the field of legal statistics and special records within the limits of its competence, during three working days, the second copies on paper against signature or in electronic form shall be handed to the subject (object) of the inspection or its authorized person for familiarization and taking measures to eliminate the identified violations and other actions, the third copies shall remain with the control body.

An inspection results act or an order on elimination of the identified violations sent by one of the following methods shall be considered to have been properly delivered in the following cases:

1) in person – from the date of the mark in the act on the inspection results, the order on the elimination of identified violations on receipt;

2) by mail – by registered mail with notification;

3) electronically – from the date of sending by the control body to the e-mail address of the subject (object) of control specified in the letter at the request of the control body.

15. The end of the inspection period shall be considered to be the day on which the act on the inspection results is handed over to the subject (object) of control no later than the deadline for completing the inspection specified in the act on assignment of the inspection (additional act on extending the inspection period, if any).

16. If there are comments and/or objections to the results of the inspection, the subject (object) of control or its authorized representative shall submit them in writing no later than five working days from the date the inspection act is handed to them. These comments and/or objections shall be sent to the control body.

The comments and/or objections shall be attached to the inspection act, with a corresponding note made about this.

17. The deadlines for fulfilling the order to eliminate identified violations shall be determined taking into account circumstances that affect the real possibility of its execution and shall be no less than five working days, accompanied by an action plan for eliminating the identified violations.

When determining the deadlines for fulfilling the order to eliminate identified violations, the following shall be taken into account:

1) the organizational, technical, and financial capabilities of the subject (object) of control to eliminate the violations;

2) the specific technical condition of the production facilities being used;

3) the deadlines required to obtain the relevant permit from state bodies or local executive bodies or to submit a notification, as specified in Appendices 1, 2, and 3 to the Law of the Republic of Kazakhstan "On Permits and Notifications," as well as other mandatory conclusions, approvals, and documents established by the laws of the Republic of Kazakhstan

18. If additional time and/or financial resources are needed, the subject of control shall have the right to submit an application to the control body that conducted the inspection, no later than five working days from the date of receiving the order to eliminate the identified violations. This application should request an extension of the deadlines for eliminating the violations and include an action plan with specific timeframes for their elimination.

In the application for an extension, the subject of control must outline the measures that will be taken to eliminate the violations and provide objective reasons for the requested extension.

The control body that conducted the inspection, within ten working days from the date of receipt of the application for extension of the deadlines to eliminate the identified violations, taking into account the stated arguments, shall make a decision to extend the deadlines for eliminating the identified violations and approve the action plan for eliminating the identified violations, indicating specific deadlines for their elimination, or to refuse to extend with a reasoned justification.

The subject (object) of control, every month, by the 10th day of the month following the reporting month, must provide the control body with information on the implementation of the action plan for eliminating the identified violations that are due be resolved.

The subject (object) of control attaches materials proving the fact of elimination of the violation to the information provided on the elimination of the identified violations.

The form of the action plan for eliminating identified violations shall be approved by the authorized body.

19. Upon expiration of the period for eliminating the identified violations specified in the order on elimination of the identified violations, in the action plan for eliminating the identified violations, the subject (object) of control, within the period established in the order to eliminate the identified violations and in the action plan for eliminating the identified violations, shall be obliged to provide the control body that conducted the inspection with information on the elimination of the identified violations.

20. In the event of failure to provide or incomplete provision by the subject (object) of control within the established period of information on the implementation of the order to eliminate the identified violations, the action plan for eliminating the identified violations, the control body within two working days shall send the subject (object) of control a request on the need to provide information on the implementation of the order to eliminate the identified violations and the action plan for eliminating the identified violations.

In case of failure to provide or incomplete provision of information within the established period on the execution of the order to eliminate the identified violations, the action plan for eliminating the identified violations, the control body shall appoint an unscheduled inspection , with the exception of monitoring the execution of the order to eliminate the identified violations based on the results of the unscheduled inspection.

21. In case of early elimination of the identified violations specified in the order to eliminate the identified violations and in the action plan for eliminating the identified violations, the subject (object) of control shall be obliged to provide the control body that conducted the inspection with information on the elimination of the identified violations with the attachment of materials proving the fact of the violations elimination.

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

The higher state body (or official) shall review the application submitted by the subject (object) of control for the annulment of the inspection report or the order to eliminate identified violations within ten working days from the date the application is submitted.

If the higher state authority declares the inspection results invalid, this serves as a basis for their cancellation, either partially or in full.

An act on the inspection results or an order to eliminate identified violations that has been declared fully invalid cannot serve as evidence of violations of the requirements established by the legislation of the Republic of Kazakhstan by the subjects (objects) of control.

23. Inspections may be conducted outside of normal working hours (at night, weekends or holidays) if it is necessary to prevent violations immediately at the moment they are committed and to carry out urgent actions to secure evidence in the following cases:

1) when the need for an inspection requires the immediate elimination of technological violations that pose a threat to the life and health of employees of the subject of thermal energy and the population;

2) checking compliance with the continuous operating mode of technological equipment, taking into account its specifics, for compliance with the rules of technical operation and checking the requirements of safety regulations.

The decision to conduct an inspection outside of normal working hours shall be formalized by an order of the first head of the control bodies or the person substituting him/her.

The form of the order to conduct an inspection outside of normal working hours shall be approved by the authorized body.

24. If, as a result of the inspection and (or) remote control, a violation by the subject (object) of the control of the requirements established by the legislation of the Republic of Kazakhstan in the field of thermal power engineering is revealed, in the presence of sufficient data indicating signs of an administrative offence, the officials of the control bodies, within the limits of their authority, shall take measures to bring the persons who committed the violations to justice, established by the laws of the Republic of Kazakhstan.

#### **Article 15. Investigations in the field of thermal power engineering**

1. Investigation is an independent form of control, the implementation of which is determined by the Entrepreneurial Code of the Republic of Kazakhstan and this Law.

2. The objectives of the investigation shall be:

1) establishing the causes of violation of the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering and taking appropriate measures;

2) identifying the person(s) who committed violations of the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering.

3. The grounds for conducting an investigation shall be:

1) appeals from individuals and (or) legal entities, as well as state bodies regarding specific facts of harm to human life, health, the environment, the rights and legitimate interests of individuals and legal entities, the state in cases where such a fact has affected a wide range of people and it is necessary to identify a specific person (specific persons) who committed the violation;

2) accidents, technological violations, which require clarifying the circumstances that preceded them, establishing their causes, the nature of the violations of the operating conditions of technical devices, technological processes, violations of requirements in the field of thermal power engineering, determining measures to eliminate the consequences and



prevent similar accidents, technological violations, material damage caused by an accident, technological violation.

4. If there are grounds specified in paragraph 3 of this Article, the control body shall make a decision to conduct an investigation.

5. The procedure for conducting an investigation shall be established by the authorized body.

The procedure for conducting an investigation shall include:

- 1) cases in which an investigation is conducted;
- 2) the timeframe and duration of the investigation;
- 3) the timeframe for notifying the subject (object) of control, the state body that carries out activities in the field of legal statistics and special records within its competence, and interested state bodies about the commencement of the investigation;
- 4) the procedure for involving independent experts and other interested parties;
- 5) the conditions and procedure for forming the investigation commission;
- 6) the conditions, terms, procedure for extending and suspending the investigation;
- 7) the procedure for drawing up investigation materials.

6. The investigation period shall not exceed thirty calendar days and may be extended only once for thirty calendar days.

7. Based on the results of the investigation, the control bodies shall determine the person(s) who committed the violation of the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering, which became the basis for the investigation.

Based on the results of the investigation, measures provided for by the laws of the Republic of Kazakhstan shall be taken against the person(s) who committed the violation.

The results of the investigation shall be published on the Internet resource of the control body, with the exception of information constituting state secrets or other secrets protected by the laws of the Republic of Kazakhstan.

