

## **CODE OF THE REPUBLIC OF KAZAKHSTAN**

### **ENVIRONMENTAL CODE OF THE REPUBLIC OF KAZAKHSTAN**

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## **GENERAL PART**

### **PART 1. MAIN PROVISIONS**

#### **Chapter 1. GENERAL PROVISIONS**

##### **Article 1. Relations, regulated by this Code**

1. This Code regulates public relations in the field of human and nature interaction (the environmental relations) that arise from activities of individuals and legal entities that have or may have a negative impact on the environment.

The Code also regulates public relations in monitoring the state of the environment and meteorological and hydrological monitoring that are aimed to meet the needs of the State, individuals and legal entities for environmental and hydrometeorological information.

2. Public relations arising in the use of natural resources, as well as, to the extent applicable, in their conservation, restoration and reproduction, are regulated depending on the type of natural



resource respectively by the [land](#), [water](#), [forest](#) legislation of the Republic of Kazakhstan, [legislation](#) on subsoil and subsoil use, on protection, reproduction and use of wildlife and other legislation of the Republic of Kazakhstan for protection and use of natural resources.

3. Public relations in environmental protection, and to the extent necessary to ensure the sanitary and epidemiological well-being of the population while not contradicting this Code, are regulated by the legislation on public health of the Republic of Kazakhstan.

4. Public relations in environmental protection that arise when determining, establishing, applying and implementing mandatory and voluntary requirements for products, services and product life cycle processes (hereinafter – processes), during the assessment and confirmation of compliance, accreditation in technical regulation and standardisation, as well as to the extent that does not contradict the Code, are regulated respectively by the legislation of the Republic of Kazakhstan [on technical regulation](#) and [on standardisation](#).

5. Public relations in the nuclear energy use and radiation safety are regulated by special [legislation](#) of the Republic of Kazakhstan on nuclear energy use and ensuring radiation safety to the extent not contradicting this Code.

6. Public relations in the field of biological waste management are regulated by special [legislation](#) of the Republic of Kazakhstan on veterinary medicine to the extent not contradicting this Code.

7. The subjects of the relations regulated by this Code are individuals and legal entities, the State, state bodies and officials.

## **Article 2. Environmental legislation of the Republic of Kazakhstan**

1. The environmental legislation of the Republic of Kazakhstan is based on the [Constitution](#) of the Republic of Kazakhstan and consists of this Code and other laws and regulations of the Republic of Kazakhstan.

2. This Code shall apply throughout the territory of the Republic of Kazakhstan, including on the continental shelf and in the exclusive economic zone of the Republic of Kazakhstan in line with the norms of international law.

3. If an international treaty ratified by the Republic of Kazakhstan establishes rules other than those contained in this Code, the rules of the international treaty shall apply. International treaties ratified by the Republic of Kazakhstan shall apply directly to environmental relations, except where an international treaty states that its application requires a legislative act of the Republic of Kazakhstan.

4. It is prohibited to include norms regulating environmental relations in other laws of the Republic of Kazakhstan, except in cases defined by this Code. In the event of a conflict between this Code and other laws of the Republic of Kazakhstan containing norms regulating environmental protection relations, the provisions of this Code shall apply.

5. The civil legislation of the Republic of Kazakhstan applies to environmental relations in cases where they are not regulated by the norms of this Code.

## **Article 3. Goal and objectives of the environmental legislation of the Republic of Kazakhstan**

1. The goal of the environmental legislation of the Republic of Kazakhstan is to define the legal foundation, objectives and principles, as well as mechanisms to implement the single state environmental policy in the Republic of Kazakhstan.

2. Objectives of the environmental legislation of the Republic of Kazakhstan are:

1) ensuring a high level of environmental protection through state regulation to prevent environmental pollution and any form of environmental damage, as well to ensure the elimination of the effects of caused environmental damage and to gradually reduce the negative anthropogenic impact on the environment;

2) ensuring an environment favourable to human life and health;

- 3) ensuring ecological foundations of sustainable development of the Republic of Kazakhstan;
- 4) ensuring that the Republic of Kazakhstan contributes to strengthening the global response to the threat of climate change in the context of sustainable development, as well as to the implementation of international, regional and transboundary programmes on environmental protection, adapting to climate change and transition to green economy;
- 5) protecting, preserving and restoring the environment, including areas and objects of special environmental, scientific, historical, cultural and recreational value;
- 6) forming an effective system of public administration in environmental protection providing for interaction and coordination of all state bodies;
- 7) encouraging and stimulating on behalf of the state the attraction of green investments and wide use of the best available techniques, resource-saving technologies and practices, reducing the volume and hazard level of waste, as well as its effective management, the use of renewable energy sources, water conservation, and taking measures for energy efficiency, sustainable use, restoration and reproduction of natural resources;
- 8) ensuring continuous and systematic collection, accumulation, storage, analysis and dissemination of environmental information for the public, including the use of modern digital technologies, as well as respecting the right of every person to access environmental information, and defining basic terms, procedures and specific aspects in exercising this right;
- 9) ensuring transparency and full public participation in matters of environmental protection and sustainable development of the Republic of Kazakhstan;
- 10) ensuring effective environmental monitoring and environmental control;
- 11) creating conditions for attracting investment in environmental protection measures, modernisation of existing and construction of new infrastructure to ensure a high level of environmental protection;
- 12) ensuring the fulfilment of international treaty and other commitments of the Republic of Kazakhstan, development of international cooperation in environmental protection;
- 13) fostering environmental culture in the society, promoting environmental knowledge at all levels of education, raising environmental education and awareness for sustainable development;
- 14) strengthening the rule of law in environmental protection and environmental safety.

#### **Article 4. Environmental safety and ecological foundations of sustainable development of the Republic of Kazakhstan**

1. Sustainable development is the socio-economic development of the Republic of Kazakhstan achieved without compromising environmental sustainability while ensuring environmental safety and ecologically balanced use of natural resources to meet the needs of present and future generations equitably.

2. Ecological foundations of sustainable development of the Republic of Kazakhstan include:

- 1) creating and maintaining sustainable production and consumption patterns characterised by improved well-being and quality of life of the population while minimising the anthropogenic impact on the environment, reducing the consumption of non-renewable natural resources, minimising waste generation and disposal and encouraging its use as secondary resources;
- 2) sustainable functioning of natural ecological systems, conservation and sustainable use of biological diversity (hereinafter – biodiversity), avoiding degradation of the natural environment and taking measures for its improvement, combating desertification;
- 3) participation of the Republic of Kazakhstan in the global response to the threat of climate change through prevention and adaptation measures and the protection of the Earth’s ozone layer;
- 4) international cooperation of the Republic of Kazakhstan to preserve, protect and restore the health and integrity of the Earth’s ecosystem;
- 5) harmonisation of the environmental legislation of the Republic of Kazakhstan with the principles and norms of international law and promoting the development of international environmental law;

6) containment and prevention of the transfer into the Republic of Kazakhstan from other states and vice versa of any activities and substances that cause environmental damage or harm to human life and (or) health, as well as taking preventive measures in line with the precautionary principle.

3. As an integral part of national security, environmental safety refers to the state of protection of rights and vital interests of an individual, the society and the State from threats arising as a result of anthropogenic and natural impacts on the environment.

#### **Article 5. Principles of the environmental legislation of the Republic of Kazakhstan**

The legal regulation of environmental relations bases on the following principles:

1) prevention principle: any activity that causes or may cause environmental pollution, degradation of the natural environment, environmental damage and harm to human life and (or) health shall be allowed within the limits established by this Code only if all necessary measures to prevent the said implications are taken at the very source of the environmental impact;

2) remedial principle: environmental damage is to be remedied in full. If it is impossible to fully remedy the inflicted environmental damage, its implications shall be minimised as much as possible given the current level of scientific and technological development. The implications of the environmental damage shall be replaced by alternative remediation to the extent that have not been remedied or minimised in line with this Code;

3) precautionary principle: if an activity creates a risk of environmental damage with significant and irreversible implications for the natural environment and (or) its individual components or harm to human life and (or) health, effective and proportionate measures shall be taken to prevent such implications at economically acceptable costs despite the absence of scientific and technical knowledge to justify and assess with sufficient accuracy the probability of these negative implications at the current stage of development;

4) proportionality principle: environmental protection measures are provided to the sufficient extent required for achieving the goal and objectives of the environmental legislation of the Republic of Kazakhstan. Upon that, preference is given to the option that is the least burdensome;

5) the ‘polluter pays’ principle: an actor whose activities cause or may cause environmental pollution, degradation of the natural environment, environmental damage in any form or harm to human life and (or) health shall bear all costs of compliance with the requirements under the environmental legislation of the Republic of Kazakhstan to prevent and control negative implications of their activities, including elimination of caused environmental damage in line with the remedial principle;

6) the sustainable development principle: nature and its resources constitute the wealth of the Republic of Kazakhstan and their use shall be sustainable. The State ensures the balanced and rational management of natural resources for the benefit of present and future generations. Environmental decision-making shall prioritise the conservation of natural ecological systems and ensuring their sustainable functioning, water conservation, energy conservation and energy efficiency, reducing the consumption of non-renewable energy and raw material resources, using renewable energy sources, minimising waste generation and using it as secondary resources;

7) integration principle: the state policy of the Republic of Kazakhstan in all spheres of economic and social activity is formed and implemented subject to a balance between the tasks of socio-economic development and the need to ensure the ecological foundations of sustainable development of the Republic of Kazakhstan, including a high level of environmental protection and improvement of its quality;

8) principle of environmental information accessibility: the State guided by international treaties of the Republic of Kazakhstan ensures the public right of access to environmental information on the grounds, terms and within the limits established by law;

9) principle of public participation: the public has the right to participate in decision-making related to environmental protection and sustainable development of the Republic of Kazakhstan

on the terms and in the manner prescribed by this Code. Public participation in decision-making on matters related to environmental protection and sustainable development of the Republic of Kazakhstan is ensured from an early stage, when all options are open for consideration and when effective public participation can be ensured. State bodies and officials ensure the publicity of planned decision-making with possible environmental impact on terms that allow the public to express its views to be taken into account in the decision-making process;

10) the ecosystem approach principle: integrity and natural interconnections of natural ecological systems, living organisms, natural landscapes, other natural, natural-anthropogenic and anthropogenic objects and the need to preserve the natural balance of the natural environment shall be taken into account during the planning and decision-making by state bodies and officials that result or may result in negative implications for the environment. Upon that, priority should be given to conservation of natural landscapes, natural complexes and biodiversity, to conservation and sustainable functioning of natural ecological systems, and to avoiding negative impacts on the services provided by such ecological systems.

## **Chapter 2. GENERAL PROVISIONS ON THE ENVIRONMENT AND ITS PROTECTION**

### **Article 6. Environment**

1. The environment is an entirety of the human environment, substances and objects of the material world, including the natural environment and the anthropogenic environment.

2. The components of the natural environment are the ambient air, surface and ground waters, the Earth’s surface and soil layer, the subsoil, flora, fauna and other organisms, all layers of the Earth’s atmosphere, including the ozone layer, as well as the climate, all of which in their interaction create favourable living conditions on the Earth.

Components of the natural environment do not include anthropogenic objects and living organisms that are artificially reproduced by humans and do not exist in a state of natural freedom.

3. The entirety of individual interrelated components of the natural environment that have certain boundaries, conditions and modes of existence are distinguished into natural and natural-anthropogenic objects.

4. Natural ecological systems and natural landscapes, as well as their constituent elements that have preserved their natural properties, are recognised as natural objects.

Functionally and naturally interconnected natural objects, that share geographical and other relevant features, constitute separate natural complexes.

5. Natural-anthropogenic objects include:

1) natural objects intentionally altered by the human activity, but retaining properties of a natural object;

2) artificially created objects with a recreational value and (or) a protective function for the natural environment that possess properties of a natural object.

6. The anthropogenic environment is the entirety of artificially created conditions and anthropogenic objects that constitute the daily human living environment. Anthropogenic objects are material world objects that were created or altered by humans to meet their social needs and that do not possess natural object properties.

### **Article 7. Environmental quality**

1. The environmental quality is understood as a set of properties and characteristics of the environment determined by physical, chemical, biological and other indicators that reflect the state of its components in their interaction.

2. The environment is considered favourable for human life and health, if its quality ensures environmental safety and natural balance of the natural environment, including the sustainable

functioning of ecological systems, natural and natural-anthropogenic objects and natural complexes, as well as conservation of biodiversity.

#### **Article 8. Environmental protection**

Environmental protection is a system of measures implemented by the State, individuals and legal entities to preserve and restore the natural environment, prevent environmental pollution and damage in any form, minimise negative anthropogenic impact on the environment and remedy its implications, and ensure other ecological foundations for sustainable development of the Republic of Kazakhstan.

#### **Article 9. Objects under environmental protection**

1. All components of the natural environment, biodiversity, gene pool and genetic resources of living organisms, natural and natural-anthropogenic objects shall be protected against destruction, degradation, depletion, damage, pollution or other harmful effects.

2. Certain objects fall under special protection under the legislation of the Republic of Kazakhstan on Conservation Areas.

#### **Article 10. General provisions on anthropogenic impact on the environment**

1. The anthropogenic impact on the environment refers to the direct or indirect impact of human activities on the environment in the following forms:

1) emissions, defined as the release of pollutants from anthropogenic objects into the air, water, on land or below its surface;

2) physical impacts of objects on the environment, defined as the effects of noise, vibration, electromagnetic fields, ionising radiation, temperature and other physical factors that cause changes in the natural temperature, energy, wave, radiation and other physical properties of environmental components;

3) waste landfilling, its illegal disposal on the land surface or entering water bodies;

4) emissions of greenhouse gases released from anthropogenic objects into the air;

5) construction and operation of objects (buildings, constructions, structures, utilities), as well as the post-utilisation (demolition) of objects that have reached the end of their service life;

6) use of natural resources and useful properties of the natural environment, including through their temporary or irreversible removal;

7) introduction of animals and plants into the natural environment, including the deliberate release into the environment and selling of genetically modified organisms (their placement on the market);

8) implementing environmental protection measures.

2. Any forms of anthropogenic impact on the environment, which may result in harm to human life and (or) health, property and (or) which leads or may lead to environmental pollution, environmental damage and (or) other negative changes in the quality of the natural environment, including in the following forms, are recognised as harmful:

1) depletion or degradation of the natural environment components;

2) destruction or disturbance of the sustainable functioning of natural and natural-anthropogenic objects and their complexes;

3) loss or reduction of biodiversity;

4) obstacles to the use of the natural environment, its resources and properties for recreational and other allowed purposes;

5) reduction of the aesthetic value of the natural environment.

#### **Article 11. Environmental pollution**

1. Environmental pollution refers to the presence of pollutants, heat, noise, vibrations, electromagnetic fields and radiation in the air, surface and ground waters, soil or on the land



surface in quantities (concentrations, levels) exceeding the environmental quality standards established by the state.

2. Pollutants are defined as any substances in solid, liquid, gaseous or vapour form, which, if released into the environment, due to their qualitative or quantitative characteristics disturb the natural balance of the natural environment, degrade the quality of natural environment components and are capable of causing environmental damage or harm to human life and (or) health.

Substances in this Code are defined as chemical elements, compounds, mixtures, solutions and aggregates present in their natural state in the natural environment or produced by human activity.

The list of pollutants whose emissions fall under the environmental regulation (hereinafter – the list of pollutants) is approved by the authorised environmental protection body for ten years. It is revised following the updated scientific knowledge about the environment and anthropogenic factors affecting its quality, as well as according to the development of methods, techniques and technologies for pollutant monitoring and control. The list of pollutants is also subject to revision no later than the first year after the entry into force of international environmental commitments of the Republic of Kazakhstan requiring the adoption of state regulation measures for pollutants not included in the existing list.

3. The list of pollutants is determined on the basis of the following criteria:

1) taking into account the level of toxicity, carcinogenic and (or) mutagenic properties of substances, including those tending to accumulate in the environment, as well as their ability to transform in the environment into compounds of greater toxicity;

2) taking into account the natural properties of the natural environment and its capacity to maintain and restore its quality by absorbing, cleaning, otherwise eliminating pollution and other forms of negative impact in a given area without human intervention;

3) taking into account the state environmental monitoring and sanitary-epidemiological monitoring data;

4) availability of evidence-based methodologies (methods), techniques and technologies for measuring the quantitative and qualitative characteristics of pollutants.

## **Article 12. Categories of objects with a negative environmental impact**

1. Objects with a negative environmental impact are divided into four categories, depending on the level and risk of such impact:

1) objects with significant negative environmental impact (Category I installations);

2) objects with moderate negative environmental impact (Category II installations);

3) objects with insignificant negative environmental impact (Category III installations);

4) objects with minimal negative environmental impact (Category IV installations).

2. [Annex 2](#) to this Code specifies the types of activities and other criteria that serve as the basis for classifying objects with a negative environmental impact to categories I, II or III.

Activities that are not listed in [Annex 2](#) to this Code or do not meet the criteria set out therein are classified as Category IV installations.

3. With respect to Category I and II installations, the term ‘installation’ means a stationary technological installation (enterprise, production) where one or more of the activities specified in Section 1 (for Category I installations) or Section 2 (for Category II installations) of [Annex 2](#) to this Code are performed, as well as any other activities technologically directly related to the installation that are performed within the same industrial site where it is located and that may have a significant effect on the amount, quantity and (or) intensity of emissions or forms of a negative impact of this installation on the environment.

With respect to Category III installations, the term ‘installation’ means a construction (a building, structure or complex thereof) or a site within which the activities specified in [Section 3 of Annex 2](#) to this Code are performed.



4. The category of the installation is established in line with the requirements of paragraph 2 of this Article:

1) with regard to planned activities subject to mandatory environmental impact assessment under this Code – when a mandatory environmental impact assessment is carried out;

2) with regard to planned activities subject to mandatory screening of planned activity impacts under this Code – when a mandatory screening of planned activity impacts is carried out;

3) with regard to other planned activities not referred to in subparagraph 1) or 2) of this paragraph – independently by the operator taking into account the requirements of this Code.

The instruction for determining the category of an installation with a negative environmental impact is approved by the authorised environmental protection body.

5. When categorising the objects, the following shall be taken into account:

1) levels of negative environmental impact by type of activity (industry, part of industry, production, facility);

2) level of toxicity, carcinogenic and mutagenic properties of pollutants contained in emissions and discharges, and waste classification.

6. An installation operator in this Code means an individual or a legal entity who owns or otherwise lawfully uses an installation with a negative environmental impact.

Individuals and legal entities engaged by the installation operator to perform certain works and (or) provide certain services during construction, reconstruction, operation and (or) abandonment (post-utilisation) of an installation with negative environmental impacts are not recognised as installation operators.

### **Chapter 3. RIGHTS AND OBLIGATIONS OF LEGAL PERSONS IN RELATION TO ENVIRONMENTAL PROTECTION**

#### **Article 13. Fundamental rights and obligations of legal persons in relation to environmental protection**

1. Everyone has the right to a favourable environment.

2. The State recognises and guarantees the following public rights to ensure the right of every person in present and future generations to live in a favourable environment:

1) to access timely, complete and reliable environmental information under the laws of the Republic of Kazakhstan;

2) to participate in the decision-making of state bodies and officials on environmental matters in the manner specified by this Code;

3) to participate in the discussion of draft laws and regulations on environmental protection and to submit comments to the developers for consideration in line with the [Law](#) on Legal Acts of the Republic of Kazakhstan;

4) to apply to the authorised environmental protection body, other state bodies and officials according to their respective remits with a statement on any alleged facts of environmental damage, violation of the environmental legislation of the Republic of Kazakhstan or other circumstances creating a threat of such consequences, as well as to receive responses from relevant state bodies and officials on the results of consideration of such applications and decisions taken in the manner prescribed by the laws of the Republic of Kazakhstan;

5) to apply to court to challenge the legality of actions (inaction) and decisions of state bodies, local authorities, officials and civil servants on environmental protection matters, including those related to reversing the caused environmental damage and stopping the violation of the environmental legislation of the Republic of Kazakhstan;

6) under the civil and civil procedure legislation of the Republic of Kazakhstan to apply to court to protect property or non-property benefits and rights that were damaged as a result of the violation by third parties of the environmental legislation of the Republic of Kazakhstan.

3. This Code defines the public as one or more individuals or legal entities, non-profit organisations, as well as associations, unions or other alliances.

4. It is the duty and responsibility of all individuals and legal entities to preserve nature and respect its resources.

Individuals and legal entities shall comply with the environmental legislation of the Republic of Kazakhstan and shall assist in environmental protection measures.

5. Legal entities and individual entrepreneurs at their own expense carry out necessary environmental protection measures, including the prevention of environmental pollution, degradation of the natural environment, environmental damage in any form and related threats to human life and (or) health that may arise from their activities, as well as bear other environmental protection obligations established by this Code.

6. Individuals and legal entities have other rights and obligations under the laws of the Republic of Kazakhstan.

#### **Article 14. Rights of non-profit organisations in relation to environmental protection**

When carrying out environmental protection activities, non-profit organisations in addition to the rights stipulated in [Article 13](#) of the Code also have the following rights:

1) to develop, promote and implement environmental protection measures, involve individuals and legal entities on a voluntary, unpaid or paid basis in environmental protection activities using their own or raised funds;

2) to perform environmental protection and improvement works;

3) to seek protection of the rights, freedoms and legitimate interests of individuals and legal entities, including in court, as well as to appeal against the legality of actions (inaction) and decisions of state bodies, local authorities, officials and civil servants in the interests of an indefinite range of persons;

4) together with authorised state bodies for environmental protection, conservation, reproduction and use of natural resources to participate in ensuring the protection, reproduction and sustainable use of natural resources, protection of conservation areas and objects of the state nature reserve fund;

5) to initiate and organise public hearings in line with the Code;

6) to hold environmental education and awareness activities, conduct research in environmental protection in line with the legislation of the Republic of Kazakhstan.

#### **Article 15. Public participation in decision-making**

1. The public concerned has the right to participate in environmental assessment and other environmental decision-making of state bodies and officials under the terms and in the manner specified by the Code.

2. The public concerned in this Code means the public affected or that can be affected by the environmental decision-making process or having an interest in participating in it.

Non-profit organisations whose statutory objectives include the promotion of environmental protection in whole or of individual environmental elements are considered as organisations concerned.

3. Members of the public concerned have the right to submit in writing or electronic and verbal form any comments, information, analyses or opinions they consider relevant to the proposed activity or decision following the procedures defined in the Code, including during public hearings, where provided for under this Code.

4. Decisions on environmental matters made by a state body or an official shall reflect the outcome of public participation.

5. State bodies or officials, who made a decision on environmental matters, shall promptly inform the public concerned about it in the manner under this Code by providing the text of the decision, together with the underlying reasons and arguments.

**Article 16. System of state measures to ensure rights in environmental protection**

1. State bodies, local authorities and officials shall assist the public in exercising its rights related to environmental protection.

2. Officials who fail to ensure within their remit the fulfilment of public rights under this Code or who hinder their fulfilment shall be held liable under the laws of the Republic of Kazakhstan.

**Chapter 4. ENVIRONMENTAL INFORMATION**

**Article 17. Environmental information**

1. Environmental information means any information in written, visual, audio, electronic or any other material form on:

1) the state of the natural environment components, natural and natural-anthropogenic objects, natural complexes, objects of the state nature reserve fund, biodiversity, including genetically modified organisms, and the interaction between them, as well as on ecosystem services, the gene pool and genetic resources of living organisms;

2) factors having and (or) likely to have an impact on the elements referred to in subparagraph 1) of this paragraph;

3) state administrative, legislative, programme and other measures, including environmental laws and regulations, policies, plans, programmes and agreements under development that have and (or) may have an impact on the elements and factors in subparagraphs 1) and 2) of this paragraph, including measures and actions planned, implemented or carried out to preserve the elements under subparagraph 1) of this paragraph;

4) the activities of state bodies, individuals and legal entities that have and (or) may have an impact on the elements and factors referred to in subparagraphs 1) and 2) of this paragraph and the measures and actions planned, implemented or carried out to preserve such elements;

5) the environmental legislation of the Republic of Kazakhstan and reports on its administration;

6) the cost-benefit analysis, other economic analyses and assumptions used in decision-making by state bodies and officials in the planned measures and implementation of activities under subparagraphs 3) and 4) of this paragraph;

7) public health, environmental safety, including, if applicable, concentrations of pollutants in the food chain, environmental living conditions of humans, the state of cultural objects, buildings and constructions to the extent that they are affected or may be affected by the state of the environmental elements referred to in subparagraph 1) of this paragraph or through those elements the factors, activities or measures referred to in subparagraphs 2), 3) and 4) of this paragraph;

8) vulnerability to climate change, the current and projected impacts of climate change, and on climate change adaptation measures.

2. Environmental information is publicly available and shall not be restricted or classified.

**Article 18. Access to environmental information**

1. The public has the right of access to complete, reliable and timely environmental information held by state bodies, including information produced or obtained by them or held by any individual or legal entity acting on behalf of the state body.

2. Holders of environmental information shall provide environmental information upon request, except as provided for in [Article 20](#) of the Code. No one has the right to demand the party

requesting the environmental information to provide justification for their interest in such information.

3. The holders of environmental information are:

- 1) bodies and institutions of the legislative, executive and judicial branches of power, local public administration and self-government;
  - 2) government agencies, not considered as state bodies, whose activities or services are related to the environment;
  - 3) quasi-public sector entities whose activities or services are related to the environment;
  - 4) individuals and legal entities – with respect to the environmental information in their possession.
4. The public also has the right to free of charge and unrestricted access to publicly available state electronic information resources containing environmental information.

#### **Article 19. Form of environmental information provision**

1. Environmental information shall be provided to the requester in the form specified in the relevant request for environmental information, unless:

- 1) there are objective and reasonable grounds for providing it in a different form stating such grounds;
- 2) it has previously been made available to the public in a different form.

2. If it is indicated in the request for environmental information, the requester shall also be provided with copies of the actual documentation containing or incorporating the relevant environmental information.

#### **Article 20. Time limits and procedure for providing environmental information**

1. The time limits and procedure for providing and refusing to provide environmental information are established by the [Administrative Procedural Code](#) of the Republic of Kazakhstan and the [Law](#) on Access to Information of the Republic of Kazakhstan while taking into account the requirements of this Code.

2. Access to environmental information relating to the environmental impact assessment procedure and the decision-making process on planned activities is provided in line with this Code.

3. Access to environmental information shall not be granted:

- 1) if the content of the request does not allow to identify the requested environmental information;
- 2) if the request does not comply with the requirements of the [Law](#) on Access to Information of the Republic of Kazakhstan;
- 3) if it results in a breach of the legislation on personal data and its protection of the Republic of Kazakhstan;
- 4) if the request raises the issue of legal evaluation of the acts adopted by the holder of environmental information, analysis of the activities of the holder of environmental information or its subordinate bodies and organisations or of other analytical work before its completion;
- 5) if there is a pending decision on the results of inspections carried out as part of state control and supervision;
- 6) if there is a pending final decision resulting from inter-agency and intra-agency correspondence or meetings within state bodies;
- 7) if there is a pending mutual agreement on the terms for disclosing documents received from foreign states or international organisations;
- 8) if it entails an infringement of intellectual property rights;
- 9) if it results in a breach of confidentiality of primary statistical data.

Information on the quantity and quality of emissions into the environment cannot be considered as a commercial or other legally protected secret.

4. Where information not subject to disclosure under paragraph 3 of this Article can be extracted without compromising its confidentiality from other information, the latter shall be provided to the requester.

5. If the state body does not possess the requested environmental information, the received request shall be redirected to the relevant state body within the time limit prescribed by the legislation of the Republic of Kazakhstan and the requester shall be notified thereof.

#### **Article 21. Collection and dissemination of environmental information**

1. The state ensures measures to collect and disseminate environmental information, including through:

1) managing and making publicly available the Pollutant Release and Transfer Register of the Republic of Kazakhstan;

2) developing and publishing the National Report on the State of the Environment and on the Use of Natural Resources of the Republic of Kazakhstan;

3) maintaining the State Bank of Environmental Information and providing free access to it;

4) regularly disseminating environmental information in the media, in periodicals and specialised publications and other informational products, on Internet resources, using other publicly available information and communication means, as well as within the environmental awareness-building measures carried out by state bodies.

2. State bodies shall assist the public in gaining access to information, including providing full information on the type and amount of environmental information held by relevant state bodies and about the terms and procedures for providing such information and accessing it.

3. The local executive body of the oblast, city of national significance and the capital annually by 1 May places the information for the previous year on the official website:

1) on the approved environmental quality targets and the actual results on all relevant indicators;

2) on the implementation of the state environmental policy at local level;

3) on the implementation of the environmental protection plan and the local budget expenditure for such activities;

4) on the total amount of payments for negative environmental impact received by the local budget.

4. The authorised environmental protection body annually before 1 May posts the previous year's information on the official website:

1) on the implementation of the state environmental policy;

2) on completed environmental damage remediation measures;

3) on national budget expenditures on environmental protection measures;

4) on the results of the state environmental inspection and the total amount of penalties levied to the budget for violations of the environmental legislation of the Republic of Kazakhstan.

#### **Article 22. Pollutant Release and Transfer Register**

1. The Pollutant Release and Transfer Register – a structured electronic database on the state of pollutants emissions into the environment and the pollution level that is publicly available on an official website to ensure everyone's right of access to environmental information and public participation in environmental decision-making as well as to contribute to the prevention and reduction of environmental pollution.

2. The authorised environmental protection body organises the administration of the Pollutant Release and Transfer Register.

The rules for managing the Pollutant Release and Transfer Register are approved by the authorised environmental protection body.

3. For the purposes of this Article in relation to the Pollutant Release and Transfer Register:



1) the term ‘pollutant’ means a substance or group of substances that may be harmful to the environment, human life and (or) health due to their properties and introduction into the environment and included in the list of pollutants for industries reporting set out in the rules for managing the Pollutant Release and Transfer Register;

2) the term ‘emission’ means any introduction of pollutants into the environment as a result of any activity, whether intentional or accidental, planned or unplanned, including spills on the land surface and water bodies, emissions into the air, discharges into water bodies, injection of pollutants into the subsoil, waste landfilling or disposal on the ground or through sewage systems without final wastewater treatment;

3) the term ‘transfer’ means moving pollutants or wastes intended for disposal or remediation, and pollutants contained in wastewater intended for treatment outside of the object;

4) the term ‘object’ means one or more industrial installations on the same or adjacent sites owned or operated by the same person.

4. The information of the Pollutant Release and Transfer Register is presented with the relevant cartographic material for its visual representation on the site.

5. The Pollutant Release and Transfer Register is managed:

1) with attachment to individual objects – for reporting on emissions from stationary point sources;

2) separately for each type of pollutant and each type of waste – according to the list of pollutants for industries reporting as set out in rules for managing the Pollutant Release and Transfer Register;

*The authorised body approves the relevant guidance documents, including the methodology for calculating emissions of heavy metals and persistent organic pollutants, no later than 1 July 2024*

3) to determine the environmental emissions – in line with the guidance and methodological documents.

Guidance and methodological documents for determining environmental emissions, including for calculating emissions of heavy metals and persistent organic pollutants, are approved by the authorised environmental protection body.

6. The Pollutant Release and Transfer Register contains information on environmental quality standards in force in the Republic of Kazakhstan, the impact of pollutants on public health and the environment, other evidence-based information on pollutants emissions and transfers, as well as information on pollutant-emitting objects in the Republic of Kazakhstan.

7. The information on each object submitted to the Pollutant Release and Transfer Register shall contain:

1) the name, business identification number, postal address, geographical location (coordinates of the object) and types of activities of the object to be reported, as well as the full name of its first manager;

2) the name and identification number of each pollutant to be reported;

3) the amount of each pollutant emitted at the object during the reporting year (both in total and broken down by emissions into air, water or land, including the injection of pollutants into the subsoil);

4) the amount of waste transferred outside of the object during the reporting year (if the transfer exceeds two tonnes per year for hazardous waste or two thousand tonnes per year for non-hazardous waste) while distinguishing between hazardous and non-hazardous waste and labelling it as ‘R’ or ‘D’ (depending on if it is intended for recovery or disposal); in case of transboundary movement of hazardous waste – the name and address of the entity performing waste recovery or disposal, the geographical location of the receiving entity;

5) the amount of each pollutant in wastewater to be reported that has been transferred outside of the object during the reporting year;

6) the type of methodology used to obtain information on the amount of pollutants and waste, indicating whether the information is based on measurements, calculations or estimates.



8. Installation operators referred to in paragraph 9 of this Article shall submit annually by 1 April reports for the previous calendar year containing information under paragraph 7 of this Article to the Pollutant Release and Transfer Register.

The reporting year is the calendar year to which such information relates.

9. The reporting obligation set out in paragraph 8 of this Article applies to installation operators that carry out one or more activities exceeding the production capacity threshold values set out in the rules for managing the Pollutant Release and Transfer Register and that meet any of the criteria below:

- 1) they emit any type of pollutants in quantities exceeding the applied threshold values;
- 2) they transfer any pollutant through the wastewater to undergo treatment in quantities exceeding the applied threshold values outside of the object site.

The applied threshold values for pollutant emissions and transfers in the Republic of Kazakhstan under part one of this paragraph are established by the rules for managing the Pollutant Release and Transfer Register.

10. Operators provide information to the Pollutant Release and Transfer Register by filling in a reporting form in the Pollutant Release and Transfer Register information system and by signing it with an electronic digital signature of a person authorised by the respective operator to provide information to the said register on its behalf.

11. The operator determines pollutant emissions and transfers by using the best available information, which is determined in line with rules for managing the Pollutant Release and Transfer Register. The operator shall store the data that served as a basis for obtaining the reporting information, as well as the description of the applied data collection methodology for five years starting from the end of the relevant reporting year.

12. The authorised environmental protection body makes the information submitted by operators to the Pollutant Release and Transfer Register public.

The operator is responsible for the completeness and quality of the submitted information.

13. The information shall be included in the Pollutant Release and Transfer Register and made public no later than fifteen months after the end of each reporting year.

14. The Pollutant Release and Transfer Register data shall be publicly available for at least ten previous reporting years since the Register has been introduced.

15. The Pollutant Release and Transfer Register shall include the possibility of searching and identifying pollutant emissions and transfers by:

- 1) object and its geographical location;
- 2) type of activity;
- 3) installation operator;
- 4) pollutant and (or) waste;
- 5) each environmental component receiving the emissions;
- 6) final pollutant transfer destination and, where applicable, by the type of waste disposal or recovery operation.

### **Article 23. National Report on the State of the Environment and on the Use of Natural Resources of the Republic of Kazakhstan**

1. The National Report on the State of the Environment and on the Use of Natural Resources of the Republic of Kazakhstan (hereinafter – the National Report) is an analytical report on the state of the environment and the use of natural resources of the Republic of Kazakhstan that is prepared annually to inform the public about the actual environmental situation in the Republic of Kazakhstan and the measures taken to improve it.

2. The rules for developing the National Report, as well as for developing and managing the Interactive Report on the State of the Environment and on the Use of Natural Resources of the Republic of Kazakhstan are approved by the authorised environmental protection body.

3. The National Report reflects the following information:

- 1) on the qualitative and quantitative characteristics of the environment and natural resources;
  - 2) on the anthropogenic impact on the environment, including major environmental issues of public interest;
  - 3) on the environmental situation in the regions, including information on environmental quality targets;
  - 4) on amendments made to the environmental legislation of the Republic of Kazakhstan during the reporting period;
  - 5) on the implementation of the state environmental policy and policy on the use of natural resources of the Republic of Kazakhstan, including the transition of the Republic of Kazakhstan to green economy and sustainable development;
  - 6) on climate change impacts, projected climate change impacts, vulnerability to climate change and climate change adaptation measures;
  - 7) on the fulfilment of international commitments of the Republic of Kazakhstan in relation to environmental protection.
4. The central state bodies and local executive bodies annually, before 1 March of the year following the reporting year, provide information for preparing the National Report following the rules for developing the National and Interactive Reports on the State of the Environment and on the Use of Natural Resources of the Republic of Kazakhstan.
5. The authorised environmental protection body using the available data and information provided by central state bodies and local executive bodies organises the development of the National Report and its publication on the official website.

#### **Article 24. Interactive Report on the State of the Environment and on the Use of Natural Resources of the Republic of Kazakhstan**

1. In order to disseminate information on the state of the environment and the use of natural resources in a form accessible for the broad public and to enhance public access to such information, the authorised environmental protection body organises the annual development of the Interactive Report on the State of the Environment and on the Use of Natural Resources of the Republic of Kazakhstan (hereinafter – the Interactive Report).
2. The Interactive Report is developed on the basis of the previous year’s National Report and is posted on the official websites of the entity responsible for its development and of the authorised environmental protection body.

#### **Article 25. State Bank of Environmental Information**

1. The State Bank of Environmental Information is a system of centralised collection, recording, systematisation, storage and dissemination of environmental information and other regulatory, statistical, accounting, reporting, scientific and analytical information relating to environmental, natural resource, sustainable development and ecology matters in written, electronic, audiovisual or other forms.
2. The State Bank of Environmental Information is maintained to ensure the public right of access to environmental information, environmental awareness-building and to foster the environmental culture of the population, as well as to provide information to state bodies.
3. The rules for managing the State Bank of Environmental Information are approved by the authorised environmental protection body.
4. The authorised environmental protection body organises the managing of the State Bank of Environmental Information.
5. Information of the State Bank of Environmental Information is made publicly available in electronic form on the website in line with the rules for managing the State Bank of Environmental Information.
6. State bodies provide information to the State Bank of Environmental Information following the rules for managing the State Bank of Environmental Information.

7. The sources of information of the State Bank of Environmental Information are:
- 1) state cadastral of natural resources;
  - 2) the State Cadastre of Waste;
  - 3) the State Cadastre of Consumption of Ozone-depleting Substances;
  - 4) the State Carbon Cadastre;
  - 5) the State Register of Carbon Units;
  - 6) the National Plan of Carbon Allowances;
  - 7) nationally set contributions of the Republic of Kazakhstan to the reduction of greenhouse gas emissions;
  - 8) greenhouse gas emissions reduction action plan for the relevant period and reports on fulfilling nationally set contributions of the Republic of Kazakhstan for greenhouse gas emissions reduction;
  - 9) the Pollutant Release and Transfer Register;
  - 10) national report of the Republic of Kazakhstan on the cadastre of anthropogenic emissions by sources and removals by sinks of greenhouse gases not regulated by the Montreal Protocol on Substances that Deplete the Ozone Layer;
  - 11) the State Register of Historical Pollution Objects;
  - 12) materials of the environmental impact assessment and the state environmental review, including notes of public hearings;
  - 13) materials of the strategic environmental assessment in line with [paragraph 7 of Article 60](#) of this Code;
  - 14) international environmental protection treaties to which the Republic of Kazakhstan is a party;
  - 15) documents of the State Planning System of the Republic of Kazakhstan affecting the environmental protection and use of natural resources;
  - 16) laws and regulations, technical standards documents on environmental protection and use of natural resources;
  - 17) best available techniques reference documents developed in line with the requirements of this Code;
  - 18) information related to climate change impacts, projected climate change impacts, vulnerability to climate change and climate change adaptation measures;
  - 19) reports on research and development in environmental protection and use of natural resources;
  - 20) national reports on the state of the environment and on the use of natural resources of the Republic of Kazakhstan;
  - 21) environmental sensitivity maps for oil spill response at sea, inland water bodies and in coastal safety zones of the Republic of Kazakhstan;
  - 22) reports on the results of control and enforcement activities in relation to the environmental protection and use of natural resources;
  - 23) granted environmental permits, including environmental performance improvement programmes, waste management programmes, environmental protection plans, industrial environmental control programmes, industrial environmental control reports and submitted environmental impact declarations;
  - 24) the state environmental monitoring data;
  - 25) register (list) of genetically modified organisms and products;
  - 26) scientific, technical and analytical literature on ecology;
  - 27) environmental protection plans approved by the local representative bodies of oblasts, cities of national significance, the capital city, and reports on their implementation;
  - 28) other materials and documents containing environmental information.

## **PART 2. PUBLIC ADMINISTRATION IN ENVIRONMENTAL PROTECTION**

### **Article 26. Remit of the Government of the Republic of Kazakhstan in relation to the environmental protection**

The Government of the Republic of Kazakhstan is responsible for the following in relation to the environmental protection:

- 1) develops the main directions of the state environmental policy and organises its implementation;
- 2) approves environmental protection laws and regulations in cases specified by this Code;
- 3) implements the state policy to fulfil commitments under the international treaties on climate change of the Republic of Kazakhstan;
- 4) engages in international cooperation on environmental protection;
- 5) performs other functions assigned to it by the [Constitution](#), this Code, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

### **Article 27. Remit of the authorised environmental protection body**

1. The authorised environmental protection body is the central executive body responsible for governance and inter-sectoral coordination of environmental protection, meteorological and hydrological monitoring.

2. The authorised environmental protection body implements the single state environmental policy by:

- 1) developing and approving environmental protection laws and regulations in cases specified by this Code;
- 2) coordinating within its remit the central and local executive bodies in terms of their environmental protection activities;
- 3) licensing the environmental protection activities;
- 4) granting environmental permits within its remit as set out in this Code;
- 5) accepting notifications of the commencement or termination of business activities in cases provided for in this Code;
- 6) conducting a state environmental review within its remit as set out in this Code;
- 7) exercising the state environmental inspection;
- 8) developing and organising the implementation of environmental protection measures of national significance;
- 9) exercising state regulation of greenhouse gas emissions and removals;
- 10) exercising state regulation in protection of the Earth’s ozone layer;
- 11) getting approvals for environmental protection plans of local executive bodies of oblasts, cities of national significance, and the capital;
- 12) engaging in international cooperation on environmental protection;
- 13) performing other functions assigned to it by this Code, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Distribution of the functions and powers under subparagraphs 4) to 7) of part one of this paragraph between the authorised environmental protection body, its departments and territorial bodies is determined by the authorised environmental protection body.

### **Article 28. Implementation of the single state environmental policy**

1. The single state environmental policy of the Republic of Kazakhstan is implemented through the main directions developed by the Government of the Republic of Kazakhstan.

2. Local executive bodies of oblasts, cities of national significance, and the capital shall be responsible for the local implementation of the state environmental policy while taking into

account the approved environmental quality targets in line with the legislation of the Republic of Kazakhstan.

3. The right of the public concerned to participate in decision-making on environmental protection matters shall be respected when implementing the state environmental policy at central and local levels under this Code.

4. State bodies and officials ensure within their remit the measures for fostering environmental education and environmental culture among individuals and legal entities and create necessary conditions for their voluntary involvement in the state environmental policy implementation.

### **Article 29. Environmental protection measures financed from the budget**

1. An environmental protection measure is a set of technological, technical, organisational, social and economic measures aimed at protecting the environment and improving its quality.

2. Environmental protection measures financed from the budget are determined under the directions established by the documents of the State Planning System of the Republic of Kazakhstan, as well as the decisions of the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan and local representative bodies.

3. Environmental protection measures are organised:

1) at the local level – by the local executive bodies of oblasts, cities of national significance and the capital;

2) at the national level – by the authorised environmental protection body.

4. Environmental protection measures include measures:

1) on ensuring environmental safety;

2) on improving the state of environmental components by raising the quality of the environment;

3) contributing to the stabilisation and improvement of ecological systems, the conservation and sustainable use of biodiversity, reproduction of natural resources;

4) preventing and avoiding environmental pollution, degradation of the natural environment, environmental damage in any form and related threats to human life and (or) health;

5) ensuring the safe management of hazardous chemicals, including persistent organic pollutants, reducing chemical, biological and physical environmental impacts of both anthropogenic and natural origin;

6) improving methods and technologies of environmental protection, sustainable use of natural resources and implementation of international standards in environmental protection management;

7) improving the effectiveness of industrial environmental control;

8) forming environmental protection information systems and contributing to the provision of environmental information;

9) promoting environmental knowledge, environmental education and awareness for sustainable development;

10) reducing greenhouse gas emissions and (or) increasing their removal.

5. The environmental protection measures of the local executive bodies of oblasts, cities of national significance and the capital are carried out on the basis of and in line with the environmental protection plans.

The local executive body of the oblast, city of national significance or the capital develops an environmental protection plan for a three-year period using the standard list of environmental protection measures provided for in [Annex 4](#) to this Code.

The participation of the public concerned in the development of the environmental protection plan is ensured in line with the rules for public hearings.

Having been approved by the authorised environmental protection body, the environmental protection plan is approved by the relevant local representative body of the oblast, city of national significance or the capital city.



The procedure for developing an environmental protection plan is developed and approved by the authorised environmental protection body.

6. The local executive bodies of oblasts, cities of national significance and the capital annually, not later than 1 February after the end of the reporting period, submit a report on the environmental protection plan implementation to the relevant local representative body of the oblast, city of national significance or the capital and the authorised environmental protection body.

7. The approved environmental protection plan is implemented at the expense of budgetary funds in the amount not less than the amount of the payments for negative environmental impact received by the local budget during the three years preceding the year when this environmental protection plan was developed and approved.

If the funds generated by the received payments for negative environmental impact and allocated to environmental protection measures are insufficient, the approved environmental protection plan may be changed only by agreement with the authorised environmental protection body.

8. Environmental protection measures of local executive bodies of oblasts, cities of national significance, and the capital may be additionally implemented at the expense of other sources not prohibited by legislative acts of the Republic of Kazakhstan.

### **Article 30. Inter-agency cooperation in environmental protection**

In order to implement the state environmental policy, state bodies and officials shall assist within their respective remits the authorised environmental protection body in performing its functions.

## **PART 3. STATE REGULATION OF ENVIRONMENTAL RELATIONS**

### **Article 31. Forms and means of state regulation of environmental relations**

State regulation of environmental relations takes place through the establishment by the State of environmental requirements binding on the subjects of the relations regulated by this Code and the application of state regulation instruments for environmental protection in line with this Code.

### **Article 32. General provisions on environmental requirements**

Environmental requirements refer to the rules, requirements, restrictions and bans established by the environmental legislation of the Republic of Kazakhstan to ensure environmental protection.

### **Article 33. Types of state regulation instruments for environmental protection**

1. The state regulation instruments for environmental protection refer to a set of measures, actions and procedures aimed at ensuring compliance with environmental requirements.

2. The state regulation instruments for environmental protection are:

- 1) licensing the environmental protection activities;
- 2) environmental regulation;
- 3) technical regulation in environmental protection;
- 4) environmental assessment;
- 5) state environmental review;
- 6) environmental permits and environmental impact declarations;
- 7) environment and natural resources monitoring;
- 8) state environmental inspection;
- 9) a notification-based procedure for waste collection, sorting and (or) transport activities;
- 10) instruments of state regulation of greenhouse gas emissions and removals.



#### **Article 34. Licensing the environmental protection activities**

1. The types of environmental protection works and services of individuals and legal entities that are subject to licensing are determined under the [Law](#) on Permits and Notifications of the Republic of Kazakhstan.