The results of the investigation shall be sent to the state body that carries out activities in the field of legal statistics and special records within its competence, during three working days.

#### **Article 16. Rights and obligations of officials of control bodies**

1. When conducting state control, the officials of control bodies shall have the right to:
  - 1) obtain unimpeded access to the territory and premises of the subject (object) of control;
  - 2) obtain documents (information) on paper and electronic media or copies thereof, as well as access to automated databases (information systems) in accordance with the subject of state control;
  - 3) carry out audio, photo and video filming;
  - 4) use recordings of technical control equipment, observation and recording devices, logograms, oscillograms, extracts from operational logs, explanatory notes, diagrams, drawings

, photo, audio and video materials, questionnaires and other materials related to the subject of state control;

5) summon the subject of control to obtain explanations;

6) involve specialists, consultants and experts, as well as officials of state bodies, subordinate and other organizations;

7) apply to the court and participate in the consideration by the court of cases on violations of the legislation of the Republic of Kazakhstan in the field of thermal power engineering, including violations identified as a result of state control.

2. Officials of control bodies shall be prohibited from making demands and making requests that are not related to the subject of state control.

3. When conducting state control, the officials of control bodies shall be obliged:

1) to comply with the legislation of the Republic of Kazakhstan, the rights and legitimate interests of the subjects (objects) of control;

2) to conduct state control on the basis of and in strict accordance with the procedure established by this Law;

3) not to interfere with the established operating mode of the subjects (objects) of control during the period of state control, unless otherwise provided by this Law;

4) to promptly and fully exercise the powers granted in accordance with the laws of the Republic of Kazakhstan to prevent, identify and suppress violations of the requirements of the legislation of the Republic of Kazakhstan;

5) not to prevent the subject (object) of control or its authorized representative from being present during state control, to provide explanations on issues related to the subject of state control;

6) to provide the subject (object) of control with the necessary information related to the subject of state control;

7) to hand over to the subject (object) of control a conclusion on the results of remote control, a report on the results of the inspection, an order to eliminate the identified violations ;

8) to ensure the safety and confidentiality of documents and information obtained as a result of state control.

#### **Article 17. Rights and obligations of the subject (object) of control or its authorized person in the implementation of state control**

1. The subjects (objects) of control or their authorized persons, when implementing state control, shall have the right:

1) not to allow the officials of control bodies who have arrived to conduct an inspection to participate in the inspection in the following cases:

failure to comply with the frequency of the inspection;

exceeding or expiration of the inspection deadlines specified in the act on the assignment of the inspection (additional acts on the extension of the deadline, suspension, if any);

assigning an inspection for a period that goes beyond the time period specified in the application or report on criminal offences committed or being prepared, in other appeals on violations of the rights and legitimate interests of individuals and legal entities, the state;  
assigning inspection duties to officials who do not have the appropriate authority;  
including multiple subjects (objects) of control in one inspection order;  
extending the inspection period beyond the limit set by this Law;  
gross violations of the requirements established by this Law;  
failure of officials from control bodies to present the documents specified in paragraph 1 of Article 14 of this Law.

2) failure to present documents and information if they do not relate to the subject of the inspection, as well as to the period specified in the act on the assignment of the inspection;

3) appeal the conclusion on the results of remote control, the act on the assignment of an inspection, the act on the results of an inspection, the order to eliminate the identified violations, as well as the actions (inaction) of officials of the control bodies in the manner established by the Entrepreneurial Code of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan;

4) not comply with prohibitions of control bodies or officials that are not based on law, restricting the activities of subjects (objects) of control;

5) record the process of implementing state control, as well as individual actions of officials of control bodies carried out by them within the framework of state control, using audio, photo and video filming, without creating obstacles to the activities of officials of control bodies;

6) involve third parties in participation in state control for the purpose of representing their interests and rights, as well as the implementation by third parties of the actions provided for in subparagraph 5) of this paragraph.

2. Subjects (objects) of control or their authorized persons, when control bodies conduct state control, shall be obliged:

1) to ensure unimpeded access of officials of control bodies to the territory and premises of the subject (object) of control;

2) in compliance with the requirements for the protection of commercial, tax or other secrets protected by law, to provide officials of control bodies with copies of documents (information) on paper and electronic media, as well as to provide access to automated databases (information systems) in accordance with the subject of state control;

3) to make a note of receipt on the second copy of the act on the assignment of an inspection;

4) to make a note on the receipt on the second copy of the conclusion on the results of remote control, the act on the results of the inspection on the day of completion of the state control;

5) to make a note on the receipt on the second copy of the order to eliminate the identified violations;

6) not to allow making changes and additions to the documents being checked during the period of state control, unless otherwise provided by this Law or other laws of the Republic of Kazakhstan;

7) to ensure the safety of persons arriving to conduct state control at the controlled object from harmful and hazardous production factors of influence in accordance with the standards established for this object;

8) in the event of receipt of the act on the assignment of an inspection, the head of the subject (object) of control or his/her authorized person shall be obliged to be at the location of the controlled object at the appointed time of the inspection.

#### **Article 18. Invalidity of inspections conducted with gross violation of the requirements of this Law**

1. Inspections shall be deemed invalid if they are conducted by the control body with gross violation of the requirements for the organization and conduct of the inspection established by this Law.

2. Gross violations of the requirements of this Law shall include:

- 1) absence of grounds for conducting an inspection;
- 2) absence of an act on the assignment of an inspection;
- 3) failure to comply with the inspection deadlines;
- 4) violation of the frequency of the inspection;

5) failure to submit to the subject (object) of control an act on the assignment of an inspection;

6) assignment of an inspection on the issues not within their competence by control bodies

#### **Article 19. Industrial control in the field of thermal power engineering**

1. Industrial control in the field of thermal power engineering (hereinafter - industrial control) shall be carried out at thermal power engineering facilities of heat-producing and heat-transporting entities in the centralized heat supply system.

2. The objectives of industrial control shall be:

1) ensuring compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of heat power engineering;

2) monitoring the safe operation of thermal power engineering facilities and the buildings, premises, and structures included in them;

3) ensuring the quality and reliability of heat supply, the safety of the heat supply system;

4) performance of work by employees who have passed the test of knowledge of technical operation rules and safety regulations;

5) maintenance of equipment, buildings and structures in a state of operational readiness;

- 6) timely preparation and implementation of repair and restoration works of heat-producing and heat-transporting entities, including in the autumn-winter period;
- 7) analysis and development of measures aimed at compliance with safety regulations;
- 8) identification of circumstances and causes of violations affecting the safety of work;
- 9) coordination of works aimed at preventing technological violations.

3. Heat-producing and heat-transporting entities in the centralized heat supply system shall develop regulations on production control.

A standard regulation on production control shall be developed and approved by the authorized body.

4. An official implementing production control shall be appointed and dismissed by an act of the head of heat-producing and heat-transporting entities in agreement with the territorial division of the state body for state energy supervision and control in terms of compliance with qualification requirements, work experience and the position held not lower than the head of the structural division.

5. The official implementing production control shall be obliged to:

- 1) develop a work plan for implementing production control in the divisions of heat-producing and heat-transporting entities;

- 2) implement production control over the employees' compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering;

- 3) organize and conduct inspections of ensuring the safety of operation of heat power facilities and performance of works;

- 4) organize the development of action plans to ensure safety and eliminate technological violations;

- 5) bring to the attention of employees of heat-producing and heat-transporting entities information on changes in the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering;

- 6) submit proposals to the head or the person substituting him/her, of the heat-producing or heat-transporting entity on:

- implementing measures to ensure safety, eliminating violations of the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering;

- suspension of works carried out in violation of the requirements of the legislation of the Republic of Kazakhstan in the field of thermal power engineering, creating a threat to the life and health of workers, or which may lead to technological violations;

- dismissal from work of employees who have not undergone timely training or retraining in the rules of technical operation and safety regulations;

- 7) submit monthly, by the 10th day of the month following the reporting month, or upon request (in cases of accidents and failures of the 1st degree), a report in accordance with the objectives of industrial control to the territorial divisions of the state body for state energy supervision and control;

8) exercise other powers stipulated by the legislation of the Republic of Kazakhstan in the field of thermal power engineering.

6. The official exercising industrial control shall have the right to:

1) unimpeded access to thermal power facilities and the buildings, premises, structures included in them at any time of the day;

2) receive documents (information) on paper and electronic media or their copies, as well as access to automated databases (information systems).

## **Chapter 4. PLANNING AND MONITORING IN THERMAL POWER ENGINEERING**

### **Article 20. Planning in thermal power engineering**

1. Thermal power engineering functions and develops on the basis of documents of the State Planning System of the Republic of Kazakhstan.

2. State bodies, when developing and approving documents of the State Planning System of the Republic of Kazakhstan applicable to thermal power engineering, shall be obliged to be guided by the legislation of the Republic of Kazakhstan in the field of thermal power engineering and other regulatory legal acts of the Republic of Kazakhstan.

**Note!**

**Paragraph 3 shall come into effect from 01.01.2027 in accordance with Article 53 of this Law of the Republic of Kazakhstan.**

3. The operation and development of thermal power engineering in cities of republican significance, the capital, districts and cities of regional significance shall be carried out on the basis of long-term and medium-term heat supply development schemes.

4. Heat supply development schemes must take into account:

1) actual thermal power engineering indicators;

2) target thermal power engineering indicators;

3) planned thermal power engineering indicators;

4) the optimal combination of various heat supply systems, taking into account the specific features of the administrative-territorial unit;

5) meeting the current and future demand for the service of providing thermal energy;

6) approved master plans of settlements, development and construction schemes for small settlements;

7) equal conditions for access and level of payment for services of providing thermal energy to all consumers (non-discriminatory approach);

8) optimal solutions for the development of thermal power engineering taking into account the requirements for ensuring the quality and reliability of heat supply, minimal harmful impact on the environment, development of energy-saving and resource-saving technologies, expansion of the use of renewable energy sources, provision of financing and other factors in accordance with this Law and other regulatory legal acts of the Republic of Kazakhstan.

5. Local executive bodies, when developing heat supply development schemes, shall determine the terms, size, priority and sources of financing for measures to achieve the target indicators of thermal power engineering, taking into account local conditions.

#### **Article 21. Monitoring the state of thermal power engineering**

1. The authorized body, the authorized body in the sphere of housing relations and housing-communal services, the state body for state energy supervision and control and local executive bodies shall carry out regular monitoring of the state of thermal power engineering, including the collection, updating and publication of information on the state of thermal power engineering facilities and heating networks of the region, city of republican significance, the capital.

2. Monitoring of the state of thermal power engineering shall be carried out on the basis of actual and planned indicators of thermal power engineering, including by the sectors of production, transportation, sale and consumption of thermal energy, in accordance with the procedure determined by the authorized body.

3. Local executive bodies shall carry out regular monitoring of the state of thermal power engineering of the region, city of republican significance, the capital in order to exclude discriminatory approach to access and possibility of payment for services on provision of thermal energy.

#### **Note!**

Paragraph 4 of Article 21 until the introduction of the information system of the authorized body shall be in effect as amended by paragraph 2 of Article 53 of this Law of the Republic of Kazakhstan.

4. Heat supply entities operating in the centralized and local heat supply system, through the information system of the authorized body, shall provide information on the quality and volume of heat supply, heat energy consumption modes, the condition of equipment, heating networks and other property used to carry out activities, measures to modernize, repair, reconstruct, replace the specified property, measures to improve energy efficiency and reduce heat energy losses, measures to introduce technologies for the use of renewable energy sources, as well as other information in accordance with the legislation of the Republic of Kazakhstan.

5. Consumers consuming heat energy not for domestic needs shall provide information to local executive bodies in accordance with the rules for monitoring the state of thermal power engineering approved by the authorized body.

6. Local executive bodies and the state body for state energy supervision and control shall have the right to demand the provision of information to the population in accordance with paragraph 4 of this Article by heat supply entities in centralized and local heat supply systems in accordance with the rules for monitoring the state of thermal power engineering.

### **Chapter 5. TARIFF FORMATION IN THE FIELD OF THERMAL POWER ENGINEERING**

## **Article 22. State regulation of tariffs in the field of thermal power engineering**

State regulation of tariffs in the field of thermal power engineering shall be carried out in accordance with the legislation of the Republic of Kazakhstan on natural monopolies.

## **Article 23. Application of state regulation of tariffs in heat supply systems**

1. State regulation of tariffs for the production, transportation and sale of thermal energy shall be carried out in the centralized heat supply system.

2. State regulation of tariffs for the production, transportation and sale of thermal energy in local heat supply systems shall be carried out in the following cases, if:

1) heat supply facilities are owned by third parties, in the manner established by the legislation of the Republic of Kazakhstan on natural monopolies;

2) heat supply facilities are common property of a condominium facility and more than thirty percent of the number of consumers (owners of residential and non-residential premises of an apartment building) who are participants in this system have applied to the state body exercising management in the relevant areas of natural monopolies.

## **Chapter 6. HEAT SUPPLY SYSTEMS**

### **Article 24. Heat supply systems**

1. The following heat supply systems operate in the thermal power engineering:

- 1) centralized heat supply system;
- 2) local heat supply system;
- 3) individual heat supply system.

2. Relationships arising between participants in heat supply systems shall be regulated by this Law, the rules for interaction between heat supply entities and consumers approved by the authorized body, and other regulatory legal acts of the Republic of Kazakhstan.

### **Article 25. Centralized heat supply system**

1. Participants in the centralized heat supply system are thermal power engineering entities operating in this system.

**Note!**

Paragraph 2 shall come into effect from 01.07.2025 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

2. Heat-producing entities shall produce thermal energy and (or) heat carrier for their own consumption and (or) sale to heat-transporting entities and (or) direct consumers, as well as their sub-consumers, if any.

**Note!**

Paragraph 3 shall come into effect from 01.07.2025 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

3. Heat transporting entities shall transport thermal energy and (or) heat carrier, as well as sell thermal energy to consumers.



4. Heat supply entities that are simultaneously heat producing and heat transporting entities shall not enter into an agreement provided for in subparagraph 1) of paragraph 1 of Article 30 of this Law.

5. State bodies, other things being equal (technical and economic), shall be obliged to make a decision in favour of a centralized heat supply system when:

- 1) developing and approving legal acts;
- 2) developing and approving programs, plans, documents of the State Planning System of the Republic of Kazakhstan and other documents;
- 3) developing and approving heat supply development schemes and other documents in the field of architecture, urban planning and construction;
- 4) making other decisions, acts within their competence.

6. Unauthorized connection to heating networks of centralized heat supply systems (including to consumer networks) shall be prohibited.

#### **Article 26. Local heat supply system**

1. The composition of the participants in the local heat supply system shall be determined by the owner of the local heat supply system.

2. The participants in the local heat supply system shall conclude contracts in accordance with this Law.

#### **Note!**

Paragraph 3 shall enter into force from 01.07.2025 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

3. If the total connected load of consumers in accordance with the issued technical conditions, including those issued for the construction period, exceeds twenty megawatts, the owner of the local heat supply system shall be obliged, within three months from the moment of such excess, to submit an application to the local executive bodies to change the status of the local heat supply system to the status of a centralized heat supply system in the register of heat supply entities.

4. Unauthorized connection to the heating networks of local heat supply systems (including to consumer networks) shall be prohibited.