2. The qualification requirements for licensed environmental protection activities by their subtypes are approved by the authorised environmental protection body.

### **Chapter 5. ENVIRONMENTAL REGULATION**

#### **Article 35. General provisions**

1. Environmental regulation consists of setting environmental quality standards, environmental quality targets and standards of allowed anthropogenic environmental impact.

2. The State exercises environmental regulation to preserve favourable environment and ensure environmental safety under the state regulation of human activities to prevent and (or) reduce their negative impact on the environment and human health.

3. When drafting and approving a regulation or adopting a non-regulatory legal act that results in and (or) may result in a negative environmental impact, a state body guided by the integration principle shall take into account the need to achieve environmental quality standards and environmental quality targets established for the relevant territorial units.

It shall be prohibited to locate new residential areas within the areas that do not meet the environmental quality standards for human health during the urban planning of territories development.

4. Decisions and actions (inaction) of a state body or an official that violate paragraph 3 of this Article may be challenged in the manner prescribed by the legislation of the Republic of Kazakhstan.

#### **Article 36. Environmental quality standards**

1. Environmental quality standards refer to a set of quantitative and qualitative characteristics of the state of individual environmental components established by the State that need to be achieved and maintained to ensure a favourable environment.

2. Environmental quality standards are used to assess the current state of the environment and to set standards of allowed anthropogenic environmental impact.

3. Environmental quality standards are developed and established separately for each of the following environmental components under this Code:

- 1) ambient air;
- 2) surface water and groundwater;
- 3) soil and lands.

4. The environmental quality standards include:

- 1) standards for chemical indicators of the state of environmental components;
- 2) standards for physical environmental factors;
- 3) standards for biological indicators of the state of environmental components.

5. Environmental quality standards for chemical indicators of the state of environmental components are established in the form of maximum allowed concentration of a pollutant.

The maximum allowed concentration of a pollutant is the maximum quantity (mass) of a pollutant included in the list of pollutants per unit volume or mass of ambient air, surface or groundwater, soil or per unit area of the land surface, which, if being permanently or temporarily exposed to it, does not affect human health or cause adverse hereditary changes in offspring, degradation of natural environment objects, or violate stability of ecosystems and the environment.

Environmental quality standards for chemical indicators of the state of environmental components are set separately basing on their impact on human health and the natural environment (ecosystems, fauna and flora).

6. Environmental quality standards for physical environmental factors are established in the form of maximum allowed level of negative physical environmental impacts.

The maximum allowed level of negative physical impacts refers to the maximum level of individual physical impacts (noise, vibration, electric, electromagnetic, magnetic fields, radiation, heat) that do not harmfully affect animals, plants, ecological systems and biodiversity.

7. Environmental quality standards for biological indicators of the state of environmental components are established for individual species and groups of plants, animals and other organisms used as indicators of environmental quality at the level of their natural indicators or as a range of acceptable deviation from such natural indicators while taking into account the properties of the natural environment and its ability to maintain and restore its quality.

8. Environmental quality standards for the impact on the natural environment are established taking into account natural conditions shaped under the natural factors specific to a particular territory or water area, as well as the intended use of such territories or water areas under the legislation of the Republic of Kazakhstan.

9. When establishing environmental quality standards for transboundary water bodies and watercourses, the requirements of the relevant international treaties ratified by the Republic of Kazakhstan shall be taken into account.

10. Norms and standards for the use of natural resources that are established under the legislation of the Republic of Kazakhstan on the use of the relevant type of natural resources are not considered as environmental standards.

11. In order to preserve and improve conservation areas, environmental quality standards stricter than those established for the entire territory of the Republic of Kazakhstan may be developed and approved for these territories given their special conservation status under this Code.

12. The authorised environmental protection body develops environmental quality standards using the results of laboratory tests, research and international practice, as also for specific territories and water areas on the basis of long-term (at least five years) observations of the state of the environment in them.

13. Environmental quality standards are established for indicators whose compliance is monitored through the availability of control and measuring devices and methods (techniques), methods of indication, testing and (or) control approved under the legislation of the Republic of Kazakhstan.

14. Environmental quality standards are developed and established taking into account the natural background values of the relevant component of the natural environment. The natural background of a component of the natural environment is determined on the basis of long-term (at least five years) observations of the state of the environment and sampling and (or) measurements of chemical, biological and physical indicators of a component of the natural environment at reference sites.

15. An area, water area or its part located within a representative conservation area (water area), and if such conservation area (water area) is not available, in the area or water area with similar natural features and without the signs of distress of living elements of the natural ecological system (plants, animals and other organisms), is taken as a reference site.

The criteria and procedure for selecting an area, water area or part thereof as a reference site are defined in the rules for developing and revising environmental quality standards approved by the authorised environmental protection body.

16. Environmental quality standards are approved by the authorised environmental protection body for ten years and revised after the expiry of that period following the updated scientific knowledge about the environment and anthropogenic factors affecting its quality, as well as

according to the development of monitoring and control methods, techniques and technologies. Environmental quality standards shall also be revised no later than the first year after the entry into force of international environmental commitments of the Republic of Kazakhstan requiring measures that introduce stricter environmental quality standards.

### **Article 37. Environmental quality targets**

1. Environmental quality targets (hereinafter – quality targets) mean a set of quantitative and qualitative characteristics of the state of individual environmental components and other indicators describing the level of environmental protection and efficient waste management measures to be achieved over a certain period of time.

2. Quality targets are set for each oblast, city of national significance and the capital.

3. The local executive bodies of oblasts, cities of national significance and the capital shall develop quality targets for each five-year period.

4. The quality targets shall be agreed with the authorised environmental protection body and approved by the local representative bodies of the relevant territorial units.

5. The quality targets developed and approved for each oblast shall contain appropriate indicators for the oblast as a whole as well as for the following areas within the oblast:

1) raions;

2) settlements with population over 100,000;

3) other settlements where the monitoring of the state of the environment has identified a violation of environmental quality standards;

4) conservation areas;

5) other areas (water areas) where the monitoring of the state of the environment has identified a violation of environmental quality standards.

6. The rules for developing quality targets, including the minimum list of indicators for which quality targets are established, are approved by the authorised environmental protection body in line with the provisions of this Code.

7. The list of minimum indicators for which quality targets are set shall include:

1) ambient air quality;

2) the quality of surface water and groundwater;

3) land and soil quality;

4) total areas of forests and green spaces given the climate and soil conditions of each individual region;

5) reduction in land degradation and desertification;

6) total emissions by type of pollutant;

7) total discharges by type of pollutant and for each individual water body and basin;

8) by type of municipal waste – share of waste sorting, preparing for reuse, processing, recycling and disposal (destruction and (or) landfilling);

9) total reductions in greenhouse gas emissions.

8. In territorial units and areas (water areas) not meeting environmental quality standards the quality targets shall be set in a way that ensures that these standards would be gradually achieved within a period not exceeding ten years.

9. Quality targets that ensure a higher level of environmental quality than the environmental quality standards may be set in the territorial units meeting environmental quality standards, including for indicators not included in the list of minimum indicators for which quality targets are set.

### **Article 38. Standards of allowed anthropogenic environmental impact**

1. Standards of allowed anthropogenic environmental impact are environmental standards established for indicators describing the impact of anthropogenic activities on the environment.

2. Standards of allowed anthropogenic environmental impact include:

- 1) emission standards;
- 2) technological standards;
- 3) waste accumulation limits, waste landfilling limits;
- 4) standards for allowed physical impacts on the natural environment;
- 5) limits for the placement of sulphur in the elemental form on sulphur pads;
- 6) standards for allowed cumulative anthropogenic burden on the environment.

3. Compliance with standards of allowed anthropogenic environmental impact, with the exception of technological standards, shall ensure compliance with environmental quality standards.

4. Emission requirements for different emission classes of vehicles and internal combustion engines and for the pollutants content in fuels are established by technical regulations of the Eurasian Economic Union.

### **Article 39. Emission standards**

1. Emission standards refer to the set of quantitative and qualitative emission limit indicators set forth in the environmental permit.

2. Emission standards include:

- 1) emission limit values;
- 2) discharge limit values.

3. Emission standards are set for the types of pollutants included in the list of pollutants in line with the third part of paragraph 2 of Article 11 of this Code.

4. Emission standards are set for individual stationary sources belonging to Category I and II installations at levels not exceeding:

1) the relevant limit values specified in the conclusion of the environmental impact assessment under subparagraph 3) of paragraph 2 of Article 76 of this Code – in case of a mandatory environmental impact assessment;

2) the relevant values specified in the statement about planned activity under subparagraph 9) of paragraph 2 of Article 68 of this Code – in case of screening of planned activity impacts carried out in line with this Code that resulted in a conclusion that no mandatory environmental impact assessment is required.

Emission standards for installations that are granted the integrated environmental permit are set for individual stationary sources of Category I and II installations at levels not exceeding the corresponding limit values for marker pollutants emissions related to the use of the best available techniques specified in the best available techniques conclusions.

5. Emission standards for planned activities, including when introducing significant changes in the activity, are calculated and justified in a separate document – draft emission standards (draft emission limits, draft discharge limits), which is developed in reference to the relevant project documentation of the planned activity and submitted to the authorised environmental protection body together with an environmental permit application in line with this Code.

6. Emission standards are calculated according to the [methodology](#) approved by the authorised environmental protection body in line with the requirements of this Code.

7. Draft emission standards for Category I installations are developed by a person licensed to perform environmental protection works and services.

8. Emission standards are set for the duration of the environmental permit.

9. Environmental emissions that exceed the emission standards established by the environmental permit are recognised as limit-exceeding.

10. Emissions that happen when responding to natural or technogenic emergencies and their consequences under the [legislation](#) of the Republic of Kazakhstan on civil protection, as well as when using oil spill response methods under this Code are not subject to regulation and are not considered as limit-exceeding.

11. Emission standards are not set for Category III and IV installations.

#### **Article 40. Technological standards**

1. Technological standards in this Code refer to environmental standards set out in an integrated environmental permit in the form of:

- 1) limit amount (mass) of a marker pollutant per unit volume of emissions;
- 2) the amount of consumed electric and (or) thermal energy, other resources per unit of time or unit of products (goods), work performed, or services rendered.

Marker pollutants are the pollutants most significant for the emissions from a specific production or technological process, which are selected from a group of pollutants specific to that production or technological process and which allow to assess the emission values of all the pollutants belonging to that group.

Marker pollutants, their emission levels and levels of energy and (or) other resource consumption associated with the use of the best available techniques are defined in the best available techniques conclusions.

2. Technological standards include:

- 1) technological standards for emissions;
- 2) technological standards for discharges;
- 3) technological specific standards for water consumption;
- 4) technological specific standards for thermal and (or) electric energy consumption.

3. Technological standards are established in the integrated environmental permit and shall not exceed the relevant technological indicators (if applicable) associated with the use of the best available techniques in specific areas of their use, as set out in the best available techniques conclusions.

4. The justification for the technological standards is provided in the draft technological standards that the installation operator submits to the authorised environmental protection body together with the application for an integrated environmental permit.

#### **Article 41. Waste accumulation limits, waste landfilling limits**

1. In order to ensure environmental protection and favourable conditions for human life and (or) health, to reduce the amount of waste to be landfilled and to encourage its preparation for reuse, processing and recycling, these shall be established:

- 1) waste accumulation limits;
- 2) waste landfilling limits.

2. Waste accumulation limits are set for each specific waste accumulation site within Category I and II installations as a limit amount (mass) of waste by type permitted for storage in the relevant accumulation site within the period of time specified under this Code.

3. Waste landfilling limits are set for each specific waste polygon within Category I and II installations as a limit amount (mass) of waste by type permitted for landfilling in the respective polygon.

4. Waste accumulation and landfilling limits are set in the environmental permit. The waste landfilling limit is set for each calendar year depending on the capacity of the respective waste polygon.

5. Category I and II installation operators justify the waste accumulation and landfilling limits in the waste management programme when obtaining an environmental permit under this Code.

6. A person licensed to perform environmental protection works and services develops the waste management programme for Category I installations.

7. The methodology for calculating waste accumulation and landfilling limits is approved by the authorised environmental protection body.

8. Waste accumulation and landfilling limits are not set for Category II and IV installations.

Category III installation operators shall provide information on waste as part of the environmental impact declaration submitted in line with this Code.



#### **Article 42. Standard of allowed physical impact on the natural environment**

The standard of allowed physical impact on the natural environment is an environmental standard that is established for each source in the form of allowed levels of heat, noise, vibration, ionising radiation, intensity of electromagnetic fields and other physical impacts on components of the natural environment, where the negative physical impact from such source in combination with all other sources will not result in exceeding the established maximum allowed levels of physical impacts on the natural environment.

#### **Article 43. Limits for the placement of sulphur in the elemental form on sulphur pads**

1. Limits for the placement of sulphur in the elemental form on sulphur pads are established to reduce the accumulation of sulphur from hydrocarbon exploration and (or) production and to stimulate its involvement in economic turnover.

2. This Article applies to elemental sulphur in any aggregate state originating from hydrocarbons exploration and (or) production.

3. Limits for the placement of sulphur in the elemental form on sulphur pads are established for each dedicated site (sulphur pad) equipped for open ground storage of sulphur as a limit amount (mass) of sulphur permitted to be poured and otherwise openly placed on such sulphur pads.

The storage of sulphur in closed tanks, silos and other containers and facilities (warehouses), which excludes its impact on the environment, is not subject to environmental regulation.

4. Limits for the placement of sulphur in the elemental form on sulphur pads are set for each calendar year in the environmental permit.

5. Limits for the placement of sulphur in the elemental form on sulphur pads are justified in the draft limits for the placement of sulphur in the elemental form on sulphur pads developed with the approved methodology basing on the production volume data and submitted together with the environmental permit application.

The methodology for drafting limits for the placement of sulphur in the elemental form on sulphur pads is approved by the authorised environmental protection body.

#### **Article 44. Standards for allowed cumulative anthropogenic burden on the environment**

1. Standards for allowed cumulative anthropogenic burden on the environment are environmental standards that are established in accordance with the amount of allowed cumulative impact from all sources creating anthropogenic impact on the environment and (or) individual components of the natural environment within specific areas and (or) water areas (or their parts), where compliance with them ensures sustainable functioning of natural ecological systems and preserves biodiversity.

Standards for allowed cumulative anthropogenic burden on individual components of the natural environment within specific areas and (or) water areas (or their parts) are established by the authorised environmental protection body.

2. The authorised environmental protection body shall approve the standards for allowed cumulative anthropogenic burden on the environment due to emissions of certain pollutants within the Republic of Kazakhstan, if such commitments are assumed under the international treaties of the Republic of Kazakhstan.

3. The rules for developing standards for allowed cumulative anthropogenic burden are approved by the authorised environmental protection body.

## **Chapter 6. TECHNICAL REGULATION AND STANDARDISATION IN ENVIRONMENTAL PROTECTION**

### **Article 45. The objects of and the compliance procedure in environmental protection**

The objects of and the compliance procedure in environmental protection are defined by the [legislation](#) on technical regulation of the Republic of Kazakhstan.

### **Article 46. Introduction and application of international environmental protection standards**

1. International environmental protection standards are introduced and applied under the standardisation legislation of the Republic of Kazakhstan while taking into account the requirements of this Code.

2. The authorised environmental protection body within its remit reviews draft standardisation documents, as well as prepares proposals for the development, amendment, revision and cancellation of national and interstate standards, national classifiers of technical and economic information and standardisation recommendations for their submission to the authorised standardisation body.

3. The introduction of international environmental management system standards by individuals and legal entities is encouraged by:

1) disseminating information on international environmental management system standards applied in the Republic of Kazakhstan;

2) reducing the hazard level under the state environmental inspection by the authorised environmental protection body for individuals/entities who have introduced international environmental management system standards and have a relevant confirmation document;

3) applying economic incentives for introducing international environmental management system standards provided under the laws of the Republic of Kazakhstan.

### **Article 47. Ecolabelling**

1. Ecolabelling is a statement in the form of a text, label or image on the product tag or packaging, in the accompanying documentation, technical description, brochure, public information leaflet or other form that informs about the environmental aspects of products, works or services.

Environmental aspects in this Article refer to elements of an organisation’s activities, products or services that may impact the environment.

2. A product manufacturer (executor of works, services) performs ecolabelling on a voluntary basis after compliance confirmation by persons accredited under the [legislation](#) on Accreditation in Compliance Evaluation of the Republic of Kazakhstan with exception of cases referred to in paragraph 3 of this Article.

3. Producers of agricultural products, aquaculture and fishing products, food products, products from wild plants and their processed products implement ecolabelling on a voluntary basis in line with the [Law](#) on Production of Organic Products of the Republic of Kazakhstan.

4. The objectives of ecolabelling are:

1) informing consumers about the environmental aspects of the products, works and services they purchase;

2) incentives to increase the purchase and consumption (use) of environmentally friendly products, works and services to reduce the negative anthropogenic impact on the environment;

3) preventing or minimising the negative anthropogenic impact on the environment throughout the product life cycle;

4) promoting exports and improving the competitiveness of domestic products.

5. Ecolabelling shall take into account all aspects of the life cycle of a product, work or service.

## **Chapter 7. ENVIRONMENTAL ASSESSMENT**

### **Section 1. General provisions on environmental assessment**

#### **Article 48. Notion of environmental assessment**

1. Environmental assessment refers to the process of identifying, examining, describing and assessing the possible direct and indirect significant environmental impacts of a planned and existing activity or a document under development.

2. The purpose of the environmental assessment is to prepare the materials required for decision-making on the implementation of a planned activity or a document under development that are consistent with the goal and objectives of the environmental legislation of the Republic of Kazakhstan.

3. Environmental assessment is organised and conducted by its types in line with this Code and the instruction approved by the authorised environmental protection body (hereinafter – the instruction for organising and conducting environmental assessments).

#### **Article 49. Types of environmental assessment**

1. Depending on the subject of the assessment, an environmental assessment takes place in the form of:

- 1) strategic environmental assessment;
- 2) environmental impact assessment;
- 3) transboundary impacts assessment;
- 4) environmental assessment by simplified procedure (simplified environmental assessment).

2. Strategic environmental assessment and (or) environmental impact assessment include the transboundary impacts assessment in the cases provided for in this Code.

3. The simplified environmental assessment is applied to planned and ongoing activities that are not subject to a mandatory environmental impact assessment under this Code in the following cases:

- 1) when drafting the emission standards for Category I and II installations;
- 2) when drafting the Environmental Protection section in the project documentation of the planned activity and when preparing an environmental impact declaration.

The requirements and procedures for the simplified environmental assessment are set out in the instruction for organising and conducting environmental assessments.

#### **Article 50. Principles of environmental assessment**

In addition to the general principles set out in [Article 5](#) of this Code, the environmental assessment takes place in line with the following special principles:

1) principle of potential environmental hazard: the environmental assessment is based on the assumption that the implementation of the planned activity or a document under development may negatively impact the environment and there is a need to examine such potential impacts, their significance and probability to determine the measures required for their prevention, minimisation or mitigation;

2) precautionary function principle: applying an environmental assessment to form environmentally friendly solutions at the earliest stages of planning an activity or developing a document;

3) principle of alternatives: the impact assessment shall include mandatory consideration of several alternative options for implementing the planned activity or document under development including the option of not implementing them ('zero' option);

4) long-term planning principle: the environmental assessment shall consider the impact of the implementation of the planned activity or document under development while taking into account objectively foreseeable socio-economic development and environmental quality in the long term;

5) principle of comprehensiveness: consideration of all environmental, technological, technical, organisational and production, social and economic aspects of the planned activity or document under development within the environmental assessment;

6) principle of compatibility: the implementation of the planned activity or document under development shall not worsen the quality of life of the local population and the conditions for other activities, including agriculture, water-related and forestry;

7) principle of flexibility: the types of environmental impacts to be considered in an environmental assessment, as well as the scope, depth and direction of the necessary studies are determined on a case-by-case basis depending on the specific nature of the planned activity or document under development, including by defining the scope in line with this Code.

## **Section 2. Strategic environmental assessment**

### **Article 51. General provisions on strategic environmental assessment**

1. Strategic environmental assessment shall mean the process of identification, study, description and assessment on the basis of relevant studies of the possible significant environmental impacts of the implementation of state programmes in the sectors listed in [paragraph 3 of Article 52](#) of this Code, territorial development programmes and master plans of settlements (hereinafter for the purposes of this Chapter of the Code – Documents) which includes the stages provided for in [Article 53](#) of this Code.

2. The strategic environmental assessment takes place throughout the whole development process of the Document and shall be initiated at its early stage, which allows to identify and examine in a timely manner any significant negative environmental impacts that may result from the implementation of such Document and to take into consideration all necessary measures to avoid or, if complete avoidance is impossible, to minimise such impacts in the further development and approval of the Document.

3. It shall be prohibited to approve and implement the Document, as well as to fund its activities without a strategic environmental assessment, if it is deemed mandatory under this Code or the Documents impacts screening.

4. The results of the strategic environmental assessment of the Documents of the higher level shall be taken into account during the strategic environmental assessment of the Documents of the lower level.

5. The results of the strategic environmental assessment of Documents developed at the lower level shall be taken into account during the strategic environmental assessment of Documents developed at the higher level.

6. The strategic environmental assessment, as well as the impact screening, takes place in line with this Code and the instruction for organising and conducting environmental assessments.

### **Article 52. Subject of the strategic environmental assessment**

1. The subject of the strategic environmental assessment includes draft Documents, whose implementation may have a significant environmental impact, as well as amendments to existing Documents, whose implementation may have a significant environmental impact.

2. If there are any amendments to an existing Document, whose implementation may have a significant environmental impact, the strategic environmental assessment is applied to the existing Document itself together with the draft introducing the amendments to it.

3. Mandatory strategic environmental assessment applies to Documents concerning the development of agriculture, forestry, fisheries, energy, industry (including exploration and mining), transport, waste management, water management, telecommunications, tourism, urban and rural development planning, land use and protection, with the exception of cases provided for in paragraphs 5 and 6 of this Article.

4. Draft Documents, not covered by paragraph 3 of this Article, shall undergo mandatory strategic environmental assessment, if they contain provisions which act or may act as conditions for granting permits or accepting notifications under the [Law](#) on Permits and Notifications of the Republic of Kazakhstan for activities affecting the environment and if the need for a strategic environmental assessment has been established by the Document impact screening held under [Article 55](#) of this Code.

The provisions of part one of this paragraph shall not apply to the documents referred to in paragraph 6 of this Article.

5. The strategic environmental assessment shall not be applied to the amended Documents listed in paragraph 3 of this Article, if the Document impact screening has established that there is no need for a strategic environmental assessment of such amendments.

6. The following do not require a mandatory strategic environmental assessment:

- 1) documents in the financial and budgetary spheres;
- 2) documents with the sole purpose of ensuring defence, national security, civil protection, emergency prevention and response activities.

### **Article 53. Stages of the strategic environmental assessment**

The strategic environmental assessment consists of the following stages:

- 1) deciding on the need for a strategic environmental assessment according to the criteria set out in this Code, including according to the Document impact screening, where required by this Code;
- 2) defining the scope of the strategic environmental assessment report;
- 3) preparing the strategic environmental assessment report;
- 4) quality assessment of the strategic environmental assessment report;
- 5) reviewing the draft Document for consistency with the strategic environmental assessment report prior to its approval;
- 6) monitoring the significant environmental impacts of the Document.

### **Article 54. Entities responsible for strategic environmental assessment**

1. Responsibility for ensuring the strategic environmental assessment lies with the state body developing the Document.

2. The state body developing the Documents, guided by the requirements of the environmental legislation of the Republic of Kazakhstan, participates in ensuring the public right of access to environmental information and the right of the public concerned to participate in decision-making on environmental matters at all stages of the development and approval of the Document.

3. The developer state body ensures the preparation of the strategic environmental assessment report and other works and services in the course of the strategic environmental assessment independently and (or) by involving external experts in the manner established by the [legislation](#) on State Procurement of the Republic of Kazakhstan.

### **Article 55. Document impact screening**

1. Document impact screening is a process for identifying potential significant environmental impacts from the implementation of a Document to decide by the criteria set out in paragraph 3 of this Article, if there is a need for the strategic environmental assessment.

2. Document impact screening is mandatory for all Documents regulated by [paragraph 4 or 5 of Article 52](#) of this Code.



3. Document impact screening is based on the following criteria:

- 1) the relevance of the Document in terms of it taking into account the risks related to environmental impacts and its consistency with the sustainable development goals;
- 2) the feasibility of the activities under the Document bearing in mind the location, type, scale and conditions of the activity, availability of natural resources and terms of their use;
- 3) the degree to which the Document influences the implementation of other Documents;
- 4) environmental risks associated with the implementation of the Document, including the impact on public health;
- 5) the relevance of the Document to the environmental requirements of the legislation of the Republic of Kazakhstan and its international commitments in this field;
- 6) the specifics of the environmental implications of the Document implementation, such as the likelihood, duration, frequency and reversibility of the implications, their cumulative nature, the magnitude and spatial coverage of the impact (geographic area and the size of the affected population);
- 7) the transboundary implications of the Document implementation;
- 8) the extent and nature of possible effects of the Document on conservation areas, objects of the state nature reserve, elements of the environmental network related to the system of conservation areas, natural habitats of rare and endangered animal and plant species, objects of historical and cultural heritage, lands for recreational, historical and cultural purposes;
- 9) the need to assess possible environmental implications from implementing the Document that either has not been subject to the strategic environmental assessment at all or such assessment took place but has not thoroughly studied all possible environmental implications related to this Document;
- 10) the nature of the proposed changes to the Document that previously underwent a strategic environmental assessment.

4. The Document impact screening is organised by the state body developing the Document at the initial stage of its development.

5. The authorised environmental protection body conducts the Document impact screening while taking into account:

- 1) comments and suggestions from the public concerned and stakeholder state bodies in the manner prescribed in [Articles 59 and 60](#) of this Code and in line with the instruction for organising and conducting environmental assessments;
- 2) the need to hold a transboundary impacts assessment, if there are grounds referred to in [subparagraph 2\) of paragraph 1 of Article 80](#) of this Code.

6. The state body developing the Document sends the following documents to the authorised environmental protection body to initiate the Document impact screening:

- 1) draft Document containing information on the main directions and timeframe of its implementation;
- 2) description of the area where the Document is to be implemented;
- 3) general description of the potential impact of the Document implementation on the environment, human life and (or) health.

7. The authorised environmental protection body within two business days after receiving the documents listed in paragraph 6 of this Article posts them on the official website and informs all state bodies that it has identified as stakeholder bodies in line with [Article 59](#) of this Code, while the developer state body in the meantime informs the public concerned by means provided for in [paragraph 5 of Article 60](#) of this Code.

8. The authorised environmental protection body reviews the received documents using the criteria defined in paragraph 3 of this Article and, taking into account the comments and suggestions received from the stakeholder state bodies and the public concerned, prepares a conclusion indicating if there is a need for a strategic environmental assessment (hereinafter – conclusion of the Document impact screening).

If the authorised environmental protection body concludes that the possible environmental implications of the Document implementation are insignificant, the conclusion of the Document impact screening shall indicate that conducting a strategic environmental assessment is not required.

If the authorised environmental protection body concludes that the implementation of the Document may have significant environmental implications, the conclusion of the Document impact screening shall indicate that there is a need for a strategic environmental assessment of the Document.

9. The authorised environmental protection body forwards the conclusion of the Document impact screening to the developer state body and posts its copy on the official website no later than the time period specified in paragraph 10 of this Article.

10. The time limit for conducting the Document impact screening shall be fifteen business days from the date of receipt by the authorised environmental protection body of documents listed in paragraph 6 of this Article.

### **Article 56. Defining the scope of the strategic environmental assessment report**

1. When defining the scope of the strategic environmental assessment report, the scope and level of detail of the information to be included in the strategic environmental assessment report is determined based on the nature and content of the Document.

The scope of the strategic environmental assessment report is defined to:

- 1) determine the extent of the potential impact of the Document implementation on the environment, human life and (or) health;
- 2) identify reasoned and feasible options that may be included in the Document, including the best environmentally friendly solutions;
- 3) inform the public about the planned Document, possible options that may be included in it and its expected implementation results;
- 4) identify the public concerned with regard to a particular Document;
- 5) provide the developer state body with the information needed for justifying the costs of preparing the strategic environmental assessment report;
- 6) define the scope of baseline data and other information to be obtained in a strategic environmental assessment;
- 7) identify significant impacts of the Document on conservation areas, other areas and objects under protection by the legislation of the Republic of Kazakhstan and (or) international treaties of the Republic of Kazakhstan and having local, national or international significance;
- 8) determine the likelihood of transboundary environmental impacts from the implementation of the Document;
- 9) set environmental goals, including those related to an environment favourable to human life and health, which are relevant to the Document and set at the international, national and (or) local levels.

2. The authorised environmental protection body defines the scope of the strategic environmental assessment report by taking into consideration the comments and suggestions received from the stakeholder state bodies and the public concerned in line with [Articles 59 and 60](#) of this Code.

3. The procedure for defining the scope of the strategic environmental assessment report is set out in the instruction for organising and conducting environmental assessments.

4. The authorised environmental protection body documents the defined scope of the strategic environmental assessment report in the form of a conclusion (hereinafter – the scoping conclusion for the strategic environmental assessment report).

### **Article 57. Strategic environmental assessment report**

1. The strategic environmental assessment report identifies, describes and assesses probable significant environmental impacts of the Document implementation and reasonable solution options therein in view of the objectives and geographical scope of the Document.

2. The content of the strategic environmental assessment report shall be consistent with the scoping conclusion for the strategic environmental assessment report.

3. The strategic environmental assessment report shall contain the information referred to in paragraph 4 of this Article, consistent with the current knowledge and assessment methods and the content and level of detail of the Document.

4. The strategic environmental assessment report shall include:

1) a summary of the content, the main goals of the Document and its connection to other Documents;

2) an assessment of the current environmental quality and its probable change if the Document is not adopted;

3) an assessment of the environmental quality of the areas likely to be significantly affected by implementation of the Document;

4) existing environmental problems and the risk of their exacerbation or the emergence of new environmental problems during the implementation of the Document, including in terms of environmental quality impacts on public health and on conservation areas;

5) environmental goals, including those related to an environment favourable to human life and health, which are relevant to the Document and set at the international, national and (or) local levels, and how these goals and other environmental matters have been taken into account in the development of the Document;

6) a description of the probable significant environmental implications of the Document implementation, including indirect, cumulative, short-, medium- and long-term, permanent and temporary, positive and negative effects;

7) measures to prevent, reduce, remedy any significant negative environmental impacts from the implementation of the Document;

8) rationale for selecting the solutions within the Document chosen out of the alternative options that were considered in the strategic environmental assessment and the assessment process description, including any difficulties related to lack of required methodologies or gaps in knowledge, lack of information or technical means in the assessment process;

9) a programme for monitoring the significant environmental impacts of the implementation of the Document, including a description of the specific measures to be taken;

10) a description of the probable transboundary environmental impacts of the implementation of the Document (if any), comments and suggestions of the stakeholder state bodies and the public concerned, including those received from the transboundary impacts assessment;

11) a summary of the strategic environmental assessment report, including brief and summarised conclusions for subparagraphs 1) to 10) of this paragraph and presented in a form accessible to the public.

5. The state body, when developing the Document, ensures the preparation of the strategic environmental assessment report, including, if necessary, by engaging external experts in the manner prescribed by [the legislation](#) on State Procurement of the Republic of Kazakhstan.

6. The developer state body shall submit the strategic environmental assessment report for quality assessment to the authorised environmental protection body. The time limit for the development of the strategic environmental assessment report is determined by the developer state body in a way that it ensures the strategic environmental assessment is completed before approval of the Document and the results of the strategic environmental assessment can be incorporated into it.

7. The authorised environmental protection body within two business days after receiving the strategic environmental assessment report from the developer state body posts it on the official

website and informs all state bodies that it has identified as stakeholder bodies in line with [Article 59](#) of this Code, while the developer state body in the meantime informs the public concerned by means provided for in [paragraph 5 of Article 60](#) of this Code.

8. The authorised environmental protection body accepts comments and suggestions from the stakeholder state bodies and the public concerned within thirty calendar days from the date of posting the strategic environmental assessment report on the official website.

9. The authorised environmental protection body reviews the strategic environmental assessment report received from the developer state body for its quality and consistency with the scoping conclusion for the strategic environmental assessment report while taking into account the comments and suggestions received from the stakeholder state bodies and the public concerned.

10. Following the results of the quality assessment of the strategic environmental assessment report, the authorised environmental protection body shall issue a decision on its satisfactory or unsatisfactory quality within five business days of the expiry of the period referred to in paragraph 8 of this Article.

If the quality of the strategic environmental assessment report is recognised as unsatisfactory, the decision of the authorised environmental protection body shall indicate those aspects of the report that it considered unsatisfactory, including the corresponding references to the comments and suggestions received from the stakeholder state bodies and the public concerned, as well as recommended measures for improving the strategic environmental assessment report to a satisfactory level.

If the strategic environmental assessment report is recognised as unsatisfactory, the developer state body shall improve it and, if required, the draft Document as well, and submit them to the authorised environmental protection body for quality reassessment under the procedure specified by this Article.

The Document subject to a strategic environmental assessment shall be approved under this Code, only if there is a strategic environmental assessment report that was recognised as satisfactory by the decision of the authorised environmental protection body.

11. Within two business days of receipt of the decision on the quality of the strategic environmental assessment report from the authorised environmental protection body, the developer state body shall post its copy on the official website and inform the public by the means provided for in [paragraph 5 of Article 60](#) of this Code.

#### **Article 58. Reviewing the Document for consistency with the strategic environmental assessment report**

1. After the strategic environmental assessment report has been found satisfactory in line with [paragraph 10 of Article 57](#) of this Code, the developer state body revises the Document as necessary in the light of the conclusions of the strategic environmental assessment report.

2. Once the Document has been updated in line with paragraph 1 of this Article, the developer state body submits the draft Document to a public hearing.

Public hearings take place according to the rules for public hearings approved by the authorised environmental protection body.

#### **Article 59. Consulting stakeholder state bodies as part of the strategic environmental assessment**

1. The stakeholder state bodies include state bodies and local executive bodies whose functions may be affected by the implementation of the Document.

2. The list of stakeholder state bodies is determined on a case-by-case basis by the authorised environmental protection body. In all cases, the stakeholder state bodies shall include the authorised healthcare body as well as the local executive bodies of the territorial units where the Document is to be implemented.

3. For certain types of Documents, the list of state bodies and local executive bodies to be mandatorily considered as stakeholder state bodies may be established by regulations governing the procedure for developing and approving such Documents.

4. Consulting stakeholder state bodies is a process of receiving, considering and incorporating their comments and suggestions when:

- 1) holding the Document impact screening;
- 2) defining the scope of the strategic environmental assessment report;
- 3) determining the quality of the strategic environmental assessment report;
- 4) reviewing the draft Document prior to its approval for consistency with a strategic environmental assessment report that has been recognised as of satisfactory quality in line with [paragraph 10 of Article 57](#) of this Code.

5. The stakeholder state bodies are consulted in line with this Article and the instruction for organising and conducting environmental assessments.

6. The authorised environmental protection body shall review all comments and suggestions made by the stakeholder state bodies during the Document impact screening, defining the scope of the strategic environmental assessment report and its quality assessment, if such comments and suggestions are submitted within the relevant deadlines set out in the instruction for organising and conducting environmental assessments.

State bodies and local executive bodies recognised under this Article as stakeholder state bodies shall submit comments and suggestions or a letter of no objection in line with the requirements of this Code and the instruction for organising and conducting environmental assessments.

7. Following consultations with the stakeholder state bodies held in line with this Article, the authorised environmental protection body draws up a record of such consultations reflecting all their comments and suggestions.

The authorised environmental protection body shall provide the stakeholder state bodies with information on how their comments and suggestions have been addressed in the relevant stages of the strategic environmental assessment, as well as on the reasons why certain comments and suggestions have not been addressed.

8. Records of consultations with stakeholder state bodies are made available to the public by the means provided for in [paragraph 5 of Article 60](#) of this Code.

#### **Article 60. Participation of the public concerned in the strategic environmental assessment**

1. The public concerned shall have the right to comment or make suggestions regarding:

- 1) the draft Document – at any stage of the strategic environmental assessment;
- 2) the need or lack of need for a strategic environmental assessment – at the stage specified in [Article 55](#) of this Code;
- 3) the scope of the strategic environmental assessment report – at the stage specified in [Article 56](#) of this Code;
- 4) the quality of the strategic environmental assessment report – at the stage specified in [Article 57](#) of this Code;
- 5) a programme for monitoring the significant environmental impacts of the Document – at the stage specified in [Article 63](#) of this Code.

2. The developer state body shall ensure that the public concerned is able to participate in all stages of the strategic environmental assessment in line with the requirements of this Code and the instruction for organising and conducting environmental assessments starting from the initial stage of the Document development to allow choosing solution options from among the available alternatives.

3. The developer state body ensures the participation of the public concerned in the strategic environmental assessment by:



- 1) identifying the public concerned;
  - 2) establishing a reasonable time frame to allow the public concerned to make comments and suggestions in a timely and effective manner at all stages of the strategic environmental assessment;
  - 3) informing the public concerned in cases provided for in this Code by the means provided for in paragraph 5 of this Article;
  - 4) providing information to the public concerned upon their requests;
  - 5) informing the public concerned about the possibility to participate in consultations when holding transboundary impacts assessments;
  - 6) taking its comments and suggestions into account in the strategic environmental assessment process.
4. The criteria for identifying the public concerned are laid down in the instruction for organising and conducting environmental assessments.
5. Mandatory means of public informing used in the strategic environmental assessment process include:
- 1) posting information on the official website of the developer state body;
  - 2) posting information on the official website of the authorised environmental protection body;
  - 3) with regard to the information referred to in subparagraphs 1), 2), 3) and 11) of paragraph 6 of this Article – publication in at least one mass media outlet (periodical press, television or radio channel) distributed or broadcasted throughout the area affected by the implementation of the Document, as well as in paper form in places accessible to the public (on notice boards of the authorised environmental protection body and its territorial bodies, local executive bodies and in places specifically designated for posting notices);
  - 4) mailing letters to the legal entities in charge of conservation areas, if they may be affected by the Document implementation.
6. The information to be made available to the public concerned during the strategic environmental assessment process under the instruction for organising and conducting environmental assessments includes:
- 1) information on the start of the development of the Document, its name, main directions and timeframe;
  - 2) name and location of the state body (official) responsible for receiving and reviewing comments and suggestions from the public concerned;
  - 3) the time, place and manner of receiving comments and suggestions from the public concerned at the various stages of the strategic environmental assessment;
  - 4) draft Documents prior to their approval;
  - 5) conclusion of the Document impact screening;
  - 6) requests and conclusions on the scoping of strategic environmental assessment reports;
  - 7) strategic environmental assessment reports;
  - 8) records of consultations with the stakeholder state bodies held during the Document impact screening, defining the scope of the strategic environmental assessment report and quality assessment of the strategic environmental assessment report and draft Document;
  - 9) reports on the monitoring of significant environmental impacts from the Document implementation;
  - 10) announcements of public hearings;
  - 11) notes of public hearings on draft Documents and strategic environmental assessment reports;
  - 12) briefs containing a summary of the comments and suggestions of the public concerned received during the public hearings;
  - 13) information on the transboundary impacts assessment carried out as part of the strategic environmental assessment;
  - 14) conclusions on the quality of the strategic environmental assessment report;

- 15) approved Documents;
  - 16) other documents and information provided to the authorised environmental protection body in connection with the strategic environmental assessment.
7. The developer state body shall submit the information on the strategic environmental assessment referred to in subparagraphs 5) to 16) of paragraph 6 of this Article to the State Bank of Environmental Information.

#### **Article 61. Assessment of transboundary impacts under the strategic environmental assessment**

1. If there are grounds provided for in [subparagraph 2\) of paragraph 1 of Article 80](#) of this Code, the strategic environmental assessment shall include a transboundary impacts assessment.
2. The transboundary impacts assessment takes place in line with Section 4 of this Chapter and the international treaties of the Republic of Kazakhstan.

#### **Article 62. Specific aspects of Documents subject to strategic environmental assessment**

The Document subject to strategic environmental assessment shall take into account the data of the strategic environmental assessment report, comments and suggestions of the stakeholder state bodies and of the public concerned, including public hearings results, and in cases of transboundary impacts assessment its results as well.

#### **Article 63. Monitoring the significant environmental impacts of the Documents**

1. The developer state body is responsible for ensuring that the significant environmental impacts of the Document are monitored according to the monitoring programme that is a part of the strategic environmental assessment report.
2. The goals of monitoring the significant environmental impacts of the Documents are:
  - 1) timely detection of significant negative environmental impacts of the Document that were not identified earlier, and ensuring that appropriate measures can be taken to prevent and remedy them;
  - 2) assessing the achieved level of favourable environmental impacts stated in the Document;
  - 3) ensuring compliance of the Document with the objectives of the environmental legislation of the Republic of Kazakhstan, including those related to the impact of environmental quality on human life and health, that are established at the international, national and local levels and relevant to this Document.
3. The procedure for monitoring significant environmental impacts resulting from the Document implementation is established by the instruction for organising and conducting environmental assessments.
4. The state body developing the Document, annually and within the period specified in the monitoring programme, ensures the preparation of the monitoring report for the significant environmental impacts of the Document implementation and submits it to the authorised environmental protection body, as well as informs the public concerned of the results of such monitoring under [paragraph 5 of Article 60](#) of this Code and the instruction for organising and conducting environmental assessments.

### **Section 3. Environmental impact assessment**

#### **Article 64. Environmental impact assessment**

1. Environmental impact assessment means the process of identifying, examining, describing and assessing on the basis of relevant studies the possible significant environmental impacts of a planned activity, which includes the stages provided for in [Article 67](#) of this Code.

2. This Code defines planned activities as planned activities of individuals and legal entities that are related to the construction and further operation of production and other facilities, other types of interference with the environment, including through subsoil use operations, as well as any introduction of significant changes into such activities.

### **Article 65. Mandatory nature of the environmental impact assessment**

1. The environmental impact assessment is mandatory:

1) for the activities and installations listed in [Section 1 of Annex 1](#) to this Code while taking into account the quantitative thresholds indicated therein (if available);

2) for the activities and installations listed in [Section 2 of Annex 1](#) to this Code while taking into account the quantitative thresholds indicated therein (if available), if the obligation to conduct an environmental impact assessment of such activities or installations is indicated in the conclusion of the screening of planned activity impacts;

3) when introducing significant changes into the activities and (or) activities of the installations referred to in subparagraphs 1) and 2) of this paragraph that previously underwent an environmental impact assessment;

4) when introducing significant changes into activities and (or) activities of the installations listed in [Section 2 of Annex 1](#) to this Code previously receiving a conclusion of the screening of planned activity impacts not requiring an environmental impact assessment, if the obligation to conduct an environmental impact assessment of these significant changes is established in the conclusion of the screening of planned activity impacts.

2. For the purposes of an environmental impact assessment or the screening of planned activity impacts, significant changes in activities are defined as any changes that result in the following:

1) the increased production volume or capacity;

2) the amount of natural resources, fuels and (or) raw materials used in the activity increases and (or) their type changes;

3) the area of land to be disturbed is increased or land not previously considered in the environmental impact assessment or screening of the planned activity impacts is to be disturbed;

4) the technology, management of the production process is otherwise altered, which may worsen the quantity and quality of emissions, change their area of impact and (or) increase the amount of generated waste.

3. Environmental impact assessments shall not be mandatory for activities and installations other than those referred to in paragraph 1 of this Article and may be carried out voluntarily at the discretion of the initiators of such activities or installation operators.

4. A planned activity or its part, as well as any changes to it, including significant ones, shall not be subject to mandatory environmental impact assessment, if its implementation or these relevant changes are required for the prevention, response or elimination of consequences of an accident or emergency situation, introduction of martial law or in connection with urgent defence or national security measures of the Republic of Kazakhstan.

5. It shall be prohibited to carry out planned activities, including granting an environmental permit for them, without their prior environmental impact assessment, if it is mandatory for these activities under the requirements of this Code.

Following the scoping conclusion for the environmental impact assessment prepared by the authorised environmental protection body in line with [Article 71](#) of this Code, the initiator of the planned activity shall have the right to apply for reservation of a land plot (land plots) for implementation of the planned activity for the period of the mandatory environmental impact assessment in the order established by the [land](#) legislation of the Republic of Kazakhstan.

If the planned activity involves the use of land plots that are privately owned or in land use by third parties, the relations of the initiator with such persons are regulated by the civil legislation of the Republic of Kazakhstan.

**Article 66. Types of impact and impacted objects to be considered in the environmental impact assessment**

1. Types of impact to be considered in the environmental impact assessment are:

- 1) direct impacts – impacts that can be directly caused by primary and associated planned activities;
- 2) indirect impacts – impacts on the environment and public health caused by indirect (secondary) factors that may result from the planned activity implementation;
- 3) cumulative impacts – impacts that may result from continuously increasing negative changes in the environment caused by a combination of previous and existing anthropogenic or natural impacts, as well as reasonably foreseeable future impacts accompanying the planned activity implementation.

2. The environmental impact assessment process assesses the impact on the following objects, including their interrelationships and interactions:

- 1) ambient air;
- 2) surface water and groundwater;
- 3) surface of the water body bed;
- 4) landscapes;
- 5) land and soil cover;
- 6) plant life;
- 7) wildlife;
- 8) state of ecological systems and ecosystem services;
- 9) biodiversity;
- 10) health and living conditions of the population;
- 11) objects of special environmental, scientific, historical, cultural and recreational value.

3. If the planned activity may impact conservation areas, the environmental impact assessment process shall also include an assessment of the impact on the respective natural complexes, including the lands of conservation areas, as well as the objects of the state natural reserve located on these lands and on lands of other categories.

4. The environmental impact assessment shall also include the assessment of other environmental impacts that may be caused by anthropogenic and natural emergencies and accidental pollution of the environment, as well as determining possible prevention and reduction measures and methods against harmful environmental impact of the planned activity, and defining the scope of the required industrial environmental monitoring.

5. Negative and positive impacts on the environment and public health shall be taken into account in the environmental impact assessment process.

6. The impacts caused by greenhouse gas emissions are not taken into account in the environmental impact assessment process.

**Article 67. Stages of environmental impact assessment**

The stages of environmental impact assessment are:

- 1) reviewing the statement about the planned activity to determine its compliance with the requirements of this Code and, where required by this Code, to hold screening of the planned activity impacts;
- 2) defining the scope of the environmental impact assessment;
- 3) preparing a potential impact report;
- 4) quality assessment of the potential impact report;
- 5) issuing a conclusion of the environmental impact assessment and taking it into account;
- 6) post-project analysis of the actual impacts of the planned activity, if it is deemed to be necessary under this Code.