#### **Article 27. Individual heating system**

1. Participants in an individual heat supply system are consumers operating in this system.

2. Activities in the organization and operation of individual heat supply systems shall be regulated by this Law and other regulatory legal acts of the Republic of Kazakhstan.

### **Chapter 7. HEAT SUPPLY ENTITIES AND CONSUMERS**

#### **Article 28. Rights and obligations of heat supply entities and consumers in centralized heat supply systems**

1. Heat supply entities in centralized heat supply systems shall have the right to:

1) refuse in connection to the heat supply networks belonging to them if such connection does not correspond to the technical capabilities of the heat supply entity, with the provision of a reasoned technical justification;

2) limit or terminate the sale of thermal energy in the event of detection of an unauthorized connection to the heat supply system and in other cases established by this Law;

3) have access to heat-consuming installations, heat supply networks and commercial metering devices belonging to consumers;

4) demand compensation for damages in the event of interruptions in the technological process of heat supply due to disruptions in the operation of heat-consuming installations and heat supply networks of consumers.

2. Heat supply entities in centralized heat supply systems shall be obliged to:

1) issue technical specifications for connection to their heating networks, if technically feasible;

2) if technically feasible, ensure equal conditions for connection to their heating networks, services or goods;

3) sell thermal energy and (or) coolant of proper quality and in the volume in accordance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering and concluded contracts;

4) keep records and control the quality and volume of thermal energy and (or) coolant supplied to consumers, take timely measures to prevent and eliminate violations of the quality of thermal energy;

5) prevent interruptions in the production of thermal energy, except for cases stipulated by the legislation of the Republic of Kazakhstan in the field of thermal energy and concluded agreements;

6) ensure the reliability and quality of heat supply in accordance with the legislation of the Republic of Kazakhstan in the field of thermal energy and concluded agreements;

7) compensate for losses of consumers in cases stipulated by the legislation of the Republic of Kazakhstan and concluded agreements;

8) when changing tariffs for the service of providing thermal energy, notify consumers within the timeframes and in the manner stipulated by the legislation of the Republic of Kazakhstan and concluded agreements;

9) maintain heat supply systems, buildings, structures, equipment of heat sources and heat networks, and other property in proper condition in accordance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering and internal documents of the heat supply entity;

10) promptly inform the owners of the property of the heat supply entity and other interested parties about the need for repair, reconstruction, modernization, replacement of property used in the implementation of activities in the field of heat power engineering;

11) in the manner established by the legislation of the Republic of Kazakhstan in the field of thermal power engineering and internal documents of the heat supply entity, inform the owners and other interested persons about the occurrence of accidents, disruptions in the supply of heat energy of the proper volume and capacity, accidents;

12) in the manner established by the legislation of the Republic of Kazakhstan in the field of heat power engineering, inform the state body for state energy supervision and control, as well as consumers about technological violations and accidents that have occurred;

13) ensure readiness for the heating season, obtain a readiness passport in the established manner;

**Note!**

**Subparagraph 14) shall enter into force from 01.07.2025 in accordance with Article 53 of this Law of the Republic of Kazakhstan.**

14) use the information system of the authorized body in accordance with the procedure for the functioning of the information system of the authorized body;

15) appoint top managers, technical managers (chief engineer), heads of the service (department) of safety and labour protection of heat-producing and heat-transporting entities after passing the qualification test of knowledge in the manner determined by the authorized body;

16) ensure that employees pass the qualification test of knowledge and have appropriate access to the implementation of activities on the operation, repair, adjustment and installation, as well as inspection of power, thermal and mechanical equipment of heat sources and heating networks in the manner determined by the authorized body.

3. Owners of heat supply entities shall be obliged to ensure the proper functioning of heat supply facilities.

4. Consumers in centralized heat supply systems shall have the right to:

1) receive technical specifications for connection to the heating network in accordance with the legislation of the Republic of Kazakhstan;

2) connect to heating networks in accordance with technical specifications;

3) receive the service of providing heat energy of the appropriate quality and volume;

4) independently regulate the volume of the received service of providing heat energy in accordance with the terms of the contract, taking into account technical capabilities;

5) receive information from heat supply entities on the quality of heat supply, tariffs, payment procedures, heat energy consumption modes, the condition of heat source equipment, heat networks and other property used to carry out activities, measures to modernize, repair, reconstruct, replace the specified property, measures to improve energy efficiency and reduce heat energy losses taken by the heat supply entity, as well as other information in accordance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering and concluded contracts;

6) compensate for losses caused by violations of the terms of concluded contracts and deterioration in the quality of heat supply by the heat supply entity, in accordance with the legislation of the Republic of Kazakhstan.

5. Consumers in centralized heat supply systems shall be obliged:

- 1) to comply with technical conditions for connection to heat networks;
- 2) to conclude a heat supply contract with a heat transport entity that sells heat energy;
- 3) to maintain in proper condition and ensure the safe operation of heat supply systems and commercial metering devices on their balance sheet;
- 4) to comply with heat consumption modes determined by the contract;
- 5) to pay for the service of providing heat energy in accordance with the terms of the contract and established tariffs;

6) to ensure access to heat supply systems on the balance sheet of consumers and commercial metering devices for representatives of heat supply entities, as well as representatives of the state body for state energy supervision and control in accordance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering and the concluded contract;

7) when operating heating networks and heat-consuming installations as part of one residential building or non-residential premises, not to allow making changes to internal heat supply systems (intra-house networks) without coordinating the design documentation with the heat transporting entity;

8) independently or jointly with other owners of the condominium facility, in accordance with the rules for metering heat energy and coolant, approved by the authorized body jointly with the authorized bodies in the field of housing relations and housing and communal services and in the field of energy saving and improving energy efficiency, to bear costs and to take measures on improving energy efficiency, reducing heat losses of the condominium facility in terms of common property;

9) immediately to notify the heat supply entity of the failure of commercial metering devices or violation of the heat energy consumption regime;

10) when changing the heat supply scheme of in-house networks inside apartments and non-residential premises of an apartment building, to develop a project for the reconstruction of the heat supply system of an apartment building and agree it in writing with at least two thirds of the total number of owners of apartments and non-residential premises of an apartment building.

6. Owners of apartments and non-residential premises of an apartment building shall be obliged to pay for the heat energy consumed for heating common areas in an apartment building in accordance with the rules for metering heat energy and coolant.

## **Article 29. Rights and obligations of heat supply entities and consumers in local heat supply systems**

1. Heat supply entities in local heat supply systems shall have the right to:

1) limit or terminate the sale of thermal energy in the event of detection of an unauthorized connection to the heat supply system and in cases determined by this Law;

2) have access to commercial metering devices belonging to consumers;

3) conclude relevant contracts with consumers based on standard contracts.

2. Heat supply entities in local heat supply systems shall be obliged to:

1) conclude contracts with consumers based on standard contracts in cases stipulated by Article 23 of this Law;

2) sell thermal energy of due quality and in the volume in accordance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering and concluded contracts;

3) ensure the reliability and quality of heat supply in accordance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering and concluded contracts;

4) notify consumers within the timeframes and in the manner stipulated by the legislation of the Republic of Kazakhstan and concluded contracts in the event of changes in tariffs or prices for the service of providing heat energy,;

5) maintain in proper condition heat supply systems, buildings, structures, equipment of heat sources and heating networks, other property in accordance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering and internal documents of the heat supply entity;

6) inform local executive bodies and consumers about technological violations and accidents that have occurred in the manner established by the legislation of the Republic of Kazakhstan in the field of heat power engineering;

7) ensure readiness for the heating season, obtain a readiness passport in accordance with the established procedure;

8) compensation for losses of consumers in cases stipulated by the legislation of the Republic of Kazakhstan and concluded contracts.

3. Consumers in local heat supply systems shall have the right to:

1) conclude contracts with heat supply entities based on standard contracts;

2) receive the service of providing heat energy of due quality and in the volume in accordance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering and concluded contracts;

3) independently regulate the volume of the received service of providing heat energy taking into account technical capabilities or in accordance with the concluded contract;

4) receive the service of providing thermal energy at the established tariffs in the cases stipulated by Article 23 of this Law, or at the prices determined in the contract;

5) receive information from heat supply entities on the quality of heat supply, tariffs or prices, payment procedure, heat energy consumption modes, the condition of equipment of heat energy sources, heating networks and other property used to carry out activities, measures for modernization, repair, reconstruction, replacement of the said property,

measures to improve energy efficiency and reduce heat losses undertaken by the heat supply entity, as well as other information in accordance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering and concluded contracts;

6) compensation for damages caused by violations of the terms of concluded contracts and deterioration in the quality of heat supply by the heat supply entity, in accordance with the legislation of the Republic of Kazakhstan;

7) demand that the heat supply entity exclude from the contract or draft contract provisions that contradict the legislation of the Republic of Kazakhstan.

4. Consumers in local heat supply systems shall be obliged to:

1) conclude standard contracts with heat supply entities in cases stipulated by Article 23 of this Law;

2) maintain in proper condition and ensure the safe operation of heat supply systems and commercial metering devices on their balance sheet;

3) comply with the heat energy consumption modes determined by the contract;

4) pay for heat energy services in accordance with the terms of contracts and established tariffs;

5) provide access to heat supply systems on the balance sheet of consumers and commercial metering devices for representatives of heat supply entities and local executive bodies in accordance with the legislation of the Republic of Kazakhstan in the field of thermal power engineering and the contracts;

6) independently or jointly with other owners of the condominium facility, in accordance with the rules for metering heat energy and coolant, bear costs and take measures to improve energy efficiency, reduce heat losses of the condominium facility in terms of common property.

5. Owners of apartments, non-residential premises of an apartment building shall be obliged to pay for heat energy consumed for heating common areas in an apartment building, in the manner determined by the rules for metering heat energy and coolant.

## **Chapter 8. CONTRACTS BETWEEN HEAT SUPPLY ENTITIES AND CONSUMERS**

### **Note!**

**Article 30 shall come into force from 01.07.2025 in accordance with Article 53 of this Law of the Republic of Kazakhstan.**

### **Article 30. Types of contracts between heat supply entities and consumers**

1. Relations between heat supply entities and consumers shall be regulated by the following contracts:

1) contracts for the provision of services on the production of thermal energy, concluded between heat producing entities on the one hand and heat transporting entities or direct consumers on the other hand;

2) contracts for the provision of services on the sale of thermal energy, concluded between consumers, with the exception of direct consumers on the one hand and heat transporting entities on the other hand.

2. Contracts regulating legal relations within the framework of centralized heat supply systems shall be concluded on the basis of standard contracts.

3. A standard contract for the provision of services on the production of thermal energy and a standard contract for the provision of services on the sale of thermal energy shall be approved by the authorized body in the sphere of natural monopolies in agreement with the authorized body.

#### **Article 31. Contract for the provision of services on production of thermal energy**

1. The contract for the provision of heat energy production services must contain:

- 1) the quality and volume of supplied heat energy and (or) coolant;
- 2) the procedure for payments for the service according to the approved tariff;
- 3) the terms of provision of services;
- 4) the rights, obligations and responsibilities of the parties;
- 5) the terms of termination of the contract.

2. The contract for the provision of heat energy production services may contain other terms by agreement of the parties.

#### **Article 32. Contract for the provision of services on the sale of thermal energy**

1. Consumers purchase thermal energy from a heat transporting entity on the basis of a contract for the provision of services on the sale of thermal energy.

2. A contract for the provision of services on the sale of thermal energy shall be concluded by the consumer with the heat transporting entity to whose heating networks the consumer's heat-consuming installations are connected.

3. In accordance with the contract for the provision of services on the sale of thermal energy, the heat transporting entity shall undertake to supply the consumer through the connected network with thermal energy that meets the quantitative and qualitative parameters established by the legislation of the Republic of Kazakhstan in the field of thermal power engineering and the contract for the provision of services on the sale of thermal energy, and the consumer shall undertake to pay for the consumed thermal energy, as well as to ensure compliance with the thermal energy consumption regime established by the contract, proper technical condition and safety of the operating heating networks, heat-consuming installations and commercial metering devices.

4. The contract for the provision of services on the sale of thermal energy shall be concluded with the consumer if he has the necessary equipment connected to the heating networks of the heat transporting entity, in accordance with the rules for the use of thermal energy approved by the authorized body, and commercial metering devices.

5. The contract for the provision of services on the sale of thermal energy must contain:

- 1) the rights, obligations and responsibilities of the parties;

- 2) the quality and volume of supplied thermal energy;
- 3) the conditions for limiting and terminating the supply of thermal energy;
- 4) the mode of supply and consumption of thermal energy;
- 5) the amount of the tariff;
- 6) the schedule of supply of thermal energy depending on the outside air temperature;
- 7) the boundaries of the division of balance sheet ownership and operational responsibility of the parties;
- 8) information about sub-consumers (if any);
- 9) the terms of termination of the contract;
- 10) the method of reporting and billing to the consumer, including the relevant requirements for commercial metering devices;
- 11) the procedure for pre-trial and judicial settlement of disputes.

6. The contract for the provision of services on the sale of thermal energy may contain other conditions by agreement of the parties.

In the event of the consumer's refusal to include other conditions in the contract for the provision of services on the sale of thermal energy, the parties shall conclude such a contract without other conditions.

7. The contract for the provision of services on the sale of thermal energy in relation to an apartment building shall provide for the supply of thermal energy in the volumes necessary to provide services for the provision of thermal energy to the owners of apartments, non-residential premises of an apartment building, as well as for use in the maintenance of the common property of the condominium (including losses of thermal energy in in-house networks). Such a contract shall be considered concluded with all owners of apartments, non-residential premises of an apartment building from the date of the first actual connection of the apartment building to the networks of the heat transport entity.

8. A consumer who is the owner of apartments, non-residential premises of an apartment building shall not have the right to unilaterally refuse the contract for the provision of services on the sale of thermal energy if the building is connected to a centralized or local heat supply system.

## **Chapter 9. FUEL FOR HEAT SUPPLY**

### **Article 33. Requirements for the quality of fuel for heat supply**

Requirements for the quality of fuel in relation to thermal energy sources operating in centralized heat supply systems and local heat supply systems shall be determined in regulatory technical documents approved by the authorized body.

### **Article 34. Responsibilities and obligations of the parties related to the supply and use of fuel for heat supply**

1. Fuel suppliers shall be obliged to ensure uninterrupted supply of fuel, compliance with the fuel supply schedule in accordance with the terms of supply contracts.



2. The responsibility of fuel suppliers for heat energy sources shall be provided for in supply contracts.

3. Heat supply entities operating heat energy sources operating in centralized heat supply systems and local heat supply systems shall annually submit a report to local executive bodies on the acquisition and consumption of fuel indicating supporting documents regarding the quality and quantity of fuel acquired and consumed in the manner determined by the authorized body.

4. Local executive bodies shall collect information on the quantity and type of fuel used in individual heat supply systems in accordance with the rules for monitoring the state of heat power engineering.

5. Local executive bodies shall form and publish on their Internet resource a consolidated report on the quality and quantity of fuel as part of the monitoring conducted in accordance with Article 21 of this Law and submit it to the authorized body.

## **Chapter 10. TECHNICAL AND TECHNOLOGICAL STANDARDS AND SAFETY REQUIREMENTS IN THE FIELD OF THERMAL POWER ENGINEERING**

### **Article 35. Technical and technological standards for the operation of heat power facilities**

The authorized body, together with the authorized body in the field of energy saving and energy efficiency improvement, shall approve regulatory technical documents in the field of thermal power engineering and energy efficiency, containing technical and technological standards for the operation of thermal power engineering facilities, buildings, structures, equipment used for the production and transportation of thermal energy in centralized heat supply systems and local heat supply systems.