### **Article 68. Statement about the planned activity**

1. A person, intending to carry out an activity for which this Code envisages a mandatory environmental impact assessment or mandatory screening of planned activity impacts, shall submit a statement about the planned activity to the authorised environmental protection body, after which they are recognised as the initiator of the environmental impact assessment or the screening of planned activity impacts (hereinafter – the initiator).

2. The statement about the planned activity is submitted in electronic form and shall contain the following information:

1) for an individual: name, surname, patronymic (if indicated in the identity document), residence address, individual identification number, telephone number, e-mail address;

2) for a legal entity: name, location address, business identification number, details of the first manager, telephone number, e-mail address;

3) general description of the types of planned activities and their classification according to [Annex 1](#) to this Code or description of significant changes made to such activities according to [paragraph 2 of Article 65](#) of this Code;

4) information on the projected location of the planned activity, reasons for choosing the location and other location options;

5) general technical characteristics of the planned activity, including the capacity (productivity) of the object, its intended size, product characteristics;

6) brief description of the proposed technical and technological solutions for the planned activity;

7) an estimated date of commencement and completion of the planned activity;

8) description of the types of resources required for the activity, including water, land, soil, minerals, vegetation, raw materials, energy, indicating their expected quantitative and qualitative characteristics;

9) description of the anticipated types, volumes and qualitative characteristics of environmental emissions and waste that may be generated by the planned activity;

10) a list of permits that are presumably required for the planned activity and the state bodies responsible for granting them;

11) description of possible alternatives for achieving the objectives of the planned activity and options for its implementation (including the use of alternative technical and technological solutions and object locations);

12) description of possible forms of negative and positive environmental impacts of the planned activity, their nature and expected scale, taking into account their probability, duration, frequency and reversibility;

13) description of possible forms of transboundary environmental impacts, their nature and expected scale, taking into account their probability, duration, frequency and reversibility;

14) brief description of the current state of the environmental components in the area and (or) water area within which the planned activity is to take place, as well as the results of baseline studies, if available to the initiator;

15) proposed measures to prevent, avoid and reduce possible forms of adverse environmental impact, as well as to remedy its implications.

3. The initiator is not required to have rights to the land plot needed for the planned activity to submit the statement about the planned activity, hold the screening of planned activity impacts or the environmental impact assessment.

4. If the planned activity requires an environmental permit, the initiator may submit the statement about the planned activity under the environmental permit procedure. In such cases, the processing of the application for the relevant environmental permit is suspended for the duration of the environmental impact assessment.



5. Within two business days after receiving the statement about the planned activity, the authorised environmental protection body shall check if it contains the information specified in paragraph 2 of this Article, and:

1) if one or more of the details required under paragraph 2 of this Article are missing, shall inform the initiator of the need to make corrections and resubmit the statement about the planned activity;

2) if the initiator has submitted a statement about the planned activity containing all the necessary information under paragraph 2 of this Article, shall post the statement about the planned activity on the official website and send its copy to the stakeholder state bodies.

The stakeholder state bodies in this section are the departments of the authorised environmental protection body, the authorised healthcare body, state bodies regulating one or more activities included in the planned activity, granting permits or accepting notifications for such activities, and the local executive bodies of territorial units that are located entirely or partially within the affected area.

Affected area in this section means the area within which the environment and the population may be significantly affected by the planned activity.

6. The local executive bodies of the relevant territorial units post the statement about the planned activity on their official websites within two business days after receiving its copy from the authorised environmental protection body.

7. The statement about the planned activity shall be available on the websites of the authorised environmental protection body and the local executive bodies of relevant territorial units within thirty consecutive calendar days from the date of posting.

The statement about the planned activity posted on the website shall be accompanied by an official public announcement about receiving comments and suggestions about this statement, indicating the type of planned activity, the postal and e-mail addresses for sending comments and suggestions, and the closing date for their receipt.

8. No later than three business days after publishing the statement about the planned activity on their official websites, local executive bodies of relevant territorial units additionally organise dissemination of the official communication indicated in part two of paragraph 7 of this Article in one of the mass media, as well as by other means in accordance with [the Law](#) on Access to Information of the Republic of Kazakhstan.

9. The authorised environmental protection body receives comments and suggestions regarding the statement about the planned activity from the stakeholder state bodies and the public concerned.

The stakeholder state bodies and the public concerned shall have the right to submit comments and suggestions regarding the statement about the planned activity within thirty business days from the date when the initiator submits the statement to the authorised environmental protection body.

Comments and suggestions of the stakeholder state bodies and the public concerned, that were received after the submission deadline specified in part two of this paragraph, shall not be accepted by the authorised environmental protection body for consideration.

10. Within two business days after the deadline date for submitting comments and suggestions regarding the statement about the planned activity, the authorised environmental protection body enters all comments and suggestions from the stakeholder state bodies and the public concerned that were accepted for consideration into a document drawn up in the form of a summary table of comments and suggestions and within the same period posts these notes on the official website and sends its copy to the local executive bodies of the relevant territorial units.

The local executive bodies of the relevant territorial units post the copy of the notes referred to in part one of this paragraph on their official websites within two business days after receiving it from the authorised environmental protection body.

11. If there are grounds for initiating a transboundary impacts assessment, the authorised environmental protection body shall initiate such assessment in line with [Article 80](#) of this Code.

### **Article 69. Screening the planned activity impacts**

1. The screening of planned activity impacts is a process for identifying potential significant environmental impacts from the implementation of a planned activity to decide by the criteria set out in [Article 70](#) of this Code, if there is a need for an environmental impact assessment.

2. It is mandatory to submit a statement about the planned activity to hold screening of its impacts in the following cases:

1) for the planned activities and installations listed in [Section 2 of Annex 1](#) to this Code while taking into account the quantitative thresholds indicated therein (if available);

2) when introducing significant changes to the activities and (or) activities of the installations listed in [Section 2 of Annex 1](#) to this Code that previously underwent the screening of planned activity impacts resulting in a decision that no mandatory environmental impact assessment was required.

It is prohibited to carry out such activities without having undergone screening of planned activity impacts.

3. The authorised environmental protection body organises the screening of planned activity impacts in line with [paragraphs 5 to 11 of Article 68](#) of this Code, this Article and the instruction for organising and conducting environmental assessments.

4. The time limit for the screening of planned activity impacts is thirty business days from the date of posting a copy of the statement about the planned activity on the website of the authorised environmental protection body in line with [subparagraph 2\) of paragraph 5 of Article 68](#) of this Code.

5. When screening the impacts of a planned activity, the authorised environmental protection body takes into account all comments and suggestions included in the notes in line with [paragraph 10 of Article 68](#) of this Code.

6. The authorised environmental protection body within the deadline referred to in paragraph 4 of this Article issues a conclusion of the screening of planned activity impacts and sends it to the initiator and the stakeholder state bodies, with a subsequent posting of its copy on its official website within two business days.

7. The conclusion of the screening of planned activity impacts shall contain the decision indicating if there is a need for a mandatory environmental impact assessment and a reasoned justification thereof.

8. If the conclusion of the screening of planned activity impacts indicates that a mandatory environmental impact assessment is required, the authorised environmental protection body shall send to the initiator the screening results together with the scoping conclusion for the environmental impact assessment prepared in line with [Article 71](#) of this Code.

9. If the statement about the planned activity contains alternative options for its implementation, the conclusion of the screening of planned activity impacts shall include separate findings for each of the suggested options.

10. Individuals and legal entities have the right to challenge the conclusion of the screening of planned activity impacts in the manner prescribed by the legislation of the Republic of Kazakhstan.

### **Article 70. Criteria for establishing the significance of environmental impact**

1. When screening the impacts of a planned activity, the following criteria are considered to characterise the planned activity and the significance of its possible impact on the environment:

1) the parameters of the planned activity taking into account:

the type and scale of the planned activity (production output, capacity and other indicators for which [Section 1 of Annex 1](#) to this Code envisages quantitative thresholds);

cumulation of its impacts with those of other known activities (completed, projected, planned) in the proposed installation area;

types and quantities of natural resources used;

- types and quantities of waste generated;
  - the level of risk of environmental pollution and harm to human life and (or) health;
  - the level of risk of an emergency and (or) accident while taking into account the provisions of the legislation on civil protection of the Republic of Kazakhstan;
  - the level of risk of biodiversity loss;
  - 2) the parameters of the affected area taking into account:
    - the current intended use of the lands and state policy priorities for sustainable land use;
    - the relative representation, quantity, quality and capacity for natural regeneration of natural resources in the affected area;
    - ability of the natural environment to tolerate the burden with special attention to the territorial system of ecological stability of the landscape, conservation areas, wildlife corridors and migration routes, important elements of the landscape, objects of historical and cultural heritage, areas of historical, cultural or archaeological significance, densely populated areas and areas experiencing burden beyond the allowed limit (including the previous burden);
  - 3) the potential significance of the impact of the planned activity on human life and (or) health and the environment while taking into account the scale of the impact (territory and population size), its transboundary nature (in terms of its spread beyond national borders), size, complexity, probability, duration and frequency, as well as the reversibility of its implications (possibility to restore the environment or its individual object to its original state).
2. The criteria provided for in paragraph 1 of this Article are considered in line with the instruction for organising and conducting environmental assessments.

#### **Article 71. Defining the scope of the environmental impact assessment**

1. The goal of defining the scope of the environmental impact assessment is to determine the level of detail and the type of information to be collected and examined in the environmental impact assessment, the methods of investigation and how such information is to be presented in the potential impact report.
2. With regard to an activity subject to mandatory environmental impact assessment under this Code, upon expiration of thirty business days from the date of placement of the statement about the planned activity on the official website, the authorised environmental protection body shall issue a scoping conclusion for environmental impact assessment using the information from the statement about the planned activity while taking into account the comments and suggestions of the stakeholder state bodies and the public concerned that were included into the notes in line with [paragraph 10 of Article 68](#) of this Code and shall send the initiator this conclusion with posting its copy on the official website.
3. When defining the scope of the environmental impact assessment, the current state of knowledge, advanced research methods, existing technical capacities in the relevant sector of the economy and the availability of environmental data shall be taken into consideration.
4. The scoping conclusion for the environmental impact assessment, taking into account the type, location, nature and scale of possible environmental impacts, as well as comments and suggestions of the stakeholder state bodies and the public concerned that were included into the notes in line with [paragraph 10 of Article 68](#) of this Code, may include requirements for a potential impact report regarding:
  - 1) alternatives for achieving the objectives of the planned activity and its implementation to be examined in the environmental impact assessment;
  - 2) types of impact and objects under impact that need to be examined in detail;
  - 3) the area of impact assessment and its methods.

## **Article 72. Potential impact report**

1. Following the scoping conclusion for the environmental impact assessment, the initiator ensures that the activities required for assessing the environmental impacts of the planned activity are carried out and that a potential impact report is drawn up on the basis of the results.

2. The potential impact report is drawn up by individuals and (or) legal entities licensed to perform environmental protection works and services (hereinafter – the developers of the potential impact report).

3. The initiator organises and finances the environmental impact assessment and the drafting of the potential impact report at their own expense.

4. Taking into account the content of the scoping conclusion for the environmental impact assessment, the draft potential impact report shall contain:

1) description of the planned activity that was the subject of the report, including:

description of the proposed location of the planned activity, its coordinates as determined by a geographic information system with vector files, and description of the state of the environment at this proposed location at the time of reporting;

information on the category of lands and the purpose of land use during the construction and operation of installations required for the planned activity;

information on the indicators of the installations required for the planned activity, including their capacity, dimensions (occupied land area, height), production process, including the expected productivity of the enterprise, consumption of energy, natural resources, raw materials and supplies;

description of the post-utilisation of the existing buildings, structures, facilities and equipment and how it will be carried out, if these works are necessary for the planned activity implementation;

information on the expected types, characteristics and quantities of environmental emissions and other negative anthropogenic impacts on the environment associated with the construction and operation of installations needed for the activity in question, including impacts on water, air, soil, subsoil, as well as vibration, noise, electromagnetic, thermal and radiation impacts;

information on the expected types, characteristics and quantities of waste to be generated during construction and operation of installations under the planned activity, including waste generated as a result of post-utilisation of existing buildings, structures, facilities, equipment;

2) description of options for the planned activity implementation taking into account its specific aspects and possible environmental impact, including:

the option chosen by the planned activity initiator, the justification of the choice, description of other possible rational options, including the rational option most favourable for protection of human life and (or) health and the environment;

3) information on components of the natural environment and other objects which may be affected by significant impacts of the planned activity, including human life and (or) health, living and operational conditions, biodiversity (including flora and fauna, genetic resources, natural habitats of plants and wild animals, migration routes of wild animals, ecosystems), land (including land withdrawal), soils (including organic composition, erosion, compaction, other forms of degradation), waters (including hydromorphological changes, quantity and quality of water), ambient air, climate change resilience of ecological and socio-economic systems, physical assets, historical and cultural heritage objects (including architectural and archaeological sites), landscapes, and interaction of these objects;

4) description of the potential significant impacts (direct and indirect, cumulative, transboundary, short-term and long-term, positive and negative) of the planned activity on the objects listed in subparagraph 3) of this paragraph arising from:

the construction and operation of installations needed for the planned activity, including the post-utilisation of existing installations where necessary;

use of natural and genetic resources (including land, subsoil, soil, water, flora and fauna, depending on the availability of these resources and their location, and wildlife migration routes);

environmental emissions, waste accumulation and waste landfilling;  
cumulative impacts from existing and planned production and other objects;  
the use of technical, technological, organisational, managerial and other design solutions in the planned activity, including the best available techniques in their respective areas of application, where provided for in this Code;

5) rationale for the quantitative and qualitative limits for emissions and physical impacts on the environment;

6) rationale for the waste accumulation limit by type of waste;

7) rationale for the waste landfilling limits by type, if it is envisaged as part of the planned activity;

8) information about the probability of accidents and dangerous natural phenomena specific for the planned activity and its proposed implementation location, as well as description of possible significant negative environmental impacts related to potential accidents and dangerous natural phenomena while taking into account the possibility of corresponding prevention and elimination measures;

9) description of the measures envisaged for the construction and operation periods to prevent, reduce and mitigate the identified significant environmental impacts of the planned activity, including proposed waste management measures, and, if there is uncertainty in the assessment of potential significant impacts, proposed impacts monitoring measures (including the need for post-project analysis of actual impacts after implementation of the planned activity compared to information provided in the potential impact report);

10) assessment of possible irreversible environmental impacts and justification of the need for operations causing such impacts, including a comparative analysis of the losses from irreversible impacts and the benefits from operations causing these losses in environmental, cultural, economic and social contexts;

11) methods and measures for restoring the environment in the event of termination of the planned activity, as determined at the initial stage of its implementation;

12) description of measures to ensure compliance with the other requirements specified in the scoping conclusion for the environmental impact assessment;

13) description of the studies methodology and the sources of environmental information used in the potential impact report;

14) description of the difficulties encountered in conducting studies due to a lack of technical capacity and insufficient level of current scientific knowledge;

15) a short non-technical summary of the information referred to in subparagraphs 1) to 12) of this paragraph to inform the public concerned for its participation in the environmental impact assessment.

5. The information contained in the potential impact report shall meet information quality requirements, including being reliable, accurate, complete and up-to-date. The information in the potential impact report shall be made publicly available, except for the information referred to in paragraph 8 of this Article.

6. A draft potential impact report shall be submitted to the authorised environmental protection body no later than three years from the date the authorised environmental protection body issues its scoping conclusion for the environmental impact assessment. If the initiator misses the specified deadline, the authorised environmental protection body shall terminate the environmental impact assessment process, return the draft potential impact report to the initiator and inform them of the need to submit a new statement about the planned activity.

7. After completing the drafting of the potential impact report, the initiator or the developer of the potential impact report acting under contract with the initiator shall submit the following to the authorised environmental protection body:

1) a draft potential impact report to assess its quality and determine the need for revision in view of the comments and suggestions of stakeholder state bodies and the public concerned, public



hearings results and, in the case provided for in [paragraph 19 of Article 73](#) of this Code, the notes of the expert commission;

2) a covering letter indicating the proposed location, date and start time of the public hearing that was agreed with the local executive bodies of the respective territorial unit.

8. If the report contains commercial, business or other legally protected secrets, the initiator or the developer of the potential impact report acting under a contract with the initiator shall submit to the authorised environmental protection body a draft potential impact report together with the following documents:

1) a statement that identifies the specific information in the draft potential impact report that is not to be disclosed and explains what type of legally protected secret the information relates to;

2) a second copy of the draft potential impact report, in which the relevant information shall be deleted and replaced by the ‘Confidential Information’ phrase.

Upon that, the authorised environmental protection body shall ensure that the public has access to a copy of the potential impact report referred to in part one of this subparagraph to ensure the public’s right of access to environmental information.

The information of the potential impact report on quantitative and qualitative indicators of emissions, physical impacts on the environment, as well as on wastes generated, accumulated and to be landfilled cannot be considered as a commercial or other legally protected secret.

9. The authorised environmental protection body shall be responsible for ensuring the confidentiality of the information indicated by the initiator under the legislation of the Republic of Kazakhstan.

### **Article 73. Public hearings on the draft potential impact report**

1. The draft potential impact report shall be subject to a public hearing involving representatives of the stakeholder state bodies and the public concerned to be held in line with this Article and the rules for public hearings approved by the authorised environmental protection body (hereinafter – the rules for public hearings).

2. The authorised environmental protection body shall, within two business days after receiving the documents referred to in [paragraph 7 of Article 72](#) of this Code:

1) post a draft potential impact report on the official website along with the announcement of the public hearing;

2) send a draft potential impact report to the stakeholder state bodies.

3. The local executive bodies of the relevant territorial units post the draft potential impact report on their official websites within one business day after receiving it from the authorised environmental protection body.

The draft potential impact report shall be available on the websites of the authorised environmental protection body and the local executive bodies of relevant territorial units for at least thirty calendar days from the date of posting.

4. The initiator shall organise the dissemination of an announcement of the public hearings in Kazakh and Russian in at least one newspaper and through at least one television or radio channel distributed or broadcasted across the relevant territorial units located entirely or partially within the affected area.

The announcement of the public hearing shall be circulated by the means referred to in part one of this paragraph at least twenty business days prior to the date of the public hearing. The start date of public hearings shall be set no earlier than the date of expiration of the deadline set forth in part two of paragraph 3 of this Article.

The announcement of the public hearing shall contain the following information:

1) the subject of a public hearing;

2) the place, date and time of the public hearing;

3) a link to the website page of the authorised environmental protection body, where one can view a draft potential impact report and the copy of the statement about the planned activity;

- 4) details and contacts of the initiator of the planned activity;
- 5) an email address and telephone number to obtain further information about the planned activity and public hearings, and to request copies of documents related to the planned activity;
- 6) an email address and postal address of the authorised environmental protection body or its structural units that receive written or electronic comments and suggestions on the draft potential impact report from the public concerned.

5. The initiator shall provide the public upon request with copies of the statement about the planned activity, the notes prepared in line with [paragraph 10 of Article 68](#) of this Code, the conclusion of the screening of planned activity impacts (if applicable), the scoping conclusion for the environmental impact assessment and the draft potential impact report (in electronic form).

6. The costs of organising public hearings, including disseminating the public hearings announcements in the media, providing a venue for such hearings and the necessary equipment and materials, shall be covered by the initiator.

7. The stakeholder state bodies and the public concerned may submit their comments and suggestions on the draft potential impact report in writing (in hard copy or electronic format) to the authorised environmental protection body no later than three business days before the date of the public hearing, or they may present them orally during the public hearing.

The authorised environmental protection body enters the comments and suggestions received from the stakeholder state bodies and the public concerned in writing into a summary table, which is submitted to the public hearing together with the draft potential impact report.

8. Public hearings shall not take into account comments and suggestions made by the stakeholder state bodies and the public concerned that are not specific and do not reflect the essence of the comments and suggestions or are clearly irrelevant to the matters to be studied under the environmental impact assessment.

9. Public hearings are open to anyone who wishes to take part, regardless of where they reside. Any person participating in the public hearing may make comments and suggestions on the draft potential impact report under the established procedure for public hearings.

10. The procedure for public hearings, including approval of the rules, taking notes of the meeting, forwarding them to the authorised environmental protection body and their communication to the public, are established by the rules for public hearings.

11. Public hearings are chaired by a representative of the local executive body of the relevant territorial unit.

The local executive body of the relevant territorial unit ensures that the entire course of the public hearing is recorded in video and audio. The electronic media with the video and audio recording of the public hearing is attached to the notes (minutes) of the public hearing.

12. The duration of the public hearing shall not exceed five consecutive business days.

13. After the public hearings are finished, its notes in the form established by the rules of the public hearings shall be drawn up and shall include:

- 1) all comments and suggestions by the stakeholder state bodies and the public concerned, submitted in writing pursuant to paragraph 7 of this Article or presented during the public hearings, except for those comments and suggestions that have been withdrawn by their authors during the public hearings;

- 2) the initiator’s answers and comments to each comment and suggestion included in the notes in line with subparagraph 1) of this paragraph;

- 3) information on the right to challenge the notes in line with the legislation of the Republic of Kazakhstan.

14. The secretary of the public hearing draws up the notes of the public hearing and is responsible for the completeness and accuracy of the information contained therein. The notes are signed by the chairman and the secretary of the public hearing within two business days after the public hearing was finished.

15. The local executive body of the respective territorial unit posts the signed notes on the official website no later than two business days after the signing.

16. After signing the notes of the public hearing:

1) if there are no comments and suggestions from the stakeholder state bodies and the public concerned not withdrawn by their authors during the public hearing, the chairman of the public hearing shall, within two business days, send the signed notes to the authorised environmental protection body to prepare a conclusion of the environmental impact assessment in line with [Article 76](#) of this Code;

2) if the notes contain comments and suggestions of the stakeholder state bodies and the public concerned not withdrawn by their authors during the public hearing, the initiator shall revise the draft potential impact report according to these comments and suggestions and submit the revised draft potential impact report to the authorised environmental protection body.

17. After the authorised environmental protection body receives the revised draft potential impact report, a repeated public hearing shall be organised and held in line with paragraphs 1 to 15 and 18 of this Article.

18. The repeated public hearings review the draft potential impact report in the part revised according to the comments and suggestions included in the notes of the initial public hearings. If any of the comments and suggestions included in the notes of the initial public hearing were not addressed when revising the draft potential impact report, the reasons for the initiator’s refusal to revise the draft potential impact report in this part shall also be considered during the repeated public hearings.

Any person participating in the repeated public hearing may make comments and suggestions within the scope of the matters to be considered in the repeated public hearing pursuant to part one of this paragraph. Comments and suggestions that do not relate to these matters shall not be considered during the repeated public hearing.

19. If the initiator disagrees with the comments and suggestions of the stakeholder state bodies and the public concerned, which were not withdrawn by their authors during the repeated public hearings, the corresponding opinion of the initiator shall be documented in the notes of the repeated public hearings and the disagreement on the disputed issues shall be resolved under [Article 74](#) of this Code.

#### **Article 74. Expert commission**

1. Within two business days after signing the notes of the repeated public hearing, the authorised environmental protection body shall in the case referred to in [paragraph 19 of Article 73](#) of this Code:

1) form an expert commission, chaired by a representative of the department of the authorised environmental protection body;

2) send copies of the revised draft potential impact report and the notes of the initial and repeated public hearings to the members of the expert commission;

3) set the dates for the expert commission meeting.

The authorised environmental protection body sends invitations to accredited non-profit organisations to form the expert commission. The final composition of the expert commission includes one representative from each of the accredited non-profit organisations who have confirmed in writing their willingness to participate in the expert commission.

2. The expert commissions are collegial, consultative and advisory bodies, convened to consider each individual draft potential impact report.

3. Expert commissions act in accordance with this Code and the regulations on expert commissions approved by the authorised environmental protection body.

4. The members of the expert commission are:

1) chairperson of the expert commission represented by a representative of the department of the authorised environmental protection body with environmental regulation and control functions;

2) one representative from each stakeholder state body;  
3) one representative of the National Chamber of Entrepreneurs of the Republic of Kazakhstan;

4) a representative of accredited non-profit organisations who have expressed a wish to participate in the work of the expert commission.

5. The initiator, members of the expert commission have the right to invite to the meetings of the expert commission independent experts from among representatives of the expert community (scientists, recognised practitioners) who have relevant professional knowledge and practical experience on the matters to be considered. Independent experts invited to the expert commission meetings present their independent opinion on the matters under consideration within the scope of their professional knowledge and practical experience and do not participate in voting of the expert commission.

6. A meeting of the expert commission shall commence no later than twenty business days after copies of the draft potential impact report and the notes of the public hearing have been sent to its members.

7. Within ten business days of receiving copies of the draft potential impact report and the public hearing notes, all members of the expert commission send their comments and suggestions on the disputed issues brought before the expert commission to its chairperson.

8. The chairperson of the expert commission notifies the initiator about the place and time of the expert commission meeting and provides them with the comments and suggestions of the commission members at least seven business days before the date of the meeting.

9. The expert commission meeting is held with the participation of the initiator and the developer of the draft potential impact report.

10. During the expert commission meeting:

1) the initiator and the developer of the potential impact report make a report regarding:  
the planned activity;  
its expected significant environmental impacts and the required prevention, reduction and (or) mitigation measures;

measures taken to revise the draft potential impact report in response to the comments and suggestions received in the public hearings;

the comments and suggestion to the draft potential impact report submitted during the public hearing that were addressed when revising the draft report;

the divisive comments and suggestions made during the public hearings that were not taken into account when revising the draft report and the reasons why such comments and suggestions were not taken into account;

2) the expert commission members, the initiator and the developer of the potential impact report hold a discussion on divisive issues brought before the expert commission and hear the opinions of invited independent experts;

3) the expert commission decides, by open vote, on divisive issues related to the planned activity and its possible environmental impacts and on whether or not it is necessary to revise the draft potential impact report in this regard.

11. Decisions of the expert commission are made by at least two-thirds of all its members and are documented in the notes of the expert commission meeting.

The expert commission members who voted against the decision of the expert commission have the right to form a dissenting opinion, which is attached to the notes of the expert commission meeting.

12. The expert commission meetings shall be completed no later than five calendar days from the date of their commencement.

The notes of the expert commission meeting are drawn up, reflecting all comments and suggestions made during the meeting by the expert commission members, the initiator and the report developer, as well as the opinions of invited independent experts and the decisions made.

The notes are signed by the chairperson and all the present expert commission members no later than the time period specified in part one of this paragraph.

13. The authorised environmental protection body reviews the notes of the expert commission meeting when preparing the conclusion on the draft potential impact report.

14. If the expert commission decides that the draft potential impacts report should be revised, the authorised environmental protection body shall send the draft report to the initiator for revision, after which the provisions of Article 73 of this Code shall be applied again.

15. The expert commission members shall not disclose information constituting state, commercial and other secrets protected by law that they obtained while working in the expert commission, except for cases stipulated by the laws of the Republic of Kazakhstan, as well as environmental information, publicity of which is guaranteed by this Code.

#### **Article 75. Assessment of transboundary impacts under the environmental impact assessment**

1. If there are grounds provided for in [subparagraph 1\) of paragraph 1 of Article 80](#) of this Code, the environmental impact assessment shall include a transboundary impacts assessment.

2. The transboundary impacts assessment takes place in line with Section 4 of this Chapter and the international treaties of the Republic of Kazakhstan.

#### **Article 76. Conclusion of the environmental impact assessment**

1. The authorised environmental protection body shall, within ten business days following the day of receipt of the public hearing notes that indicated no comments and suggestions from stakeholder state bodies and the public concerned, or the day of signing the notes of the expert commission meeting in line with [Article 74](#) of this Code, issue a conclusion of the environmental impact assessment.

The conclusion of the authorised environmental protection body on the results of the environmental impact assessment shall base on the draft potential impact report while taking into account its possible revision in line with this Code, on the public hearings notes indicating no comments and suggestions from stakeholder state bodies and the public concerned, on the notes of the expert commission meeting (if any), and, if a transboundary impacts assessment is necessary, on its results as well.

2. Conclusion of the environmental impact assessment shall contain:

1) description of the types of operations envisaged under the planned activity and the location where they will be carried out;

2) conclusion about:

the possible significant environmental impacts of the planned activity;

the permissibility of the planned activity subject to the conditions under the conclusion;

3) the conditions under which the planned activity is deemed permissible, including:

conditions for the protection of the environment, human life and (or) health that the initiator of the planned activity must observe, including during the stages of design, construction, reconstruction, operation, post-utilisation of installations and elimination of the planned activity implications, as well as information on the measures required to ensure compliance with such conditions to be considered by the authorised state bodies when making decisions related to the planned activity;

quantitative and qualitative limits on emissions and physical impacts on the natural environment;

a limit on the amount of waste to be accumulated by type of waste;

waste landfilling limits by type, if it is envisaged as part of the planned activity;

if a post-project analysis is required under the potential impact report: the objectives, scope and timing of the post-project analysis, the requirements for its contents, the deadlines for



submitting post-project analysis reports to the authorised environmental protection body and, where appropriate, to other state bodies;

conditions and measures required to prevent accidents and to limit and eliminate their consequences;

the initiator’s obligations to prevent, reduce and (or) mitigate the negative environmental impacts of the planned activity, as well as to eliminate possible environmental damage, if the planned activity may cause such damage;

4) information about the transboundary impacts assessment results (if applicable).

3. The conclusion of the environmental impact assessment is supported by a justification, which shall include:

1) the main arguments and findings that served as the grounds for the conclusion;

2) information about holding public hearings (distribution of announcements of public hearings, providing information and documents to the public, the public hearing process), considering the public comments and suggestions and conclusions reached as a result of their consideration;

3) summary of the information obtained from consulting stakeholder state bodies, holding public hearings and transboundary impacts assessment (if any), the expert commission’s review of the draft potential impact report, with an explanation of how the said information was taken into account in reaching the conclusion of the environmental impact assessment.

4. The authorised environmental protection body shall, within two business days following the day of issuing the conclusion of the environmental impact assessment:

1) post the conclusion of the environmental impact assessment on the official website;

2) send the electronic version of the conclusion of the environmental impact assessment to the initiator;

3) send the conclusion of the environmental impact assessment to the local executive bodies of the relevant territorial units located entirely or partially within the affected area, which shall post the conclusion on their official websites not later than one business day after the day of receiving the conclusion.

5. All state bodies shall take into account the findings and conditions contained in the conclusion of the environmental impact assessment, when granting permits, accepting notifications and during other administrative procedures related to the planned activity in question.

6. Project design documents developed to implement the planned activity shall include technical, technological, organisational, managerial and other design solutions, including the use of the best available techniques in cases specified in this Code, that ensure compliance with the environmental legislation of the Republic of Kazakhstan and compliance with the findings and conditions within the conclusion of the environmental impact assessment.

7. The validity period of the conclusion of the environmental impact assessment is three years.

#### **Article 77. Responsibility for the content of the potential impact report**

1. The developer of the potential impact report shall be civilly liable to the initiator for the quality of the potential impact report and other environmental impact assessment results obtained by the developer under the contract concluded between them.

2. The developer of the potential impact report and the initiator shall be liable under the laws of the Republic of Kazakhstan for withholding obtained information on environmental impacts and submitting false information during the environmental impact assessment.

3. The authorised environmental protection body monitors the compliance with the requirements of the environmental legislation of the Republic of Kazakhstan during the environmental impact assessment.

#### **Article 78. Post-project analysis of the actual impacts of planned activities**

1. The post-project analysis of the actual impacts of planned activity (hereinafter – the post-project analysis) is held by the developer of the potential impact report to confirm the compliance of the implemented planned activity with the potential impact report and the conclusion of the environmental impact assessment.

The post-project analysis shall be initiated no earlier than twelve months and completed no later than eighteen months after the start of operation of the installation negatively affecting the environment.

The post-project analysis is organised by the installation operator at their own expense.

2. The developer of the potential impact report drafts and signs the conclusion of the post-project analysis before the time period indicated in part two of paragraph 1 of this Article, where they conclude if the implemented planned activity complies with the potential impact report and the conclusion of the environmental impact assessment. If any discrepancies are identified, their detailed description shall be provided in the conclusion of the post-project analysis.

The developer sends the signed conclusion of the post-project analysis to the relevant installation operator and to the authorised environmental protection body within two business days after its signing.

The authorised environmental protection body within two business days of receiving the conclusion of the post-project analysis posts it on the official website.

3. The procedure for the post-project analysis and the form of the conclusion of the post-project analysis are determined and approved by the authorised environmental protection body.

The authorised environmental protection body receiving the conclusion of the post-project analysis is grounds for carrying out preventive inspection without a visit to the subject (object) under inspection.

4. The developer shall be administratively and criminally liable under the laws of the Republic of Kazakhstan for withholding information obtained in the post-project analysis and presenting false information in the conclusion of the post-project analysis.

#### **Article 79. Methodological support for environmental impact assessment**

1. The environmental impact assessment is carried out in line with the guidance documents on environmental impact assessment approved by the authorised environmental protection body.

2. The authorised environmental protection body, within its remit, monitors the compliance with the requirements of the guidance documents on environmental impact assessment by the persons licensed to perform environmental protection works and services.

### **Section 4. Transboundary impacts assessment**

#### **Article 80. Grounds for transboundary impacts assessment**

1. A transboundary impacts assessment is carried out if:

1) a planned activity to be carried out in the Republic of Kazakhstan may have a significant negative transboundary impact on the environment on the territory of another state;

2) implementing a Document in the Republic of Kazakhstan may have a significant negative transboundary environmental impact on the territory of another state;

3) implementing the planned activity or the Document outside of the Republic of Kazakhstan may have a significant negative transboundary environmental impact on the territory of the Republic of Kazakhstan.

2. The transboundary impacts assessment shall be carried out, if it is envisaged by the international treaties of the Republic of Kazakhstan and under the provisions of such treaties and the legislation of the Republic of Kazakhstan.

3. The grounds referred to in subparagraphs 1) and 2) of paragraph 1 of this Article are identified:

1) by the initiator of the planned activity to be carried out in the Republic of Kazakhstan, when preparing the statement about the planned activity or later during its environmental impact assessment;

2) by the state body developing the Document of the Republic of Kazakhstan during the strategic environmental assessment;

3) by the authorised environmental protection body, when exercising its functions in environmental impact assessment and strategic environmental assessment.

4. The developer state body starts to collect the information needed to assess the probability, nature and scale of possible transboundary environmental impacts of the Document implementation before submitting the request for the Document impact screening or, if the Document is not subject to screening, when defining the scope of the strategic environmental assessment report.

The initiator starts to collect information on the possible significant negative transboundary environmental impacts of the planned activity before applying for the decision on the assessment results.

As additional information becomes available, the grounds listed in subparagraphs 1) and 2) of paragraph 1 of this Article may be identified in the course of further strategic environmental assessment or environmental impact assessment.

The authorised environmental protection body checks for the presence of grounds listed in subparagraphs 1) and 2) of paragraph 1 of this Article during the Document or planned activity impacts screening, as well as during the strategic environmental assessment or environmental impact assessment.

5. The authorised environmental protection body is responsible for holding the transboundary impacts assessment.

### **Article 81. Initiating transboundary impacts assessment in cases where the Republic of Kazakhstan is responsible for their origin**

1. If there are grounds listed in [subparagraphs 1\) and 2\) of paragraph 1 of Article 80](#) of this Code, the authorised environmental protection body shall issue an order to start a transboundary impacts assessment.

2. The order to start a transboundary impacts assessment (hereinafter – the order) shall contain:

1) decision to initiate a transboundary impacts assessment and to suspend all previously initiated administrative procedures related to strategic environmental assessment or environmental impact assessment;

2) for a strategic environmental assessment – a list of documents and (or) information requested from the developer state body, including:

a request for the Document impact screening;

a request for defining the scope of the strategic environmental assessment report;

a conclusion of the Document impact screening;

a scoping conclusion for the strategic environmental assessment report;

the draft concept of the Document, if its development is envisaged by the legislation of the Republic of Kazakhstan;

information on the main directions and implementation timeframe of the Document that does not require preliminary development of the concept under the legislation of the Republic of Kazakhstan;

section of the draft Document containing information on the possible transboundary environmental impacts of its implementation;

section of the strategic environmental assessment report containing information on possible transboundary environmental impacts of the Document implementation;

3) for environmental impact assessment – a list of documents and (or) information requested from the initiator of the planned activity, including:

statement of the initiator about the decision based on transboundary impacts assessment;

statement about the planned activity;

a conclusion of the screening of planned activity impacts;

a scoping conclusion for the environmental impact assessment;

an excerpt from the potential impact report containing information on possible transboundary environmental impacts of the planned activity;

4) the requirements for the documents and (or) information listed in subparagraphs 2) and 3) of this paragraph as specified in paragraph 3 of this Article.

3. The documents and (or) information listed in subparagraphs 2) and 3) of paragraph 2 of this Article shall be submitted in electronic form in the Kazakh or Russian language.

4. The authorised environmental protection body no later than the business day following the day of passing the order shall send or deliver its copy to the developer state body or the initiator.

5. The authorised environmental protection body, within three business days following the day of receiving from the developer state body or initiator the documents that meet the requirements specified in the order, shall send the following documents to the Ministry of Foreign Affairs of the Republic of Kazakhstan for forwarding them to the affected parties:

1) a letter containing:

information about the Document or the planned activity, including all available information about the possible transboundary environmental impact of the Document or the planned activity;

information on the manner and legal implications of approving the Document or deciding on the assessment results;

information on the procedure for strategic environmental assessment or environmental impact assessment, including deadlines for submitting comments and suggestions by stakeholder state bodies and the public concerned;

notification of the deadline for affected parties to respond on their willingness to participate in the transboundary impacts assessment, which shall not exceed fifteen calendar days;

2) documents and (or) information provided by the developer state body or initiator as required by the order;

3) additional material, if available and likely to influence the decision of the affected party to participate in the transboundary impacts assessment.

6. If the affected parties refuse to participate in the transboundary impacts assessment or if they fail to provide a response within the period specified in the notification, the authorised environmental protection body shall, within the business day following that period, adopt an order to terminate the transboundary impacts assessment and resume previously initiated administrative procedures related to the strategic environmental assessment or environmental impact assessment, notifying the relevant developer state body or the initiator of the planned activity.

7. If at least one of the affected parties, which has received the documents sent to it under paragraph 5 of this Article, informs within the period specified in the notification of its intention to participate in the transboundary impacts assessment, the authorised environmental protection body shall, within five business days, organise with such party an initial consultation to exchange information and establish the procedure, timing, place of further consultation, language of information and (or) documents to be submitted to the affected party and other conditions of the transboundary impacts assessment.

The total duration of consultation with affected parties on the transboundary impacts assessment shall not exceed one hundred and eighty calendar days.

## **Article 82. Procedure for transboundary impacts assessment**

1. The authorised environmental protection body organises consultations with the affected parties according to the procedure and terms agreed upon during the initial consultations.

The parties may agree during consultations on the procedure and terms for participation in the strategic environmental assessment or environmental impact assessment of the public of affected parties along with the public of the Republic of Kazakhstan.

2. The authorised environmental protection body upon completion of the strategic environmental assessment report and its quality assessment or upon completion of the potential impact report identifies the sections of the Document, the strategic environmental assessment report, the potential impact report, other documentation and (or) information related to the strategic environmental assessment or the environmental impact assessment to be translated into the language determined during consultations of the Republic of Kazakhstan with the affected parties and notifies the developer state body or the initiator of the planned activity about it.

3. Within fifteen business days following the day of receipt of the notification referred to in paragraph 2 of this Article, the developer state body or initiator of the planned activity submits sections from the Document, the strategic environmental assessment report or potential impact report with other documentation and (or) information related to the strategic environmental assessment or environmental impact assessment with their notarised translation into the language indicated in the notification to the authorised environmental protection body.

The authorised environmental protection body, within five business days following the day of receiving the information and other documents that meet the requirements of part one of this paragraph, shall send them to the Ministry of Foreign Affairs of the Republic of Kazakhstan for forwarding them to the affected parties taking part in the transboundary impacts assessment.

4. The authorised environmental protection body, using the Document, the strategic environmental assessment report, the potential impacts report, and other information and documents related to the potential transboundary environmental impacts of the Document or planned activity as a basis, organises consultations with the affected parties to discuss:

- possible alternative provisions of the Document or planned activity implementation options;
- possible measures to mitigate transboundary impacts and monitor the effects of such measures at the expense of the party of origin;
- other forms of mutual assistance of the parties to reduce any transboundary environmental impact of the Document or planned activity implementation.

5. Consultations with affected stakeholders may include the collection of comments and suggestions from their stakeholder state bodies and the public concerned in a manner and within a timeframe agreed during the consultation process, as well as their participation in public hearings held in relation to the draft Document, the strategic environmental assessment report and the potential impact report in line with this Code and the rules for public hearings.

6. The authorised environmental protection body ensures that comments and suggestions received during consultations with affected parties, as well as those submitted by their stakeholder state bodies and the public concerned, are reviewed and taken into account when performing its functions related to the strategic environmental assessment or environmental impact assessment.

When preparing the draft Document and the strategic environmental assessment or potential impact report, the developer state body and the initiator shall consider and take into account the results of the consultations with the affected parties, as well as the comments and suggestions made by their stakeholder state bodies and the public concerned.

The state body responsible for approving the Document shall take into account the results of the consultations with the affected parties and comments and suggestions made by their stakeholder state bodies and the public concerned when approving the Document.

7. The developer state body and initiator shall provide the following documents and (or) information with their notarised translation into the language decided on in consultation with the affected parties to the authorised environmental protection body:

- sections of the environmental report in the final version and of the approved Document;
- sections of the decision on the assessment results;



explanation of how the preparation of the strategic environmental assessment report, approval of the Document or decision-making on the assessment results has taken into account the consultations with affected parties, comments and suggestions of their stakeholder state bodies and the public concerned, as well as the reasons for selecting among the available alternatives those provisions that were included in the approved Document or final decision;

a copy of the permit or notification acceptance ticket issued or accepted by the state body according to the decision on the assessment results (if the planned activity subject to environmental impact assessment requires permits or notifications to be sent to state bodies under [the legislation on Permits and Notifications of the Republic of Kazakhstan](#)).

The sections of the documents referred to in paragraphs two and three of part one of this paragraph are determined by the authorised environmental protection body.

8. The developer state body and the initiator shall provide the authorised environmental protection body with the post-project analysis reports (if it was deemed necessary under the assessment decision or agreement with the affected party) or reports on the monitoring of significant environmental impacts of the Document implementation with a notarised translation into a language determined in consultation with the affected parties.

9. The authorised environmental protection body, within five business days following the day of submitting the documents indicated in paragraphs 7 and 8 of this Article, shall send them to the Ministry of Foreign Affairs of the Republic of Kazakhstan for forwarding them to the affected parties taking part in the transboundary impacts assessment.

10. If the developer state body, the initiator or stakeholder state bodies of the Republic of Kazakhstan become aware of additional information that affects the results of the transboundary impacts assessment or if an affected party informs that it has such information, the authorised environmental protection body shall consult with the affected party, where the parties shall consider making appropriate changes to the approved Document, the decision on the assessment results or the adoption of measures to eliminate or mitigate significant negative transboundary impacts.

### **Article 83. Rights and obligations of the initiator, the developer state body and the authorised environmental protection body in the transboundary impacts assessment**

1. The initiator and the developer state body have the right to participate in the transboundary impacts assessment, including consultation with affected parties.

2. The initiator and the developer state body shall be responsible for:

1) identifying possible significant negative transboundary environmental impacts of the planned activity or Document;

2) reflection of full and well-grounded information on possible significant negative transboundary environmental impacts in the documents that were submitted for the Document impact screening, defining the scope of the strategic environmental assessment report, screening the planned activities impacts, defining the scope of the environmental impact assessment;

3) proper assessment of possible significant negative transboundary impacts in a strategic environmental assessment report or potential impact report;

4) submitting to the authorised environmental protection body the documents to be forwarded to affected parties that comply with the requirements of this Code;

5) providing translation services of adequate quality, if there are public hearings with the participation of the public members concerned of affected parties;

6) assisting the authorised environmental protection body in the transboundary impacts assessment;

7) taking into account the results of consultations with affected parties, as well as all comments and suggestions from their stakeholder state bodies and public concerned, including during public

hearings and when drafting the strategic environmental assessment report, the Document and the potential impact report;

8) submitting to the authorised environmental protection body for forwarding to the affected parties a copy of the permit or notification acceptance ticket issued or accepted by the state body according to the assessment results with their notarised translation into a language determined in consultations of the Republic of Kazakhstan with the affected parties (if the planned activity subject to environmental impact assessment requires permits or notifications to be sent to state bodies under the [legislation](#) on Permits and Notifications of the Republic of Kazakhstan).

3. The initiator bears the burden of the costs associated with the transboundary impacts assessment, unless the legislation of the Republic of Kazakhstan indicates that such costs are reimbursed from the budget or unless consultations with the party of origin of the transboundary impact determine that such costs are reimbursed by that party of origin.

4. The authorised environmental protection body shall:

1) post all materials related to the transboundary impacts assessment on the official website and make them publicly available;

2) submit to the Ministry of Foreign Affairs of the Republic of Kazakhstan documents for forwarding them to affected parties within three business days following their receipt from the initiator or the developer state body, unless a different time period is indicated by this Code and agreed in consultation with the affected party taking part in the transboundary impacts assessment.

#### **Article 84. Participation of the Republic of Kazakhstan as an affected party in transboundary impacts assessment**

1. If the Republic of Kazakhstan receives a notification from a foreign state on the planning of activities or development of a Document, the implementation of which may have a significant negative transboundary environmental impact on the Republic of Kazakhstan, the authorised environmental protection body shall organise the participation of the Republic of Kazakhstan as an affected party in the transboundary impacts assessment.

2. Within two business days following the day of receipt of the notification referred to in paragraph 1 of this Article, the authorised environmental protection body posts on the official website a notification and an invitation to the public of the Republic of Kazakhstan to express their opinion on the need to hold a transboundary impacts assessment and to submit comments and suggestions on matters related to the planned activity and the Document under development.

3. If there are grounds to believe that implementing an activity or a Document outside of the Republic of Kazakhstan may have a significant negative transboundary environmental impact on the territory of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, as advised by the authorised environmental protection body, may request the state of origin of such transboundary impact to hold a transboundary impacts assessment.

4. Once the transboundary impacts assessment has been initiated, the authorised environmental protection body shall:

1) ensure that the public concerned and the local executive bodies of the affected areas are informed about the assessment;

2) ensure that public hearings are held in line with [Article 73](#) of this Code;

3) consult with the state of origin of such transboundary impact as part of the transboundary impacts assessment.

5. The costs of informing the public and the local executive bodies of the affected areas about the transboundary impacts assessment are reimbursed from the budget, unless consultations with the party of origin of the transboundary impact reveal that such costs are to be borne by the party of origin.

## **Chapter 8. ENVIRONMENTAL REVIEW**

### **Article 85. General provisions on environmental review in the Republic of Kazakhstan**

1. Environmental review is an expert activity aimed to establish if the documentation submitted for environmental review complies with the requirements of the environmental legislation of the Republic of Kazakhstan and is held to prevent the implementation of such documentation from causing possible significant negative impacts on public health and the environment, as well as to ensure ecological foundations for sustainable development of the Republic of Kazakhstan.

2. This Code defines the implementation of the documentation submitted for environmental review as the approval of this documentation, the commencement and process of activities according to the decisions under such documentation, and in relation to a draft regulatory legal act – its adoption and enactment.

3. This Code establishes requirements for the following types of environmental review:

- 1) the state environmental review;
- 2) the public environmental review.

### **Article 86. Principles of the environmental review**

In addition to the general principles set out in [Article 5](#) of this Code, the environmental review takes place in line with the following special principles:

1) principle of independence: experts carrying out environmental review are free in their assessments and conclusions, are guided by the environmental legislation of the Republic of Kazakhstan, facts and scientific principles for their reasoning;

2) principle of evidence-based approach and objectivity: the environmental review conclusions shall be reasoned, comply with the requirements of the legislation of the Republic of Kazakhstan, the level of modern development of science and technical achievements and base on an impartial and unbiased opinion of experts.

## **Section 1. State environmental review**

### **Article 87. Objects that undergo the state environmental review**

The following objects are subject to mandatory state environmental review:

1) design documentation for the construction and (or) operation of Category I and II installations and other design documents required for obtaining environmental permits under this Code;

2) design documentation for the construction and (or) operation of Category III installations and other design documents required for drafting an environmental impact declaration under this Code;

3) drafts of regulatory legal acts with possible negative environmental impacts that are developed by central state bodies and local state authorities of the Republic of Kazakhstan;

4) draft scientific and feasibility studies for creating and expanding conservation areas, including their functional zoning and master plans for infrastructure development, transfer of lands of conservation area into undistributed lands, abolition or reduction of state natural sanctuaries of national and local significance and state reserve areas of national significance, management plans of nature conservation organisation developed under the [Law](#) on Conservation Areas of the Republic of Kazakhstan;

5) materials of the territories evaluation that justify declaring these territories as environmental disaster or environmental emergency areas;

6) projects of economic activity with possible impact on the environment of neighbouring states or which requires the use of natural objects shared with neighbouring states or which affects

the interests of neighbouring states, including the Baikonur complex, determined by international treaties of the Republic of Kazakhstan;

7) materials of a comprehensive environmental evaluation of lands where nuclear weapons tests were conducted in the past, as well as those affected by military testing grounds;

8) forest management projects of state forest management and (or) special studies for categorisation of the state forest reserve, transfer from one category to another, as well as allocation of specially protected areas, where forest use is prohibited or restricted;

9) design documents for activities that do not require an environmental permit, for which the laws of the Republic of Kazakhstan require a positive conclusion of the state environmental review.

The state environmental review of the objects specified in subparagraph 1) of this paragraph takes place under the procedure for granting environmental permits without issuing a separate conclusion of the state environmental review.

### **Article 88. Bodies carrying out the state environmental review**

1. The authorised environmental protection body organises and holds state environmental review of:

1) design documentation for the construction and (or) operation of Category I installations as part of the procedure for granting an environmental permit or reviewing the integrated environmental permit;

2) design documentation for the construction and (or) operation of Category II installations as part of the procedure for granting an integrated environmental permit, if voluntarily obtained by operators;

3) the objects of state environmental review referred to in [subparagraphs 3\) to 8\) of part one of Article 87](#) of this Code.

The remit of the authorised environmental protection body in relation to other objects of state environmental review under the laws of the Republic of Kazakhstan is determined by the rules for holding the state environmental review approved by the authorised environmental protection body (hereinafter – the rules for holding the state environmental review).

Distribution of the functions and powers related to the state environmental review between the authorised environmental protection body, its structural and territorial bodies is determined by the authorised environmental protection body.

2. The local executive bodies of oblasts, cities of national significance, and the capital hold state environmental review of:

1) design documentation for the construction and (or) operation of Category II installations as part of the procedure for granting environmental permits;

2) design documentation for the construction and (or) operation of Category III installations when preparing an environmental impact declaration;

3) other objects of state environmental review under the laws of the Republic of Kazakhstan, whose state environmental review is not within the remit of the authorised environmental protection body.

### **Article 89. Procedure for the state environmental review**

1. The state environmental review is organised and conducted under this Code and the rules for holding the state environmental review.

2. The documentation for the state environmental review is submitted in electronic form in line with the rules for holding the state environmental review.

3. The time limits for the state environmental review, as well as the procedure and time limits for experts to send the comments and the applicant to address them are determined by:

1) procedure for granting integrated environmental permits – [Article 115](#) of this Code;

2) procedure for revising integrated environmental permits – [Article 118](#) of this Code.

4. The time limits for the state environmental review, as well as the procedure and time limits for experts to send the comments and the applicant to address them under the procedure for granting environmental permits are defined by [Article 123](#) of this Code.

5. The time limit for the state environmental review, as well as the procedure and time limits for experts to send the comments and the applicant to address them, the grounds for issuing a negative conclusion of state environmental review for the objects indicated in [Article 87](#) of this Code with exception of subparagraphs 1) and 2) of [Article 87](#) of this Code are determined by the rules for holding the state environmental review.

6. The time limit for the state environmental review of objects referred to in [subparagraph 2\) of Article 87](#) of this Code shall not exceed fifteen business days from the date of submitting a set of documents under paragraph 2 of this Article.

The local executive body issuing the conclusion of the state environmental review shall examine the documents for adequacy and completeness within three business days from the date of registration. During this period, the application is accepted for consideration or rejected, if the set of documents and (or) information within them is incomplete with an indication of the reasons for the returning the application.

If there are any comments on the project design and its accompanying materials submitted for state environmental review, the experts shall within seven business days send such comments to the person who submitted them, which shall be addressed by the applicant within three business days from the date of their receipt.

If the comments are not acted upon, a negative conclusion of the state environmental review is issued within the time limit mentioned in part one of this paragraph.

If the comments are addressed, a positive conclusion of the state environmental review is issued.

#### **Article 90. Conclusion of the state environmental review**

1. Positive conclusion of the state environmental review contains findings about:

- 1) compliance of the documentation submitted for state environmental review with the requirements of the environmental legislation of the Republic of Kazakhstan;
- 2) the permissibility of the decision to implement the documentation submitted for state environmental review.

2. If the documentation submitted for the state environmental review does not meet the requirements of the environmental legislation of the Republic of Kazakhstan, a negative conclusion of the state environmental review shall be issued.

3. Implementing the documentation submitted for a state environmental review before obtaining a positive conclusion of a mandatory state environmental review is prohibited.

4. The conclusion of the state environmental review is signed by the heads of the department of the authorised environmental protection body, its territorial bodies within their remit determined under [paragraph 2 of Article 88](#) of this Code.

5. Annulment of the positive conclusion of the state environmental review is done by its issuing body basing on a written request or consent of its holder.

6. If a violation of requirements under the environmental legislation of the Republic of Kazakhstan is revealed, the positive conclusion of the state environmental review shall be withdrawn (revoked) in a judicial procedure.

#### **Article 91. Rights of heads of units performing the state environmental review**

1. The heads of units performing the state environmental review have the rights to:

- 1) determine the methods of the state environmental review;
- 2) reject documents submitted for state environmental review not meeting the requirements of the environmental legislation of the Republic of Kazakhstan in terms of their completeness;



3) send reasoned comments to the documents submitted for state environmental review in line with this Code, including returning for revision those documents that contain errors in calculations and other inconsistencies, the correction of which requires additional study, research or other measures;

4) request additional materials needed for the state environmental review, the submission of which is regulated by the rules for holding the state environmental review;

5) form expert councils of state environmental review in line with this Code, chair them and organise their operation;

6) involve external experts to carry out special studies in the course of the state environmental review;

7) supervise the activities of the units performing state environmental review and the expert councils;

8) prepare and submit relevant materials to law enforcement and other bodies for them to decide on the need to prosecute the individuals/entities responsible for breaching the requirements of the environmental legislation of the Republic of Kazakhstan in relation to the state environmental review.

2. When organising and conducting the state environmental review, the heads of units indicated in paragraph 1 of this Article are independent and act in accordance with the legislation of the Republic of Kazakhstan.

3. Independence of heads of units is ensured by the corresponding regulations, approved by the authorised environmental protection body and containing conditions, not contradicting the legislation of the Republic of Kazakhstan.

#### **Article 92. Expert of the state environmental review**

1. The expert of the state environmental review is a civil servant of the unit of the authorised environmental protection body that carries out the state environmental review.

2. A person who is closely related or related by marriage to the heads of the applicant or the developer of the object of state environmental review shall not be involved in the state environmental review.

3. The expert of the state environmental review is responsible for their review under the laws of the Republic of Kazakhstan.

4. State bodies, individuals, legal entities and officials are not allowed to interfere in the activities of the expert of the state environmental review that are related to the state environmental review.

5. Violated rights of an expert of the state environmental review shall be protected. Individuals/entities guilty of this violation shall be held liable under the laws of the Republic of Kazakhstan.

6. The expert of the state environmental review has the right to:

1) within the duration of the state environmental review, request additionally required materials, the submission of which is regulated by the rules for holding the state environmental review to ensure a comprehensive and objective assessment of the documentation submitted for the state environmental review;

2) initiate the involvement of external experts to conduct special studies in the course of the state environmental review;

3) make proposals to the head of the unit performing state environmental review for improving the organisation of state environmental review, its methodology, procedure and underlying principles;

4) form a dissenting opinion on the documentation submitted for the state environmental review, which is attached to the conclusion of the state environmental review. The dissenting opinion of the expert is informative only and complying with it is not mandatory when implementing the documentation submitted for the state environmental review.

7. The expert of the state environmental review shall:

- 1) ensure a comprehensive, unbiased and high quality state environmental review;
- 2) hold state environmental review in line with the requirements of the environmental legislation of the Republic of Kazakhstan;
- 3) comply with the established time limits and procedures for the state environmental review;
- 4) prepare reasoned conclusions of the state environmental review and send them in a timely manner to the bodies deciding on the implementation of the documentation submitted for the review and the requesters;
- 5) justify with arguments the comments to the documents submitted for state environmental review, indicating specific norms and requirements of the environmental legislation of the Republic of Kazakhstan and (or) the conclusions of the environmental impact assessment findings, if mandatory environmental impact assessment is required under this Code;
- 6) ensure the integrity of the documentation submitted for the state environmental review and coordinate their actions related to confidential documents with the person providing them, not to disclose information entrusted to them.

**Article 93. Involvement of external experts in the state environmental review**

1. If the state environmental review requires special knowledge that the experts of state environmental review do not possess, the bodies holding the state environmental review have the right to request expert opinions from other state bodies and organisations, as well as from individual national and international experts who have the relevant knowledge and experience.

2. External experts are involved in line with [the legislation on State Procurement](#) of the Republic of Kazakhstan.

**Article 94. Expert councils of the state environmental review**

1. Expert councils of the state environmental review, which are standing consultative and advisory bodies and act in accordance with their regulations, are established under the authorised environmental protection body.

2. The regulations on expert councils of the state environmental review of the authorised environmental protection body, their respective compositions are approved by the heads of the departments of the authorised environmental protection body and heads of its territorial bodies.

3. Members of expert councils of the state environmental review may include officials of state bodies whose functions are related to environmental protection, scientists from research institutions, higher education institutions, practitioners and public representatives.

4. The expert councils of state environmental review shall be responsible for:

- 1) discussing matters related to environmental safety, environmental protection, and the use and reproduction of natural resources during the state environmental review;
- 2) considering the draft conclusions of the state environmental review of objects of high environmental hazard.

**Article 95. Publicity of the state environmental review**

1. The publicity of the state environmental review and public participation in decision-making on matters related to environmental protection and the use of natural resources are ensured through public hearings.

2. The public concerned is given the opportunity to express its views during the state environmental review.

3. The conclusion of the state environmental review shall be posted on the official website of the authorised environmental protection body or its territorial bodies within five business days of its issuance and shall be publicly available for at least thirty business days from the date of its posting.

4. The public concerned have the right to challenge the conclusion of the state environmental review in the manner prescribed by the legislation of the Republic of Kazakhstan.

**Article 96. Holding public hearings**

1. Public hearings during the state environmental review process are mandatory.
2. Public hearings as part of the state environmental review take place according to the rules for public hearings.

**Article 97. Procedure for considering disagreements in the state environmental review**

1. Disagreements in the state environmental review shall be considered through negotiations or in court.
2. The disagreements on matters related to the state environmental review are considered by the authorised environmental protection body at the request of any of the parties concerned.

**Section 2. Public environmental review**

**Article 98. Public environmental review**

1. Public environmental review is held on a voluntary basis by expert commissions set up by non-profit organisations.
2. The public environmental review examines if activities support the public interest in preserving an environment that is favourable for the human life and health.
3. The public environmental review can be initiated by individuals and legal entities.

**Article 99. Organiser of the public environmental review**

1. The organiser of a public environmental review – a non-profit organisation that submits an application for a public environmental review and takes measures to organise the operation of the expert commission.
2. The organiser of the public environmental review has the right to:
  - 1) request documents and materials required for public environmental review from the person whose activity is the object of the public environmental review;
  - 2) create an expert commission to conduct a public environmental review;
  - 3) submit the conclusion of the public environmental review to state bodies, local executive bodies, officials, individuals and legal entities.
3. The organiser of the public environmental review shall:
  - 1) organise a public environmental review in accordance with the requirements of this Code;
  - 2) ensure that the public is informed about the progress and results of the public environmental review and that public opinion is taken into account in the development of its conclusion;
  - 3) ensure that the conclusion of the public environmental review is available to the public.

**Article 100. Experts of the public environmental review**

1. An expert of public environmental review is an individual with scientific and (or) practical knowledge about the issue under consideration who is engaged by the organiser of the public environmental review to carry out such a review.
2. The following cannot act as an expert of the public environmental review:
  - 1) representative of the individual/entity whose activities are subject to public environmental review;
  - 2) representative of the developer of the potential impact report;
  - 3) an individual in an employment or other contractual relationship with the person whose activities are subject to a public environmental review or the developer of the potential impact report;

4) a representative of the legal entity in contractual relationship with the person whose activities are subject to a public environmental review or the developer of the potential impact report.

3. The expert participates in public environmental review in line with the legislation of the Republic of Kazakhstan and the assignment given by the organiser of the public environmental review.

4. The expert of public environmental review during the public environmental review has the right to express a dissenting opinion on the object of the public environmental review, which is attached to the conclusion of the public environmental review.

5. The expert of the public environmental review shall:

1) follow the requirements of the environmental legislation of the Republic of Kazakhstan;  
2) ensure that the conclusion on the object under public environmental review is unbiased and reasoned, as well as to take into account comments and suggestions made by the public concerned in relation to it;

3) ensure the integrity of materials and confidentiality of information submitted for public environmental review, as well as not allow violations of intellectual property rights.

#### **Article 101. Rights and obligations of the person whose activities are subject to public environmental review**

1. The person whose activities are subject to public environmental review has the right to:

1) have protection over confidential information in the documentation of the planned and ongoing activity that is protected by law;

2) receive and have access to information about the progress and results of the public environmental review;

3) participate in public hearings and other events held as part of the public environmental review;

4) provide their explanations and comments on the conclusion of the public environmental review.

2. The person whose activities are subject to public environmental review shall provide:

1) documents and materials required for a public environmental review;

2) a written response to the authorised environmental protection body in relation to recommendations set out in the conclusion of the public environmental review.

#### **Article 102. Financing the public environmental review**

The public environmental review is financed through:

1) own funds of non-profit organisations that organise and (or) conduct public environmental review;

2) other sources not prohibited by the laws of the Republic of Kazakhstan.

#### **Article 103. Notification about the public environmental review**

1. Public environmental review shall take place, if the organiser sends a relevant notification about holding such a review.

2. The organiser of the public environmental review sends a notification about holding such a review to local executive bodies within whose territory the activity of the object of the environmental review is being planned.

3. The notification about conducting a public environmental review shall contain:

1) name, legal address of the organiser of the public environmental review;

2) the nature of the activities under the charter of the organiser of the public environmental review;

3) information about the composition of the expert commission of public environmental review;

4) information on the subject of the public environmental review;  
5) the time period of the public environmental review, which shall not exceed twenty-five business days.

4. The public environmental review is not allowed in the following cases:

- 1) a public environmental review of this object has previously been conducted twice;
- 2) the object of public environmental review contains information constituting state, commercial and other secrets protected by law;
- 3) the charter of the organiser of public environmental review does not provide for this non-profit organisation to conduct public environmental reviews.

#### **Article 104. Conclusion of the public environmental review**

1. The results of public environmental review are formalised in the form of a conclusion of public environmental review, which is advisory in nature.

2. The conclusion of public environmental review shall contain:

- 1) name, legal address of the organiser of the environmental review;
- 2) the surname, first name, patronymic (if indicated in the identity document) or full name of the person whose activity is subject to a public environmental review, the name and location of the object under public environmental review;
- 3) details about sending the notification about holding a public environmental review to the local executive body;
- 4) timeframe of the public environmental review;
- 5) a list of documents submitted for public environmental review, as well as a list of other documents used in the process;
- 6) composition of the expert commission of public environmental review;
- 7) description of the public environmental review results;
- 8) description of the assignment for public environmental review, determined by the organiser of the public environmental review;
- 9) description of the public environmental review process, including interaction with the public, the person whose activity is subject to public environmental review and other stakeholders;
- 10) findings of the public environmental review.

3. Findings of the public environmental review shall contain the conclusion on the compliance of the object of public environmental review with the requirements of the environmental legislation of the Republic of Kazakhstan.

4. The conclusion of a public environmental review is signed by an authorised representative of the organiser of public environmental review, the chairman and members of the expert commission.

5. The conclusion of the public environmental review is sent to:

- 1) the local executive body which previously received the notification about holding the public environmental review;
- 2) the body that carries out the state environmental review of this object or granted an environmental permit for it;
- 3) the individual/entity whose activities are subject to public environmental review;
- 4) state bodies deciding on the implementation of the object of public environmental review;
- 5) the media.

#### **Article 105. Using the results of the public environmental review**

1. Within one month from the date of receipt of the conclusion of the public environmental review, the person whose activity is subject to public environmental review shall consider the findings and recommendations therein and send their comments to the authorised environmental protection body and the organiser of public environmental review.



2. The conclusion of the public environmental review shall be considered during the state environmental review. The results of this consideration shall be sent to the organiser of the public environmental review and the authorised environmental protection body.

3. The conclusion of the public environmental review may also be taken into account in decision-making by local executive bodies, financial institutions and the person whose activity is subject to the public environmental review when implementing the relevant activity.

4. The results of the public environmental review may also be taken into account when holding a comprehensive non-departmental review of projects (design and estimate documentation) on construction of new or reconstruction (expansion, technical upgrading, modernisation), overhaul of existing buildings and structures, their complexes, engineering and transport communications, suspension of unfinished facilities and post-utilisation (demolition) of facilities that have reached the end of their service life.

## **Chapter 9. ENVIRONMENTAL PERMITS**

### **Article 106. General provisions**

1. Environmental permit – a document that certifies the right of individual entrepreneurs and legal entities to create a negative impact on the environment and defines the permit conditions for carrying out activities.

Permit conditions are understood as individual requirements imposed on the construction and operation of Category I and II installations to ensure compliance with the environmental requirements applicable to such activities, as established by the environmental legislation of the Republic of Kazakhstan, as well as the conclusion of the environmental impact assessment.

It is prohibited to include conditions in environmental permits not intended to ensure environmental protection.

2. The operator who obtained an environmental permit, as well as individuals and legal entities engaged by the installation operator to perform certain works and (or) services on the territory of the relevant Category I or II installation during its construction, reconstruction or operation, shall comply with the conditions of such environmental permit and shall be responsible for their non-compliance under the laws of the Republic of Kazakhstan. No separate environmental permit is required for such individuals and legal entities to perform work and (or) services on the territory of the relevant Category I or II installation.

3. An environmental permit is granted for each individual Category I and II installation.

4. The following types of environmental permits are granted in the Republic of Kazakhstan:

- 1) integrated environmental permit;
- 2) environmental permit.

5. The construction and operation of Category I and II installations without the appropriate environmental permit is prohibited.

6. Greenhouse gas emissions are not subject of environmental permits, with the exception of emissions of substances defined as pollutants under this Code.

7. An environmental permit is not required for the construction and operation of Category III and IV installations, unless they are located within the industrial site of a Category I or II installation and are technologically connected to it.

Category III installations may operate subject to submitting an environmental impact declaration in accordance with Article 110 of this Code.

The rules for granting environmental permits and submitting environmental impact declarations are approved by the authorised environmental protection body (hereinafter – the rules for granting environmental permits).

8. The authorised environmental protection body and local executive bodies of oblasts, cities of national significance and the capital keep a register of environmental permits and environmental impact declarations in the manner determined by the authorised environmental protection body.

**Article 107. Validity of the environmental permit and environmental impact declaration when the installation operator changes**

1. If the installation operator changes as a result of the alienation or transfer of the installation to another person for other legal use, reorganisation of the installation operator through spin-off, demerger or merger or in other cases of universal succession, the previously granted environmental permit or the submitted environmental impact declaration shall remain valid and become binding for the new installation operator.

2. Within ten business days of the occurrence of the circumstances listed in paragraph 1 of this Article, the new operator shall apply to the authorised environmental protection body for reissuing the environmental permit in line with Article 108 of this Code.

**Article 108. Procedure for reconsidering an environmental permit**

1. The environmental permit is reconsidered within five business days in the following cases:

1) change in the name or the legal form of the operator of the installation that received an environmental permit;

2) referred to in [Article 107](#) of this Code.

2. The environmental permit is reconsidered upon application.

If an environmental permit is reconsidered on the grounds under subparagraph 2) of paragraph 1 of this Article, a copy of the entitling document confirming the change of the installation operator shall be attached to the application.

**Article 109. Suspension, revocation (withdrawal) and annulment of an environmental permit**

1. Suspension and revocation (withdrawal) of an environmental permit take place on the grounds and in the manner prescribed by the laws of the Republic of Kazakhstan.

2. The state body granting the environmental permit annuls it upon receipt of a corresponding written application from the installation operator or as of the date of entry into force of the new environmental permit.

**Article 110. Environmental impact declaration**

1. Persons carrying out activities in Category III installations (hereinafter – the declarant) submit an environmental impact declaration to the local executive body of the relevant territorial unit.

2. The environmental impact declaration is submitted in writing or as an electronic document signed by electronic digital signature.

3. The environmental impact declaration shall contain the following information:

1) name, legal form, business identification number and address (location) of the legal entity or surname, first name, patronymic (if indicated in an identity document), individual identification number, place of residence of an individual entrepreneur;

2) name and a brief description of the installation;

3) type of primary activity, types and volume of products manufactured, works performed and services rendered;

4) declared amount of pollutant emissions, amount and types of waste (generated, accumulated and transferred to specialised waste management organisations);

5) in relation to the planned activity – number and date of issuance of the positive conclusion of the state environmental review of Category III installations.

4. The environmental impact declaration is submitted:

1) before the start of the planned activity;

2) after the start of the activity – in case of significant changes in the technological processes of the main production facilities, qualitative and quantitative characteristics of pollutant emissions and stationary sources, waste (generated, accumulated and transferred to specialised waste management organisations).

5. In case of significant changes in the technological processes, qualitative and quantitative characteristics of pollutant emissions and stationary sources, waste (generated, accumulated and transferred to specialised waste management organisations), the declarant shall submit a new environmental impact declaration within three months from the date when the relevant significant changes were made.

6. The form of the environmental impact declaration and the procedure for completing it are laid down in the rules for granting environmental permits.

7. Persons failing to submit an environmental impact declaration or submitting inaccurate information in it shall be held liable under the laws of the Republic of Kazakhstan.

8. Local executive bodies quarterly by the 5th day of the month following the reporting period shall send to the territorial body of the authorised environmental protection body summary data on the accepted environmental impact declarations in the form approved by the authorised environmental protection body.

## **Section 1. Integrated environmental permit**

### **Article 111. General provisions on integrated environmental permits**

1. An integrated environmental permit is compulsory for Category I installations.

2. Operators of other installations not specified in paragraph 1 of this Article have the right to obtain, on a voluntary basis, an integrated environmental permit, if they have best available techniques conclusions for the relevant technological process or production sector, as approved by the Government of the Republic of Kazakhstan.

3. Integrated environmental permits are granted by the authorised environmental protection body.

In the case stipulated in [paragraph 3 of Article 115](#) of this Code, an integrated environmental permit is granted by the authorised environmental protection body in agreement with the relevant state bodies.

4. The integrated environmental permit is valid for an indefinite period of time, except in the case provided for in part three of this paragraph.

The operator of an installation that was granted an integrated environmental permit, in case of an approval of a new best available techniques conclusion that establishes requirements that such an installation does not meet, shall apply for a revision of the integrated environmental permit under [paragraph 2 of Article 118](#) of this Code.

In the case referred to in part two of this paragraph, the previously granted integrated environmental permit is terminated one year after the date of approval of such best available techniques conclusion, unless such integrated environmental permit has been revised within that period.

### **Article 112. Content of the integrated environmental permit**

1. The integrated environmental permit is a document of a standard form containing:

1) information on its holder (operator), the installation and the activities carried out on it;

2) permit conditions of operation, including:

technological standards;

environmental emission standards;

standards for allowed physical impacts on the natural environment;

- waste accumulation limits, waste landfilling limits (when having own waste polygon);
  - limits for the placement of sulphur in the elemental form on sulphur pads (for hydrocarbon exploration and (or) production);
  - limits for special water use in accordance with the [Water Code](#) of the Republic of Kazakhstan, if activities involve special water use;
  - measures to improve energy efficiency and energy saving;
  - waste management programme;
  - actions and measures for the operation of the installation in situations posing a risk to the environment;
  - an industrial environmental control programme, including requirements for industrial monitoring, involving soil and groundwater monitoring and automated emission monitoring;
  - necessary conditions and measures to prevent soil and groundwater pollution, as well as requirements for regular monitoring and control of compliance with such conditions and measures to prevent leaks, spills, accidents and other emergency situations when using equipment or storing waste and other hazardous substances;
  - for operating Category I installations: if it is impossible to comply with the technological indicators associated with the use of the best available techniques – a draft environmental performance improvement programme;
  - other environmental protection requirements indicated in the conclusion of the environmental impact assessment;
  - 3) justification of the decision on granting the integrated environmental permit.
2. The integrated environmental permit forms and the procedure for filling them in are laid down in the rules for granting environmental permits.

### **Article 113. Best available techniques**

1. Best available techniques means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for technological standards and other permit conditions designed to prevent and, where that is not practicable, to reduce the negative anthropogenic environmental impact. Upon that:

- 1) ‘techniques’ includes both the technology used and the means, methods, processes, practices, approaches and solutions applied to the design, construction, maintenance, operation, management and decommissioning of an installation;
- 2) techniques are deemed ‘available’ if the level of their development allows their implementation in the relevant industrial sector under economically and technically viable conditions while taking into account the costs and benefits, whether or not such techniques are used or produced in the Republic of Kazakhstan, and only to the extent that they are reasonably accessible to the installation operator;
- 3) ‘best’ means most effective in achieving a high general level of protection of the environment as a whole.

2. The best available techniques are used to comprehensively prevent environmental pollution, as well as to minimise and control the negative anthropogenic impact on the environment.

The areas of best available techniques application are defined as particular economic sectors, activities, technological processes, technical, organisational or managerial aspects of activities for which this Code envisages application of the best available techniques. The areas of best available techniques application are defined in [Annex 3](#) to this Code.

3. The best available techniques are determined on the basis of a combination of the following criteria:

- 1) the use of low-waste technology;
- 2) the use of less hazardous substances;

3) the furthering of recovery and recycling of substances generated and used in the process and of waste, where appropriate;

4) comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;

5) technological advances and changes in scientific knowledge and understanding;

6) the nature, effects and volume of the emissions concerned;

7) the commissioning dates for new and existing installations;

8) the length of time needed to introduce the best available technique;

9) the consumption and nature of raw materials (including water) used in the process and energy efficiency;

10) the need to prevent or reduce to a minimum the overall impact of the emissions on the environment and the risks to it;

11) the need to prevent accidents and to minimise the consequences for the environment;

12) information published by international organisations;

13) industrial implementation at two or more installations in the Republic of Kazakhstan or elsewhere.

4. Technological processes, technical, managerial and organisational methods, techniques, approaches and practices that prevent or reduce negative impact on one or more components of the natural environment by increasing negative impacts on other components of the natural environment are not recognised as the best available techniques.

5. Best available techniques conclusions are approved by the Government of the Republic of Kazakhstan on the basis of the best available techniques reference documents. The best available techniques conclusions include the following:

1) conclusions on the best available techniques;

2) description of the best available techniques;

3) information needed to assess the applicability of the best available techniques;

4) the emission levels associated with the use of the best available techniques;

5) other technological indicators related to the use of the best available techniques, including levels of consumption of energy, water and other resources;

6) monitoring requirements associated with the use of the best available techniques;

7) remediation requirements.

‘Emission levels associated with the use of the best available techniques’ means the range of emission levels (pollutant concentrations) obtained under normal operating conditions using a best available technique or a combination of best available techniques, as described in best available techniques conclusions, expressed as an average over a given period of time, under specified conditions. The best available techniques conclusions also describe the conditions under which emission levels at the lower end of the range can be achieved.

‘Other technological indicators related to the use of the best available techniques, including levels of consumption of energy, water and other resources’ means the range of values obtained under normal operating conditions using a best available technique or a combination of best available techniques, as described in best available techniques conclusions.

6. The Government of the Republic of Kazakhstan shall determine the procedure for the development, implementation, monitoring and revision of the best available techniques reference documents (hereinafter – the rules for developing, implementing, monitoring and revising the best available techniques reference documents) and shall approve the best available techniques reference documents.

The best available techniques reference documents are developed based on the following principles:

1) openness and transparency of the process of developing best available techniques reference documents based on participation and parity of interests of all stakeholders;



2) the mandatory participation of members of the public, independent domestic and international experts with necessary knowledge and experience in the relevant areas of the best available techniques application;

3) focus on the best global practice;

4) cyclicity, dynamism, and outpacing development;

5) inclusion of wide public opinion, including the compulsory holding of public hearings;

6) the need for consensus of all stakeholders.

The first stage in the development and (or) revision of best available techniques reference documents is a comprehensive process audit, the rules for which are included in the rules for developing, implementing, monitoring and revising the best available techniques reference documents.

A comprehensive process audit is a process of expert assessment of the techniques (technologies, methods, processes, practices, approaches and solutions) used in enterprises to prevent and (or) minimise the negative anthropogenic impact on the environment, including by collecting relevant information and (or) visiting installations that fall within the scope of the best available techniques.

A comprehensive process audit and monitoring of the introduced best available techniques for effectiveness and relevance are carried out by the organisation performing the functions of the Best Available Techniques Bureau.

7. The organisation performing the functions of the Best Available Techniques Bureau is a subordinate organisation of the authorised environmental protection body.

The tasks of the Best Available Techniques Bureau include:

1) liaising with the authorised environmental protection body and other state bodies on the development and updating of best available techniques reference documents;

2) information and analytical support for the development of the best available techniques reference documents and their implementation;

3) informing stakeholder state bodies, organisations and the public concerned about the development of best available techniques reference documents and consulting them on best available techniques;

4) participating in the preparation of proposals to improve laws and regulations on the best available techniques;

5) providing organisational, methodological, expert and analytical support for the operation of the authorised environmental protection body and technical working groups in relation to the development of best available techniques reference documents, modern technologies transfer and their adaptation in the Republic of Kazakhstan.

8. The best available techniques reference documents contain:

1) general information about the specific application area, including a description of the industry, part of the industry, the activity, the processes and techniques;

2) description of the main environmental issues specific to the application area, including current levels of emissions as well as energy and water consumption;

3) methodology for determining the best available technique;

4) description of existing techniques for a particular application area, which are offered for consideration to determine the best available techniques;

5) methods used in production processes to reduce their negative impact on the environment and not requiring technical re-equipment, reconstruction of the installation that has a negative environmental impact;

6) assessment of the environmental benefits of introducing the best available technique;

7) data on the limitations in the application of the best available technique;

8) economic indicators describing the best available technique;

9) information on the latest techniques for which research and development work is being carried out or pilot implementation is in progress;

- 10) other information relevant to the practical application of the best available technique;
- 11) a statement of findings on the best available techniques, including the technological indicators associated with the use of such best available techniques;
- 12) further comments and recommendations from the Technical Working Group for further work on the reference document.

9. The development of the best available reference documents takes into account international best practice in this area, including the use of similar and comparable reference documents officially applied in member states of the Organisation for Economic Co-operation and Development, with consideration of the need for reasonable adaptation to the climatic and environmental conditions of the Republic of Kazakhstan that determine the technical and economic accessibility of the best available techniques in specific application areas.

10. The best available reference documents are revised every eight years after the approval of the previous version of the relevant reference document and solely for the purpose to reduce the negative environmental impact, increase resource efficiency, contribute to the transition of the Republic of Kazakhstan to a green economy and low-carbon development with due regard to scientific and technological development and increasing level of technical and (or) economic accessibility of certain techniques.

11. The introduction of best available techniques is a time-limited process for the design, construction of new or reconstruction and technical upgrading (modernisation) of existing facilities, including by installing new equipment, to apply techniques, methods, processes, practices, approaches and solutions in the maintenance, operation, management and decommissioning of such facilities. These measures, taken together, shall ensure the achievement of a level of environmental protection no lower than that associated with the application of best available techniques as described in published best available techniques reference documents.

#### **Article 114. Application for an integrated environmental permit**

1. The application for an integrated environmental permit is submitted electronically to the authorised environmental protection body and shall contain:

- 1) name, legal form of the legal entity or surname, first name, patronymic (if indicated in an identity document) of an individual entrepreneur; their business identification number;
- 2) name and location of the installation;
- 3) type of primary activity, types and volume of products (goods) manufactured;
- 4) description of the current condition of the area in which the construction, reconstruction and (or) operation of the installation is planned;
- 5) description of the techniques used or proposed to be used at the installation to prevent or reduce its negative anthropogenic environmental impacts, including calculations and justification of the technological standards proposed by the operator for inclusion in the integrated environmental permit;
- 6) comparative description of the technique used or to be used with the best available techniques given in the best available techniques conclusions for their respective fields of application;
- 7) the mandatory permit conditions proposed for inclusion in the integrated environmental permit in relation to the construction, operation and post-utilisation phases of the installation, which shall comply with the environmental legislation of the Republic of Kazakhstan and the conclusions of the environmental impact assessment;
- 8) information on the use (consumption) of raw materials, water, electricity and heat;
- 9) information on the planned permits and notifications to be obtained or submitted by the operator for the construction and operation of the installation;
- 10) for operating installations:  
information on accidents and incidents at the installation in the previous seven years that have caused environmental pollution or damage;

information on the implementation of the environmental performance improvement programme (if any).

2. The application form for the integrated environmental permit and the procedure for filling it in are laid down in the rules for granting environmental permits.

3. The application for the integrated environmental permit shall be supplemented by:

1) with regard to a planned activity – design documentation for the construction and (or) operation of installations, conclusion of the environmental impact assessment results, conclusion of the screening of planned activity impacts or a statement about the planned activity under paragraph 2 of Article 68 of this Code;

2) justification of technological standards and draft emission standards together with environmental assessment materials according to simplified procedures;

3) draft waste management programme;

4) draft industrial environmental control programme;

5) for operating Category I installations: if it is impossible to comply with the technological indicators associated with the use of the best available techniques – a draft environmental performance improvement programme developed under [Article 119](#) of this Code;

6) draft limits for elemental sulphur placement on sulphur pads (for hydrocarbon exploration and (or) production).

4. Upon request from the installation operator, the authorised environmental protection body, other state bodies and subordinate organisations shall provide them with access to all environmental information at their disposal in relation to the area affected by the construction and (or) operation of the installation in the manner prescribed by the legislation of the Republic of Kazakhstan.

#### **Article 115. Procedure for reviewing an application for an integrated environmental permit**

1. An application for an integrated environmental permit is reviewed, if the form and content of the material submitted meet the requirements of this Code.

2. Within five business days of registering the application for an integrated environmental permit, the authorised environmental protection body checks it for accuracy and completeness. During this period, the application is accepted for consideration or rejected, if the set of documents and (or) information within them is incomplete with an indication of the reasons for the returning the application.

If the application for an integrated environmental permit contains all required information and documents, the authorised environmental protection body shall hold the state environmental review of design documentation on construction and (or) operation of Category I installations in line with [subparagraph 1\) paragraph 1 of Article 88](#) of this Code and within the time period under part one of this paragraph shall send the application accepted for review with the documents attached thereto to its structural units, as well as to the following stakeholder state bodies to obtain their comments and suggestions about the mandatory conditions to be included in the integrated environmental permit provided within their respective remits:

1) the state body for sanitary and epidemiological welfare of the population;

2) the authority regulating the relevant sector to which the installation belongs;

3) other authorised state bodies whose responsibilities include granting permits required for the construction and operation of the installation;

4) local executive body of the oblast, cities of national significance and the capital where the installation is or will be located.

If the installation is or will be located within the territories of two or more oblasts, cities of national significance or the capital city, the application with accompanying documents shall be sent to each relevant local executive body;

5) with the assistance of the Ministry of Foreign Affairs of the Republic of Kazakhstan – to the state on whose environment the construction and (or) operation of the installation may have a significant negative impact, if the need for transboundary procedures for permitting such activities is stipulated by international treaties of the Republic of Kazakhstan or established in the conclusion of the environmental impact assessment.

3. Permits granted by other state bodies may be included in the integrated environmental permit, if the procedure for combining the relevant public services on a one-stop-shop basis is defined by joint orders of the authorised environmental protection body and the respective authorised state bodies.

4. Within twenty-five business days from the date of receipt of the application, the stakeholder state bodies indicated in subparagraph 1) to 5) of paragraph 2 of this Article shall submit their opinions on the mandatory permit conditions to be included in the integrated environmental permit.

5. The opinions of the stakeholder state bodies, received by the authorised environmental protection body after the period referred to in paragraph 4 of this Article, shall not be forwarded to the applicant and taken into account in deciding on the application.

6. If there are comments on the application for an integrated environmental permit and (or) the documents attached thereto at the stage of the state environmental review, the authorised environmental protection body shall send such comments to the applicant within twenty-five business days after accepting their application for consideration.

The comments sent shall be addressed by the applicant within ten business days after they were sent. If the comments are not addressed within the specified period, the applicant shall be given a reasoned refusal to grant the integrated environmental permit.

Within ten business days after the applicant has addressed all the comments and the stakeholder state bodies provided their opinions, the authorised environmental protection body prepares a draft integrated environmental permit with the participation of internal and (or) external experts with due consideration of the comments and suggestions received as well as the response of the applicant and then sends it to the applicant. The applicant sends their response to the submitted draft integrated environmental permit within five business days.

Within five business days of receiving the applicant’s response of approving the draft integrated environmental permit, the integrated environmental permit shall be granted.

Disputes arising from the conditions included in the draft integrated environmental permit shall be resolved by the expert commission under the procedure provided for in [Article 74](#) of this Code.

#### **Article 116. Consultation with the affected foreign country**

1. In the case referred to in subparagraph 5) of part two of [paragraph 2 of Article 115](#) of this Code, if the affected foreign state provides its opinion in relation to granting an integrated environmental permit upon the application, the authorised environmental protection body assisted by the Ministry of Foreign Affairs of the Republic of Kazakhstan shall hold consultations subject to the provisions of international treaties ratified by the Republic of Kazakhstan.

2. The processing of an application for an integrated environmental permit shall be suspended until consultation with the affected state is completed.

#### **Article 117. Granting an integrated environmental permit**

1. Within five business days after receiving the applicant’s response or the dispute resolution results under part five of [paragraph 6 of Article 115](#) of this Code, the authorised environmental protection body shall make a decision on granting or refusing to grant an integrated environmental permit.

2. The authorised environmental protection body shall refuse to grant an integrated environmental permit in the following cases:

1) the documents that the applicant submitted for an integrated environmental permit and (or) the information contained therein are found to be inaccurate;

2) the documents that the applicant submitted for an integrated environmental permit and (or) the information contained therein do not meet the requirements under the environmental legislation of the Republic of Kazakhstan and (or) the conclusion of the environmental impact assessment or the conclusion of the screening of planned activity impacts not envisaging mandatory environmental impact assessment;

3) the applicant disagrees with the conditions of the integrated environmental permit determined by the authorised environmental protection body under the procedure stipulated in [Article 115](#) of this Code.

3. If there are no grounds for refusal, the authorised environmental protection body shall grant an integrated environmental permit to the applicant within one business day after making the relevant decision.

4. A copy of the integrated environmental permit is posted on the website of the authorised environmental protection body.

5. Installation operators shall comply with the permit conditions under the integrated environmental permit and are held liable under the laws of Kazakhstan for failure to comply with them or for carrying out activities without an integrated environmental permit.

#### **Article 118. Revision of an integrated environmental permit**

1. The integrated environmental permit is subject to a partial or complete revision in the following cases:

1) the operator has made significant changes to the planned or ongoing activity requiring an environmental impact assessment under [subparagraphs 3\) and 4\) of paragraph 1 of Article 65](#) of this Code;

2) approval of a new best available techniques conclusion in connection with the adoption of a new best available techniques reference document for their respective application fields, which sets out requirements that the installation, holding such an integrated environmental permit, does not meet;

3) amending the environmental performance improvement programme in accordance with this Code.

2. The operator shall apply for revision of the integrated environmental permit in the cases listed in paragraph 1 of this Article no later than:

1) six months prior to the expected date of the operator's implementation of significant changes in the activities;

2) within three months of the date of approval of the new best available techniques conclusion for their respective application fields under subparagraph 2) of paragraph 1) of this Article.

3. Partial revision of the integrated environmental permit takes place when the necessary changes affect individual permit conditions and (or) standards of allowed anthropogenic environmental impact without the need to revise other conditions of the integrated environmental permit. Partial revision of an integrated environmental permit takes place by drawing up an annex to the integrated environmental permit containing the required amendments.

The procedure and time limits for the revision (complete or partial) of integrated environmental permits are defined in the rules for granting environmental permits.

4. The revision and amendment of the integrated environmental permit may also be initiated by the operator.

5. Amendments to the integrated environmental permit that do not affect the permit conditions do not require a revision of the integrated environmental permit and are carried out by reissuing the permit.



### **Article 119. Environmental performance improvement programme**

1. If it is impossible to comply with the emission standards (if the State introduces more stringent environmental quality standards or environmental quality targets) and (or) technological standards, operators of Category I operating installations shall develop an environmental performance improvement programme for the period when such standards can be achieved as an annex to the integrated environmental permit.

2. Environmental performance improvement programme contains:

1) the time period by which the technological standards are to be achieved;  
2) the time period by which emission standards are to be achieved (if the State introduces more stringent environmental quality standards or environmental quality targets);

3) timed action plan for reconstruction, re-equipment, modernisation of the Category I installation to achieve technological standards and emission standards (hereinafter – the timed action plan);

4) if there is a possibility of phased achievement of technological standards and emission standards according to the design solutions – a timeframe for achieving the indicators of phased reduction of negative environmental impact, which is determined in connection with the completion dates of the relevant sets of activities for reconstruction, re-equipment and modernisation of the installation.

The timed action plan is broken down by each calendar year of the environmental performance improvement programme.

If the environmental performance improvement programme envisages a phased reduction of negative environmental impact, the timed action plan is developed separately for each set of activities to achieve each relevant indicator of phased reduction of negative environmental impact.

In the case indicated in part three of this paragraph, the timed action plan also defines the completion dates for key activities within each set of activities. Key activities include delivery of the main process equipment to the site, construction and installation works, commissioning and start-up. Additional key activities may be defined in environmental performance improvement programme.

3. The installation operator may submit to the authorised environmental protection body an application for revision of the integrated environmental permit in the part of the timed action plan, if it does not affect the set deadlines for achieving the emission standards and technological standards; and in the case defined subparagraph 4) of part one of paragraph 2 of this Article – the deadlines for achieving the indicators of phased reduction of negative environmental impact.

The rescheduling of individual activities takes place once within the implementation period of the corresponding set of activities, but for no more than one year. Upon that, the extension of the overall term of the environmental performance improvement programme is not allowed.

4. The environmental performance improvement programme shall not include the activities aimed at ensuring the operation of environmentally important buildings, structures, equipment and devices needed to ensure compliance with the environmental requirements that the installation had to meet at the time of submitting an application for an integrated environmental permit.

5. The implementation period of the environmental performance improvement programme shall not exceed four years and shall not be extended.

6. The environmental performance improvement programme is drawn up in line with the rules for granting environmental permits. Holding a public hearing on a draft environmental performance improvement programme, including when holding a complete or partial revision of a programme previously approved by the authorised environmental protection body, is mandatory.

7. The authorised environmental protection body monitors the implementation of the environmental performance improvement programme on an annual basis in line with the rules for granting environmental permits.

Installation operators, who have received integrated environmental permits with a condition of implementing an environmental performance improvement programme, submit an annual report

on its implementation to the authorised environmental protection body by using the form prescribed in the rules for granting environmental permits.

Within two business days after starting and completing each key activity, the operator shall notify the authorised environmental protection body about it in writing.

If any of the activities in the calendar year under the timed action plan is not implemented or implemented to an insufficient extent, the authorised environmental protection body shall send an information letter to the operator indicating the extent of the unfulfilled obligations. The operator shall apply for a revision of the integrated environmental permit with respect to the timed action plan.

If a key activity under the timed action plan is not completed within the prescribed date, the completion date for such phase shall be extended once in the manner provided for in [subparagraph 3\) of paragraph 1 of Article 118](#) of this Code, but for no more than one year.

8. An integrated environmental permit that has been granted with a condition of implementing an environmental performance improvement programme shall be terminated in the following cases:

1) failure to complete a key activity within the extension period under part five of paragraph 7 of this Article;

2) failure to achieve any of the technological standards by more than thirty percent within the timeframe set out in the environmental performance improvement programme. If the technological standard is not achieved by thirty percent or less by the specified time period, the time period for achieving it shall be extended once for a period of one year;

3) in the case specified in subparagraph 4) of part one of paragraph 2 of this Article – failure to achieve any of the indicators of phased reduction of negative environmental impact by more than thirty percent by the time period specified in the relevant timeframe. If the indicator of phased reduction of negative environmental impact is not achieved by thirty percent or less by the specified time period, the time period for achieving it shall be extended once for a period of one year;

4) failure to achieve the technological standard or the indicator of phased reduction of negative environmental impact within the relevant extension periods provided for in subparagraphs 2) and 3) of this paragraph.

The Category I installation operator within two business days after achieving the technological standard, the indicator of phased reduction of negative environmental impact notifies in writing the authorised environmental protection body about it.