### **Article 36. General safety provisions in the field of thermal power engineering and ensuring the safety of thermal power engineering facilities**

1. Organizational measures during operation of equipment of heat sources and heat networks, heat-consuming installations of consumers must ensure safety for life, health of people and the environment.

2. Objects of technical regulation and standardization are heat energy and equipment intended for production, transportation and consumption of heat energy.

3. Parameters of heat energy for heating in heat networks must correspond to the established temperature schedule.

4. Protection of the most important heat power facilities shall be carried out by special paramilitary security services or units of the Ministry of Internal Affairs of the Republic of Kazakhstan. Lists of such facilities shall be established by the Government of the Republic of Kazakhstan.

5. It is prohibited to carry out construction, installation, excavation, loading and unloading works, prospecting works related to the construction of wells and pits, arrangement of sites, parking lots for motor vehicles, placement of markets, buildings, structures, storage of

materials, construction of fences and barriers, discharge and draining of caustic corrosive substances and flammable and lubricating materials in the protection zones of heating networks without the consent of the heat power industry entities in charge of the heating networks.

6. The property of heat-producing, heat-transporting entities operating within the framework of centralized heat supply systems, participating in a single technological process of production and transportation of electric and (or) thermal energy, is indivisible.

7. In centralized heat supply systems, the purchase and sale, lease or trust management of thermal energy sources and heating networks and (or) their individual parts shall be carried out with prior notification of the authorized body and the state body exercising management in the spheres of natural monopolies.

### **Article 37. Safety requirements for the design and operation of equipment in the field of thermal power engineering**

1. When designing and operating equipment for heat energy sources and heat networks, it is necessary to ensure that the requirements established by this Law and technical regulations are met.

2. Equipment for heat power facilities must comply with the technical requirements established by technical regulations.

### **Article 38. Safety requirements for energy, thermal and mechanical equipment and materials used in the production, transportation and consumption of thermal energy**

1. Power, heat and mechanical equipment and materials used in the production, transportation and consumption of thermal energy produced in the Republic of Kazakhstan and imported to its territory must comply with the requirements established by the legislation of the Republic of Kazakhstan in the field of technical regulation.

2. Power, heat and mechanical equipment and materials used in the production, transportation and consumption of thermal energy must comply with the requirements that ensure safety for human life, health and the environment.

3. Commissioning of equipment of thermal energy sources and heating networks, heat-consuming installations of consumers subject to confirmation of compliance with the requirements established by technical regulations without confirmation of compliance in accordance with the legislation of the Republic of Kazakhstan on technical regulation shall not be allowed.

4. Equipment of thermal energy sources and heating networks, heat-consuming installations of consumers must be in good technical state, ensuring safe conditions.

### **Article 39. Commercial metering of thermal energy and (or) heat carrier in centralized heat supply systems and local heat supply systems**

1. Commercial metering of thermal energy and (or) coolant shall be carried out in the following ways:

1) calculation - based on contractual values and quantities calculated and determined in accordance with regulatory legal acts of the Republic of Kazakhstan and regulatory technical documents;

2) instrumental - based on data obtained from installed and commissioned commercial metering devices.

2. The main method of commercial metering of thermal energy and (or) coolant is the instrumental method.

3. The boundaries of application of the calculation method shall be determined in accordance with the rules for metering thermal energy and coolant.

4. The sale and consumption of thermal energy and (or) coolant in centralized heat supply systems shall be carried out subject to their commercial metering at all points of reception and transmission of thermal energy and (or) coolant between heat power industry entities.

5. The sale and consumption of thermal energy and (or) coolant in local heat supply systems shall be carried out subject to their commercial metering, unless otherwise provided for by agreements between heat power industry entities. Commercial metering of thermal energy and (or) coolant in local heat supply systems shall be carried out at points of reception and transmission of thermal energy determined by agreements between heat power industry entities.

6. In centralized heat supply systems at newly commissioned facilities, it is not permitted to connect heat-consuming installations of consumers to the heating networks of a heat-producing or heat-transporting entity without equipping the points of reception and transmission of thermal energy and (or) heat carrier with the appropriate commercial metering devices.

7. The acquisition, installation, verification and operation of commercial metering devices in a centralized heat supply system shall be carried out by the consumer himself, with the exception of cases provided for in paragraphs 8 and 9 of this Article.

8. In centralized and local heat supply systems, general-house and individual-apartment commercial metering devices in newly commissioned multi-apartment residential buildings shall be acquired and installed by the developer before receiving the act of acceptance of the facility into operation.

**Note!**

**Paragraph 9 shall come into effect from 01.07.2025 in accordance with Article 53 of this Law of the Republic of Kazakhstan.**

9. In centralized heat supply systems, the acquisition, installation, verification and current operation of common house commercial metering devices for multi-apartment residential buildings, previously commissioned, shall be carried out by the heat transporting entity. The costs of acquisition, installation, verification and current operation of common house commercial metering devices shall be subsequently included in the tariff for the service of transmission and distribution of thermal energy.

Note!

Paragraph 10 shall come into effect from 01.07.2025 in accordance with Article 53 of this Law of the Republic of Kazakhstan.

10. After the commissioning of a common house commercial metering device of an apartment building, the heat transporting entity accepts it onto its balance sheet free of charge.

11. The volumes of consumption of thermal energy and (or) coolant for heating, hot water supply for consumers in apartment buildings with installed apartment commercial metering devices shall be determined by the rules for metering thermal energy and coolant.

12. The requirements for commercial metering devices, as well as the procedure for automating the metering of thermal energy and (or) coolant shall be established by this Law and the rules for metering thermal energy and coolant.

#### **Article 40. Features of heat energy metering by sub-consumers**

1. Sub-consumers, by mutual agreement with the consumer, shall enter into a contract for the purchase of thermal energy and (or) heat carrier. The contract may contain terms for reimbursement of the consumer's justified costs for compensation of thermal energy losses in heating networks, ensuring joint operation of the consumer's equipment and heating networks, ensuring technical metering and compensation of the consumer's costs for connection and construction of its heating networks.

2. Sub-consumers in the heat supply system, in which standard contracts for the provision of services for the sale of thermal energy are concluded, may conclude a standard heat supply contract with a heat transporting entity to whose heating networks the consumer is connected, or a standard contract for the provision of a service on production of thermal energy with a heat-producing entity to whose collectors of thermal energy sources the direct consumer is connected.

3. A standard contract for the provision of services on the sale of thermal energy with a heat-transporting entity to whose heating networks the consumer is connected, and a standard contract for the provision of services on the production of thermal energy with a heat-producing entity shall be concluded subject to the reimbursement of the consumer's justified costs for the compensation of thermal energy losses in heating networks, calculated in accordance with the procedure determined by the authorized body, the conclusion of an agreement with the consumer for the joint operation of equipment and heating networks and the compensation of the consumer's costs for the connection and construction of its heating networks.

4. When concluding a standard contract for the provision of services for the sale of thermal energy with a heat-transporting entity or a standard contract for the provision of services for the production of thermal energy with a heat-producing entity, the sub-consumer shall be obliged to ensure the installation of commercial metering devices.

#### **Article 41. Restriction and termination of heat supply in the event of technological violations**

1. In order to take urgent measures to prevent and/or eliminate technological failures, heat-producing or heat-transporting entities shall have the right to stop the supply of heat energy and disconnect the consumer's heat-consuming installations, limit the supply of heat energy and/or coolant, or interrupt its supply, while immediately informing consumers and local executive bodies of the reasons and terms of the disconnection or limitation.