The authorised environmental protection body receiving the written notification of the Category I installation operator in line with part two of this paragraph or its failure to receive such a notification within the period specified for achieving the technological standard, indicator of phased reduction of negative environmental impact shall be grounds for preventive inspection with a visit to the subject (object) of inspection.

9. The authorised environmental protection body, when carrying out state environmental inspection, also monitors the implementation of environmental performance improvement programmes.

## **Chapter 2. Environmental permit**

### **Article 120. General provisions on environmental permits**

1. Having an environmental permit is mandatory for the construction and (or) operation of category II installations, as well as for the operation of category I installations in the case provided for in part two of [paragraph 4 of article 418](#) of this Code.

2. Persons who, in accordance with the [tax](#) legislation of the Republic of Kazakhstan, are payers of the single land tax, do not receive an environmental permit and do not submit a on

environmental impact declaration, provided for [in paragraph 1 of article 110](#) of this Code, for installations used in activities subject to a special tax regime for peasant or farm households.

3. Environmental permits for category I installations are issued by the authorised body in the field of environmental protection in the case provided for by part two of [paragraph 4 of article 418](#) of this Code

Environmental permits for category II installations are issued by local executive bodies of oblasts, cities of republican significance, the capital.

The distribution of category I installations for which an environmental permit is issued between the authorised environmental protection body and its structural and territorial divisions is established by the authorised environmental protection body.

4. With regard to category II installations, separate stationary sources of which are located in the territories of different oblasts (cities of republican significance, the capital), an application for an environmental permit can be submitted to any of the local executive bodies of the corresponding administrative-territorial units, while the local executive bodies of other oblasts (cities of republican significance, the capital) shall be involved in the procedure for issuing environmental permits as interested state bodies.

5. Environmental permits are issued for a period until changes in the applied technologies require changes in the environmental conditions specified in the current environmental permit but for no more than ten years.

#### **Article 121. Contents of an environmental permit**

1. An environmental permit is a document of the established form containing:

1) information about its owner (operator), the installation and the types of activities carried out in it;

2) the period of validity of the environmental permit;

3) environmental conditions for the implementation of activities, including:  
standards for emissions into the environment;

waste accumulation limits, waste disposal limits (in cases of own ng availability);

waste management program;

industrial environmental control program, including requirements for industrial monitoring, including monitoring of the state of soil and groundwater;

action plan for environmental protection for the period of validity of the environmental permit;

other requirements for environmental protection specified in the report on environmental assessment (if any).

2. Forms for environmental permits and the procedure for filling them out are approved by the authorised environmental protection body.

#### **Article 122. Application for an Environmental Permit**

1. An application for an environmental permit shall be submitted in the established form in electronic form to the authority issuing an environmental permit in accordance with paragraph 3 of article 120 of this Code.

2. The application for an environmental permit shall be accompanied by:

1) in relation to the planned activity – project documentation for the construction and (or) operation of category I or II installations;

2) a conclusion on the results of an environmental assessment or a conclusion on the results of screening the impacts of the planned activity, containing a conclusion that there is no need to conduct a mandatory environmental assessment;

3) environmental assessment materials according to a simplified procedure for the types of activities that are not subject to mandatory environmental assessment;

4) draft emission standards;

- 5) draft waste management program;
  - 6) draft program of industrial environmental control;
  - 7) a draft action plan for environmental protection for the period of validity of the environmental permit;
  - 8) draft standards for the placement of elemental sulphur on sulphur pads (when conducting exploration and production of hydrocarbons).
3. The application form for obtaining an environmental permit is approved by the authorised environmental protection body.

#### **Article 123. Time limits for reviewing and granting an environmental permit**

1. The authorised environmental protection body, within a period of not more than five working days from the date of registration of the application for the granting of an environmental permit, and the local executive body, within three working days from the date of registration of the application for the granting of environmental permit, examine the submitted documents for their comprehensiveness and completeness. During the specified period, the application is accepted for consideration or rejected due to incompleteness and (or) incomprehensiveness of the submitted documents.

If the application is rejected due to incompleteness and (or) incomprehensiveness of the submitted documents, the applicant is sent a refusal with a reasoned justification of the causes for rejection.

2. Applications accepted for consideration are reviewed for compliance with the requirements of this Code and, based on the results of consideration, the authorised environmental protection body within a period of not more than forty-five working days, and the local executive body, within a period of not more than thirty working days from the date of registration of the application, grant an environmental permit or issue a motivated refusal to extradite it.

3. If there are comments on the application for the granting of an environmental permit and (or) the documents attached to it, the state bodies issuing environmental permits shall send such comments to the applicant within:

twenty-five working days from the date of acceptance of the application for consideration – for category I installations;

fifteen working days from the date of acceptance of the application for consideration – for category II installations.

Forwarded comments must be addressed by the applicant within:

ten working days from the date of comments sent – regarding installations of category I;

five working days from the date of comments sent – regarding installations of category II.

4. If the comments are not addressed within the timeframe specified in part two of paragraph 3 of this article, the applicant is given a reasoned refusal to grant environmental permit.

#### **Article 124. Refusal to grant an environmental permit**

Grounds for refusal to grant environmental permits are the following cases:

1) the information contained in the application and (or) the documents attached to it are unreliable;

2) the application and (or) the documents attached to it do not meet the requirements of the environmental legislation of the Republic of Kazakhstan and (or) the conclusion based on the results of the environmental assessment or the conclusion on the results of impact screening of the planned activity, containing the conclusion that there is no need to conduct a mandatory environmental assessment.

2. Disputes and disagreements in connection with the refusal to grant an environmental permit are resolved in the manner prescribed by the legislation of the Republic of Kazakhstan.

### **Article 125. Environmental protection plan**

1. Environmental protection plan is an appendix to the environmental permit and should contain a list of measures for reducing a negative impact on the environment necessary to achieve the established emission standards, limits for the accumulation and landfilling of waste, limits for the placement of sulphur in the elemental form on sulphur pads (when carrying out exploration and (or) production of hydrocarbons).

2. The action plan for environmental protection is developed in accordance with the rules for issuing environmental permits.

3. The operator annually submits a report on the implementation of the environmental protection action plan to the relevant authority that issued the environmental permit.

## **SECTION 4. ECONOMIC REGULATION OF ENVIRONMENTAL PROTECTION**

### **Article 126. Types of instruments for economic regulation of environmental protection**

The types of instruments for economic regulation of environmental protection are:

- 1) payment for negative impact on the environment;
- 2) market-based instruments for managing emissions into the environment;
- 3) environmental insurance;
- 4) economic stimulation of activities aimed at environmental protection;
- 5) market instruments to reduce emissions and absorption of greenhouse gases;
- 6) extended obligations of manufacturers (importers).

### **Article 127. Payment for negative impact on the environment**

1. Payment for negative impact on the environment is charged for the following types:

- 1) emissions of pollutants into the air;
- 2) discharges of pollutants;
- 3) waste disposal;
- 4) placement of sulphur in the elemental form on sulphur pad

2. Payment for negative impact on the environment is carried out by the installation operator that is producing a negative impact on the environment.

3. The rates of payment for negative impact on the environment are established by the [tax legislation](#) of the Republic of Kazakhstan.

4. Payment for negative impact on the environment within the limits established in the environmental permit, or the amount of emissions and landfilled waste, declared by category III installation in the environmental impact declaration, is charged in the manner prescribed by the [tax](#) legislation of the Republic of Kazakhstan.

5. Expenses for payment for landfilling of solid municipal waste are taken into account when setting tariffs in the manner determined by the legislation of the Republic of Kazakhstan.

### **Article 128. Market-based instruments for managing emissions into the environment**

1. In order to reduce emissions into the environment, the authorised environmental protection body may introduce market-based instruments by setting limits for emissions into the environment, allocating allowances for emissions into the environment and approving the procedure for trading in allowances and obligations to reduce emissions into the environment.

2. Limits of emissions into the environment – the aggregate standard volume of emissions into the environment, established for a calendar year within a certain territory (water area), while complied to it there is no violation of environmental quality standards.

3. Allowance on emissions into the environment – a part of the limit on emissions into the environment allocated to a specific entity for one calendar year on a paid or free basis.



### **Article 129. Environmental insurance**

1. The purpose of environmental insurance is to ensure the civil liability of an entity to compensate for environmental damage caused by an accident.

2. Operation of installations included in the list of environmentally hazardous types of economic and other activities approved by the authorised environmental protection body is not allowed without a mandatory environmental insurance agreement concluded by the operator.

Compulsory environmental insurance is carried out in accordance with the [legislation](#) of the Republic of Kazakhstan on Compulsory Environmental Insurance.

3. Voluntary environmental insurance is carried out by individuals and legal entities by virtue of their will. The types, conditions and procedure for voluntary environmental insurance are determined by contracts between insurers and policyholders.

### **Article 130. Economic incentives for environmental protection activities**

1. Economic incentives for environmental protection activities are carried out through:

1) the application, in accordance with the [tax](#) legislation of the Republic of Kazakhstan, of the zero coefficient to the rates of payment for negative impact on the environment from the date of obtaining an integrated environmental permit;

2) guaranteed purchase by the settlement and financial centre for the support of renewable energy sources of electrical energy produced by waste-to-energy installations in accordance with the legislation of the Republic of Kazakhstan in support for the use of renewable energy sources;

3) organization of transfer and adaptation of green technologies, as well as assistance in attracting green investments;

4) measures of state support within the framework of green financing on the conditions and in the manner established by the laws of the Republic of Kazakhstan;

5) other measures of state support, determined by the laws of the Republic of Kazakhstan.

2. Green technologies are understood as environmentally friendly production technologies created on the basis of modern scientific achievements, taking into account the environmental, economic and social aspects of sustainable development, which cover the following areas and are aimed at:

1) production of non-toxic products in a closed cycle "production - disposal - new production";

2) maximum waste reduction due to innovations in technologies and consumption patterns;

3) replacement of non-renewable natural resources with alternative renewable sources of raw materials and energy;

4) the introduction of biotechnology in agriculture, animal husbandry and processing of agricultural products, the production of biological products for agriculture;

5) production of energy from renewable energy sources (solar energy, wind energy, hydro-, geothermal energy, biomass, hydrogen), reducing harmful emissions into the atmosphere, increasing the efficiency of fuel use, as well as the energy efficiency of buildings and household appliances;

6) cultivation of sustainable green spaces with a high absorptive effect of greenhouse gases, aimed at mitigating the effects of climate change;

7) production of building materials that do not contain toxic and carcinogenic substances, using production and consumption waste.

Service operator of green technologies is a subordinate organization of the authorised environmental protection body, which provides comprehensive services for maintaining a register of green technologies and projects, commercialization and technological business incubation of green technologies, assistance in attracting green financing including investments and grants for the implementation of green projects, the implementation of information and analytical, legal,

methodological, consulting and expert-analytical support on the green economy, international cooperation and exchange of experiences under the "Green Bridge" Partnership Program.

For the introduction and implementation of green technology projects, green investments are attracted, including through grants and (or) investments from national development institutions, funds from local budgets and other sources of other organizations not prohibited by the legislation of the Republic of Kazakhstan.

The rules for recognising technologies as "green" technologies are approved by the Government of the Republic of Kazakhstan.

3. Green financing refers to investments aimed at the implementation of green projects attracted with the help of such instruments as green bonds, green loans and other financial instruments determined by the authorised body for regulation, control and supervision of the financial market and financial institutions.

Green projects include projects defined on the basis of an approved classification (taxonomy) aimed at improving the efficiency of using existing natural resources, reducing the negative impact on the environment, increasing energy efficiency, energy conservation, mitigating the effects of climate change and adapting to climate change.

The classification of green projects subject to financing through green bonds and green loans is developed by the authorised environmental protection body and approved by the Government of the Republic of Kazakhstan.

Green bonds are defined as a debt instrument with a fixed income for raising money to finance the implementation of green projects.

Green loans are targeted loans aimed at financing the implementation of green projects.

## **SECTION 5. ENVIRONMENTAL DAMAGE**

### **Article 131. Environmental damage**

1. Environmental damage is the damage caused to the components of the natural environment specified in [Articles 133, 134 и 135](#) of this Code, if there is no possibility of their natural restoration within a reasonable period of time to the baseline state without taking remediation measures.

For the purpose of this section, damage caused to the components of the natural environment means an arising directly or indirectly measurable negative change in the state of the components of the natural environment or a measurable deterioration in their consumer properties or useful qualities.

The baseline state is understood as the state of a component of the natural environment in which it would have been if it had not suffered environmental damage.

2. Damage caused to the components of the natural environment specified in [Articles 133, 134 и 135](#) of this Code shall also be recognised as environmental damage in cases where the negative consequences specified in paragraph 1 of this Article occur as a result of air pollution or the transition of pollutants from one environment to another.

3. Damage caused to the components of the natural environment specified in [Articles 133, 134 и 135](#) of this Code, located within specially protected natural areas and installations of the state natural reserve fund, regardless of the nature and scale of the damage caused to these components of the natural environment is recognised as environmental damage.

4. Damage caused to natural resources owned by the state (land, including soil, water, forest resources, mineral resources, flora and fauna), including through their illegal use, seizure, damage or destruction, and not containing elements, specified in [Articles 133, 134 и 135](#) of this Code, is property damage that does not belong to the concept of environmental damage, and is subject to compensation in accordance with the legislation of the Republic of Kazakhstan on the relevant types of natural resources, as well as the civil legislation of the Republic of Kazakhstan.

**Article 132. Environmental harm to human life and (or) health**

1. Environmental harm to life and (or) human health is considered to be harm to life and (or) health of individuals caused as a result of the impact of negative environmental consequences.
2. Environmental damage to human life and (or) health is subject to compensation in accordance with the civil legislation of the Republic of Kazakhstan.

**Article 133. Environmental damage to flora and fauna**

1. Environmental damage to flora and fauna is any damage caused to components of the natural environment, which has a significant negative impact on the achievement or maintenance of an enabling state of species of flora and fauna and natural habitats.

The scale of the impact specified in part one of this clause is assessed taking into account the base state of the components of the natural environment and other criteria established by the legislation of the Republic of Kazakhstan.

2. Damage to flora and fauna does not include previously identified negative impacts resulting from anthropogenic activities, which were directly permitted by authorised state bodies in accordance with the legislation of the Republic of Kazakhstan.

3. The natural area is understood as the area of habitation (growth) and development of a certain type of animal or plant world.

4. The state of natural areas is understood as the aggregate of impacts to which the natural area and the species of animals and plants usually living (growing) within its boundaries are exposed and which can affect their natural distribution, structure and functionality in the long run, as well as the long-term survival of typical animal and plant species on the territory of the Republic of Kazakhstan or within the boundaries of their natural areas.

The state of the natural area will be considered enabling if:

- 1) its natural boundaries and covered territories are stable or expanding within those boundaries;
- 2) there are specific structures and functions that are necessary for the long-term preservation of the natural area, and their preservation is expected in the foreseeable future;
- 3) the natural state of common species of animals and plants within the natural range is enabling in accordance with the criteria specified in paragraph 5 of this article.

5. The state of species of flora and fauna is understood as a set of impacts to which the corresponding species is exposed and which may affect long-term reproduction and population size in the territory of the Republic of Kazakhstan or within the boundaries of the natural range of this species.

The state of a species of flora and fauna is considered enabling if:

- 1) the dynamics of the number of the corresponding species shows that this species retains its long-term status as a viable component of the natural range;
- 2) the natural number of species is not decreasing and their decline is not expected in the foreseeable future;
- 3) there is a sufficiently large natural area to maintain populations and its preservation is expected in the long term.

**Article 134. Environmental damage to waters**

Any damage that has a significant negative impact on the environmental, chemical or quantitative state or on the environmental potential of surface and (or) groundwater, defined in the environmental and (or) water legislation of the Republic of Kazakhstan, is recognised as environmental damage to waters.

### **Article 135. Environmental damage to lands**

1. Environmental damage to lands is recognised as land pollution as a result of direct or indirect ingress of pollutants, organisms or microorganisms on the surface or into the composition of the earth or soil, which creates a significant risk of harm to the health of the population.

2. Damage caused in the form of destruction of soils or other consequences that lead to their degradation or depletion, in accordance with the provisions of the land legislation of the Republic of Kazakhstan, is also recognised as causing environmental damage to lands

### **Article 136. Obligation to remedy environmental damage**

1. In accordance with the “polluter pays” principle, an entity whose actions or activities have caused environmental damage is obligated to fully and at his own expense remediate the components of the natural environment that have suffered environmental damage.

Bringing an entity who has caused environmental damage to administrative or criminal liability does not relieve the entity from civil liability established by part one of this paragraph.

2. No one has the right to demand or receive monetary compensation for environmental damage, except for reimbursement of costs incurred by the state, represented by the authorised environmental protection body, for the implementation of measures for restoration or remediation in accordance with [paragraph 4 of Article 137](#) of this Code.

3. To bring an individual or legal entity to liability established by part one of paragraph 1 of this article, the following conditions must be present simultaneously:

1) the possibility of identifying a specific entity or entities whose actions or activities have caused environmental damage;

2) the possibility of establishing a causal relationship between environmental damage and the actions or activities of the entities specified in subparagraph 1) of this paragraph;

3) environmental damage shall be clearly defined and measurable.

4. The authorised body in the field of environmental protection submits claims to the court for the elimination of environmental damage to individuals and legal entities that may be held liable in accordance with this article.

5. In the event that organised carrying out or having carried out activities that resulted in environmental damage has ceased to exist, responsibility for causing environmental damage shall be imposed on the legal successor of the said entity.

6. When privatising property complexes related to category I or II installations, the state body authorised to carry out privatisation ensures compliance with environmental requirements. Privatisation of property complexes related to category I or II installations is carried out taking into account the results of a mandatory check of the state of the components of natural environment located in the area of possible impact of category I or II installations, for the presence of environmental damage, which shall be provided for by the privatisation plan and carried out with involvement of specialized organizations (accredited laboratories) and the participation of an authorised body in the field of environmental protection.

Responsibility for the environmental damage caused as a result of actions or activities preceding privatisation is borne by the former owner of the privatisation object – the state. The distribution or shifting of the obligation to remedy such environmental damage to the new owner of the privatised property (installation) in such cases is possible only with their consent.

7. In the event that the legal successor cannot be identified or has ceased to exist or if such damage was of a long-term nature, at the time of termination of the action or activity that caused the environmental damage, the owner or land user of the land plot on which the entity caused the environmental damage carried out the relevant actions or activities, the obligation to remedy environmental damage shall be borne by the entity who was at the time causing environmental damage.

8. In the event that the entities specified in paragraphs 5 and 7 of this article cannot be identified or have ceased to exist, the current owner or land user of the land plot on which the

entity who caused the damage carried out his activities shall be obligated to remedy the environmental damage, if the authorised environmental protection body proved in court that such an owner or land user at the time acquired the rights to the specified land plot was aware of the presence of environmental damage caused by actions or activities previously carried out on the land plot.

9. If it is impossible to identify or due to fact of absence of the entities specified in clauses 5, 7 and 8 of this article, within three years from the date of establishment of the fact of causing environmental damage, the obligation to remedy the environmental damage is imposed on the state. The implementation of the necessary measures to remedy environmental damage is organised by the relevant local executive body of the oblast, the city of republican significance, the capital in coordination with the authorised environmental protection body.

### **Article 137. Identifying environmental damage and the entity who caused the environmental damage**

1. In case of identification of environmental damage by an entity who caused the damage, such an entity is liable for:

1) within two hours from the moment of detection, inform the authorised environmental protection body about the potential fact of causing environmental damage and inform of a preliminary assessment of its nature and scale;

2) no later than one working day after the discovery of the fact of causing the environmental damage, proceed to take all necessary measures aimed at remedying (stopping) the factors that caused it, as well as controlling, localising and reducing the damage in order to prevent greater environmental damage or harmful impact on life and (or) health of the population and the environment;

3) comply with the requirements of the authorised environmental protection body to remedy (stop) the factors that caused environmental damage.

2. The authorised body in the field of environmental protection in case of establishing the fact of environmental damage:

1) take measures to identify an entity who is charged with the obligation to remedy environmental damage in accordance with [Article 136](#) of this Code;

2) within two working days after the identification of the entity specified in subparagraph 1) of this paragraph, send a notice of the need to develop and coordinate the remediation program with the authorised environmental protection body in accordance with [Article 136](#) of this Code.

3. In case of evasion of the entity who is charged with the obligation to remedy environmental damage, the corresponding obligation to remedy the damage is imposed on such an entity in court at the suit of the authorised environmental protection body.

4. If the entity who is responsible for remedying environmental damage does not comply with the effective court decision on remediation measures within the period established in the court decision, or if such an entity does not take timely measures to eliminate the consequences or remediation and such a delay leads to further significant environmental damage or significant harm to life and (or) health of people, the authorised environmental protection body has the right to independently carry out remediation measures and subsequently demand reimbursement of costs incurred for the implementation of relevant measures.

5. In order to determine claims for the elimination of environmental damage, the authorised environmental protection body has the right to involve experts from other state bodies regulating the use of relevant types of natural resources, as well as accredited laboratories and external independent experts on a contractual basis to study the caused environmental damage, assessment of its nature, scale, as well as the development of possible measures for remediation. The rules for attracting external independent experts, including the qualification criteria presented to them, are approved by the authorised environmental protection body.



### **Article 138. Remediation**

1. Remediation is a set of measures to remedy environmental damage through the restoration, reproduction of a component of the natural environment that suffered the damage or a replacement of a component of the natural environment if the damage is completely or partially irreparable.

2. The restoration of an environmental component is recognised as the achievement of the basic state of the disturbed component of the natural environment.

3. The substitution of a component of the natural environment in this article means additional improvements created for protected species of fauna and their ranges or for another component of the natural environment with the identical or similar ecosystem services within a site subjected to environmental damage, or within an alternative territory in accordance with paragraphs 5 and 6 of this article.

4. The entity imposed with the obligation to remedy environmental damage carries out a direct remediation of the environmental damage, which means measures to restore the components of the natural environment that have suffered the damage, or creates conditions for their natural restoration within a reasonable time to the baseline state.

5. If it is objectively impossible to fully achieve the goals of direct remediation, the entity imposed with the obligation to remedy environmental damage, in addition to the part in which direct remediation is impossible, carries out an alternative remediation, which means measures to protect and improve the environment in the location where components of the natural environment have suffered the damage, or creates conditions for the restoration of identical components of the natural environment, or carries out other measures for environmental protection in the territory located as close as possible to the place of causing environmental damage.

6. The entity imposed with the obligation to remedy environmental damage, regardless of the adoption of measures for direct and alternative remediation, takes additional measures to improve the territory on which the components of the natural environment that suffered the damage are located, or the territory located as close as possible to such a territory, in order to replace ecosystem services that are temporarily unavailable due to the caused environmental damage in the period from the moment of causing the damage to the complete restoration of the disturbed components of the natural environment (compensatory remediation).

7. The authorised body in the field of environmental protection, in the event that it takes measures to remediate environmental damage in accordance with [paragraph 4 of article 137](#) of this Code, has the right to recover all costs from the entity who caused such environmental damage incurred by the authorised environmental protection body for the relevant remediation measures.

In addition to the costs of remediation specified in part one of this paragraph, the entity who caused environmental damage must reimburse the state for reasonable costs arising from environmental damage, including the costs of studying and assessing the nature and scale of the damage, determining the necessary measures of remediation, related administrative costs, legal aid costs, enforcement proceedings, data collection, monitoring and control over the implementation of remediation measures.

### **Article 139. Remediation program**

1. The remediation program is a list of measures to remedy the caused environmental damage. Recommendations on the content, timing, procedure for determining remediation measures depending on the nature of damage, as well as the component of the environment, which suffered environmental damage, are given in the instructional and methodological documents approved by the authorised environmental protection body.

2. The entity imposed with the obligation to remedy the environmental damage, within one month from the date of receipt of the notification specified in [subparagraph 2\) of paragraph 2 of Article 137](#), determines the necessary measures to remedy such damage and submits for approval to the authorised body in environmental protection remediation program. If there is a need for a longer period for conducting detailed studies necessary to develop a remediation program, taking

into account the nature and scale of the damage caused, the above period, in coordination with the authorised environmental protection body, may be extended to three months.

3. The authorised body in the field of environmental protection, within ten working days, considers the submitted remediation program, coordinates it or makes appropriate adjustments to it and sends the agreed remediation program to the entity responsible for remedying environmental damage.

4. In the event that the authorised environmental protection body approves the remediation program or the consent of the entity responsible for remedying the environmental damage, with the adjustments of the authorised environmental protection body, the parties approve the specified remediation program.

The authorised body in the field of environmental protection, no later than ten working days from the date of approval of the remediation program, is obligated to post it on the official Internet resource.

5. In case of disagreement of the entity responsible for remedying the environmental damage, with the adjustments of the authorised environmental protection body or refusal of the entity to approve the remediation program, the corresponding obligation to approve the remediation program may be assigned to the entity responsible for remedying the environmental damage, in court at the suit of the authorised environmental protection body.

#### **Article 140. Implementation of the remediation program**

1. If the term for the implementation of the remediation program exceeds three months, the entity responsible for remedying the environmental damage shall send a status report on the implementation of the remediation program to the authorised environmental protection body at the end of every third month since the start of the implementation of the program and post it on the Internet resource (if available).

The authorised body in the field of environmental protection annually, no later than 1 December, places information on the ongoing remediation on the official Internet resource.

2. Failure to fulfil or improper fulfilment of the measures provided for by the remediation program, within the established timeframe, as well as late submission of the status report entail responsibility set by the laws of the Republic of Kazakhstan.

3. Based on the results of the completion of the remediation program, the entity responsible for remedying the environmental damage and the authorised environmental protection body shall sign the statement of completion of the remediation program. If the measures provided for by the remediation program have not been fully implemented, the authorised environmental protection body refuses to sign the statement of completion of the remediation program and agrees on additional terms for completing the program.

4. If the implementation of the measures envisaged by the remediation program did not lead to the achievement of the goals set by the program to remedy the environmental damage, the entity responsible for eliminating the damage develops an additional remediation program within one month. The procedure for agreeing and approving the additional remediation program corresponds to the procedure for agreeing and approving the remediation program.

5. After the completion of the remediation program with the achievement of the goals set by the program, the entity responsible for remedying the damage is responsible for periodic monitoring of the state of the restored components of the natural environment. The procedure, frequency and duration of such monitoring, as well as the reporting procedure are approved by the authorised environmental protection body.

6. If, based on the monitoring results, it is established that the target indicators of the implemented remediation program or additional remediation program are not achieved, the entity responsible for eliminating environmental damage will be responsible for the development and implementation of the additional remediation program.

7. The results of the completed remediation program, as well as the results of monitoring, are subject to mandatory publication on the official website of the entity responsible for remedying the damage, as well as on the website of the authorised environmental protection body. The publication of these results is carried out at the expense of the entity responsible for remedying the damage.

**Article 141. Limitation period for claims related to environmental damage**

The limitation period for claims related to environmental damage is thirty years and is calculated from the moment of the event, action or inaction that caused the environmental damage. If the environmental damage was of a long-term nature, the limitation period is calculated from the moment of the end of the event, action or inaction that caused the environmental damage.

## **SECTION 6. INSTALLATIONS OF HISTORICAL POLLUTION**

**Article 142. Historical pollution**

1. Historical pollution is recognised as the accumulated environmental damage caused to waters and (or) lands that arose as a result of previous activities, including the aggregate impacts of various types of anthropogenic activities, the obligations to remedy that were not fulfilled or were not fulfilled in full.

2. Installations of historical pollution are territories and water areas or their separate areas where historical pollution has been identified, as well as ownerless installations of capital construction and storage or landfilling of waste, which are a source of historical pollution.

**Article 143. Identification, assessment and accounting of installations of historical pollution**

1. Identification of installations of historical pollution is carried out by means of an inventory and survey of territories and water areas where anthropogenic activities were carried out in the past and (or) where ownerless capital construction installations and (or) ownerless installations of storage or disposal of waste are located.

2. The rules for identifying, assessing and recording installations of historical pollution, including maintaining the state register of installations of historical pollution, are approved by the authorised environmental protection body, taking into account the requirements of this Code (hereinafter – the rules for identifying, assessing and recording installations of historical pollution).

3. Identification and assessment of installations of historical pollution shall be organised by local executive bodies of districts and cities. By decision of the Government of the Republic of Kazakhstan, identification and assessment of individual installations of historical pollution is organised by the authorised environmental protection body.

To carry out work on the identification and assessment of installations of historical pollution, the state bodies specified in part one of this paragraph shall involve organizations licensed to perform work and provide services in the field of environmental protection, in accordance with the [legislation](#) of the Republic of Kazakhstan on public procurement.

4. Assessment of the installations of historical pollution includes the establishment of:

- 1) the volume or mass of pollutants and waste by their types;
- 2) areas of territories and water areas or their sections where the installation of historical pollution is located, categories and types of lands and waters permitted for use;
- 3) the level and volume of negative impact on the environment, including the ability of pollutants to migrate to other components of the natural environment, the possibility of pollution of water bodies, including those that are sources of drinking and domestic water supply, the possibility of new environmental damage and harm to life, and (or) human health;

4) the presence at the site of historical pollution of hazardous substances specified in international treaties to which the Republic of Kazakhstan is a party;

5) the size of the population living in the territory, the environment which is negatively affected by the installation of historical pollution;

6) the size of the population living in the territory where the environment is under the threat of negative impact from the installation of accumulated harm to the environment.

5. Accounting for installations of historical pollution is carried out by means of their inclusion in the state register of installations of historical pollution within a period not exceeding thirty working days from the date of receipt by the authorised environmental protection body from the state bodies specified in paragraph 3 of this article of the results of identification and assessment of installations of historical pollution.

The State Register of Historical Pollution Installations is an electronic databank that collects information about identified installations of historical pollution, including information based on the results of assessing installations of historical pollution in accordance with paragraph 4 of this article, their origin, property of installations of historical pollution and the necessary work to remedy the historical pollution.

Maintaining the state register of installations of historical pollution at the expense of public budgetary funds is organised by the authorised environmental protection body.

6. Maintaining the state register of installations of historical pollution includes:

1) consideration of materials for the identification and assessment of installations of historical pollution;

2) making a decision on the inclusion or refusal to include in the state register of installations of historical pollution;

3) categorization of installations of historical pollution;

4) updating information about installations of historical pollution;

5) exclusion from the state register of installations of historical pollution.

7. The categorization of installations of historical pollution is carried out in relation to installations of historical pollution included in the state register of installations of historical pollution.

The categorization of installations of historical pollution is carried out by comparing their impact on environmental safety in order to justify the priority and sequence of work to eliminate historical pollution, as well as taking other urgent measures.

Based on the results of the categorization of installations of historical pollution, the authorised environmental protection body determines priority installations in relation to which the work on the elimination of historical pollution, as well as the adoption of other urgent measures shall be carried out as a matter of priority, and the sequence of work on elimination in relation to other installations of historical pollution, included in the state register of installations of historical pollution.

8. The state register of installations of historical pollution is placed in the public domain on the Internet resource of the authorised environmental protection body.

#### **Article 144. Remedying of historical pollution**

1. Remedying of historical pollution is carried out in relation to installations of historical pollution included in the state register of installations of historical pollution, taking into account the priorities and order defined in the register.

2. Remedying the historical pollution is carried out in accordance with the rules approved by the authorised environmental protection body.

A report on the work carried out to remedy historical pollution is published on the Internet resource of the authorised environmental protection body.

3. Remedying the historical pollution is organised by local executive bodies of districts and cities. By the decision of the Government of the Republic of Kazakhstan, the remediation of

historical pollution in relation to individual installations is organised by the authorised environmental protection body.

Work on remedying historical pollution includes the necessary surveys, including engineering surveys, the development of a project for remedying the historical pollution, its coordination and approval, work on remedying the historical pollution, control and acceptance of the completed work and further monitoring of the environment.

To carry out work on remedying the historical pollution, the state bodies specified in part one of this paragraph shall involve organizations in accordance with the [legislation](#) of the Republic of Kazakhstan on public procurement.

4. Funding for remedying the historical pollution is carried out at the expense of budgetary funds.

## **SECTION 7. REMEDIATION OF CONSEQUENCES OF ACTIVITIES AT INSTALLATIONS WITH A NEGATIVE ENVIRONMENTAL IMPACT**

### **Article 145. General provisions on remediation of consequences of activities at installations with a negative environmental impact**

1. After the termination of the operation of installations with a negative environmental impact, the operators of installations are obligated to ensure the remediation of the consequences of the operation of installations in accordance with the requirements of the legislation of the Republic of Kazakhstan.

2. As part of remedying the consequences of the operation of installations with a negative environmental impact, work shall be carried out to bring land plots to a state that ensures the safety of life and (or) human health, environmental protection and be suitable for further use for intended purpose, in the manner prescribed by the [land](#) legislation of the Republic of Kazakhstan, as well as depending on the nature of installations – for the post-utilization of construction installations, remedying the consequences of subsoil use, remedying and conservation of hydrogeological wells, closure of landfills and other places of storage and disposal of waste, including radioactive ones, measures for safe termination of activities related to the management of nuclear facilities and other work provided for by the laws of the Republic of Kazakhstan.

### **Article 146. Financing the remediation of consequences of the operation of an installation with a negative environmental impact**

1. Remediation of the consequences of the operation of an installation with a negative environmental impact is carried out at the expense of an entity who is the operator of the installation at the time of the termination of the operation.

2. In the cases provided for by this Code, the operator of the installation is obligated to provide financial security for the fulfilment of its obligations to remediate the consequences of the operation of installations that have a negative impact on the environment. The provision of such security does not relieve the operator of installation from fulfilling obligations to remedy the consequences of operating installations with a negative environmental impact.

### **Article 147. Financial security of claims for obligations related to the remediation of the consequences of the implementation of activities**

1. Operators of installations of category I must provide the authorised environmental protection body with financial security for the fulfilment of their obligations to remedy the consequences of the operation, including with respect to requirements that will arise in the future (hereinafter – financial security).

2. Financial support is carried out in favour of the Republic of Kazakhstan.



3. In case of non-fulfilment (improper fulfilment) by the operator of category I installation of its obligations to remedy the consequences of the operation of the installation within the time period established by the laws of the Republic of Kazakhstan, the amount of the provided financial security shall be subject to collection in favour of the Republic of Kazakhstan by the authorised environmental protection body, and in this case the corresponding duties are performed by the state at the expense of the collected amount.

If the amount of financial security recovered in favour of the Republic of Kazakhstan turns out to be insufficient to cover the costs of the corresponding project to remedy the consequences of the operation of category I installation, the state has the right to receive the missing amount from the property of the operator of the corresponding installation.

4. Financial support is provided in the form of:

- 1) guarantees;
- 2) a pledge of a bank deposit;
- 3) pledge of property;
- 4) insurance.

*With regard to the operating of category I installation, the period established by clause 5 [starts from 1 July 2021](#).*

5. Financial support must be provided three years after the commissioning of category I installation.

*In respect of operating of category I installation, the period established by clause 6 [starts from 1 July 2021](#).*

6. Financial security is provided in one of several types of financial security provided for in paragraph 4 of this article, or in their combination at the choice of the operator of category I installation, provided that the share of financial security in the form of a pledge of a bank deposit must be:

- 1) at least fifty percent of the total amount of financial security after ten years from the date of commissioning of installation;
- 2) one hundred percent of the total amount of financial security upon the expiration of twenty years from the date of commissioning of installations.

7. Subject to compliance with the requirements of paragraph 6 of this article, the operator of a category I installation has the right to replace one type of financial security with another type, except for cases when the authorised environmental protection body has levied a penalty in accordance with the legislation of the Republic of Kazakhstan.

8. The operator of category I installation is obligated to ensure the availability of financial support continuously until the complete fulfilment of all its obligations to eliminate the consequences of the operation of the installation.

9. The amount of financial security is determined in accordance with the methodology approved by the authorised environmental protection body, based on the estimated cost of work to eliminate the consequences of the operation of category I installation and is subject to recalculation every seven years.

10. The cost of work to eliminate the consequences of the operation of category I installation should include administrative and management costs, as well as costs for:

- 1) dismantling and demolition of capital structures (buildings, structures, complexes);
- 2) dismantling and removal of technological equipment;
- 3) recovery, utilization and (or) disposal of waste;
- 4) reclamation of disturbed lands;
- 5) monitoring the quality of surface and ground waters, ambient air, soil and vegetation;
- 6) carry out other works to remedy the consequences of the operation of category I installation, provided for by the conditions of an integrated environmental permit.

11. Financial security in accordance with this article is not required for:

1) category I installation, in respect to which the subsoil user has provided security for the fulfilment of obligations to remedy the consequences of subsoil use or a remediation fund has been formed in accordance with the [legislation](#) of the Republic of Kazakhstan on subsoil and subsoil use;

2) the operator of installations has formed a remediation fund in respect to polygons in accordance with [paragraph 16 of Article 350](#) of this Code.

12. It is prohibited to operate category I installations without financial support provided in accordance with this Code, except for the cases provided for by paragraph 11 of this article.

In the case of operation of category I installation without financial support, the authorised environmental protection body submits a claim to the court to suspend or prohibit the operation of the installation.

13. The transfer of ownership of category I installation by the operator or other legal use of a new operator does not relieve the previous operator from the obligations to remedy the consequences of the operation of the installation, to remedy the environmental damage caused in the course of the operation and to have financial support until a new operator provides financial support in accordance with this article.

14. If, for reasons beyond the control of the operator of a category I installation, the provided financial security ceased to comply with the requirements of this Code or has ceased, such an operator is obligated to provide new financial security that comply with the requirements of this Code within sixty calendar days. If within the specified period such replacement is not made, the operator is obligated to immediately suspend the operation of the corresponding category I installation. The resumption of operation of category I installation is allowed only after the provision of financial support that meets the requirements of this Code.

15. The accounting procedure for the accepted financial security is determined by the authorised environmental protection body.

#### **Article 148. Application of a guarantee as financial security**

1. By virtue of the guarantee provided as financial security in accordance with the requirements of Article 147 of this Code, the guarantor undertakes accountability to the Republic of Kazakhstan within the amount of money determined in accordance with this Code in case of non-fulfilment (improper fulfilment) by the operator of his obligations specified in [paragraph 1 of Article 147](#), within the period established by the laws of the Republic of Kazakhstan.

2. The guarantor may be a second-tier bank of the Republic of Kazakhstan, a foreign bank or an organization whose shares are traded on the organised securities market. If the guarantor is a foreign bank or an organization whose shares are traded on the organised securities market, such guarantors must meet the conditions for the minimum individual credit rating in foreign currency, determined by the authorised environmental protection body.

3. The bank's obligation under the guarantee issued by it in accordance with this article shall be terminated not earlier than the completion of the remediation of the consequences of the operation of category I installation.

4. The guarantee is provided in the Kazakh and Russian languages in accordance with the standard form approved by the authorised environmental protection body.

A guarantee issued by a foreign entity can be drawn up in a foreign language with mandatory translation into Kazakh and Russian languages, the correctness of which must be certified by a notary.

5. The authorised body in the field of environmental protection accepts a guarantee agreement as financial security concluded in accordance with the civil legislation of the Republic of Kazakhstan.

To accept a guarantee, the operator of category I installation submits an application to the authorised environmental protection body in the form approved by the authorised environmental protection body, with the attached guarantee agreement.

The authorised body in the field of environmental protection, no later than three working days from the date of registration of the application specified in part two of this clause, accepts the guarantee as financial security or refuses to accept it, notifying the applicant in writing or electronically within the same period.

6. The authorised body in the field of environmental protection refuses to accept the guarantee as financial security in one of the following cases:

1) the submitted guarantee agreement does not meet the requirements established by the legislation of the Republic of Kazakhstan;

2) the guarantor does not meet the requirements of paragraph 2 of this article;

3) the guarantor has not previously fulfilled the requirement of the authorised environmental protection body to pay the amounts due, except for cases when such a requirement is recognised by the court as illegal in accordance with the legislation of the Republic of Kazakhstan.

#### **Article 149. Application of a pledge of a bank deposit as financial security**

1. By virtue of the pledge of a bank deposit, the Republic of Kazakhstan (the pledgee) has the right, in the event of non-fulfilment (improper fulfilment) by the operator (pledger) of category I installation, of its obligations specified in [paragraph 1 of the Article 147](#), within the period established by the laws of the Republic of Kazakhstan, to satisfy from the amount of the pledged bank deposit, mainly to other creditors of the operator.

2. The subject of pledge in accordance with this article can only be a bank deposit placed in a second-tier bank of the Republic of Kazakhstan.

3. The deposit can be made in tenge or foreign currency.

4. Re-transfer of a bank deposit, which is a financial security, is prohibited.

5. The procedure for satisfying the claims of the pledgee in the event of liquidation of the operator of category I installation, which is a legal entity, including its bankruptcy, shall be regulated by [the civil legislation](#) of the Republic of Kazakhstan.

6. The authorised body in the field of environmental protection accepts a pledge of a bank deposit as financial security on the basis of a bank deposit pledge agreement.

To conclude a bank deposit pledge agreement, the operator of category I installation submits an application to the authorised environmental protection body in the form approved by the authorised environmental protection body, with a copy of the bank deposit agreement and a second-tier bank certificate on the bank deposit.

7. An agreement on pledge of a bank deposit is concluded between the operator of category I installation and (or) a third party as a pledger, an authorised body in the field of environmental protection as a pledgee and a second-tier bank in accordance with a standard agreement on pledge of a bank deposit as financial security for the fulfilment of obligations on remediation of the consequences of operation of category I installation, approved by the authorised environmental protection body

8. The bank deposit pledge agreement is concluded within ten working days from the date of receipt of the application from the operator of category I installation on the conclusion of the bank deposit pledge agreement.

9. The authorised body in the field of environmental protection, no later than three working days from the date of the conclusion of the agreement on the pledge of the bank deposit, accepts the agreement as financial security with notification of the applicant in writing or electronically within the same period.

#### **Article 150. Application of pledge of property as financial security**

1. By virtue of the pledge of property, the Republic of Kazakhstan (the mortgagee) has the right, in the event of non-fulfilment (improper fulfilment) by the operator (mortgagor) of category I installation of its obligations specified in [paragraph 1 of Article 147](#), within the period established

by the laws of the Republic of Kazakhstan, to foreclose on pledged property primarily to other creditors of the operator.

2. The procedure for satisfying the claims of the pledgee in the event of liquidation of the operator of category I installation, which is a legal entity, including its bankruptcy, shall be regulated by the civil legislation of the Republic of Kazakhstan.

3. The authorised body in the field of environmental protection, as financial security, accepts property as a pledge on the basis of a property pledge agreement concluded in accordance with the civil legislation of the Republic of Kazakhstan.

To conclude a property pledge agreement, the operator of category I installation submits an application to the authorised environmental protection body in the form approved by the authorised environmental protection body, with an appraiser's report on the assessment of the market value of the pledged property attached.

4. The property pledge agreement is concluded between the operator of category I installation and (or) a third party as the pledger and the authorised environmental protection body as the pledge holder in the standard form approved by the authorised environmental protection body.

The property pledge agreement is concluded within ten working days from the date of receipt of the application from the operator of category I installation on the conclusion of the property pledge agreement.

The market value of the pledged item as financial security is the value determined in the appraisal report made under an agreement between the appraiser and the pledger in accordance with the legislation of the Republic of Kazakhstan on appraisal activities.

The appraiser's report on the assessment of the market value of the pledged property must be drawn up no earlier than fifteen calendar days before the date the operator of category I installation submits an application to the authorised environmental protection body for concluding a property pledge agreement.

5. A property pledge agreement is concluded on the condition that the property pledged is insured against loss or damage.

6. The subject of a pledge of property as financial security may be any property, with the exception of:

- 1) life support facilities;
- 2) seized property;
- 3) property on which restrictions have been imposed by state authorities;
- 4) property encumbered with the rights of third parties;
- 5) property withdrawn from civil circulation in accordance with the legislation of the Republic of Kazakhstan;
- 6) electrical, thermal energy and other types of energy;
- 7) perishable goods;
- 8) property rights, with the exception of cases of pledging a bank deposit in accordance with [Article 149](#) of this Code;
- 9) property located outside the Republic of Kazakhstan

7. In case of non-compliance with the conditions established by paragraphs 5 and 6 of this article, the authorised environmental protection body refuses to conclude a property pledge agreement no later than ten working days from the date of submission of an application for the conclusion of property pledge agreement by the operator of category I installation to the authorised environmental protection body.

The authorised body in the field of environmental protection notifies the operator of category I installation of the refusal to conclude a property pledge agreement no later than one working day from the date of the decision.

8. When property is pledged, the subject of the pledge remains with the pledger, unless the authorised environmental protection body decides otherwise.

The pledger is not entitled to dispose of the pledged item until the operator of category I installation fulfils its obligations to remedy the consequences of the operation of category I installation, secured by the property pledge agreement.

9. Registration of a pledge of property is carried out in accordance with the civil legislation of the Republic of Kazakhstan.

### **Article 151. Application of an insurance contract as financial security**

1. To ensure the obligations to remedy the consequences of the operation of category I installation, the operator of installation has the right to conclude an insurance contract with an insurance organization, by virtue of which the failure or improper performance by the operator of installation of obligations to remedy the consequences of operation of category I installation in the manner prescribed by the legislation of the Republic of Kazakhstan (insured event) entails the payment of the insured amount in favour of the Republic of Kazakhstan (beneficiary).

2. The authorised body in the field of environmental protection, as financial security, accepts contracts concluded with insurance organizations licensed to carry out insurance activities.

The insurance contract specified in paragraph 1 of this article is concluded in accordance with the standard insurance contract as financial security for the fulfilment of obligations to remedy the consequences of the operation of category I installation, approved by the authorised environmental protection body in coordination with the authorised body for regulation, control and supervision of financial market and financial organizations.

Insurance contract as financial security is the property interest of the operator of category I installation associated with the fulfilment of the obligations to eliminate the consequences of the operation of category I installation.

An insured event under an insurance contract as a financial security is the fact of non-fulfilment or improper fulfilment within the period established by this Code of obligations to eliminate the consequences of operation of category I installation.

To accept an insurance contract, the operator of category I installation submits an application to the authorised environmental protection body in the form approved by the authorised environmental protection body, with the attachment of the insurance contract.

The authorised body in the field of environmental protection, no later than three working days from the date of registration of the specified application, accepts the insurance contract as financial security or refuses to accept it, notifying the applicant in writing or electronically within the same period.

3. The authorised body in the field of environmental protection refuses to accept the insurance contract as financial security in one of the following cases:

1) the submitted insurance contract does not correspond to the standard insurance contract as financial security for the fulfilment of obligations to eliminate the consequences of the operation of category I installation;

2) the insurance organization that entered into an insurance contract presented as financial security, on the day of registration of an application for acceptance of an insurance contract as financial security, had not previously complied with the requirement of the authorised environmental protection body for insurance payment, except for cases when such a requirement is recognised illegal in accordance with the legislation of the Republic of Kazakhstan.

4. The claim of the authorised environmental protection body for insurance payment is subject to unconditional and mandatory execution by the insurance organization within two working days from the date of receipt of the request. The insurance organization in case of non-fulfilment or violation of the deadlines for the fulfilment of the specified requirement shall be liable, established by the laws of the Republic of Kazakhstan.



## **SECTION 8. STATE MONITORING OF ENVIRONMENT AND NATURAL RESOURCES**

### **Article 152. Single State System for Monitoring the Environment and Natural Resources**

1. The Single State System for Monitoring the Environment and Natural Resources is a multipurpose system provided by the state that unites all systems, subsystems and types of monitoring operating in the Republic of Kazakhstan, covering directly or indirectly issues of environmental protection, protection, reproduction and use of natural resources, protection of life and (or) human health from the impact of harmful factors of the natural and anthropogenic environment, as well as the impact of climate change and the projected impacts of climate change.

2. The Single State System for Monitoring the Environment and Natural Resources includes the following elements:

1) participants in the Single State System for Monitoring the Environment and Natural Resources;

2) systems, subsystems and types of monitoring included in accordance with this Code in the structure of the Single State System for Monitoring the Environment and Natural Resources;

3) information system "National Data Bank on the State of the Environment and Natural Resources of the Republic of Kazakhstan".

3. The tasks of the Single State System for Monitoring the Environment and Natural Resources are:

1) regular monitoring of the state of the environment and natural resources, of the processes, phenomena and the occurred changes, assessment, forecasting and control of the changes;

2) collection, accumulation, storage, accounting, systematization, generalization, processing and analysis of data from monitoring of the environment and natural resources;

3) ensuring of interaction, coordination and information exchange between the participants of the Single State System for Monitoring the Environment and Natural Resources with the purpose of making managerial and economic decisions, as well as performing functions within the competence established by the legislation of the Republic of Kazakhstan;

4) provision of state bodies, individuals and legal entities with reliable and comparable information about the state of the environment, including the natural environment (its components, natural and natural-anthropogenic objects, natural complexes, biodiversity) and the anthropogenic environment, and about harmful factors of the natural and the built environment affecting the life and (or) health of people and the environment in general.

4. The functioning of the Single State System for Monitoring the Environment and Natural Resources is carried out on the basis of a unified organizational, methodological, metrological and informational approach that ensures the comparability of data and the compatibility of information resources.

5. The Government of the Republic of Kazakhstan approves the rules for the organization and functioning of the Single State System for Monitoring the Environment and Natural Resources, which should contain:

1) uniform organizational, methodological, metrological and other requirements for the collection, accumulation, storage, accounting, systematization, generalization, processing and analysis of data from the Single State System for Monitoring the Environment and Natural Resources;

2) the procedure for interaction and coordination of work processes between the participants of the Single State System for Monitoring the Environment and Natural Resources;

3) the procedure for the formation and functioning of the information system "National Data Bank on the State of the Environment and Natural Resources of the Republic of Kazakhstan", its structure and sources of information, as well as the rules, levels, procedure and conditions to access it for the participants of the Single State System for Monitoring the Environment and natural resources and other government agencies, individuals and legal entities.

6. Coordination of work processes between the participants of the Single State System for Monitoring the Environment and Natural Resources is carried out by the authorised environmental protection body.

7. The exchange of information between the participants of the Single State System for Monitoring the Environment and Natural Resources, including within the framework of the information system "National Bank of Data on the State of the Environment and Natural Resources of the Republic of Kazakhstan", is carried out free of charge.

8. Observations of the state of the environment and natural resources within the framework of systems, subsystems and types of monitoring included in the structure of the Single State System for Monitoring the Environment and Natural Resources are carried out, inter alia, using data from remote sensing of the Earth from space.

### **Article 153. Participants of the Single State System for Monitoring the Environment and Natural Resources**

The participants of the Single State System for Monitoring the Environment and Natural Resources are:

- 1) the authorised environmental protection body;
- 2) specially authorised state bodies;
- 3) organizations authorised to carry out the types of monitoring included in the structure of the Single State System for Monitoring the Environment and Natural Resources;
- 4) individuals and legal entities who, in accordance with this Code, are obligated to carry out industrial environmental control.

### **Article 154. Structure of the Single State System for Monitoring the Environment and Natural Resources**

1. The Single State System for Monitoring the Environment and Natural Resources includes the following monitoring systems:

- 1) environmental monitoring;
- 2) monitoring of natural resources;
- 3) special monitoring;
- 4) meteorological and hydrological monitoring;
- 5) monitoring of the state of the environment.

2. The rules for the organization and functioning of the Single State System for Monitoring the Environment and Natural Resources, approved by the Government of the Republic of Kazakhstan, may include additional systems, subsystems and types of monitoring in the structure of the Single State System for Monitoring the Environment and Natural Resources.

### **Article 155. National Data Bank on the State of the Environment and Natural Resources of the Republic of Kazakhstan**

1. The accumulation, storage, systematization, integration and provision of automated data exchange, interaction and coordination of work processes between the participants of the Unified state system for monitoring the environment and natural resources, as well as the automation of providing access to information for individuals and legal entities are carried out through the functioning of the information system "National Data Bank on the State of Environment and Natural Resources of the Republic of Kazakhstan".

2. Organisation of creation, functioning, maintenance and operation of the information system "National Data Bank on the State of the Environment and Natural Resources of the Republic of Kazakhstan", as well as ensuring the coordination of all related work processes are carried out by the authorised environmental protection body.

3. The information system "National Data Bank on the State of Environment and Natural Resources of the Republic of Kazakhstan" should provide integration and automated data exchange:

- 1) databanks of systems, subsystems and types of monitoring included in the structure of the Single State System for Monitoring the Environment and Natural Resources;
- 2) state cadastres of natural resources;
- 3) the state cadastre of waste;
- 4) state climatic cadastre;
- 5) the state carbon cadastre;
- 6) the state cadastre of consumption of ozone-depleting substances;
- 7) register of emissions and transfer of pollutants of the Republic of Kazakhstan;
- 8) the state register of environmental permits and environmental impact declarations;
- 9) the register of business entities in the field of waste management;
- 10) the state register of installations of historical pollution.

4. The software system within the information system "National Bank of Data on the State of Environment and Natural Resources of the Republic of Kazakhstan" allows the accumulation, storage and processing of data on a unified methodological basis, to provide automated and efficient data exchange between its various levels, as well as state cadastres, register, registry, databanks of systems, subsystems and types of monitoring included in the structure of the Single State System for Monitoring the Environment and Natural Resources.

5. Participants in the Single State System for Monitoring the Environment and Natural Resources are responsible for the reliability of the data provided by them within the framework of the National Data Bank on the State of the Environment and Natural Resources of the Republic of Kazakhstan, as provided by the laws of the Republic of Kazakhstan.

#### **Article 156. Access to the National Data Bank on the State of the Environment and Natural Resources of the Republic of Kazakhstan**

1. Access to the information system "National Data Bank on the State of the Environment and Natural Resources of the Republic of Kazakhstan" is provided in compliance with the following conditions:

1) the authorised environmental protection body, special authorised state bodies and organizations authorised to carry out the types of monitoring included in the structure of the Single State System for Monitoring of Environment and Natural Resources, have the right of unlimited access to all information (primary data and information products) with the possibility of familiarization, copying and reproduction;

2) individuals and legal entities have the right of unlimited access to all information products with the possibility of familiarization, copying and reproduction, with the exception of information constituting state secrets, commercial and other secrets protected by law.

2. Primary data means data obtained from the results of types of monitoring and not subjected to generalization, processing or analysis. Raw data from industrial monitoring, including data obtained from an automated system for monitoring emissions into the environment, are referred to as primary data.

3. Information products are understood as information resulting from the generalization, processing and analysis of primary data. Information products include analytical reports, certificates, reports, other documents of text content, cartographic information, statistical forms and reporting, reporting on industrial environmental control, as well as other information of an aggregated (statistical) nature.

4. Access to the information system "National Data Bank on the State of the Environment and Natural Resources of the Republic of Kazakhstan" is provided free of charge.

#### **Article 157. Levels of the Single State System for Monitoring the Environment and Natural Resources**

1. Maintaining the Single State System for Monitoring the Environment and Natural Resources is carried out at three levels:

1) at the local level, industrial monitoring, public monitoring and types of monitoring are carried out, organised by local executive bodies in specific areas of settlements, lands outside settlements, surface and ground water bodies, in specially protected natural areas;

2) at the regional level, types of monitoring are carried out within the administrative-territorial units, taking into account the physical, geographical and economic characteristics of the regions, the presence of environmentally loaded zones and a complex of natural and anthropogenic factors that affect the state of the environment and the use of natural resources;

3) at the republican level, monitoring is carried out covering the entire territory of the Republic of Kazakhstan emphasising, if necessary, large regions and individual objects of national importance.

2. Activities on monitoring the environment and natural resources at all levels are carried out in compliance with the requirements established by the [legislation](#) of the Republic of Kazakhstan in the field of technical regulation, on ensuring the uniformity of measurements and on accreditation in the field of conformity assessment.

### **Article 158. Financing of the Single State System for Monitoring the Environment and Natural Resources**

1. The Single State System for Monitoring Environment and Natural Resources is financed from public funds and other sources not prohibited by the legislation of the Republic of Kazakhstan.

2. Financing of the Single State System for Monitoring the Environment and Natural Resources at the expense of public funds is aimed at carrying out the following activities:

1) creation and maintenance of the functioning of the monitoring system at the republican level;

2) creation of scientific and technical products to ensure the functioning and development of systems, subsystems and types of monitoring, the implementation of scientific and technical programs;

3) creation and maintenance of the functioning of the monitoring system at the territorial level, the creation of scientific and technical products for the purpose of development;

4) creation and maintenance of the functioning of the information system "National Data Bank on the State of Environment and Natural Resources of the Republic of Kazakhstan".

### **Article 159. Environmental monitoring**

1. Environmental monitoring is a comprehensive system of observations, measurements, collection, accumulation, storage, accounting, systematization, generalization, processing and analysis of the data obtained in relation to the quality of the environment, as well as the production of environmental information on their basis, provided by the state.

2. Environmental monitoring is carried out on a systematic basis in order to:

1) assess the quality of the environment;

2) determine and analyse anthropogenic and natural factors affecting the environment;

3) forecast and control changes in the state of the environment under the influence of anthropogenic and natural factors;

4) information support of state bodies, individuals and legal entities when they make economic and managerial decisions aimed at protecting the environment, ensuring environmental safety and foundations of sustainable development;

5) ensure the right of all individuals and legal entities to access environmental information.

3. Installations of environmental monitoring are:

1) the installations specified in [subparagraphs 2\) - 8\) of paragraph 6 of Article 166](#) of this Code;

2) the quality of groundwater;

- 3) the impact category I and II installations on the environment;
  - 4) the state of environmental systems and the ecosystem services they provide;
  - 5) specially protected natural areas, including the natural course of natural processes and the impact of changes in the state of the environment on the environmental systems of specially protected natural areas;
  - 6) the impact of climate change;
  - 7) waste and management.
4. Environmental monitoring is based on:
- 1) observations and measurements carried out by the authorised environmental protection body and (or) specially authorised organizations in accordance with this Code;
  - 2) observations and measurements carried out by specially authorised state bodies, other state bodies and organizations within their competence, determined by the laws of the Republic of Kazakhstan;
  - 3) official statistical information produced in accordance with the [legislation](#) of the Republic of Kazakhstan in the field of state statistics;
  - 4) information provided by state bodies at the request of an authorised body in the field of environmental protection or within the framework of the Single State System for Monitoring the Environment and Natural Resources, as well as posted by state bodies in the public domain;
  - 5) observations and measurements carried out by individuals and legal entities within the framework of mandatory industrial environmental control;
  - 6) other information received by the authorised environmental protection body from state and non-state legal entities.
5. Persons who, in accordance with this Code, are obligated to carry out industrial environmental control, ensure the collection, accumulation, storage, accounting, processing and free transfer of relevant data to the authorised environmental protection body for the environmental monitoring.
6. Within the framework of environmental monitoring, the authorised environmental protection body also collects and prepares data in order to fulfil the obligations of the Republic of Kazakhstan to provide environmental information in accordance with international treaties of the Republic of Kazakhstan.

#### **Article 160. Natural resources monitoring**

1. Natural resources monitoring is a set of systems, subsystems and types of monitoring of the state of types of natural resources, organised by specially authorised state bodies in accordance with the laws of the Republic of Kazakhstan.
2. Natural resources monitoring includes:
  - 1) land monitoring carried out in accordance with the [land](#) legislation of the Republic of Kazakhstan;
  - 2) state monitoring of water bodies carried out in accordance with the [water](#) legislation of the Republic of Kazakhstan;
  - 3) state monitoring of subsoil carried out in accordance with the [legislation](#) of the Republic of Kazakhstan on subsoil and subsoil use;
  - 4) state monitoring of forests carried out in accordance with the [forest](#) legislation of the Republic of Kazakhstan;
  - 5) wildlife monitoring carried out in accordance with the [legislation](#) of the Republic of Kazakhstan in the field of protection, reproduction and use of wildlife;
  - 6) plant life monitoring.
3. Data from natural resources monitoring is summarised in the relevant state cadastres in accordance with the legislation of the Republic of Kazakhstan.



### **Article 161. Types of special monitoring**

1. Special monitoring includes the following types:

1) Monitoring of military test sites – a system for observing the environmental pollution caused by testing military equipment, including missiles and weapons on the territory of closed and operating test sites;

2) Monitoring of the Baikonur rocket launch complex – a system for observing the environmental condition in the area affected by the rocket and space activities of Baikonur complex, the functioning of which is organised by the authorised body for space;

3) Sanitary and epidemiological monitoring carried out in accordance with the legislation of the Republic of Kazakhstan in the field of healthcare;

4) monitoring of the environmental situation in the zones of an environmental emergency and zones of environmental disaster, carried out in accordance with [Article 410](#) of this Code;

5) Space monitoring – a system for observing the environmental condition using remote sensing tools from space, which is organised by the authorised body for space in accordance with the [legislation](#) of the Republic of Kazakhstan in the field of space.

2. The organisation of the types of special monitoring specified in subparagraphs 1) and 4) of paragraph 1 of this article is carried out by the environmental protection authorised body.

## **SECTION 9. METEOROLOGICAL MONITORING, HYDROLOGICAL MONITORING AND ENVIRONMENTAL MONITORING**

### **Chapter 10. GENERAL PROVISIONS**

#### **Article 162. Meteorological monitoring**

1. Meteorological monitoring is an activity in the field of meteorology, including observation, collection, processing, analysis, storage of data, production of meteorological and agrometeorological information, including the preparation of meteorological and agrometeorological forecasts, and provision of this information to government bodies, individuals and legal entities.

Meteorological information is primary data obtained from results of meteorological observations, as well as operational, regime, climatic and predictive information resulting from the primary meteorological data processing and analysis.

2. Meteorological monitoring is carried out in order to determine the state and development of natural meteorological parameters, atmospheric phenomena and processes in the atmosphere during their interaction with other components of the natural environment and to determine climatic characteristics to provide state agencies, individuals and legal entities with information about the weather, for compiling short-term, medium-term, long-term meteorological, agrometeorological forecasts and storm warnings about the possibility of hazardous and natural disaster meteorological phenomena (including avalanches).

3. Producers of meteorological information are the National Hydrometeorological Service, air navigation service providers, departmental meteorological services of the Armed Forces of the Republic of Kazakhstan, legal entities, as well as individual entrepreneurs engaged in the production of meteorological information.

#### **Article 163. Hydrological monitoring**

1. Hydrological monitoring is an activity in the field of hydrology, including observation of the regime and state of surface water bodies, collection, processing, analysis, storage of data, production of hydrological information, including the preparation of hydrological forecasts, and provision of this information to state bodies, individuals and legal entities.

Hydrological information is primary data obtained from results of hydrological observations, as well as regime, operational and predictive information resulting from the processing and analysis of primary hydrological data.

2. Hydrological monitoring is carried out on a regular and (or) periodic basis in order to collect data on the state and regime of rivers, lakes, seas, reservoirs, canals, and other surface water bodies and also includes observations on snow-measuring and precipitation-measuring routes in the mountains, made to determine snow reserves in mountainous parts of river basins.

3. Producers of hydrological information are the National Hydrometeorological Service, legal entities, as well as individual entrepreneurs producing hydrological information.

#### **Article 164. Environmental monitoring**

1. Environmental monitoring is an activity that includes observation, collection, storage, accounting, systematization, integration, processing and analysis of data, assessment of the state of environmental pollution, production of information on the state of environmental pollution, including predictive information, and the provision of this information to state bodies, individuals and legal entities.

Information on the state of environmental pollution is the primary data obtained as a result of monitoring the state of environment, as well as information resulting from the processing and analysis of such primary data.

Monitoring of the state of environment is carried out on a regular and (or) periodic basis in order to collect data on the state of pollution of individual objects of environmental protection.

2. Producers of information on the state of environment are the National Hydrometeorological Service, legal entities, as well as individual entrepreneurs producing information on the state of environmental pollution.

#### **Article 165. Rights and obligations of producers of meteorological, hydrological and (or) environmental information**

1. Producers of meteorological and (or) hydrological information and (or) information on the state of environment have the right to:

1) carry out observations and measurements in the field of meteorological and (or) hydrological monitoring and (or) monitoring of the state of environment, production of information or perform individual work and provide services that constitute these types of monitoring, in accordance with this Code and other laws of the Republic of Kazakhstan;

2) receive payment for the provision of information in accordance with this Code and other laws of the Republic of Kazakhstan or an agreement for services provision.

2. Producers of meteorological and (or) hydrological information and (or) information on the state of environment shall:

1) comply with the requirements of this Code in the production of meteorological and (or) hydrological information and (or) information about the state of environment and (or) performance of individual works and services provision;

2) carry out activities in accordance with the [legislation](#) of the Republic of Kazakhstan in the field of technical regulation, on ensuring the uniformity of measurements and on accreditation in the field of conformity assessment.

Producers of meteorological and (or) hydrological information and (or) information on the state of the environment may have other rights and obligations in accordance with the laws of the Republic of Kazakhstan.

3. Producers of meteorological information, free of charge, provide the received meteorological information to the National Hydrometeorological Service in accordance with the plans for the provision of information approved by the National Hydrometeorological Service in coordination with the producer of meteorological information, which determine the list of provided meteorological information, schedule, type and methods of its provision.

The rules for providing information to the National Hydrometeorological Service are approved by the environmental protection authorised body.

4. Activities in the field of meteorological monitoring are carried out in the Republic of Kazakhstan provided a notification is sent to the authorised environmental protection body in accordance with the [legislation](#) of the Republic of Kazakhstan on permits and notifications.

The National Hydrometeorological Service, air navigation service providers, the Armed Forces of the Republic of Kazakhstan are not subject to inclusion in the state register of producers of meteorological information, and when they carry out activities in the field of meteorological monitoring, the requirement to send a notification in accordance with the [legislation](#) of the Republic of Kazakhstan on permits and notifications does not apply to them.

The rules for maintaining the state register of meteorological information producers are approved by the environmental protection authorised body.

5. Meteorological information producers shall meet the following requirements:

- 1) implement a state registration as a legal entity or individual entrepreneur;
- 2) availability, on the basis of ownership or other legal basis, of equipment and measuring instruments necessary for the implementation of the planned activity;
- 3) availability of qualified staff.

6. State inspection over compliance with the state procedure for organizing and conducting meteorological monitoring by meteorological information producers, with the exception of the activities of the National Hydrometeorological Service, air navigation service providers, the Armed Forces of the Republic of Kazakhstan, is carried out by the environmental protection authorised body in the form of inspection and preventive control in accordance with the [Entrepreneurial](#) Code of the Republic Kazakhstan.

## **Chapter 11. NATIONAL HYDROMETEOROLOGICAL SERVICE**

### **Article 166. State monopoly in the field of meteorological, hydrological and environmental monitoring**

1. The National Hydrometeorological Service performs monitoring of the state of environment, meteorological and hydrological monitoring using the state observational network, which includes providing services of national and international importance, special-purpose services and the preparation of specialised information.

Activities related to meteorological and hydrological monitoring and monitoring of the state of environment, including provision of services of national and international importance, special-purpose activities and preparation of specialised information using the state observation network, belong to the state monopoly and are carried out by the National Hydrometeorological Service – a legal entity created by decision of the Republic of Kazakhstan Government in the organisational and legal form of a republican state enterprise on the right of economic management.

Services of national and international importance are services that are important for the security of the population and the state, sustainable economy and social functioning rendered by using the state observation network.

Special-purpose services – services in the field of meteorological and hydrological monitoring, environmental monitoring, not related to services of national and international importance and provided by using data from the state observation network on the basis of fee-based service provision contracts.

Specialized information – target information obtained as a result of special-purpose services provision by using data from the state observation network.

2. The National Hydrometeorological Service carries out its activities in accordance with the guiding and methodological documents for conducting meteorological, hydrological monitoring, monitoring of the state of environment using the state observation network, that are approved by

the National Hydrometeorological Service in coordination with the authorised environmental protection body.

3. The authorised environmental protection body organizes activities to conduct meteorological and hydrological monitoring, monitoring of the state of environment, which are associated with the provision of services of national and international importance.

Prices for goods (work, services) produced and (or) sold by a state monopoly entity are established by the authorised environmental protection body in coordination with the antimonopoly body.

4. Services of national and international importance in the field of meteorological monitoring:

1) ground-level meteorological, actinometric, agrometeorological, aerological, radar, ozonometric observations, collection, processing, storage, analysis of obtained meteorological data and preparation of storm meteorological information, meteorological and agrometeorological forecasts, general meteorological information, including reference books, bulletins, reference-consultations, regime information and other meteorological information, as well as the provision of this information in accordance with the established procedure to state bodies, other organisations and individuals;

2) maintaining the State Climate Cadastre and the State Hydrometeorological Fund;

3) provision of meteorological information for international exchange;

4) climate monitoring, including climate change monitoring.

The State Climate Cadastre is a systematized set of data based on meteorological information on the full range of atmospheric conditions, including air temperature, cloudiness, atmospheric phenomena, wind direction and speed, precipitation and other characteristics of the atmosphere and underlying surface typical for certain territories, and compiled on the basis of a climate database consisting of a long-term period of meteorological data.

The rules for maintaining the State Climate Cadastre, as well as data composition in State Climate Cadastre and the procedure for providing this data to state bodies, other organisations and individuals are approved by the authorised environmental protection body.

State Hydrometeorological Fund is a set of documented hydrological and meteorological information to be stored for the purpose of its use in accordance with the legislation of the Republic of Kazakhstan.

The rules for maintaining the State Hydrometeorological Fund are approved by the authorised environmental protection body.

5. Services of national and international importance in the field of hydrological monitoring:

1) observations on rivers, lakes (seas), reservoirs, canals and other surface water bodies, collection, processing, analysis of obtained hydrological data and preparation of hydrological short-term, long-term forecasts, including those with a lead time of up to five-seven days and the possibility of their update every three days in spring, and issuance of storm warnings about potential and actual occurrence of hazardous and natural disaster hydrological phenomena;

2) preparation of general-purpose hydrological information, including reference books, bulletins, reference-consultations, as well as provision of this information in the prescribed manner to state bodies, other organisations and individuals;

3) preparation of data for maintaining the state water cadastre for the section "Surface Waters" based on hydrological monitoring results;

4) provision of hydrological information for international exchange in the prescribed manner.

6. Services of national and international importance in the field of environmental monitoring:

1) observation, collection, processing, analysis of data on the contamination of environmental protection sites stipulated in subparagraphs 2) - 8) of this paragraph, preparation of general-purpose information on the state of environmental pollution, including bulletins and reference information, as well as providing this information to state bodies, other organisations and individuals in the prescribed manner;

2) ambient air pollution monitoring – a system for monitoring the state of ambient air in residential areas;

3) atmospheric precipitation pollution monitoring – a system of observations of the chemical composition of precipitation and snow cover in residential areas;

4) water pollution monitoring – a system for monitoring surface water pollution in coastal zones;

5) soil pollution monitoring – a system for monitoring the concentration of pollutants in the soil in residential areas;

6) radiation monitoring – a system for observing technogenic and natural radioactive contamination in residential areas;

7) transboundary pollution monitoring – a system of observation under international cooperation with border states on the pollution of transboundary surface waters and coastal soil of transboundary rivers carried out under the international cooperation with border states;

8) baseline monitoring – a system for observing the state of the atmosphere and other environments in their interaction with the biosphere by using a specialised network of integrated baseline environmental monitoring stations;

9) provision of information on the state of environment for international exchange in accordance with the established procedure.

7. The National Hydrometeorological Service represents the Republic of Kazakhstan on hydrological, meteorological activities and activities in the field of monitoring the state of environment in interaction with international organisations, foreign entities and hydrometeorological services of other states, unless otherwise established by laws of the Republic of Kazakhstan.

8. The National Hydrometeorological Service is a part of the state civil protection system and carries out its activities in the event of emergencies in accordance with the [legislation](#) of the Republic of Kazakhstan on civil protection.

#### **Article 167. State observation network**

1. The state observation network is a system of interconnected stationary and mobile observation points under the economic jurisdiction of the National Hydrometeorological Service designed to observe physical and chemical processes occurring in the environment, determine its meteorological, hydrological characteristics and the state of environmental pollution.

In order to obtain reliable information, protective zones are created around fixed observation points of the state observation network.

The procedure for establishing and marking the boundaries of protective zones is determined in accordance with the regulation on fixed observation points and observation points on the state of atmospheric pollution of the state observation network, approved by the authorised environmental protection body.

2. Easements may be established on land plots, through which there is a passage to fixed observation points included in the state observation network, in the order determined by the [land legislation](#) of the Republic of Kazakhstan.

3. Land plots of reference fixed observation points of the state observation network are not subject to withdrawal. Land plots of fixed observation points can be withdrawn for state needs only in exceptional cases, while the transfer is carried out at the expense of the entities initiating such a transfer in coordination with the authorised environmental protection body and the National Hydrometeorological Service.

4. The reference point of observation of the state observational network is an observation point that makes it possible to study long-term trends in climate change, agrometeorological characteristics, hydrological state of water bodies on land and sea, geophysical processes under the influence of climate changes and economic activities.



5. The number of observation points of atmospheric pollution of the state observation network is determined depending on the population size, terrain, the actual level of pollution.

6. The location of newly opened or subject to transfer fixed observation points and observation points of the state of atmospheric pollution of the state observation network is determined by the decision of the National Hydrometeorological Service in coordination with the authorised environmental protection body and local executive bodies.

The termination of activities of fixed observation points and observation points of atmospheric pollution of the state observation network is carried out by decision of the National Hydrometeorological Service in coordination with the authorised environmental protection body.

The organisation of the state observation network activities is carried out by the National Hydrometeorological Service.

7. The state observation network, including the land plots and parts of water areas allocated to it, as well as the related property, belong exclusively to state property, is protected by the state and is not subject to privatisation.

#### **Article 168. Financing of the National Hydrometeorological Service**

Financing of the National Hydrometeorological Service is carried out at the expense of budget funds and other sources in accordance with the current legislation of the Republic of Kazakhstan.

#### **Article 169. Provision of information by the National Hydrometeorological Service**

1. The procedure for the provision of meteorological, hydrological information and information on the state of environment is determined by the rules for the provision of information by the National Hydrometeorological Service, approved by the authorised body environmental protection.

2. The provision of hydrometeorological information to the Armed Forces of the Republic of Kazakhstan, governing bodies of the state civil protection system, the authorised body in the field of agro-industrial development is carried out by the National Hydrometeorological Service under the provision of services of national and international importance.

3. The National Hydrometeorological Service has the right to provide other services to state bodies using data obtained as a result of observations using the state observation network, in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

### **SECTION 10. STATE CADASTRES OF NATURAL RESOURCES OF THE REPUBLIC OF KAZAKHSTAN**

#### **Article 170. General provisions on the Single System of State Cadastres of Natural Resources of the Republic of Kazakhstan**

1. The Single System of State Cadastres of Natural Resources (hereinafter – the Single Cadastres System) is created and managed as an inter-sectoral information system that unites all types of state cadastres of natural resources of the Republic of Kazakhstan to provide a single nationwide comprehensive accounting and assessment of natural and economic potential of the Republic of Kazakhstan.

2. State cadastres of natural resources are a systematised collection of information on quantitative and qualitative indicators of natural resources in line with the procedure under this Code and other legislative acts of the Republic of Kazakhstan.

3. The objects of the Single Cadastres System are the components of the environment: land, water, forest, soil, subsoil, flora and fauna in their interaction.

4. The Single Cadastres System is maintained by the authorised environmental protection body jointly with specially authorised state bodies that monitor the respective types of natural resources using the data from the records on their condition and use.

The rules for maintaining the Single Cadastres System are approved by the environmental protection authorised body.

5. The Single System of State Cadastres of Natural Resources contains digital information about the status of each cadastral unit with its geographical reference and organisational and legal form.

6. The underlying principles for maintaining the Single Cadastres System are:

- 1) unity of technology for the processing and provision of cadastral information;
- 2) using automated information and communication technologies;
- 3) objectivity in adding and updating information;
- 4) public accessibility of information contained in the Single Cadastres System, except for information constituting state secrets and other secrets protected by law.

#### **Article 171. Structure and contents of the Single Cadastres System**

The structure of the Single Cadastres System consists of the following objects of accounting, which are monitored by the following specially authorised state bodies and organisations:

1) for the State Land Cadastre – by the central authorised body in the field of land management and the State Corporation "Government for Citizens";

2) for the State Water Cadastre (surface and ground water bodies, use of water resources): at the national level for the whole country – by authorised state bodies for environmental protection, use and protection of water reserve, study of subsoil; at the level of administrative territories and within river basins – by their territorial units;

3) for the State Forests Cadastre – at the national level for the whole country – by the authorised body for forestry operations; at the level of administrative territories – by its territorial units;

4) for the Single Cadastre of State Subsoil Fund: at the national level for the whole country – by the authorised body for subsoil studies; at the level of administrative territories – by its territorial units;

5) for the State Cadastre of Conservation Areas at the national level for the whole country – by the authorised body for conservation areas; at the level of administrative territories – by its territorial units;

6) for the State Wildlife Cadastre at the national level for the whole country – by the authorised state body for protection, reproduction and use of wildlife; at the level of administrative territories – by its territorial units.

#### **Article 172. Provision of information**

1. The results of record-keeping and registration of objects in natural resource cadastres are provided by specially authorised state bodies to the information system of the authorised environmental protection body free of charge in accordance with the rules for maintaining the Single Cadastre System.

2. Data on an object recorded in the Single Cadastres System shall include:

1) reporting materials and the passport of the object approved by specially authorised state bodies, and statistical information;

2) map materials on the spatial position of objects and other data necessary for a comprehensive assessment of the territory.

3. The authorised environmental protection body shall provide access to the information contained in the cadastres to specially authorised state bodies that monitor the relevant types of natural resources.

## **SECTION 11. ENVIRONMENTAL CONTROL**

### **Chapter 12. STATE ENVIRONMENTAL INSPECTION**

#### **Article 173. State environmental inspection**

1. State environmental inspection is the activity of the authorised environmental protection body aimed at ensuring that individuals and legal entities comply with requirements of the environmental legislation of the Republic of Kazakhstan.

2. State environmental inspection is exercised in the following areas:

- 1) compliance with this Code provisions in the field of environmental protection;
- 2) compliance with environmental requirements for conservation areas;
- 3) compliance with environmental requirements during conservation and reclamation of disturbed lands and elimination of consequences of subsoil use operations;
- 4) fulfilment of extended obligations of manufacturers (importers);
- 5) operator fulfilment of the extended obligations of manufacturers (importers) and requirements determined by this Code;
- 6) compliance with qualification requirements and rules for the implementation of licensed activities in the field of environmental protection, as well as activities for which a notification procedure has been established;
- 7) compliance by local executive bodies with the requirements of the environmental legislation of the Republic of Kazakhstan for the provision of public services in the field of environmental protection.

#### **Article 174. Forms of the state environmental inspection**

1. State environmental inspection is exercised in the following forms:

- 1) preventive inspection without visiting the subject (object);
- 2) preventive inspection with a visit to the subject (object);
- 3) checks.

2. The procedure for conducting state environmental inspection is established by the provisions of this Code and the Entrepreneurial Code of the Republic of Kazakhstan.

Forms of documents relating to the organisation and conduct of state environmental inspection, with the exception of cases provided for by the [Entrepreneurial Code](#) of the Republic of Kazakhstan, are developed and approved by the environmental protection authorised body.

3. Preventive inspection without visiting the subject (object) of inspection is carried out by the authorised environmental protection body by analysing data received from the media and the automated system for monitoring emissions into the environment, documentation and reports submitted to the authorised environmental protection body.

At the same time, the results of analysing publications in the media about violations or risks of committing violations in the field of environmental protection directly affecting human living conditions in a certain territory, including in places of public recreation, as well as conclusions of post-project review results and data from the automated system for monitoring emissions into the environment on significant exceedances of the pollutant emission standards can be the basis for preventive inspection and supervision with an inspection visit to the subject (object) or an unscheduled check in accordance with [paragraph 3 of Article 146](#) of the Entrepreneurial Code of the Republic of Kazakhstan.

The grounds for conducting preventive inspection with a visit to the subject (object) or an unscheduled check based on the results of data analysis from the automated system for monitoring emissions into the environment are determined by the rules approved by the authorised environmental protection body stipulating the procedure for processing, transferring, storing and

using data from an automated system for monitoring emissions into the environment in accordance with [paragraph 4 of Article 186](#) of this Code.

4. The objectives of preventive inspection without visiting the subject (object) of inspection are to timely stop and prevent violations of the environmental legislation of the Republic of Kazakhstan, granting the subjects of inspection the right to independently address violations identified by the authorised environmental protection body based on the results of preventive inspection without visiting the subject (object) of inspection.

5. If a violation of the environmental legislation of the Republic of Kazakhstan is identified based on the results of preventive inspection without visiting the subject (object) of inspection by officials of the authorised environmental protection body exercising state environmental inspection, an information letter shall be issued and sent to the subject of inspection within ten business days from the date of the violation detection.

6. The information letter sent by one of the following ways shall be deemed served in the following cases:

- 1) by hand – from the date of the receipt marked in the information letter;
- 2) by courier or postal service;
- 3) electronically – from the date of sending to the e-mail address of the subject of inspection specified in the letter at the request of the authorised environmental protection body.

7. The subject of inspection, who received an information letter on the elimination of violations of the environmental legislation of the Republic of Kazakhstan, identified as a result of preventive inspection without visiting the subject (object) of inspection, is obliged, within ten business days from the day following the day of its delivery, to submit an action plan to eliminate the identified violations with an indication of the specific time frame of the violations elimination to the authorised environmental protection body.

8. If disagreed with the violations specified in the information letter, the subject of the state environmental inspection shall have the right to send an objection to the authorised environmental protection body that sent the information letter within ten business days starting from the next day after the day of its delivery.

9. Failure to eliminate violations identified by preventive inspection without visiting the subject (object) of inspection within the prescribed deadline, as well as to submit in due time an action plan to eliminate these violations shall be the grounds for including the relevant subject (object) in the list of preventive inspection with an inspection visit to the subject (object).

#### **Article 175. Enforcement of orders under state environmental inspection**

1. If a violation of requirements of the environmental legislation of the Republic of Kazakhstan is detected, officials exercising the state environmental inspection shall issue instructions to individuals and legal entities on the elimination of the violation.

2. The procedure for issuing an order and its content are established by the [Entrepreneurial Code](#) of the Republic of Kazakhstan.

3. The obligation of the subject of state environmental inspection to comply with the order to eliminate the identified violations is ensured by penalties accrued to the state revenue.

Penalty is charged for each business day in the amount of ten monthly calculation indices for legal entities that are classified as large business entities.

Penalty is charged from the moment of expiration of the minimum period for the execution of the order stipulated by the [Entrepreneurial Code](#) of the Republic of Kazakhstan to eliminate the revealed violations.

4. The demand for the penalty payment is sent by state environmental inspection officials only in the event of the order execution delay to eliminate the revealed violations. In case of the subject of state environmental inspection non-payment of the accrued penalty on a voluntary basis within ten business days from the date of sending the corresponding request, the collection of the accrued penalty is carried out by state environmental inspection officials in court.

**Article 176. Determining the amount of economic benefit resulting from a violation of the environmental legislation of the Republic of Kazakhstan under the state environmental inspection**

1. In order to prevent repeated violations of the environmental legislation of the Republic of Kazakhstan, officials engaged in state environmental inspection, in cases stipulated by the [Code](#) of the Republic of Kazakhstan on Administrative Offenses, when conducting a state environmental inspection, determine the amount of economic benefit received by the subject of state environmental inspection as a result of violating the environmental legislation of the Republic of Kazakhstan.

2. The economic benefits received by the subject of state environmental inspection as a result of the violation of the environmental legislation of the Republic of Kazakhstan is considered to be an advantage received by the subject of state environmental inspection in the form of savings or income (revenue) that resulted from the violation of the environmental legislation of the Republic of Kazakhstan.

3. Officials carrying out state environmental inspection, within a month from the date of establishing the fact of the environmental legislation violation committed by the subject of state environmental inspection entailing a penalty expressed as a percentage of the amount of economic benefits, shall collect and analyse materials, demand all the necessary information from the subject of inspection and determine the amount of economic benefits obtained as a result of the violation of the environmental legislation of the Republic of Kazakhstan.

4. The amount of economic benefits in the form of income (revenue) received by the subject of state environmental inspection is determined when a negative environmental impact is made by an installation that have been re-commissioned without an environmental permit or operated without an environmental impact declaration.

In other cases, the amount of economic benefit is determined in the form of monetary savings by the subject of state environmental inspection as a result of violation of the environmental legislation of the Republic of Kazakhstan.

The methodology for determining the amount of economic benefits obtained as a result of the violation of the environmental legislation of the Republic of Kazakhstan is developed and approved by the authorised environmental protection body.

**Article 177. Officials carrying out the state environmental inspection**

1. Officials carrying out the state environmental inspection include:

- 1) Chief State Environmental Inspector of the Republic of Kazakhstan;
- 2) Deputy Chief State Environmental Inspector of the Republic of Kazakhstan;
- 3) Senior State Environmental Inspectors of the Republic of Kazakhstan;
- 4) State Environmental Inspectors of the Republic of Kazakhstan;
- 5) Chief State Environmental Inspectors of oblasts, cities of national significance, the capital;
- 6) Senior State Environmental Inspectors of oblasts, cities of national significance, the capital;
- 7) State Environmental Inspectors of oblasts, cities of national significance, the capital.

2. The officials referred to in paragraph 1 of this Article are appointed by the authorised environmental protection body.

The procedure for relating categories of civil servants of state environmental inspection units of the authorised environmental protection body to officials referred to in paragraph 1 of this Article is established by the authorised environmental protection body.

3. State environmental inspectors, in line with an established procedure, are provided with standard uniforms (without shoulder straps), service certificates and stamps of an established pattern.



The list of positions of officials entitled to wear a uniform (without shoulder straps), samples of uniforms (without shoulder straps) and the procedure for wearing it are determined by the authorised environmental protection body.

4. The Chief State Environmental Inspector of the Republic of Kazakhstan, Chief State Environmental Inspectors of oblasts, cities of national significance, and the capital have letterheads with the image of the State Emblem of the Republic of Kazakhstan and the name of the position of the environmental inspector.

#### **Article 178. Rights and obligations of officials carrying out the state environmental inspection**

1. Officials carrying out the state environmental inspection have a right to:

1) conduct a preventive inspection with a visit to the subject (object) or a compliance check if there is an appropriate legal basis, enter the territory and premises of the inspected installation, bringing measuring instruments and equipment for sampling, and, if necessary engaging specialists, consultants and experts in accordance with the legislation of the Republic of Kazakhstan to carry out the necessary measurements, take samples (including samples of goods and materials) and analyse them;

2) request and receive from the inspected subjects (objects) results of laboratory tests of samples and other materials necessary to determine the size of man-made impact on the environment;

3) bring claims to court to restrict, suspend and prohibit activities of the state environmental inspection subject violating the environmental legislation of the Republic of Kazakhstan;

4) identify facts of inflicting environmental damage and take part in determining measures to eliminate the damage in accordance with the requirements of this Code;

5) apply to the prosecutor's office and other law enforcement agencies for assistance to prevent or stop the activities of violators of the environmental legislation of the Republic of Kazakhstan;

6) take measures stipulated by laws of the Republic of Kazakhstan to withdraw, revoke, and suspend the validity of permits, conclusions, licenses and other permits of individuals and legal entities due to their violation of the environmental legislation of the Republic of Kazakhstan.

2. Officials carrying out state environmental inspection, in cases stipulated by the legislation of the Republic of Kazakhstan, have the right to store, wear and use special means (specialised communication equipment, photo, video equipment, measuring instruments).

3. Officials carrying out state environmental inspection are obliged to interact with other state bodies, as well as individuals and (or) legal entities on ensuring compliance with the requirements of environmental legislation of the Republic of Kazakhstan.

#### **Article 179. Procedure for consideration of a complaint by the Appeals Commission**

1. A subject of state environmental inspection, prior to going to court, has the right to file a request to the appeal commission for reviewing a complaint against the inspection results report.

2. The Appeals Commission shall mandatorily include representatives of the authorised environmental protection body and the National Chamber of Entrepreneurs of the Republic of Kazakhstan.

3. A complaint against the inspection results report of the authorised environmental protection body is considered by the Appeals Commission within the scope of the issues appealed.

4. A complaint against the inspection results report is filed in writing in the manner and within the time limits prescribed by the legislation of the Republic of Kazakhstan.

5. The decision of the Appeals Commission is advisory in nature.

6. The Appeals Commission annually summarises the results of reviews of complaints against inspection results and develops recommendations for the improvement of the legislation of the Republic of Kazakhstan.

7. An appeal of a subject of state environmental inspection to the court under the procedure prescribed by the laws of the Republic of Kazakhstan suspends consideration of the complaint against the inspection results report by the Appeals Commission.

A complaint against the inspection results report filed after the subject of state environmental inspection applies to court in the manner prescribed by the laws of the Republic of Kazakhstan, or after the court ruling enters into force shall not be considered.

**Article 180. Ensuring confidentiality of information in the consideration of the complaint by the Appeals Commission**

State secrets, information constituting commercial and other secrets protected by law are submitted to members of the appeal commission when considering complaints against the results report of inspection carried out by the environmental protection authorised body, in the manner determined by the authorised environmental protection body, without obtaining a written permission of the complainant.

The above information shall not be disclosed by members of the Appeals Commission.

**Article 181. Publicity of the state environmental inspection**

1. Individuals and legal entities have the right to access information on the state environmental inspection results.

2. The authorised environmental protection body ensures the publication on the official Internet resource:

1) analytical reports on level of compliance and changes in the level of compliance with the environmental legislation of the Republic of Kazakhstan by subjects of state environmental inspection;

2) annual reporting on the state environmental inspection results;

3) information on revealed facts of violation of the environmental legislation of the Republic of Kazakhstan at installations of I and II categories, the imposed corresponding administrative, criminal and (or) civil liability on the subject of state environmental inspection, including information on imposed penalties, as well as the issuance and execution of orders in relation to installations of I and II categories;

4) the list of enterprises that systematically violate the environmental legislation of the Republic of Kazakhstan.

Information specified in subparagraphs 1) - 4) of this paragraph, shall not include information about the subjects of state environmental inspection and facts of violation of the environmental legislation of the Republic of Kazakhstan committed by them in cases where the period for judicial appeal by such subjects of state environmental inspection against the relevant report (decisions) of an official carrying out state environmental inspection has not expired, or when such entities appeal against reports (decisions) of an official carrying out state environmental inspection prior to the relevant court decision entry into force.

3. Installation operators of I and II categories on the basis of a relevant judicial act or administrative act, are obliged to post at their own expense in the media and on their Internet resources information on the facts of their violations of the environmental legislation of the Republic of Kazakhstan, penalties imposed on them, as well as taken and planned measures to eliminate violations of the requirements of the environmental legislation of the Republic of Kazakhstan.

4. Information posted on Internet resources shall be in the public domain for at least one calendar year in accordance with paragraphs 2 and 3 of this article.

## **Chapter 13. INDUSTRIAL ENVIRONMENTAL CONTROL**

### **Article 182. Purpose and goals of the industrial environmental control**

1. Operators of installations of I and II categories shall carry out industrial environmental control.

2. The goals of industrial environmental control are:

1) obtaining information to make decisions regarding installation operator internal environmental policy, control and regulation of production processes that potentially affect the environment;

2) ensuring compliance with the environmental legislation of the Republic of Kazakhstan;

3) minimising the impact of production processes on the environment, life and (or) people health;

4) improve efficiency in natural and energy resources use;

5) rapid proactive response to emergency situations;

6) fostering a higher level of environmental awareness and responsibility among managers and staff of the installation operator;

7) informing the public about environmental activities of enterprises;

8) improving the efficiency of the environmental management system.

### **Article 183. Procedure for the industrial environmental control**

1. Operators of installations of I and II categories carry out the industrial environmental control on the basis of an industrial environmental control program, which is a part of the environmental permit as well as an environmental efficiency improvement program.

2. Environmental assessment of the production process efficiency within industrial environmental control is based on measurements and (or) calculations of the environmental emission levels, hazardous production factors, as well as the actual consumption of natural, energy and other resources.

### **Article 184. Rights and obligations of an installation operator during industrial environmental control**

1. Operators of installations of I and II categories have the right to independently determine the organisational structure of the industrial environmental control service and the responsibility of the staff for its implementation.

2. When carrying out industrial environmental control, the installation operator shall:

1) comply with the industrial environmental control program;

2) implement the terms of the industrial environmental control program and submit reports on the industrial environmental control results in accordance with the requirements for reporting on the industrial environmental control results;

3) in respect of the 1st category installations – to establish an automated system for monitoring emissions into the environment at main stationary emission sources in accordance with the procedure for an automated monitoring of emissions into the environment approved by the authorised environmental protection body and the requirements of [paragraph 4 of Article 186](#) of this Code;

4) create an industrial environmental control service or appoint an employee responsible for organizing and conducting industrial environmental control and interaction with state environmental inspection bodies;

5) follow procedural requirements and ensure the quality of the data obtained;

6) systematically assess the results of industrial environmental control and take necessary measures to eliminate the identified non-compliances with the requirements of the environmental legislation of the Republic of Kazakhstan;

7) submit reports on the results of industrial environmental control to the authorised environmental protection body in the prescribed manner;

8) within three business days report violations of environmental legislation of the Republic of Kazakhstan revealed during the industrial environmental control to the authorised environmental protection body;

9) provide public access to industrial environmental control programmes and related reporting data;

10) at the request of state environmental inspectors submit documentation, analyses results and source and other materials of industrial environmental control needed for state environmental inspection.