2. For heat-consuming installations of consumers that use continuous technological processes in the production cycle, the sudden shut-down of which may cause a danger to human life, health, people, the environment, heat-transporting entities (heat-producing entities for direct consumers) must reduce the supply of heat energy and/or coolant to the level of the technological reservation of heat supply.

3. When limiting consumption to the level of the emergency reservation of heat supply, the consumer shall not have the right to turn on heat-consuming installations that are not part of the emergency reservation of heat supply.

4. In order to take urgent measures to prevent and/or eliminate technological failures, the consumer shall have the right to disconnect own heat-consuming installations with immediate notification of the heat supply entity of the reasons and terms of the disconnection.

5. In centralized heat supply systems, heat supply entities shall develop schedules for restricting and emergency disconnection of consumers in agreement with the local executive bodies of the relevant administrative-territorial unit.

6. The schedules specified in paragraph 5 of this Article shall be drawn up annually and introduced when a deficit of fuel, thermal energy and capacity occurs and/or a disruption in the circulation of the coolant in heating networks in order to prevent the occurrence and development of technological failures, their elimination and exclusion of unorganized disconnections of consumers.

7. When determining the magnitude and priority of consumer restrictions, the state, economic, social significance and technological features of consumer production should be taken into account, so that the damage from the introduction of restriction schedules and emergency shut-down of consumers is minimal.

8. The list of consumers not subject to inclusion in the schedules specified in paragraph 5 of this Article shall be approved by the subjects of heat supply in coordination with the local executive bodies of the relevant administrative-territorial unit.

9. This Article shall not apply to individual heat supply systems.

## **Chapter 11. ENERGY SAVING, ENERGY EFFICIENCY AND RENEWABLE ENERGY SOURCES IN THERMAL POWER**

### **Article 42. Requirements for energy saving, increasing energy efficiency and using renewable energy sources in the production, transportation and sale of thermal energy**

1. Heat supply entities, when producing, transporting and selling thermal energy, shall be obliged to comply with the requirements for energy conservation and energy efficiency

improvement, stipulated by the legislation of the Republic of Kazakhstan on energy saving and energy efficiency improvement.

2. In centralized heat supply systems and local heat supply systems, when modernizing, replacing or additionally constructing base capacity, the introduction of thermal energy sources using renewable energy sources must be considered as a priority alternative if economically and technically feasible.

In the event of introduction of thermal energy sources using renewable energy sources, these sources shall be used to cover the base load of the heating network.

3. The authorized body, in agreement with local executive bodies, shall have the right to oblige heat supply entities to conduct an assessment of the technical feasibility and costs of converting their thermal energy sources related to the centralized and local heat supply system to the use of natural gas or other environmentally friendly fuel. The results of the assessment of technical feasibility and costs must be used in the development of investment programs (plans) of heat supply entities.

#### **Article 43. Requirements for energy saving and energy efficiency improvement in the consumption of thermal energy**

1. When consuming thermal energy, consumers shall be required to comply with the requirements of the legislation of the Republic of Kazakhstan on energy saving and energy efficiency improvement.

2. The authorized body in the field of energy saving and energy efficiency improvement, together with the authorized body in the field of housing relations and housing and public utilities, shall approve the standards for the consumption of thermal energy.

3. The authorized body in the field of energy saving and energy efficiency improvement, in agreement with the authorized body in the field of housing relations and housing and public utilities, shall approve the procedure and requirements for energy saving and energy efficiency improvement in residential and non-residential premises.

4. The owners of a condominium facility shall ensure compliance with the requirements for energy saving and energy efficiency improvement, including in terms of not exceeding the level of thermal energy losses, when using the common property of the condominium facility.

5. The effect of paragraphs 2, 3 and 4 of this Article shall not apply to individual heat supply systems.

#### **Article 44. Directions of state support for energy saving and energy efficiency improvement and the use of renewable energy sources in thermal power engineering**

State support for energy saving and energy efficiency improvement and the use of renewable energy sources in the thermal power industry shall be carried out in the following areas:

1) stimulation of energy saving and energy efficiency improvement in the production, transportation and consumption of thermal energy, including through the development of centralized heat supply systems;

- 2) stimulation of the use of energy-saving equipment;
- 3) implementation of a comprehensive plan to improve energy efficiency;
- 4) stimulation of the production of thermal energy using renewable energy sources;
- 5) provision support to legal entities engaged in the design, construction and operation of facilities for the use of renewable energy sources, favourable conditions and support stipulated by the legislation of the Republic of Kazakhstan in the field of use of renewable energy sources;
- 6) stimulation and creation of conditions for energy saving and energy efficiency improvement in apartment buildings and individual residential buildings;
- 7) inclusion in the development programs of the relevant administrative-territorial unit and heat supply development schemes of measures for energy saving and energy efficiency improvement and introduction of renewable energy sources (taking into account economic and technical feasibility);
- 8) creation of conditions for lending, the use of public-private partnership mechanisms for the implementation of energy saving measures and introduction of renewable energy sources (taking into account economic and technical feasibility);

**Note!**

**Subparagraph 9) shall enter into force from 01.01.2028 in accordance with Article 53 of this Law of the Republic of Kazakhstan.**

- 9) development of a state program for energy saving and energy efficiency improvement in the field of thermal power engineering;
- 10) consistent elimination of subsidies for heat supply entities;
- 11) financing through state programs of measures to create the necessary infrastructure, conduct research and development works, train personnel, transfer best practices for energy saving and energy efficiency improvement and use of renewable energy sources.

## **Chapter 12. ENSURING RELIABILITY AND SAFETY OF HEAT SUPPLY**

### **Article 45. Reliability indicators and safety of heat power facilities**

1. Regulatory technical documents governing the operation of thermal energy sources approved by the authorized body must contain the procedure for calculating and approving planned and minimum reliability and safety indicators for thermal power facilities related to centralized and local heat supply systems.
2. Operation of thermal power facilities that do not meet the minimum reliability and safety indicators shall not be permitted.
3. Thermal power entities operating in the centralized and local heat supply system shall be required to comply with the requirements for the safe operation of thermal power facilities and the buildings, premises, structures and equipment included in them.

### **Article 46. Ensuring readiness for the heating season**

1. Thermal power facilities related to centralized and local heat supply systems must undergo an annual heating season readiness check before the start of the heating season.

2. The readiness of heat sources and heating networks related to centralized heat supply systems for the heating season shall be confirmed by a readiness passport issued by the state body for state energy supervision and control, in the manner determined by the authorized body.

3. The readiness of heat sources and heating networks related to local heat supply systems for the heating season shall be confirmed by a readiness passport issued by the local executive body of the relevant administrative-territorial unit, in the manner determined by the authorized body.

4. The readiness of consumers for the heating season within the framework of heat supply systems shall be confirmed by a technical readiness certificate issued by the heat transporting entity, and for direct consumers and their sub-consumers - by the heat producing entity, in the manner determined by the authorized body.

5. It is not allowed to operate heat power facilities during the heating season without a readiness passport or technical readiness certificate issued in the prescribed manner. In cases of impossibility to eliminate the identified deficiencies before the start of the heating season, by decision of the local executive body or the state body for state energy supervision and control, the operation of the relevant heat power facility shall be allowed for a short period (until the end of the current heating season) with a written commitment to eliminate the identified deficiencies in the heat supply system before the start of the next heating season.

6. The heat transporting entity, by September 1 of the calendar year, shall develop and approve, in agreement with the local executive body and the heat producing entity, a schedule for regulating the supply of thermal energy depending on the outside air temperature for the upcoming heating season in the manner determined by the authorized body.

#### **Article 47. Repair and decommissioning of thermal energy sources, heating networks and heat-consuming installations**

1. Heat supply entities shall be required to inform in writing the local executive bodies of cities of republican significance, the capital, districts and cities of regional significance about repairs (if the repairs do not involve the development of design and estimate documentation), decommissioning of heat sources, heating networks, heat-consuming installations in the manner determined by the authorized body.