### **Article 185. Requirements for the content of the industrial environmental control programme**

1. The industrial environmental control program shall contain the following information:

1) a mandatory list of quantitative and qualitative pollutant emission indicators and other parameters monitored during industrial monitoring;

2) frequency and duration of industrial monitoring, frequency of measurements;

3) information on the used instrumental and calculation methods of industrial monitoring;

4) the required number of sampling points for the parameters monitored in the process of production monitoring (by components: ambient air, water, soil), and an indication of the locations of measurements;

5) methods and frequency of data recording, analysing and reporting;

6) a schedule of internal audits and a procedure for eliminating violations of the environmental legislation of the Republic of Kazakhstan including internal tools for responding to non-compliance;

7) quality assurance mechanisms for instrumental measurements;

8) protocol of actions in emergency situations;

9) organisational and functional structure of internal responsibility of staff for industrial environmental control;

10) other information on the issues of organizing and conducting industrial environmental control.

2. The program of industrial environmental control of installations of I and II categories shall also comply with the environmental conditions contained in the environmental permit.

3. The development of a program for industrial environmental control of installations of I and II categories is carried out in accordance with the rules approved by the authorised environmental protection body.

### **Article 186. Types and organisation of industrial monitoring**

1. Industrial monitoring is an element of industrial environmental control, as well as programs to improve environmental performance.

2. Operational monitoring, environmental emission monitoring and impact monitoring are all carried out as part of the industrial environmental control.

3. Operational monitoring (monitoring of the production process) includes observing technological process parameters to confirm that the installation performance indicators are within the range considered appropriate for its proper designed operation and for its compliance with the terms of technological regulations of the given production. The content of operational monitoring is determined by the installation operator.

4. The environmental emission monitoring is the observation of the quantity and quality of emissions and their changes.

Monitoring of emissions into the environment at installations of the I category should include the use of an automated environmental emission monitoring system.

An automated environmental emission monitoring system is an automated system for industrial environmental monitoring that monitors the indicators of emissions into the environment at main stationary emission sources and transmits the data to the information system for monitoring emissions into the environment in real time according to the rules for maintaining an automated environmental emission monitoring system during industrial environmental control approved by the authorised environmental protection body.

The functioning of the automated monitoring system, its measurements, their processing, transfer, storage and use shall comply with the legislation of the Republic of Kazakhstan in the field of technical regulation on ensuring the uniformity of measurements and on informatization.

5. Impact monitoring is included in the industrial environmental control program in cases where it is necessary to monitor compliance with the environmental legislation of the Republic of Kazakhstan and environmental quality standards or is determined by the integrated environmental permit.

6. Impact monitoring is mandatory in the following cases:

- 1) when activities affect sensitive ecosystems and public health;
- 2) at the stage of setting installations into operation;
- 3) after emergency emissions into the environment.

7. Impact monitoring can be carried out by an installation operator individually as well as jointly with operators of other installations in coordination with the authorised environmental protection body.

8. Industrial environmental emission monitoring and impact monitoring are carried out by laboratories accredited in the manner established by the [legislation](#) of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

The entity carrying out industrial monitoring is liable in accordance with the [Code](#) of the Republic of Kazakhstan on Administrative Offenses for providing inaccurate information based on the results of industrial monitoring.

9. Industrial monitoring data is used to assess the state of environment within the framework of the Single State System for Environment and Natural Resources Monitoring.

#### **Article 187. Accounting and reporting on industrial environmental control**

1. The installation operator maintains internal records, generates and submits periodic reports on the results of industrial environmental control in electronic form to the National Data Bank on the Environment and Natural Resources of the Republic of Kazakhstan in accordance with the rules approved by the authorised environmental protection body.

2. Periodic reports on the results of industrial environmental control shall be published on the official Internet resource of the authorised environmental protection body.

#### **Article 188. Industrial environmental control service and entities responsible for industrial environmental control**

1. The entity responsible for the industrial environmental control is obliged to ensure the maintenance of industrial environmental control logs at the installation or site areas, in which staff shall record the detected facts of violation of the environmental legislation of the Republic of Kazakhstan indicating the timing for addressing them.

2. Persons responsible for exercising the industrial environmental control, who discovered the fact of violation of environmental requirements, as a result of which there is a threat to life and (or) human health or the risk of causing environmental damage, are obliged to immediately take all measures in their power to address or localize the situation that has arisen and inform the installation operator's management.



### **Article 189. Organisation of internal audits**

1. The installation operator takes measures for regular internal audits of compliance with the environmental legislation of the Republic of Kazakhstan and comparison of the results of industrial environmental control with the terms of environmental and other permits.

2. Internal audits are carried out by employee(s) whose job duties include environmental protection and industrial environmental control functions.

3. Internal audit checks:

1) implementation of measures under the industrial environmental control programme;

2) following production instructions and rules related to environmental protection;

3) compliance with the terms of environmental and other permits;

4) the accuracy of accounting and reporting on the results of industrial environmental control;

5) other information reflecting the issues of organisation and implementation of industrial environmental control.

4. The employee(s) performing the internal audit shall:

1) review the report of the previous internal audit;

2) examine each installation performing environmental emissions;

3) write a report to the supervisor including requirements, if necessary, for corrective action, deadlines and procedures for addressing the non-compliance identified during the audit.

## **Chapter 14. PUBLIC ENVIRONMENTAL CONTROL**

### **Article 190. Public environmental control**

1. Public environmental control is carried out in order to attract public attention to environmental problems and engage in promoting activities of the authorised environmental protection body.

2. Public environmental control can be carried out by non-profit environmental protection organisations created in accordance with the legislation of the Republic of Kazakhstan, whose charter provides for the implementation of public environmental control activities and who are accredited in the authorised environmental protection body to carry out public environmental control.

3. On an official Internet resource, the authorised environmental protection body draws up and publishes a list of non-profit environmental protection organisations accredited in accordance with this Code for conducting public environmental control to promote cooperation and interaction.

4. To be entered into the list specified in paragraph 3 of this article, eligible non-profit organisations that meet the requirements specified in paragraph 2 of this article shall send to the authorised environmental protection body a statement of their compliance with the requirements and intention to carry out public environmental control with an attached copy of their charter.

Within five business days, if a non-profit organisation meets the requirements specified in paragraph 2 of this article, the authorised environmental protection body shall include this non-profit organisation in the list of non-profit environmental protection organisations accredited in accordance with this Code for conducting public environmental protection control.

5. The procedure for conducting public environmental control is determined by this Code and by non-profit environmental protection organisations in accordance with their charters.

6. Public environmental control includes:

1) non-profit organisations exercising public environmental control informing the authorised environmental protection body about the facts of violation of the environmental legislation of the Republic of Kazakhstan or the risks of such violation;

2) hearing at the public council established under the authorised environmental protection body of the information provided by the authorised environmental protection body on the facts of violation of the environmental legislation of the Republic of Kazakhstan by subjects of control,

who are operators of category I installations, as well as on measures taken against such entities with their implementation status;

3) participation of non-profit organisation representatives in the process of public discussion of results of the state environmental control.

7. State bodies have the right to involve representatives of accredited public environmental protection organisations on a voluntary basis to work to identify the facts of violation of the environmental legislation of the Republic of Kazakhstan.

## **SECTION 12. ENVIRONMENTAL CULTURE, EDUCATION AND AWARENESS-BUILDING**

### **Article 191. Environmental culture**

1. Environmental culture is a system of knowledge, skills and value orientations, which expresses and specifies the relationship between people and nature, the measure and method of human involvement in activities for the natural environment preservation and development.

2. Environmental culture is recognised as one of the main personal values in the Republic of Kazakhstan, which creates the basis for not only human self-awareness development, but also for the state well-being growth.

3. Inculcating the basics of environmental culture is one of the fundamental tasks of social relations associated with family education, upbringing (awareness-building) in educational organisations, corporate culture, social relations in the context of the housing and utilities services system.

4. In order to form an environmental culture, the state takes measures to ensure the information dissemination that forms the idea of humanity relationship with nature, the impact of human life on the environment, the threat of global climate change and the environmental foundations of sustainable development of the Republic of Kazakhstan.

5. Everyone has the right to take an active part in the discussion of issues related to the environmental situation and state environmental policy and make appropriate proposals in the manner prescribed by the [Administrative Procedural Code](#) of the Republic of Kazakhstan and this Code.

### **Article 192. Goal, main areas, subjects and objects of environmental education**

1. Environmental education is a continuous integrated process of training, upbringing and personal development, aimed at forming an active life position for everyone and improving environmental culture in society as a whole, based on the principles of sustainable development.

2. Environmental education includes a set of activities aimed at both the target audience and society as a whole.

3. The target audience of the environmental education system can be educational organisations of all levels, owners of housing and other real estate, producers of goods, works and services and their consumers.

4. Environmental education is the dissemination of environmental knowledge, information about the state of environment and environmental safety, and other environmental information in order to form the foundations of environmental culture in the society.

5. The state takes the following measures to ensure public awareness of environmental issues and public participation in the discussion of issues related to environmental protection:

1) ensuring public access to environmental information on the state of ambient air, climate change, the state of water and land resources, biodiversity, energy balance, waste management;

2) informing the population, including owners of housing and other real estate through the system of housing and utilities services about the environmental impact of the quality of water and energy consumption, and about environmentally efficient waste management;

3) informing business entities about measures taken by the state to support resource-saving production, production of goods, performance of works and provision of services by using recycled resources;

4) informing consumers about the extent of environmental friendliness in the production of goods, works and services and about the measures stimulating sales of goods, works and services received through energy-efficient production and by using recycled resources;

5) ensuring participation in the public environmental control in the cases stipulated by this Code.

### **Article 193. Environmental education in educational institutions**

1. Environmental education in educational organisations is carried out through the integration of the environmental technology topics, environmental aspects into academic disciplines taking into account landscape regional priorities, climate change and Sustainable Development Goals perspective, as well as possible introduction of specialised and interdisciplinary educational curricula.

2. Educational programs and academic disciplines provide a practice-based approach aimed at both theoretical study and practical training.

3. State compulsory educational standards and model curricula for vocational education with specialization in environmental protection and the use of natural resources is approved by the authorised body in the field of education in coordination with the authorised body in the field of environmental protection.

4. Model curricula for vocational education with specialization in environmental protection and the use of natural resources shall provide compulsory vocational training for the right of handling hazardous waste as well as contribute to the development of a dual education system.

### **Article 194. State support for environmental education and awareness**

1. The state supports environmental education and awareness-building in the following priority areas:

1) defining a long-term action plan on environmental education for the transition of the Republic of Kazakhstan to sustainable development;

2) improvement of educational and research methodological bases of environmental education and awareness-building;

3) training qualified environmental protection specialists, promoting the best domestic and foreign innovative teaching methods to form a general environmental culture;

4) creation of practice-based modules containing integrated solution manuals, games, illustrations, references and other types of materials that will provide access to people of the Republic of Kazakhstan to environmental education and awareness;

5) promoting the development of organisations implementing environmental educational programs and activities in the society and family, including non-profit, youth and school organisations;

6) training climate change adaptation specialists;

7) informing the public about projected anthropogenic impacts, climate change, human and environmental vulnerability and climate change adaptation measures.

2. Government support measures include:

1) financing of environmental education in educational institutions (educational and methodological works and activities on environmental education and awareness-building, professional development);

2) active participation of state bodies in formulating the state educational order for specialists training;

3) granting state contracts to support innovative methodological practices, research in the field of environmental education aimed at promoting sustainable development;

- 4) granting state social contracts to support non-profit organisations carrying out activities in the field of environmental education and awareness;
- 5) provision of necessary measures for environmental education, awareness-building, professional development and retraining of specialists.

## **SECTION 13. ENVIRONMENTAL RESEARCH**

### **Article 195. Goals and objectives of environmental research**

1. Environmental research is conducted to provide scientific support for environmental protection, to develop evidence-based measures to improve, restore and ensure sustainable functioning of natural ecosystems, preserve biodiversity and reproduction of natural resources, study climate change impacts, develop climate impact mitigation and climate change adaptation measures improving public health, ensuring environmental safety and social, economic and environmentally balanced development of the Republic of Kazakhstan.
2. The objectives of environmental research are:
  - 1) scientific assessment and forecasting of the state of environment;
  - 2) development of evidence-based environmental regulations, standards and requirements;
  - 3) development of scientific recommendations to ensure state environmental protection regulation and management;
  - 4) scientific justification, development and implementation of environmentally-friendly resource-saving technologies;
  - 5) providing a scientific basis for the development of climate impact mitigation and climate change adaptation measures.

### **Article 196. Main directions of environmental research**

1. The following types of research may be carried out to meet the objectives of scientific support in environmental protection:
  - 1) development of comprehensive state, regional, local scientific justifications for socio-economic sustainable development of territories;
  - 2) study the ecosystem resilience to man-made impacts and development of a scientific basis for identifying environmental risks;
  - 3) study of the state of biodiversity, development of a methodology for its conservation and protection from negative impact, methods for assessing the damage caused to biodiversity;
  - 4) assessment of the level of man-made burden on the environment and the degree of disturbance of ecosystems and landscapes;
  - 5) determination of zonal threshold levels of man-made impacts on ecosystems and landscapes;
  - 6) development of evidence-based laws and regulations on environmental protection;
  - 7) identifying the impact of environmental factors on public health;
  - 8) zoning and ranking the territory of the Republic by the degree of environmental stress;
  - 9) studies related to the development of environmental quality target indicators;
  - 10) studies related to the development of methods and technologies to clean environmental emissions;
  - 11) research on the multipurpose use of raw materials, recycling and waste disposal;
  - 12) studies to find, provide scientific and technical justification and implement new environmentally-friendly and resource-saving technologies;
  - 13) development and scientific support for assessing the state of the environment and forecasting its changes under man-made and natural factors;
  - 14) scientific justification of methods for preventing or mitigating negative effects of man-made or natural factors on the environment;

- 15) systematic study and synthesis of the results of environmental monitoring of quantitative and qualitative indicators of the state of ecosystems and objects basing on long-term observation and operational control;
  - 16) scientific support of environmental monitoring;
  - 17) development and scientific justification of limits (allowances) on environmental emissions and the use of natural resources;
  - 18) comprehensive studies of climate change, including an assessment of its impact on the economy and natural resources of the Republic of Kazakhstan, climate change mitigation and adaptation;
  - 19) study of the state of the ozone layer, the related destruction and restoration processes, and the development of measures to prevent the impact of human activity on the ozone layer;
  - 20) studying the mechanisms of economic regulation of the natural resource management, developing methods for assessing the economic efficiency and costs of environmental protection measures and scientific support for these measures;
  - 21) participating in the development and scientific justification of environmental indicators of the socio-economic development of the country;
  - 22) research related to the fulfilment of commitments of the Republic of Kazakhstan under international treaties on environmental protection and natural resource use;
  - 23) international scientific cooperation in environmental protection and natural resource use;
  - 24) scientific justification of measures to compensate for the loss of biodiversity;
  - 25) studies on the economic valuation of ecosystem services and biodiversity.
2. Fundamental and applied environmental research is financed through budgetary funds and other sources of financing, not prohibited by legislative acts of the Republic of Kazakhstan.

#### **Article 197. Requirements to environmental research**

1. Environmental research is carried out by scientific organisations in line with this Code and the law on Science of the Republic of Kazakhstan.
2. Research on environmental protection in the Republic of Kazakhstan may be carried out both by Kazakhstani and foreign individuals and legal entities, as well as international organisations, subject to mandatory compliance with the legislation of the Republic of Kazakhstan.

## **SPECIAL PART**

### **SECTION 14. PROTECTION OF AMBIENT AIR**

#### **Article 198. Ambient air and its protection**

1. Ambient air is a vital component of the natural environment, which is a mixture of atmospheric gases located outside residential, industrial and other premises.
  2. In accordance with the environmental legislation of the Republic of Kazakhstan, ambient air is subject to protection from pollution.
  3. Ambient air pollution is understood as the presence of pollutants in the ambient air in concentrations or exerting physical effects at levels exceeding the environmental standards for ambient air quality established by the state.
- Sources of ambient air pollution are the inflow of pollutants, physical effects into the ambient air as a result of man-made and natural factors, as well as the formation of pollutants in the ambient air as a result of chemical, physical and biological processes occurring in it.



**Article 199. Emission of pollutants into the ambient air**

1. The emission of pollutants into the ambient air (hereinafter referred to as emission) is the entry of pollutants into the ambient air from emission sources.

2. Sources of emissions are a facility, technical device, equipment, installation, site, transport or other mobile vehicle, during the operation of which pollutants enter the ambient air.

3. Emission sources are classified into stationary and mobile sources.

4. A stationary source is a source of emission that cannot be moved without dismantling it and its permanent location can be determined by using a unified state coordinates system or which can be moved by means of transport or other mobile vehicle but requires a motionless (stationary) position relative to the earth's surface during its operation.

Emissions from a stationary source is considered from point sources if they are carried out through a special facility, system or device (stacks and ventilation pipes, gas ducts, air ducts, ventilation shafts, aeration lights, deflectors, etc.), which ensure the direction of the flow of outgoing dust and gas-air mixtures. Other types of emissions from a stationary source, in which the release of pollutants into the ambient air is carried out in the form of non-directed diffuse flows, are referred to as fugitive emissions.

5. A mobile source is a vehicle or other mobile means, equipment or installation equipped with internal combustion engines operating on various types of fuel and capable of emission both in a stationary position and in the process of movement.

**Article 200. Environmental standards for ambient air quality**

1. Environmental standards for ambient air quality are established as follows:

1) for chemical indicators of the state of ambient air – in the form of maximum permissible concentrations of pollutants in the ambient air;

2) for physical indicators of the state of ambient air – in the form of maximum permissible levels of physical effects on ambient air.

2. The maximum permissible concentration of pollutants in the ambient air is understood as the maximum amount (mass) of a chemical substance recognised in accordance with this Code as a pollutant, which, with constant or temporary human exposure, does not affect people health and does not cause adverse hereditary changes in their offspring, and also does not cause degradation of natural environment components, does not violate stability of environmental systems and does not lead to a decrease in biodiversity.

3. The maximum permitted concentration of a pollutant in the ambient air is established for individual pollutants in the following forms:

1) mass of a pollutant per unit of ambient air volume and expressed as a ratio of milligrams per cubic meter;

2) mass of a pollutant deposited on a unit of the earth surface per unit of time and expressed as a ratio of grams per square meter per a calendar year.

4. For pollutants, mass concentrations per unit volume of ambient air are determined for standard conditions of 293.15 K and 101.3 kPa.

5. The maximum permissible concentration of a pollutant in the ambient air, depending on the type of a pollutant, is established taking into account the following periods of indicators averaging:

1) annual indicators – average indicators of pollutant concentration in a unit of ambient air volume or per unit of earth surface during one calendar year;

2) daily indicators – average indicators of pollutant concentration in a unit of ambient air volume during twenty-four hours within one calendar day;

3) hourly indicators – average indicators of pollutant concentration in a unit of ambient air volume during one hour.

6. In addition to the periods of indicators averaging, environmental standards of ambient air quality determine the maximum permissible number of daily and hourly indicators exceedances during one calendar year.

7. If the established environmental standards of ambient air quality are well observed within certain territories, but signs of deterioration in the state of living elements of the natural environmental system (plants, animals and other organisms) are found, that are confirmed by scientific research for a period of at least five years, at such territories, a relevant local representative body of the region, city of republican significance, or the capital, in coordination with the authorised environmental protection body, is obliged to establish stricter territorial environmental standards of ambient air quality in the form of maximum permissible concentrations of pollutants in the ambient air and (or) maximum permissible levels of physical effects at which no negative diversion is observed from indicators in the state of the most vulnerable group of biological objects, that are used as indicators of environmental quality.

8. Air quality standards inside residential, industrial and other premises, as well as air quality standards within industrial (production) zones are established by hygienic standards in accordance with the legislation of the Republic of Kazakhstan in the field of healthcare. These standards do not relate to environmental standards and are not regulated by the environmental legislation of the Republic of Kazakhstan.

#### **Article 201. Standards of permissible anthropogenic impact on ambient air**

1. In order to ensure the protection of ambient air, the state establishes the following standards of permissible anthropogenic impact on ambient air:

- 1) permissible emission standards;
- 2) technological emission standards;
- 3) standards of permissible physical effects on ambient air.

2. Rules for determining standards of permissible anthropogenic impact on the ambient air are approved by an authorised environmental protection body.

#### **Article 202. Standards of permissible emissions and technological standards of emissions**

1. Permissible emission standard – an environmental standard that is established in an environmental permit and is defined as the maximum mass of a pollutant or a mixture of pollutants that is permissible (allowed) for emission into ambient air.

2. The permissible emission standards are determined for an individual stationary source and (or) a set of stationary sources that are part of an installation of I or II category by calculation using a method of modelling a dispersion of ground-level concentrations of pollutants in such a way that the total load on the ambient air within the exposed area does not lead to a violation of established environmental quality standards or environmental quality targets.

The exposed area is a territory (water area) determined by modelling a dispersion of ground-level concentrations of pollutants.

For a set of stationary sources, the exposed area is calculated as a sum of exposed areas of individual stationary emission sources.

3. The total load on ambient air is understood as a cumulative impact of the following:

1) emissions of an installation of category I or II, for which permissible emission standards are established, taking into account levels of existing exposure (for existing emission sources) or a reasonably assumed exposure level (for new and rehabilitated emission sources)

2) natural background of ambient air, which is understood as mass concentrations of pollutants in the ambient air, caused by a release or formation of pollutants in the ambient air as a result of natural processes;

3) basic anthropogenic background of ambient air, which is understood as mass concentrations of pollutants in the ambient air caused by emissions from other stationary and mobile sources, which are carried out at the time of determining permissible emission standards for the installation specified in subparagraph 1) of this paragraph.

4. The total load on the ambient air is determined taking into account geographical, climatic and other natural conditions and characteristics of environmentally regulated territories and water

areas. When determining the total load on ambient air, the variability (seasonality) of the impacts specified in paragraph 3 of this article during the calendar year is also taken into account.

5. Permissible emission standards are established for each pollutant in the form of:

1) mass concentration of a pollutant, which refers to the mass of a pollutant per unit of dry flue gases and which is expressed as a ratio of milligrams per cubic meter;

2) the rate of a pollutant mass flow, which refers to the mass of a pollutant emitted per unit of time and expressed as a ratio of grams per second.

Indicators of the volume and rate of mass flow of flue gases are determined under standard conditions of 293.15 K and 101.3 kPa after subtracting water vapor content, unless otherwise explicitly provided for by the environmental legislation of the Republic of Kazakhstan.

Indicators of the mass concentration of a pollutant are determined by averaging corresponding emission indicators during one calendar day of a normal (routine) operation of a stationary source of emissions under the most unfavourable conditions in terms of ambient air protection.

Indicators of the mass flow rate of a pollutant are determined by averaging corresponding emission indicators during one hour of normal (routine) operation of the emission source under the most unfavourable conditions in terms of ambient air protection.

6. Emissions are considered limit-exceeding if:

1) average indicators of mass concentrations for a calendar day exceed the established value of mass concentrations;

2) average indicators of mass concentrations for thirty minutes two or more times exceed the established value of mass concentrations.

7. In order to ensure compliance with the established standards for the permissible total anthropogenic load on the ambient air, along with the standards for permissible emissions, annual emission limits are established in the environmental permit expressed in tons per year for each stationary source and installations of categories I and II as a whole.

8. The permissible emission standards are established for standard (routine) operating conditions of stationary sources that are part of an installation of category I or II, at their maximum load (capacity) provided for in the design documents, including under the condition of normal (routine) operation of all ventilation systems and devices and gas treatment installations.

Standards of permissible emissions of an installation of I or II category are established for its normal operation conditions, taking into account development prospects, such as equipment load and its operation modes, including systems and devices for ventilation, dust and gas cleaning equipment provided for by the technological regulations. At the same time, for existing operating installations of I or II category, the actual maximum equipment load for the last three years is taken into account within the indicators' limits established by the project.

9. Emissions from the technologically unavoidable combustion of raw gas are allowed in case of deviation from the initial data used for calculating emissions in draft permissible emission standards and project documentation, provided that the established permissible emission standards and technological standards are observed.

Emissions are recognised as limit-exceeding when raw gas flaring is not recognised by the authorised body in the field of hydrocarbons regulation as technologically inevitable combustion in the event of a technological failure or deviation in the technological equipment operation.

10. Permissible emission standards are not calculated or established for accidental releases. An accidental release means an unforeseen, unpredictable and unintentional release caused by an accident that occurred during the operation of installation of I or II category.

The rules for accounting for actual accidental emissions are determined by this Code.

11. If the emissions from a stationary source contain substances for which environmental quality standards have not been established, an assessment of their possible negative impact on the environment shall also be carried out as part of the mandatory environmental impact assessment. The purpose of such an assessment is to determine the type and degree of negative impact of certain substances on the study area, as well as significant dangerous negative consequences for

the population and environment. Assessment of the possible negative impact of substances on the environment shall be based on best practices and scientific achievements.

In the process of assessing a possible negative impact of substances on the environment, the risk of harm to public health is always considered as a significant factor, while negative consequences for natural components are recognised as significant based on the results of consideration and analysis of the following aspects:

- 1) the intended purpose of the land and conditions of land use, determined in accordance with the [land](#) legislation of the Republic of Kazakhstan;
- 2) the intended purpose of water bodies and the conditions of water use, determined in accordance with the [water](#) legislation of the Republic of Kazakhstan;
- 3) goals, objectives and activities established in the framework of state environmental policy implementation at the national and local levels;
- 4) rights and legitimate interests of landowners, land users and water users affected by possible harmful effects of the release of such a substance;
- 5) planned or implemented in the relevant territory (in the water area) measures to protect the environment and improve its quality.

12. If, the results of dispersion calculations reveal an exceedance of the established environmental quality standards at any of assessment points, an environmental permit can be issued only if one of the following conditions is met:

- 1) contribution of a stationary source or a group of stationary sources, for which permissible emission standards are calculated, does not exceed three percent of the annual value of the environmental quality standard established for this pollutant, and provided that a installation operator commits to implement measures to reduce emissions to levels better than the minimum emission values associated with best available techniques implementation within the framework of environmental protection action plan, or environmental performance improvement program;
- 2) installation operator undertakes to take measures to protect ambient air (including by replacing fuel or raw materials with more environmentally friendly ones, making changes to the production technology, changing other emission parameters to improve conditions of pollutant dispersion and other similar measures), which guarantee compliance with environmental standards of ambient air quality by the period of time specified by the environmental permit but not longer than one calendar year from the date of environmental permit granting.

13. For installations of category I, in addition to permissible emission standards, an integrated environmental permit shall also establish technological standards.

14. With regard to new and reconstructed installations of category I, if the calculations results of the dispersion of ground-level concentrations of pollutants show that the total load on the ambient air will lead to a violation of the established environmental quality standards or environmental quality targets, the integrated environmental permit shall establish more stringent emission standards than those that correspond to technological indicators associated with the use of the best available techniques so that environmental quality standards or environmental quality targets are met.

15. With regard to operating installations of category I, if results of calculations of dispersion of ground-level concentrations of pollutants show that the established environmental standards of environmental quality or target indicators of environmental quality are exceeded, the integrated environmental permit should establish stricter permissible emission standards than those that correspond to technological indicators associated with the use of the best available techniques to the technically possible extent to achieve such stricter emission standards at an economic cost acceptable for the installation operator.

16. Ground-level concentration of a pollutant is the mass of a pollutant per unit of ambient air volume in a two-meter layer above the earth surface.

17. Standards of permissible emissions for mobile sources are not established.

### **Article 203. Monitoring compliance with permissible emission standards**

1. Monitoring of compliance with the permissible emission standards of a stationary source and (or) a set of stationary sources and their impact on the ambient air quality is carried out in accordance with the requirements of this Code and conditions established in the environmental permit.

2. Monitoring of compliance with the permissible emission standards of a stationary source and (or) a set of stationary sources is carried out by measurements in accordance with an approved list of state regulation measurements. If it is impossible to carry out monitoring by means of measurements, it is allowed to use a calculation method.

In the cases provided for by this Code, at category I installations, monitoring of compliance with permissible emissions standards is also ensured through a mandatory use of an automated system for monitoring emissions in the environment.

3. Monitoring of compliance with environmental standards for ambient air quality is carried out at assessment points established in the environmental permit.

4. Location of assessment points within the area of impact is determined in such a way to ensure the following:

1) in such locations, emissions impact achieves maximum values, which is established based on the results of modelling ground-level concentrations of pollutants and taking into account a corresponding averaging period for each pollutant;

2) existing natural and anthropogenic backgrounds of ambient air shall be taken into account.

5. A number of assessment points depends on the averaging period set for a particular pollutant and is determined as follows:

1) the level of compliance with environmental standards of ambient air quality for pollutants, for which both daily (short-term maximum impact) and annual (long-term impact) values are determined, is assessed at two corresponding points;

2) the level of compliance with environmental standards for ambient air quality for pollutants that have only an annual value is assessed at one point of assessment.

6. Additional assessment points are determined for pollutants for which environmental standards of ambient air quality have been established in terms of their impact on ecosystems and vegetation. Points for assessing compliance with such environmental standards shall be installed at a distance of at least twenty kilometres from agglomerations and at least five kilometres from other urban developments and industrial zones.

7. If residential areas are located within the impact area, additional assessment points shall be established.

8. The rationale for determining the location and number of assessment points shall be provided in the environmental permit.

### **Article 204. Inventory of stationary emission sources**

1. Local executive bodies of oblasts, cities of republican significance, the capital shall carry out an inventory of stationary sources of pollutant emissions into the air in settlements with a population of over ten thousand people.

2. Inventory of stationary emission sources is carried out on the basis of the following initial data:

1) granted integrated environmental permits;

2) granted environmental impact permits;

3) submitted declarations on the environmental impact;

4) statistical information on installations of IV category;

5) data of state environmental monitoring;

6) the results of state environmental control.



3. The procedure for conducting an inventory of stationary emission sources, correcting its data, documenting and storing data obtained as a result of such inventory and adjusting is carried out in accordance with the rules approved by the authorised environmental protection body.

**Article 205. Consolidated calculations of ambient air pollution and cumulated volumes of maximum permissible emissions at settlements**

1. Local executive bodies of regions, cities of republican significance, the capital carry out consolidated calculations of ambient air pollution in settlements with a population of more than ten thousand people and compile on their basis a cumulated volume of maximum permissible emissions of a settlement.

2. The consolidated calculation of ambient air pollution of a settlement is a calculation of the total emission impact on the ambient air from all stationary and mobile sources located or operated at the territory of the corresponding settlement, as well as the actual and predicted ground-level concentrations of pollutants.

3. Preparation of consolidated calculations of ambient air pollution is carried out in order to assess the total anthropogenic load on the air basin of the corresponding settlement, forecast changes in its quality and develop measures to regulate and reduce emissions, as well as to establish environmental quality target indicators.

4. The following materials are used as initial data for calculating ambient air pollution in settlements:

- 1) results of stationary emission sources inventory;
- 2) data on new stationary sources of emissions, the construction or reconstruction of which is at the design stage, including draft standards for permissible emissions, design documentation for the installations construction (reconstruction);
- 3) a site layout plan of the settlement with an indication of existing and projected stationary emission sources;
- 4) statistical and analytical information on mobile sources, including the number, composition and dynamics of an increase (decrease) of the vehicles fleet operated in the settlement, divided by an engine type and fuel or energy source used, maps-schemes of the traffic flows distribution in settlements;
- 5) information on ongoing and planned measures aimed at reducing emissions, including approved action plans for environmental protection, programs to improve environmental efficiency;
- 6) information on ongoing and planned environmental protection measures aimed at reducing emissions within the settlement;
- 7) other statistical and analytical information.

5. Consolidated calculations of ambient air pollution in a settlement are carried out at least once every five years and are used as the basis for the development, adjustment and addition to the cumulated volume of maximum permissible emissions of a settlement.

6. The cumulated volume of maximum permissible emissions of a settlement is a permanent and revised document that determines the actual and predicted environmental capacity of the settlement air basin in order to further substantiate urban planning and construction activities, planning transport infrastructure facilities, state regulation and management of transport, planning environment protection measures.

7. The ordering customers of consolidated calculations of ambient air pollution and of a cumulated volume of maximum permissible emissions of settlements are the local executive bodies of the corresponding settlements.

8. Consolidated calculations of air pollution and development of cumulated volumes of maximum permissible emissions may be carried out by organisations that have a license to perform work and provide services in the field of environmental protection under the sub-activity "environmental design, standardisation for installations of category I", on the basis of an agreement

with a customer concluded in accordance with the legislation of the Republic of Kazakhstan on public procurement.

9. The cumulated volume of the maximum permissible emissions of the settlement is signed by the project developer, endorsed by territorial divisions of the authorised environmental protection body and the state body in the field of sanitary and epidemiological wellbeing of the population and approved by the ordering customer.

10. The cumulate volume of the maximum permissible emissions of a settlement is used for:

- 1) environmental assessment;
- 2) development of urban planning and construction documentation;
- 3) making decisions on the liquidation of facilities and complexes;
- 4) elaboration of development plans of public transport, utilities, measures to stimulate people transition to environmentally safer modes of transport, introduction of environmentally effective urban planning and construction solutions;
- 5) establishment of permissible emission standards;
- 6) implementation of state environmental control in terms of compliance with established permissible emission standards;
- 7) generating state agencies reports on environmental protection issues;
- 8) planning and implementation of measures for ambient air protection;
- 9) development of target indicators of environmental quality.

#### **Article 206. General provisions on environmental requirements for the protection of ambient air**

1. In order to prevent harmful anthropogenic impact on the ambient air, the environmental legislation of the Republic of Kazakhstan establishes environmental requirements for ambient air protection that are mandatory for compliance during the implementation of human activities.

2. It is prohibited to release substances into the ambient air which degree of danger to people life and (or) health and environment has not been scientifically established.

3. Local representative bodies of oblasts, cities of republican significance, the capital have the right to adopt regulatory legal acts, in coordination with the authorised environmental protection agency, to provide for the introduction of special environmental requirements of ambient air protection in the territories of certain administrative-territorial units in cases where such territories do not comply with established environmental standards of ambient air quality.

#### **Article 207. Environmental requirements for the protection of ambient air during the operation of gas treatment units**

1. It is prohibited to place, put into operation and operate installations of I and II categories that do not have appropriate environmental permits for gas treatment units and means of monitoring pollutant emissions into the ambient air.

2. A gas treatment unit is understood as a structure, equipment and devices used for treatment of pollutant flue gases and (or) their neutralisation.

3. Operation of gas treatment units is carried out in accordance with the rules approved by the authorised environmental protection body.

4. If there are no gas treatment units, or they are turned off or do not provide designed treatment and (or) neutralisation, the operation of such a pollutant emission source is prohibited.

#### **Article 208. Environmental requirements for ambient air protection during production and operation of transport and other mobile vehicles**

1. In the Republic of Kazakhstan, it is prohibited to manufacture transport and other mobile vehicles if the content of pollutants in their emissions does not meet requirements of the Eurasian Economic Union technical regulations.

2. Transport and other mobile vehicles, the emissions of which have a negative impact on ambient air, are subject to regular control (technical inspection) for their compliance with the requirements of the Eurasian Economic Union technical regulations in the manner determined by the legislation of the Republic of Kazakhstan.

3. The Government of the Republic of Kazakhstan, central and local executive bodies, within their competence, are obliged to take measures aimed at stimulating reduction of pollutant emissions in the air from transport and other mobile vehicles.

4. Local representative bodies of regions, cities of republican significance, the capital, in case of detecting a regular exceedance of air quality standards in the territories of relevant administrative-territorial units revealed on the basis of state environmental monitoring for three consecutive years, are entitled to adopt appropriate regulatory legal acts within their competence in coordination with the authorised environmental protection body to impose restrictions preventing entrance of transport and other mobile vehicles or their individual types into settlements or separate zones within settlements on the territory of recreation and tourism places, conservation areas, as well as regulate movement of transport and other mobile vehicles within such areas in order to reduce an anthropogenic load on ambient air.

**Article 209. Environmental requirements for ambient air protection during storage, neutralisation, landfilling and incineration of waste**

1. Storage, neutralisation, landfilling and incineration of waste, which can be a source of air pollution, is prohibited outside specially equipped places and without the use of special structures, installations and equipment that meet the requirements provided for by the environmental legislation of the Republic of Kazakhstan.

2. Legal entities and individual entrepreneurs, whose waste products are sources of air pollution, are obliged to ensure timely removal of such waste to specialised places for their storage, neutralisation, processing, utilisation, or disposal in accordance with the environmental legislation of the Republic of Kazakhstan.

**Article 210. Environmental requirements for ambient air protection in the event of unfavourable meteorological conditions**

1. For the purposes of this Code, unfavourable meteorological conditions mean meteorological conditions contributing to the accumulation of pollutants in the ground-level layer of ambient air in concentrations posing a threat to life and (or) health of people.

2. In the event of unfavourable meteorological conditions in urban and other settlements, local executive bodies of relevant administrative-territorial units ensure an immediate dissemination of the necessary information among the population, and also, in accordance with this Code, introduce temporary measures to regulate pollutant emissions into ambient air during the period of unfavourable meteorological conditions.

3. During periods of short-term air pollution in urban and other settlements caused by unfavourable meteorological conditions, legal entities, individual entrepreneurs with stationary sources of emissions located within the respective administrative-territorial units are obliged to comply with the requirements temporarily introduced by a local executive body of the corresponding administrative-territorial unit on emission reduction from stationary sources up to partial or complete shutdown of their operation.

The requirement of the first part this paragraph does not apply to stationary sources for which partial or complete operation shutdown is not allowed in accordance with the legislation of the Republic of Kazakhstan.

4. Information on existing or forecasted unfavourable meteorological conditions shall be provided by the National Hydrometeorological Service to a relevant local executive body and the territorial subdivision of the authorised environmental protection body, which ensure control over

legal entities and individual entrepreneurs implementation of measures to reduce pollutant emissions into the air for the period of unfavourable meteorological conditions.

5. The procedure for providing information on unfavourable meteorological conditions, requirements to the composition and content of such information, procedure for its publication and provision to interested parties are established by an authorised environmental protection body.

#### **Article 211. Environmental requirements for ambient air protection in case of accidents**

1. In case of ambient air quality deterioration, which is caused by accidental emissions of pollutants into the ambient air creating a threat to people life and (or) health, emergency measures are taken to protect the population in accordance with the civil protection [legislation](#) of the Republic of Kazakhstan.

2. In the event of an emergency at installations of I and II categories, that led or may lead to a violation of the established environmental standards, the installation operator is obliged to inform the authorised body of environmental protection about it without any delay, and in any case, not later than within two hours from the moment the emergency was detected and take all necessary measures to prevent ambient air pollution up to a partial or complete operation shutdown of the relevant stationary sources or the installation as a whole, as well as eliminate negative consequences to the environment caused by such an emergency

### **SECTION 15. PROTECTION OF WATER BODIES**

#### **Article 212. Water bodies and their protection**

1. In accordance with the environmental legislation of the Republic of Kazakhstan, water bodies are subject to protection from:

- 1) anthropogenic pollution;
- 2) littering;
- 3) depletion.

2. Water bodies, in accordance with the environmental legislation of the Republic of Kazakhstan, are subject to protection in order to prevent the following:

- 1) causing harm to life and (or) health of people;
- 2) violation of environmental system functioning stability;
- 3) desertification, degradation of lands, forests and other natural environment components;
- 4) reduction of biodiversity;
- 5) causing environmental damage.

3. Pollution of water bodies is understood as the presence of pollutants in surface or ground waters in concentrations or physical effects at levels exceeding the environmental standards for water quality established by the state, with the exception of installations equipped and intended for waste disposal and wastewater discharge aimed at preventing pollution of the earth surface, subsoil, surface and ground waters.

Sources of water bodies pollution are considered the inflow of pollutants, physical effects into water bodies as a result of man-made and natural factors, as well as the formation of pollutants in water bodies as a result of chemical, physical and biological processes occurring in them.

Protection of water bodies is carried out from all types of pollution, including diffuse pollution (pollution through the surface of the earth, soil, subsoil or ambient air).

4. Littering of water bodies is the ingress of solid and insoluble waste into them.

Littering of water bodies is prohibited.

In order to protect water bodies from littering, littering of water bodies catchment basins, ice and snow cover, glaciers is also not allowed.

5. Depletion of water bodies is a decrease in runoff, surface water reserves or a decrease in groundwater reserves below the minimum permissible level.

Requirements aimed at preventing the depletion of water bodies are established by the water legislation of the Republic of Kazakhstan and this Code.

**Article 213. Discharge of pollutants**

1. Discharge of pollutants (hereinafter referred to as discharge) means the ingress of pollutants contained in wastewater into surface and ground water bodies, subsoil or onto the earth surface.

2. Wastewater means the following:

1) water used for industrial or household needs and received admixtures of pollutants, which changed its original composition or physical properties;

2) rain, meltwater, infiltration, irrigation, drainage waters flowing down from territories of settlements and industrial enterprises;

3) groundwater, taken during subsoil use operations (open pit, mine, formation water extracted along the way with hydrocarbons).

3. Not considered a discharge:

1) injection of formation water extracted along the way with hydrocarbons, desalinated water, industrial water with a salinity of 2000 and more mg/l in order to maintain the formational pressure;

2) injection of technological solutions and (or) working agents into the subsoil for the extraction of minerals in accordance with project and technological regulations, according to which there were environmental permits and positive expert opinions issued, provided for by the laws of the Republic of Kazakhstan;

3) diverting water used for water cooling to storage tanks located in a closed (circulating) water supply system;

4) discharge of effluent into city sewer networks.

Standards for permissible discharge in such cases are not established.

4. Discharge of pollutants from sea vessels is carried out in compliance with the provisions of international treaties of the Republic of Kazakhstan.

**Article 214. Environmental standards for water quality**

1. Environmental standards for water quality are established for the following:

1) for chemical indicators – in the form of maximum permissible concentrations of pollutants in water;

2) for physical indicators – in the form of maximum permissible levels of physical effects (thermal, radioactive) on water;

3) for biological indicators – in the form of indicators of a state of the most vulnerable group of biological objects used as indicators of water quality.

2. The maximum permissible concentration of pollutants in water is understood as the maximum amount (mass) of a chemical substance recognised in accordance with this Code as a pollutant, upon exceeding of which, the water becomes unsuitable for one or several types of water use, causes degradation of natural objects or violates the sustainability of environmental systems and biodiversity.

3. Environmental standards of water quality in surface water bodies are established for a river basin or its part, water body or its part, accounted for in the state water cadastre, for areas of inland sea waters and territorial sea, taking into account their natural characteristics, as well as conditions for an intended use of water bodies.

4. Environmental standards of water quality in surface water bodies or their parts (water intake points) used for drinking, household water supply and (or) cultural water use are established by chemical and biological (microbiological) indicators at the level of hygienic standards approved in accordance with the procedure defined by the legislation of the Republic of Kazakhstan in the field of healthcare (hereinafter – hygienic standards).



5. Environmental standards of water quality of surface water bodies or their parts of fishery significance (fishery standards) are established in accordance with the [legislation](#) of the Republic of Kazakhstan in the field of protection, reproduction and use of wildlife.

6. Environmental standards of water quality of surface water bodies of fishery significance, used simultaneously for the purposes of drinking, household water supply and (or) cultural water use, are established at the level of the most stringent indicators (lowest concentrations) from the hygienic or fishery standard.

7. In cases where natural background concentrations of chemicals in the water of surface water bodies, formed under the influence of natural factors and characteristic of a particular river basin or its part, a water body or its part, exceed the values of hygienic or fishery standards, water quality environmental standards are developed and approved by the authorised environmental protection body at the level of indicator values (in the range of permissible deviations from the values) of natural background concentrations of chemicals in this river basin or its part, water body or its part.

8. Environmental standards of water quality of groundwater bodies that are used as sources of drinking and (or) household water supply or which suitability for these purposes was determined on the basis of sanitary and epidemiological recommendations, as well as groundwater bodies identified as reserved sources of drinking water supply in accordance with the water legislation of the Republic of Kazakhstan, are established at the level of the relevant hygienic standards, developed and approved in the manner determined by the legislation of the Republic of Kazakhstan in the field of healthcare.

9. If, while observing the established environmental standards of water quality, signs of deterioration in the state of living elements of a natural environmental system (plants, animals and other organisms) are found, confirmed by scientific research for a period of at least five years, then for such territories the relevant local representative body of the oblast, city of republican significance, the capital, in coordination with the authorised environmental protection body, shall establish stricter territorial environmental standards of water quality, under which there is no negative deviation from the indicators of the most vulnerable group of biological objects state used as indicators of water quality.

10. If an international treaty ratified by the Republic of Kazakhstan establishes other requirements in relation to water quality standards of transboundary water bodies and watercourses, the requirements of such an international treaty shall apply.

#### **Article 215. Standards of permissible anthropogenic impact on water**

1. In order to protect water bodies, the State establishes the following standards for permissible anthropogenic impact on water:

- 1) permissible standards of discharges;
- 2) technological standards of discharges;
- 3) standards of permissible physical effects on surface waters;
- 4) standards of the maximum permissible negative impact on water bodies.

2. The standards of the maximum permissible negative impact on water bodies are established based on:

- 1) the maximum permissible value of anthropogenic load which prolonged impact will not lead to a change in the environmental system of the water body;
- 2) the maximum permissible mass and concentration of pollutants that can enter a water body and its catchment area.

3. The rules for determining the standards of permissible anthropogenic impact on water bodies are approved by an authorised environmental protection body.

### **Article 216. Standards of permissible discharges**

1. Standard of permissible discharge is an environmental standard that is established in an environmental permit and is defined as the maximum allowable (permissible) for discharge per unit of time amount (mass) of a pollutant or a mixture of pollutants in wastewater.

2. The development of draft standards of permissible discharges is mandatory for facilities that discharge treated wastewater into a water body or onto the terrain.

Discharge of wastewater not treated to the standards of permissible discharge into a water body or onto the terrain is prohibited.

3. Standard of permissible discharge shall be established for each pollutant in each wastewater release.

4. Values of a permissible discharge standard are determined at the levels at which relevant environmental standards of water quality are observed in the control section taking into account basic anthropogenic background concentrations of pollutants in the water.

The basic anthropogenic background pollutants concentration in water is a pollutant concentration value in a specific control section of a water body under unfavourable conditions caused by discharges from other sources, which are carried out at the time of determining the permissible discharge standards.

When establishing standards of permissible discharge, a control section shall be a section of a surface water body determined in accordance with this Code, where the compliance with water quality environmental standards is monitored and controlled.

5. Discharge of wastewater into the subsoil is prohibited, except for cases of pumping treated wastewater into isolated non-watered underground horizons and underground aquifers, which ground waters cannot be used for drinking, balneological, technical needs, irrigation and livestock production.

Wastewater treatment in the cases specified in part one of this paragraph is carried out in accordance with the approved design solutions for petroleum products, suspended solids and hydrogen sulphide.