2. In case of termination of operation of a heat energy source, heat supply entities shall be obliged to inform in writing the local executive bodies of cities of republican significance, the capital, districts and cities of regional significance about this five years prior to such termination.

**Note!**

**Paragraph 3 of Article 47 until the approval of the schemes for the development of heat**



supply shall be valid in the wording of paragraph 3 of Article 53 of this Law of the Republic of Kazakhstan.

3. Upon receipt of a written notice of termination of operation of a heat source from a heat supply entity, local executive bodies of cities of republican significance, the capital, districts and cities of regional significance shall be obliged to conduct an analysis of the risk of occurrence of a heat deficit based on heat supply development schemes and consider the possibilities of replacing the retired heat capacities in case of forecasting of a heat deficit.

4. In case of impossibility of replacing the retired heat capacities and presence of a threat of occurrence of a heat deficit, local executive bodies of cities of republican significance, the capital, districts and cities of regional significance offer the heat supply entity to implement one of the following options:

- 1) sell the heat source with the condition of continuation of its operation;
- 2) sell the heat source to the local executive body of the city of republican significance, the capital, district and city of regional significance at a price not exceeding the market value determined by the legislation of the Republic of Kazakhstan and agreed upon by the parties.

## **Chapter 13. INVESTMENTS IN THE FIELD OF THERMAL ENERGY ENGINEERING**

### **Article 48. Projects in the field of thermal energy engineering**

1. Projects in the field of thermal power engineering are works on the construction, reconstruction, modernization of thermal power engineering facilities, installation of equipment, implementation of technologies in existing or created centralized and local heat supply systems.

#### **Note!**

Paragraph one of clause 2 of Article 48 until the approval of heat supply development schemes shall be valid in the wording of clause 4 of Article 53 of this Law of the Republic of Kazakhstan.

2. Thermal power engineering projects must comply with heat supply development schemes and provide for:

- 1) the use of fuel in accordance with the heat supply system and the project implementation location;
- 2) measures and (or) technologies for energy saving and energy efficiency improvement, reduction of thermal energy losses during production, transportation and consumption of thermal energy and (or) coolant, including on the basis of thermal energy sources using energy-efficient technologies and equipment, renewable energy sources and other energy sources.

3. Thermal power engineering entities, in addition to the methods and techniques stipulated by the legislation of the Republic of Kazakhstan, may attract investments through public-private partnership and provision of energy service services.

4. Contracts on public-private partnership and provision of energy-servicing services must ensure a balance and interests of the parties, taking into account the requirements of this Law, the heat supply development scheme and target indicators of the thermal power industry of the relevant administrative-territorial unit.

#### **Article 49. Development and implementation of projects in the field of thermal power engineering**

1. Pre-project and design documentation for projects in the field of thermal power engineering must comply with the requirements stipulated by paragraph 2 of Article 48 of this Law.

2. The selection of a supplier (contractor, private partner, concessionaire, trustee) for the implementation of a project in the field of thermal power engineering shall be carried out taking into account the achievement of the best values of the following parameters and criteria:

- 1) reliability of heat supply;
- 2) safety of heat supply;
- 3) duration of operation without repair or replacement of a thermal power facility, building, structure, equipment;
- 4) the level of harmful emissions into the atmosphere;
- 5) energy efficiency and energy saving indicators, the level of thermal energy losses;
- 6) other parameters that do not contradict the legislation of the Republic of Kazakhstan.

#### **Article 50. Subsidies for the construction, reconstruction and modernization of heat supply systems**

1. Subsidies for the construction, reconstruction and modernization of heat supply systems shall be provided as an economic incentive for the development of heat supply.

2. Subsidies for the construction, reconstruction and modernization of heat supply systems shall be provided in the following areas:

- 1) technical support for thermal power engineering projects, which includes the development of technical justification, design and estimate documentation, and technical and author's supervision;
- 2) capital-intensive expenses, including expenses for construction and installation works, acquisition of equipment and materials.

#### **Article 51. Responsibility for violation of the legislation of the Republic of Kazakhstan in the field of thermal power engineering**

Violation of the legislation of the Republic of Kazakhstan in the field of thermal power engineering entails liability established by the laws of the Republic of Kazakhstan.

### **Chapter 14. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 52. Transitional provisions**

1. To establish that heat supply entities intending to terminate the operation of a heat source within less than five years from the date of entry into force of this Law shall be obliged to notify in writing the local executive bodies of the city of republican significance, the capital, districts and cities of regional significance of such termination no later than thirty calendar days from the date of entry into force of this Law.

2. To establish that for documentation on a public-private partnership project in the field of thermal power engineering and the provision of energy services, published before the date of entry into force of this Law, the provisions of the legislation of the Republic of Kazakhstan in force at the time of its development shall apply, unless otherwise determined by the organizer of the competition (auction) or direct negotiations.

3. To establish that if documentation on a project in the field of thermal power engineering is published before the date of entry into force of this Law, the selection of a supplier (performer, private partner, concessionaire, trustee) for the implementation of the project in the field of thermal power engineering shall be carried out in accordance with the legislation of the Republic of Kazakhstan in force at the time of publication of the documentation.

#### **Article 53. The procedure for entry into force of this Law**

1. This Law shall enter into force upon expiry of sixty calendar days after the date of its first official publication, with the exception of:

1) subparagraph 6) of Article 5, subparagraph 11) of paragraph 1 of Article 8, subparagraph 2) of Article 9, paragraphs 2 and 3 of Article 25, paragraph 3 of Article 26, subparagraph 14) of paragraph 2 of Article 28, Article 30, paragraphs 9 and 10 of Article 39, which shall enter into force on July 1, 2025;

2) subparagraphs 3), 4) and 5) of Article 5, subparagraph 3) of Article 6, subparagraphs 3) and 4) of Article 7, which shall enter into force on January 1, 2026;

3) subparagraph 2) of Article 4, subparagraphs 1) and 3) of paragraph 1, subparagraph 2) of paragraph 2 of Article 8, subparagraph 1) of Article 9, paragraph 3 of Article 20, which shall enter into force on January 1, 2027; 4) subparagraph 9) of Article 44, which shall enter into force on January 1, 2028;

5) paragraph 4 of Article 48, which, in terms of compliance of documentation on public-private partnership projects, heat supply development schemes, shall enter into force from the date of approval of heat supply development schemes, and in terms of compliance of documentation on public-private partnership projects with the target indicators of thermal power engineering- from the date of approval of the target indicators of heat power engineering.

2. To establish that until the introduction of the information system of the authorized body, paragraph 4 of Article 21 of this Law shall be valid in the following wording:

"4. Heat supply entities operating in the centralized and local heat supply system, in the manner determined by the authorized body, shall provide local executive bodies with

information on the quality and volume of heat supply, heat consumption modes, the condition of equipment, heating networks and other property used to carry out activities, measures to modernize, repair, reconstruct, replace the said property, measures to improve energy efficiency and reduce heat losses, measures to introduce technologies for the use of renewable energy sources, as well as other information in accordance with the legislation of the Republic of Kazakhstan."

3. To establish that until the approval of heat supply development schemes, paragraph 3 of Article 47 of this Law shall be valid in the following wording:

"3. Upon receiving written notification from the heat supply entity regarding the cessation of operation of a heat energy source, the local executive bodies of cities of republican significance, the capital, districts, and cities of regional significance shall be obligated to conduct a risk analysis of a potential heat energy shortage and consider options for replacing the decommissioned heat capacity if a shortage of heat energy is forecast."

4. To establish that, until the approval of the heat supply development schemes, paragraph one of clause 2 of Article 48 of this Law shall be valid in the following wording:

"2. Projects in the field of heat energy must provide for the following:"

**The President of the Republic of Kazakhstan K. TOKAYEV**