The discharge of other pollutants not specified in part two of this paragraph when pumping wastewater into the subsoil is standardised according to the maximum concentration of pollutants in accordance with the methodology approved by the authorised environmental protection body. The maximum values of pollutant concentrations are justified during an environmental impact assessment or in the draft standards of pollutant permissible discharges. The discharge of such substances with an exceedance of the established maximum levels of pollutant concentrations is not considered a limit-exceeding emission.

It is prohibited to inject wastewater into underground horizons not treated for oil products, suspended solids and hydrogen sulphide in accordance with part two of this paragraph.

### **Article 217. Technological standards of discharges**

1. For installations of category I, an integrated environmental permit establishes technological standards of discharges in addition to the standards of permissible discharges.

2. With regard to new and reconstructed installations of category I, if the results of calculations of pollutant concentrations in the control section show that the total load on the water body will lead to a violation of established water quality environmental standards or environmental quality target indicators, the integrated environmental permit should establish stricter discharge standards than those that correspond to technological indicators associated with the use of the best available techniques so as to ensure compliance with environmental water quality standards or environmental quality target indicators.

3. With regard to operating installations of category I, if results of calculations of pollutants concentrations of in the control section show an exceedance of the established water quality environmental standards or environmental quality target indicators, the integrated environmental permit should establish stricter standards of permissible discharges than those that correspond to

technological indicators associated with the use of the best available techniques, to the extent that it is technically possible to achieve such stricter discharge standards at an acceptable economic cost to the installation operator.

#### **Article 218. Monitoring compliance with permissible discharge standards**

1. Monitoring of compliance with permissible discharge standards and their impact on water quality of a water body is carried out in accordance with conditions established in the environmental permit in accordance with this Code.

2. Monitoring of compliance with water quality environmental standards of a surface water body is carried out at a control section.

The control section in surface water bodies used for household and drinking water supply and fishery purposes is installed at a distance of no more than five hundred meters from the wastewater discharge point (wastewater discharge point, minerals extraction site, works performing site on a water body).

3. The justification for determining the location and number of points where the compliance monitoring of water quality environmental standards shall be performed within the control section shall be provided in the environmental permit.

4. In the case of an occasional (one-time) increase in the background concentration of controlled admixtures, a limit-exceeding permissible discharge caused by this background change is not a violation of the permissible discharge standards.

#### **Article 219. General provisions on environmental requirements for the protection of water bodies**

1. In order to prevent harmful anthropogenic impact on water bodies, the environmental legislation of the Republic of Kazakhstan establishes environmental requirements for the protection of surface and ground waters that are mandatory for compliance.

2. Local representative bodies of regions, cities of republican significance, the capital have the right to adopt regulatory legal acts, in coordination with the authorised environmental protection body to provide for the introduction of additional environmental requirements in the field of protection of water bodies in the territories of individual administrative-territorial units in cases where at such territories the established water quality environmental standards are not observed.

#### **Article 220. General environmental requirements for water use**

1. On water bodies, general water use is carried out in the manner established by the [water](#) legislation of the Republic of Kazakhstan.

2. Individuals and legal entities in the implementation of general water use are obliged to comply with the environmental requirements established by the environmental legislation of the Republic of Kazakhstan, the requirements of the [water](#) legislation of the Republic of Kazakhstan, as well as the rules for general water use established by local representative bodies of oblasts, cities of republican significance, the capital.

3. The right for special water use is granted on the basis of a permit for special water use, issued in accordance with the [Water Code](#) of the Republic of Kazakhstan.

4. The right for special water use technologically directly related to the operation of a Category I installation, is granted on the basis of an integrated environmental permit issued in accordance with this Code and does not require a separate permit for special water use.

5. Individuals and legal entities whose activities cause or may cause pollution, contamination and depletion of water bodies are obliged to take measures to prevent such consequences.

6. Requirements for the establishment of water protection zones and sheets of water bodies, zones of sanitary protection of waters and sources of drinking water supply are established by the water legislation of the Republic of Kazakhstan.

7. In order to protect water bodies from pollution, it is prohibited:

- 1) to use pesticides, fertilizers in the catchment area of water bodies;
- 2) to collect and landfill waste in water bodies;
- 3) to discharge wastewater into water bodies that has not been treated to achieve the indicators established by the standards of permissible discharges;
- 4) carrying out blasting operations on water bodies by using nuclear and other types of technologies that entail a release of radioactive and toxic substances.

**Article 221. Environmental requirements for the intake and (or) use of water**

1. The intake and (or) use of surface and ground water within a special water use procedure shall be carried out in accordance with the conditions of a special water use permit or an integrated environmental permit, as well as in compliance with environmental requirements provided for by this Code.

2. It is prohibited to intake and (or) use groundwater for purposes not provided for by the conditions of a special water use permit and/or an integrated environmental permit or in violation of these conditions.

3. In order to ensure state accounting of groundwater, its use, control and environmental protection, water users who intake and (or) use groundwater according to a special water use procedure, in accordance with the water legislation of the Republic of Kazakhstan shall ensure the following:

- 1) keep primary records of water taken from groundwater bodies and discharged into them;
- 2) equip water intake and discharge facilities with groundwater flow rate measuring means and install regulating devices on self-flowing hydrogeological wells;
- 3) exercise a groundwater intake control, wells operational control and control over the implementation of a technological regime in accordance with frequency and other requirements provided for by the approved design (technological scheme);
- 4) submit primary statistical data on groundwater use in accordance with a statistical methodology approved by the statistics authorised body.

**Article 222. Environmental requirements for wastewater discharge**

1. Discharge of wastewater into natural surface and ground water bodies is allowed only with an appropriate environmental permit.

2. Persons using wastewater storage tanks and (or) artificial water bodies intended for natural biological wastewater treatment shall take the necessary measures to prevent their impact on the environment, as well as to carry out land reclamation after the termination of their operation.

3. The creation of new (expansion of existing) storage-evaporators is allowed by a permission of local executive bodies of oblasts, cities of republican significance, the capital if other methods of wastewater recycling or preventing generation of wastewater in the technological process are impossible, which shall be justified by an environmental impact assessment.

4. Designed (re-commissioned) wastewater storage-evaporators shall be equipped with an imperviable screen, which excludes the penetration of pollutants into the subsoil and groundwater. Determination and justification of technological and technical solutions for preliminary wastewater treatment prior to their placement in storage facilities are carried out during an environmental impact assessment.

5. Operators of category I and (or) II installations are required to ensure compliance with environmental discharge standards established in the environmental permit.

6. The temperature of wastewater discharged into surface water bodies should not exceed 30 degrees Celsius.

7. The discharged wastewater shall not contain substances that are aggressively corrosive for concrete and metal.

8. It is not allowed to discharge wastewater, regardless of the degree of its treatment, into surface water bodies in the zones of sanitary protection of sources of centralised drinking water supply, resorts, in places designated for swimming.

9. Operators of installations of I and (or) II categories discharging wastewater or having a closed water supply cycle, shall use water metering devices and keep records of water consumption and water disposal in accordance with the water legislation of the Republic of Kazakhstan.

Operators of installations of I and (or) II categories for the purpose of rational use of water resources are obliged to develop and implement measures for recycling water and introducing circulating water supply.

10. It is prohibited to discharge wastewater without preliminary treatment, with the exception of mining and metallurgical enterprises' discharges of mine and open pit water into storage ponds and (or) evaporation ponds, as well as water used for water cooling into storage tanks located in a closed (circulating) water supply system.

11. When discharging wastewater, water users shall:

1) specify chemical composition of discharged water in its own or other laboratories accredited in the manner prescribed by the [legislation](#) of the Republic of Kazakhstan on accreditation in the field of conformity assessment;

2) transfer to authorised state bodies in the field of environmental protection, use and protection of water and the state body in the field of sanitary and epidemiological well-being of population urgent information on emergency discharges of pollutants, as well as on violations of the established regime of surface and ground water intake and an object of wastewater discharge (injection).

12. It is prohibited to dump waste into surface water bodies.

### **Article 223. Environmental requirements for the implementation of activities in water protection zones**

1. Within the water protection zone, it is prohibited:

1) design, construction and commissioning of new and reconstructed buildings, structures (except for anti-mudflow, anti-landslide and anti-flood) and their complexes that are not provided with structures and devices that prevent pollution and littering of water bodies and their water protection zones and strips;

2) outside settlements location and construction of warehouses for storing oil products, maintenance outlets for special equipment, mechanical workshops, washes, waste disposal sites, as well as location of other facilities that have a negative impact on water quality;

3) construction, dredging and blasting operations (except for anti-mudflow, anti-landslide and anti-flood), mining, laying cables, pipelines and other utility systems, drilling, agricultural and other works, except for cases when these works are endorsed by the authorised environmental protection, use and protection of water resources state bodies.

2. Within settlements, boundaries of a water protection zone are established based on specific conditions of their planning and development with an obligatory engineering or afforestation development of the coastal zone (parapets, embankments, forest-shrub strips), excluding the water body littering and pollution.

### **Article 224. Environmental requirements for the protection of groundwater**

1. The project (technological scheme) serving as the basis for groundwater intake and use in the amount of two thousand cubic meters per day is subject to state environmental expert review.

2. Subsoil users conducting the search and assessment of deposits and areas of groundwater, as well as water users carrying out the intake and (or) use of groundwater, are obliged to ensure:

1) exclusion of any possible contamination of groundwater bodies;

2) exclusion of any possible mixing of waters of different aquifers and overflow from any horizons to other ones, if this is not provided for by design (technological scheme);



3) exclusion of uncontrolled unregulated release of groundwater, and in emergency cases – urgent measures shall be taken to eliminate water losses;

4) upon activity completion – a reclamation of land plots disturbed in the process of subsoil use, groundwater intake and (or) use.

3. When assessing the environmental impact of a planned activity in terms of the impact on groundwater, associated risks of an indirect impact on surface water bodies and other components of natural environment, including in the form of flooding, desertification, waterlogging, landslides, soil subsidence and other similar consequences shall also be taken into account, as well as necessary measures to prevent such indirect impact shall be defined.

4. Water users carrying out the intake and (or) use of groundwater are obliged to prevent irrecoverable water losses and deterioration of its quality properties due to shortcomings in the operation of wells.

5. Requirements of providing regulating devices, conservation and liquidation of hydrogeological wells are established by the water legislation of the Republic of Kazakhstan.

6. The use of drinking-quality groundwater for needs not related to drinking and (or) household water supply is not allowed, except for the cases provided for by the [Water Code](#) of the Republic of Kazakhstan and the [Code](#) of the Republic of Kazakhstan "On Subsoil and Subsoil Use".

7. Landfilling of waste, placement of cemeteries, cattle landfill grounds (biothermal pits) and other objects that have a negative impact on the state of groundwater are not allowed in the catchment areas of groundwater bodies that are or can be used for drinking and household-drinking water supply.

8. It is prohibited to put into operation groundwater intake facilities without equipping them with water regulating devices, water measuring devices, as well as without establishing sanitary protection zones and creating checkpoints for monitoring indicators of the state of groundwater bodies in accordance with the water legislation of the Republic of Kazakhstan.

9. It is prohibited to irrigate land with wastewater if it has or may have a harmful effect on groundwater bodies.

10. Water users, performing intake and (or) use of groundwater in the amount of two thousand cubic meters per day, shall at their own expense carry out research and development to find new and improve existing methods and technological schemes for the development of groundwater deposits, modernise technological equipment, means of continuous and periodic monitoring, to ensure the groundwater protection from depletion and pollution, the protection of subsoil and the environment.

11. In order to protect ground water bodies that are used for domestic and drinking water supply, as well as whose waters have natural medicinal properties, sanitary protection zones are established in accordance with the [Water Code](#) of the Republic of Kazakhstan.

12. In the area where wastewater is pumped into absorption wells, at the expense of the water user, systematic laboratory monitoring of water quality in the nearest wells, springs, wells shall be organised in accordance with the industrial environmental control program.

### **Article 225. Environmental requirements for the protection of groundwater bodies during subsoil use operations**

1. When assessing an environmental impact of planned activities for carrying out subsoil use operations, an assessment of the impact on groundwater bodies is mandatory and the necessary measures for the groundwater protection shall be determined. Measures for the protection of ground water bodies during subsoil use operations are designed as a part of the related design documentation for carrying out subsoil use operations.

2. Ground water bodies uncovered during subsoil use operations shall be provided with reliable insulation to prevent their pollution.

3. If during subsoil use operations, a ground water body is planned to be open and used as a source of drinking and (or) household water supply, the toxicological characteristics of chemical reagents used for a preparation (processing) of drilling and cement slurries shall be approved by a state body in the field of sanitary and epidemiological population well-being when issuing an environmental permit.

4. If, during subsoil use operations, an undesigned opening of a ground water body occurs, the subsoil user is obliged to immediately take measures to protect ground water bodies in the manner prescribed by the water legislation of the Republic of Kazakhstan and inform authorised state bodies in the field of environmental protection, use and protection of water resources, subsoil study and a state body in the field of sanitary and epidemiological wellbeing of the population.

#### **Article 226. Environmental requirements for activities in the coastal safety zone of the Republic of Kazakhstan**

1. The coastal safety zone of the Republic of Kazakhstan is a land area extending from sea coastline for five kilometres, which can be polluted due to oil spills at sea and inland water bodies or be a source of sea pollution.

2. Within the limits of the coastal safety zone of the Republic of Kazakhstan, construction of polygons for waste disposal is prohibited.

#### **Article 227. Environmental requirements for water bodies protection of in case of accidents**

1. In case of water quality deterioration of water bodies used for drinking, household water supply or cultural-household water use, which is caused by emergency discharges of pollutants, which create a threat to human life and (or) health, emergency measures are taken to protect the population in accordance with the [legislation](#) of the Republic of Kazakhstan on civil protection.

2. In the event of an emergency at installations of I and II categories, as a result of which a violation of established water quality environmental standards occurs or may occur, the installation operator shall immediately, but in any case within no more than two hours after the detection of the emergency situation, inform the authorised environmental protection authority and take all necessary measures to prevent water pollution up to a partial or complete operation shutdown of relevant sources or the installation as a whole, as well as to eliminate negative consequences for the environment caused by such an emergency.

### **SECTION 16. LAND PROTECTION**

#### **Article 228. General provisions on land protection**

1. Land – the earth's surface (territorial space), including the soil layer, which is used or can be used in the course of activities to meet physical, cultural and other needs of society.

2. The soil layer (soil) is an independent natural-historical organic-mineral natural body that emerged on the earth's surface as a result of prolonged exposure to biotic, abiotic and anthropogenic factors, that consists of solid mineral and organic particles, water and air and has specific genetic and morphological signs, properties, creating appropriate conditions for plants growth and development.

3. Land in accordance with the environmental legislation of the Republic of Kazakhstan are subject to protection from:

- 1) anthropogenic pollution of the earth's surface and soil;
- 2) littering of the earth's surface;
- 3) soil degradation and depletion;

4) disturbance and deterioration of land in any other way (due to water and wind erosion, desertification, flooding, waterlogging, re-salinisation, drying out, compaction, technogenic changes in natural landscapes).

4. Land in accordance with the environmental legislation of the Republic of Kazakhstan are subject to protection in order to prevent:

- 1) causing harm to people life and (or) health;
- 2) violation of environmental system functioning stability;
- 3) forests degradation and destruction;
- 4) biodiversity reduction;
- 5) causing environmental damage

5. Soil pollution is defined as the presence of pollutants in the soil in concentrations exceeding the environmental standards for soil quality established by the State.

Sources of soil pollution are considered to be pollutants entering into the soil as a result of anthropogenic and natural factors, as well as pollutants formation in the soil as a result of chemical, physical and biological processes occurring in them.

6. Contamination of the earth's surface is defined as the effluence of pollutants onto the earth's surface and the upper layer of the soil in the amount that prevents the use of such land in accordance with its intended purpose.

7. Land shall be protected from all types of pollution, including pollution resulting from the pollutants effluence from physical environments that are in contact with the earth's surface and soil (ambient air and water)

8. Littering of the earth's surface is an unorganised placement of solid waste on the earth's surface, which prevents the use of the land for its intended purpose or impairs its aesthetic value.

9. Soil degradation means the deterioration of soil composition and properties, which determine its fertility (soil quality) as a result of the impact of natural or anthropogenic factors.

Soil depletion means the complete loss of the fertile properties of the soil.

#### **Article 229. Environmental standards of soil quality**

1. Environmental standards of soil quality are established for chemical indicators in the form of maximum permissible concentrations of pollutants in the soil.

2. The maximum permissible concentration of pollutants in the soil is understood as the maximum amount (mass) of a chemical substance recognised in accordance with this Code as a pollutant above which the soil becomes unsuitable for one or several types of land use, causes degradation of components of the natural environment or violates the sustainability of environmental systems and biodiversity.

3. Soil quality standards are developed and established taking into account natural characteristics of territories and land categories established in accordance with the land legislation of the Republic of Kazakhstan.

4. Natural background content of the substance in the soil – the content of the substance in the soil, corresponding to its natural (naturally occurring) composition.

5. If, while observing the established environmental standards of soil quality, signs of deterioration in the state of living elements of a natural environmental system (plants, animals and other organisms) are found, confirmed by scientific research for a period of at least five years, for such territories the relevant local representative body of the oblast, city of republican significance, the capital, in coordination with the authorised environmental protection body is obliged to establish stricter territorial environmental standards of soil quality, under which there is no negative deviation from indicators of the state of the most vulnerable group of biological objects used as indicators of soil quality.

**Article 230. Environmental requirements for zoning and use of agricultural land**

1. When zoning agricultural land, environmental safety and quality of agricultural land shall be ensured.

2. Zoning of agricultural land is based on indicators of the degree of environmental problems, the criteria of which are physical degradation and chemical pollution.

3. Determination of the level of chemical pollution of lands is carried out using the maximum permissible concentrations of chemical substances in the soil, approved by the environmental protection authorised body and the state body in the field of sanitary and epidemiological well-being of the population.

4. Environmental criteria for assessing land to determine the need to transfer it from more valuable to less valuable one, need for conservation, as well as recognising it as an environmental disaster zone or an environmental emergency zone are approved by the authorised environmental protection body (hereinafter referred to as environmental land assessment criteria).

**Article 231. Environmental requirements for zoning and land use of settlements**

1. Land zoning of settlements is carried out on the basis of environmental criteria for land assessment.

2. When converting the land of settlements into land of other categories, the possibility of pollutants effluence from such land into the ambient air and water of such territories and their direct impact on life and (or) health of people shall be taken into account.

3. For the zone of an environmental emergency, a special mode of use is established that does not entail further deterioration of the environmental situation.

**Article 232. Environmental requirements for zoning and use of land for industrial, transport, communications, defence and other non-agricultural purposes**

1. When zoning lands for industry, transport, communications, defence and other non-agricultural purposes, environmental safety shall be ensured.

2. In order to ensure environmental safety and create necessary conditions for the operation of industrial, transport and other facilities, zones are established taking into account the creation of special conditions for the use of these lands, contributing to the environment improvement.

3. When transferring industrial, transport, communications, defence and other non-agricultural land to land of other categories, zones are taken into account, within which activities incompatible with the goals of establishing the zones shall be limited or prohibited.

4. An additional environmental criterion for transferring industrial, transport, communications, defence and other non-agricultural land to land of other categories is its contamination with chemicals above the levels established in the environmental criteria of land assessment. Land recognised as having the highest level of pollution is subject to conservation and transferred to reserve lands.

**Article 233. Environmental requirements for the use of land of conservation areas and recreational lands**

1. The regime of land use in conservation areas is regulated by the [Land Code](#) of the Republic of Kazakhstan and the [Law](#) of the Republic of Kazakhstan on Conservation Areas.

2. In order to preserve favourable environmental and sanitary-epidemiological conditions on the territory of land intended for recreational purposes, sanitary protection zones are established during its zoning.

3. Persons engaged in tourist operator and (or) tourist agency activities, when formulating or selling a tourist product involving tourism operations in a conservation area, shall be guided by the following principles of environmental tourism:

1) relevance of the planned number of tourists simultaneously staying in a certain territory to the recreational load standard established for such territory;

- 2) avoidance of causing harm to the environment;
- 3) selection of vehicles that have the least negative impact on the environment;
- 4) minimising solid household waste generation and ensuring its placement in the areas established for waste collection or its removal by tourists’ own means from the conservation areas;
- 5) informing tourists about the places to be visited and instructing them on behaviour rules;
- 6) engaging people permanently residing in the visited territories and (or) near them in organising and conducting the tours and obtaining economic benefits.

#### **Article 234. Environmental requirements for the use of forest land**

1. The regime of forest land use is regulated by the [Land Code](#) of the Republic of Kazakhstan and the [Forest Code](#) of the Republic of Kazakhstan.
2. The environmental criterion for assigning land to the category of forest fund shall be the state of vegetation as an indicator of the environmental state of the territory.
3. Agricultural land located on the land of the forest fund but not used for the needs of forestry may be transferred to the category of agricultural land in accordance with the [forest](#) legislation of the Republic of Kazakhstan.
4. Transfer of forest land into the land of other categories is allowed if there is a positive conclusion of the state environmental expert evaluation in accordance with the requirements of the forest legislation of the Republic of Kazakhstan.
5. When converting forest land into the land of other categories, it is necessary to take into account environmental indicators reflecting the impact of the state of land on grass and forest vegetation in accordance with the environmental criteria for land assessment.

#### **Article 235. Environmental requirements for the zoning and use of land of water bodies**

1. When zoning the land of water bodies, the protection of water bodies shall be ensured.
2. Land plots from the land of water bodies can be provided for temporary land use by local executive bodies in coordination with the authorised state body in the field of use and protection of water bodies to individuals and legal entities for the needs of agriculture, forestry, fishing, hunting and other purposes that do not contradict the main intended purpose of the land plot, does not entail pollution and land degradation and, respectively, the deterioration of the environmental situation.
3. The transfer of land of the water bodies to the land of other categories is allowed if there are positive conclusions of state environmental and sanitary-epidemiological expert evaluations in accordance with the requirements of the water legislation of the Republic of Kazakhstan in the following cases:
  - 1) the termination of a water body existence or a significant change in its environmental and hygienic indicators;
  - 2) recognising the land as the land of conservation areas;
  - 3) changing the boundaries (borders) of settlements, entailing a change in the environmental situation.
4. Land allocated for water protection zones cannot be transferred to the categories of the land of settlements and industry. There is a special regime of economic activity established on such land to prevent pollution, contamination and water depletion.

#### **Article 236. Environmental requirements for the zoning and use of reserve lands**

1. The zoning of reserve lands takes into account the area of negative changes and the spatial distribution heterogeneity in the distribution of plots of different degrees of degradation in the studied area.
2. The pace of ecosystem degradation is calculated from a fifty-year observational series. Evaluation of the ecosystem degradation degree is carried out in accordance with environmental criteria for land assessment.



3. Depending on the purposes of further use, reserve land may be transferred to other land categories depending on the purpose of their further use only after the borders of their future category lands have been established on the ground. When transferring reserve land into the land of other categories, the land plot is pre-selected in line with the environmental requirements for that land category.

4. Transfer of disturbed land from the category of reserve land is possible after the land remediation and measures to improve land quality and the environmental situation have been implemented.

5. Land plots from the composition of reserve lands, on which nuclear weapons tests were carried out in the past, may be provided for ownership or use only after completion of all measures to eliminate consequences of the nuclear weapons test and comprehensive environmental investigation with positive conclusions of the state environmental and sanitary and epidemiological review.

### **Article 237. Environmental requirements for optimal land use**

1. The main environmental requirements for an optimal land use are:

- 1) scientific justification and projecting of environmental consequences of proposed land transformations and land redistribution;
- 2) justification and implementation of a single state policy in the planning and organisation of the rational use and protection of all categories of land;
- 3) ensuring the designated targeted use of land;
- 4) the formation and placement of environmentally justified compact and optimal by area size land plots;
- 5) development of a set of measures to maintain sustainable landscapes and to ensure land protection;
- 6) development of measures for land protection;
- 7) preservation and enhancement of habitat-forming, water-protective, protective, sanitary-epidemiological, health-improving and other useful natural properties of forests to protect human health and environment;
- 8) conservation of biodiversity and ensuring the sustainable functioning of environmental systems.

2. Land plots are provided for the location and operation of enterprises, structures and other facilities in compliance with environmental requirements and taking into account environmental consequences of these facility activities.

3. Non-agricultural land with the lowest grades of soil appraisal shall be allocated for the construction and erection of non-agricultural facilities.

### **Article 238. Environmental requirements for land use**

1. When using land, individuals and legal entities shall not allow land pollution, littering of earth surface, degradation and depletion of soil, and shall ensure removal and preservation of the fertile soil layer when necessary to prevent its irrevocable loss.

2. Subsoil users in the course of subsoil use operations, as well as other actors during the performance of construction and other work related to land disturbance shall:

- 1) keep occupied land plots in a state suitable for their further use according to their intended purpose;
- 2) before the commencement of work related to land disturbance, remove the fertile soil layer and ensure its preservation and use in future for the purposes of the disturbed land reclamation;
- 3) carry out the disturbed land reclamation.

3. When conducting subsoil use operations, performing construction and other work related to land disturbance, the following is prohibited:

1) disturbance of the vegetation cover and soil layer outside the land plots (lands) allotted in accordance with the legislation of the Republic of Kazakhstan for conducting subsoil use operations, performing construction and other related works;

2) removal of the fertile soil layer for the purpose of selling or transferring it to the ownership of others.

4. When choosing the activities for disturbed land reclamation, the following shall be taken into account:

1) the nature of the disturbance of land surface;

2) natural and physical and geographical conditions of the area where the facility is located;

3) socio-economic features of the facility location, taking into account prospects for the development of such area and requirements for environmental protection;

4) the need to reclaim the main part of disturbed land for arable land in the chernozem and intensive agriculture area;

5) the need to reclaim disturbed land in the immediate vicinity of settlements for gardens, household farming plots and recreation areas, including the creation of reservoirs in the goaf and ornamental gardens, parks, landscapes on the tailings of overburden rocks and enrichment rejects;

6) execution of planning works on the territory of an industrial facility, elimination of unnecessary excavations and earth mounds, removal of construction waste and beautification of the land plot;

7) ravines and gullies on the used land plot, which shall be filled in or flattened;

8) mandatory landscaping of the territory.

*See [paragraph 17 of Article 418 of this Code](#)*

5. In the case of using land plots for the accumulation, storage, landfilling of industrial waste, they shall meet the following requirements:

1) comply with sanitary and epidemiological rules and standards for the design, construction and operation of industrial waste polygons;

2) have soil with weak filtering ability when groundwater is located no higher than two meters from the bottom of the tank with a gradient of 1.5 percent towards a reservoir, agricultural land, forests, industrial enterprises;

3) be located on the leeward side of a settlement and downstream in the direction of the groundwater flow;

4) be located in an area not flooded by flood and storm waters;

5) have artificial waterproofing, fencing and planting of trees and shrubs around the perimeter, driveways with a hard surface;

6) surface and underground runoff from the land plot should not enter water bodies.

6. The introduction of new technologies, implementation of measures for land reclamation and improving soil fertility are prohibited if they do not comply with environmental requirements, sanitary and epidemiological norms and rules, and other requirements provided for by the legislation of the Republic of Kazakhstan.

7. The procedure for the use of lands exposed to radioactive and (or) chemical contamination, the establishment of safety zones, the preservation of residential buildings, industrial, commercial and socio-cultural facilities on these lands, the conduct of reclamation and technical work on them is determined taking into account the maximum permissible levels of radiation and chemical impacts.

8. In order to protect land, owners of land plots and land users shall take measures to:

1) protect land from water and wind erosion, mudflows, landslides, flooding, waterlogging, re-salinisation, drying out, compaction, radioactive and chemical pollution, littering, biogenic pollution, and other negative impacts;

2) protect land from contamination by quarantine objects, alien species and especially dangerous harmful organisms, their spread, overgrowing with weeds, shrubs and small forests, as well as from other types of deterioration of the state of land;

- 3) eliminate consequences of pollution, including biogenic, and littering;
- 4) maintain the achieved level of reclamation;
- 5) recultivation of disturbed lands, restoration of soil fertility, timely lands circulation.
9. On the land of settlements, it is prohibited to use table salt to address icing.

## **SECTION 17. NATURE PROTECTION**

### **Chapter 15. GENERAL PROVISIONS**

#### **Article 239. General provisions**

1. Biodiversity refers to the variability of living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the environmental complexes to which they belong, and includes diversity within one species, between species and in ecosystems.

2. An environmental system (ecosystem) is understood as an objectively existing part of the natural environment, a dynamic complex of communities of plants, animals and other organisms, non-living environment of their habitat, interacting as a single integrated functioning system and interconnected by the exchange of matter and energy, which has spatial and territorial boundaries.

Habitat is a type of terrain or natural place of living of an organism or a population.

3. A natural landscape is a territory that has not undergone any change as a result of human activity and is characterized by a combination of certain types of terrain, soils and vegetation formed under the same climatic conditions.

4. Biological resources are genetic resources, organisms or their parts, populations or any other biotic components of environmental systems that have an actual or potential use or value for humanity.

5. Activities that pose a threat of destruction for the genetic fund of living organisms, loss of biodiversity and disruption of the environmental system sustainable functioning are prohibited.

#### **Article 240. Biodiversity conservation measures**

1. In order to conserve biodiversity, the following hierarchy of measures is applied in a descending order of their preference:

- 1) measures aimed at preventing a negative impact are the priority measures;
- 2) when a negative impact on biodiversity cannot be prevented, measures shall be taken to minimise it;
- 3) when negative impacts on biodiversity cannot be prevented or minimised, mitigation measures shall be taken;
- 4) where negative impacts on biodiversity have not been prevented, minimised or mitigated, measures shall be taken to compensate for the loss of biodiversity.

Measures to prevent negative impacts on biodiversity are defined as measures aimed at avoiding any impact on biodiversity from the earliest stage of planning activities and throughout the entire period of their implementation.

Measures to minimise negative impacts on biodiversity are the measures taken to reduce the duration, intensity and (or) level of impacts (direct and indirect) that have not been prevented.

Measures to mitigate the negative impact on biodiversity are measures aimed at creating favourable conditions for the conservation and restoration of biodiversity.

2. When conducting a strategic environmental assessment and environmental impact assessment, the following shall be done:

- 1) identification of negative impacts on biodiversity of the document being developed or activities planned (through research);

2) measures in place to prevent, minimise negative impacts on biodiversity, mitigate the consequences of such impact;

3) in case of biodiversity losses risk identification – an assessment of the loss of biodiversity shall be carried out and measures put in place to compensate for the losses.

#### **Article 241. Loss of biodiversity and compensation for the loss of biodiversity**

1. The loss of biodiversity is as a disappearance or significant reduction of populations of a species of flora and (or) fauna in a certain territory (water area) as a result of anthropogenic impacts.

2. Compensation for the loss of biodiversity shall be focused on continuous and long-term growth in biodiversity and is carried out in the following forms:

1) restoration of biodiversity lost as a result of implemented activities;

2) introduction of the same or another type of biodiversity that is no less important for the environment in the same territory (water area) and (or) in another territory (water area), where such biodiversity is more important.

3. The implementation of a document or planned activity is not allowed if:

1) this leads to the loss of biodiversity in terms of flora and/or fauna or their communities, which are rare or unique, and there is a risk of their destruction and impossibility of reproduction;

2) this leads to the loss of biodiversity in terms of flora and/or fauna objects or their communities, which are an integral part of a unique landscape, and there is a risk of its destruction and impossibility of restoration;

3) this results in the loss of biodiversity and there are no sites with conditions suitable to compensate for the loss of biodiversity without degrading the state of ecosystems;

4) this results in a loss of biodiversity and there are no technologies or methods to compensate for the loss of biodiversity;

5) this leads to the loss of biodiversity and compensation for the loss of biodiversity is impossible for other reasons.

4. Measures to compensate for the loss of biodiversity are mandatory.

5. The procedure for compensating for the loss of biodiversity is determined by the authorised body for the protection, reproduction and use of wildlife.

#### **Article 242. Ecosystem services**

1. Ecosystem services are the benefits received by individuals and legal entities from the use of ecosystems, their functions and useful properties, including:

1) supplying ecosystem services – products derived from ecosystems such as food, fuel, fibre, fresh water and genetic resources;

2) regulating ecosystem services – benefits derived from regulating ecosystem processes, such as maintaining air quality, regulating climate, preventing soil erosion, regulating human disease, and purifying water;

3) cultural ecosystem services – intangible benefits derived from ecosystems through spiritual enrichment, cognitive development, reflection, recreation and aesthetic experience;

4) supporting ecosystem services – services necessary for the production of all other ecosystem services, such as primary products production, oxygen production, and soil formation.

2. Assessment of the state of ecosystems and ecosystem services is carried out on the basis of methods aimed at determining the ecosystem and its components sustainability as well as linking ecosystem services with the well-being of the population.

3. The ecosystem services assessment process includes four steps:

1) determination of the scope of work and services provided by ecosystems that will be affected by the planned activities of individuals and legal entities;

2) determination of the baseline state – assessment of the state of ecosystems and ecosystem services for ecosystems that will be affected by the planned activities of individuals and legal

entities, determination of ecosystem service users and the benefits that they can receive from the services provided;

3) impact assessment – determining the potential impact on an ecosystem and its components, ecosystem services and their users, the significance of this impact and the most significant ecosystem services;

4) assessment of measures to reduce negative and residual impacts – defining a list of measures that can be taken to predict and prevent negative impacts on the most significant ecosystem services, in cases where it is impossible to prevent impacts, taking measures to minimise them; if there is a residual impact left after mitigation measures have been taken, measures shall be taken to compensate for it. Mitigation measures shall aim to reduce negative impacts to low or negligible levels.

#### **Article 243. Payments for ecosystem services**

1. Payments for ecosystem services are voluntary payments made by consumers of ecosystem services to providers of ecosystem services as a reward for the performance of certain actions or conditions necessary for such consumers to obtain benefits from the ecosystem services.

Ecosystem service providers are any individuals and legal entities whose activities are directed or related to the creation or maintenance of separate ecosystem services at a certain level.

Consumers of ecosystem services are individuals and legal entities that obtain benefits, including economic benefits, from the use of ecosystem services and are interested in maintaining such ecosystem services at a certain level.

2. Payments for ecosystem services are not related to taxes and other obligatory payments to the budget and are made on a contractual basis in accordance with the civil legislation of the Republic of Kazakhstan.

Payments for ecosystem services can be monetary and non-monetary. The amount and form of payments for ecosystem services are determined by agreement of the parties to a relevant contract.

### **Chapter 16. ENVIRONMENTAL REQUIREMENTS FOR THE USE OF WILDLIFE**

#### **Article 244. Environmental requirements for the common use of wildlife**

1. The common use of wildlife is performed without removing wildlife objects from their habitat in accordance with the [legislation](#) of the Republic of Kazakhstan on the protection, reproduction and use of wildlife.

2. In the common use of wildlife, useful by-products of wild animal life, as well as wildlife objects are used for scientific, cultural, educational, aesthetic and other purposes not prohibited by the legislative acts of the Republic of Kazakhstan.

3. In the common use of wildlife, the removal of animals, destruction of their homes and other structures, disturbance of animals during a breeding season, disturbance of animal habitats and deterioration of animal breeding conditions are prohibited.

#### **Article 245. Environmental requirements for urban planning and construction activities**

1. When carrying out a mandatory environmental impact assessment or strategic environmental assessment, the impact of the planned activity or the document being developed on the state of wildlife, habitat, migration routes and conditions of animal reproduction shall be taken into account and assessed, measures shall be determined to preserve the wildlife habitat and animals reproduction conditions, migration routes and places of animals concentration, the inviolability of areas of a special value as habitats for wildlife shall be ensured.

2. The commissioning of building, structures, facilities and their complexes without the provision of technical and engineered means to protect animals and their habitats are prohibited



3. During the placement, design and construction of railways, highways, main pipelines, communication lines, wind power plants, as well as canals, dams and other hydraulic structures, measures shall be developed and implemented to ensure the preservation of migration routes and prevention of animals' death.

4. Blasting and other works, which are a source of increased noise, in places of animal breeding are limited by the legislation of the Republic of Kazakhstan.

5. The operation of hydrotechnical and other structures on water bodies, establishment of the hydrological regime of water bodies and the regime of water consumption from them, as well as other activities that affect or may affect the state of wild animals' habitats, shall be carried out taking into account requirements for wildlife protection and interests of fisheries and game husbandry.

#### **Article 246. Environmental requirements for the construction and operation of electrical grids**

1. During the placement, design, construction, operation, repair, reconstruction and modernisation of electrical grids, measures shall be developed and implemented to prevent the death of birds and other wild animals, preserve habitats, breeding conditions, migration routes and places of concentration.

2. Entities operating electrical grids shall carry out regular inspections of electrical grids to identify their negative impact on birds and other wild animals and, if necessary, take measures to reduce it.

#### **Article 247. Environmental requirements for reed cutting and burning dry vegetation**

The reed cutting and burning of dry vegetation or vegetation residues are allowed only in case of economic necessity under the relevant permits of the authorised state body for protection, reproduction and use of wildlife with the development of wild fauna preservation measures.

#### **Article 248. Environmental requirements in relation to transport, storage and use of plant protection products, mineral fertilisers and other preparations used in different activities, and creation of new preparations**

1. When transporting, storing and using plant protection products, mineral fertilisers and other preparations used in different activities, creating new preparations, individuals and legal entities shall observe the rules for transportation, storage and use of the said preparations and take measures to prevent animal disease and death.

2. When new preparations are created, regulations shall be drawn up for their use in the environment.

3. In order to prevent the death of animals and deterioration of their habitat, the authorised environmental protection body, upon the proposal of the authorised state body for protection, reproduction and use of wildlife, may determine certain areas where the use of pesticides, toxic chemicals and other chemical preparations is restricted or prohibited.

4. It is allowed to use pesticides that are included in the list of pesticides approved by the authorised body for plant protection in coordination with the authorised environmental protection body and the state body in the field of sanitary and epidemiological welfare of the population.

5. Pesticides can be included in the list referred to in paragraph 4 of this Article after a toxicological study, hygienic regulation of their handling, establishment of hygienic and environmental standards and their state registration.

6. The state registration of pesticides is conducted in the manner prescribed by the authorised body for plant quarantine in coordination with the authorised environmental protection body and the state body for sanitary and epidemiological welfare of the population.

7. If there are potentially hazardous chemical and biological substances in mineral fertilisers and other preparations, the authorised body for plant quarantine upon request of the authorised

state body for protection, reproduction and use of wildlife or of the authorised environmental protection body conducts toxicological studies that become the basis for environmental standards for these mineral fertilisers and other preparations.

8. The following is prohibited:

1) extraction of wildlife objects with the use of explosive devices, toxic chemicals and other chemicals, except for the use of toxic chemicals and other chemicals for exterminating field rodents, as well as in cases of mass epizootics, rabies and other animal diseases in coordination with the authorised state body for protection, reproduction and use of wildlife;

2) use of pesticides, toxic chemicals, mineral fertilisers and other preparations:

in reserve regime zones of specially protected conservation areas;

in designated resting areas, in places where animals gather during migration and breeding season, and in areas of special value as wildlife habitat;

in designated habitats and the artificial breeding areas of rare and endangered animal species;

3) leaving dressed seeds that are not planted in the soil and can be eaten by wild animals on agricultural and other land surface.

9. In order to protect fishery resources and other aquatic animals from pollution of their habitat with pesticides, toxic chemicals and other chemical preparations, it is prohibited within two kilometres of the existing banks of fishery ponds and (or) areas:

1) to use aerial dusting to control pests, plant diseases and weeds;

2) to build storage facilities for pesticides, toxic chemicals, mineral fertilisers and petroleum products, to construct airstrips for aerial chemical works, as well as sites for refilling ground equipment with pesticides, toxic chemicals, and placing baths for washing sheep.

#### **Article 249. Environmental requirements in relation to introduction, reintroduction and hybridisation of animal species**

1. Introduction, reintroduction and hybridisation of animal species in the Republic of Kazakhstan are allowed for research and economic purposes upon permission of the authorised state body for protection, reproduction and use of wildlife on the basis of a biological justification with a positive conclusion of the state environmental review.

2. The introduction of hybrid animals into the natural environment is prohibited.

3. The unauthorised introduction, reintroduction and hybridisation of animal species by individuals and legal entities are prohibited.

4. Individuals and legal entities who keep or breed wild animals in captivity and (or) semi-free conditions, as well as domestic animals that may interbreed with wild animals or harm them, shall take measures to prevent these animals from entering the natural environment.

#### **Article 250. Environmental requirements for animals import into and export from the Republic of Kazakhstan**

Animals subject to the [Convention](#) on International Trade in Endangered Species of Wild Fauna and Flora can be imported into and exported from the Republic of Kazakhstan under a permit granted in line with the procedure determined by the authorised state body for protection, reproduction and use of wildlife.

Animal export from the Republic of Kazakhstan to third countries follows the procedure under the legislation of the Republic of Kazakhstan and international treaties of the Republic of Kazakhstan.

#### **Article 251. Environmental requirements in relation to fishing**

1. Rules for fishing and fishing objects, the procedure of allocating fishery ponds and (or) plots for fishery operations and fishing, and providing fish resources and other aquatic animals are established by the [legislation](#) of the Republic of Kazakhstan for protection, reproduction and use of wildlife.

2. Under common use of wildlife, individuals are allowed free recreational (sport) fishing in the fishery ponds and (or) sites in fishery reserve up to five kilograms per fisher per trip in cases stipulated by the legislation of the Republic of Kazakhstan. Upon that, the established rules, standards, restrictions and prohibitions related to wildlife protection, reproduction and use shall be observed.

3. Hydro land remediation works in wetlands and habitats of fish resources and other aquatic animals are performed under the permission of the authorised state body for protection, reproduction and use of wildlife after passing the state environmental review of such activity projects.

**Article 252. Environmental requirements in relation to using beneficial properties and by-products of animals**

1. Beneficial properties and by-products of animals can be used without taking or killing animals, degrading their habitat or harming them.

2. The use of wild animals to obtain their by-products is allowed without taking or killing them or degrading their habitat.

3. The use of wild animals to obtain their by-products is carried out in line with the rules established by the authorised state body for protection, reproduction and use of wildlife.

**Article 253. Environmental requirements in relation to zoological collections**

1. Creation and replenishment of zoological collections (collection of stuffed animals, eggs, preparations and parts of wildlife objects, wildlife objects, including wild animals in zoos, zoological gardens, circuses, zoological nurseries, aquariums, oceanariums) by taking animals from the natural environment are carried out by individuals and legal entities on the basis of permits granted by the authorised state body for protection, reproduction and use of wildlife.

2. Zoological collections of scientific, cultural-educational, educational and aesthetic value and of national importance are subject to state record-keeping.

3. Creation, replenishment, conservation, use, alienation and state record-keeping of zoological collections and their trade, as well as their import to the Republic of Kazakhstan, transfer and export from the Republic of Kazakhstan are carried out under the rules established by the authorised state body for protection, reproduction and use of wildlife.

**Article 254. Environmental requirements in relation to the regulation of animal numbers**

1. Measures aimed at regulating the number of certain wild animal species are implemented in the interests of public health and safety and to prevent diseases among farm animals and other domestic animals, damage to the environment, economic and other activities. These measures shall be implemented in ways that preserve wildlife habitat and prevent harm to wildlife.

2. Rules for regulating animal numbers are approved by the authorised state body for protection, reproduction and use of wildlife.

**Article 255. Environmental requirements for game husbandry and fishery**

Environmental requirements for game husbandry and fishery are:

1) prevent the deterioration of the environmental state of animal habitats due to activities, and apply nature conservation technologies during production processes;

2) maintain primary accounting of the number and use of wild animals, study their state and characteristics of the hunting grounds, provide this information to the authorised state body for protection, reproduction and use of wildlife;

3) comply with established rules, norms, regulations, limits and time periods for harvesting animals;

4) protect wildlife species, including rare and endangered, in the designated territory;

- 5) implement comprehensive measures to breed wild animals, including artificial breeding, and preserve and improve their habitats;
- 6) carry out activities on the protection, reproduction and use of wildlife;
- 7) implement comprehensive measures to prevent and control diseases, immediately inform the authorised state bodies for protection, reproduction and use of wildlife, veterinary medicine and state bodies of sanitary and epidemiological service about the detection of animal diseases, deterioration of their habitat, occurrence of the threat of extermination and cases of animal death;
- 8) independently stop using wildlife objects in cases of deterioration of their state and habitat conditions, reduced ability to reproduce and threat of extermination, take immediate measures to eliminate the negative impact on animals and their habitat.

#### **Article 256. List of rare and endangered animal species**

1. The list of rare and endangered animal species is approved by the Government of the Republic of Kazakhstan and includes rare and endangered species (subspecies, populations) of animals (vertebrates and invertebrates) living in natural freedom permanently or temporarily on land, in water, atmosphere and soil in the Republic of Kazakhstan, as well as in the continental shelf and exclusive economic zone of the Republic of Kazakhstan.
2. Animals classified as rare and endangered species are state property, while those bred and kept in captivity and (or) semi-free conditions may be in both state and private ownership.
3. Individuals and legal entities have the right to use animals classified as rare and endangered species within the limits and according to the procedure established by the legislation of the Republic of Kazakhstan.

#### **Article 257. Protection and reproduction of rare and endangered animal species living in natural freedom**

1. Actions that may lead to the death, reduction in numbers or disturbance of rare and endangered animal species are prohibited.
2. Individuals and legal entities shall ensure protection of animals within the assigned territories and shall report to the authorised state body for protection, reproduction and use of wildlife about cases of death of animals classified as rare and endangered that have become known to them or were detected by them. The investigation procedure for such cases is approved by the authorised state body for protection, reproduction and use of wildlife.
3. Rare and endangered animal species are provided help in cases of their mass diseases, when they are under death threat due to natural disasters and other reasons in line with the [legislation](#) of the Republic of Kazakhstan on protection, reproduction and use of wildlife.
4. Removal of animals classified as rare and endangered species is prohibited to prevent their death, excluding the exceptional cases defined by the decision of the Government of the Republic of Kazakhstan.
5. For the purpose of reproduction of rare and endangered species of animals living in a state of natural freedom, the following activities may be carried out:
  - 1) improving the conditions for natural reproduction;
  - 2) relocation;
  - 3) releasing into the habitat with artificially bred animals.
6. Measures referred to in paragraph 5 of this Article are implemented upon permission of the authorised state body for protection, reproduction and use of wildlife on the basis of a biological justification.
7. For the protection and reproduction of rare and endangered species of animals living in a state of natural freedom, Conservation areas are established with possible creation of protection zones around them, with the prohibition within these zones of any activity that negatively affects the state of wildlife.

8. When designing and implementing economic and other activities, measures for preserving the habitats and breeding conditions, migration routes and places of concentration of rare and endangered animal species shall be developed, as well as the inviolability of designated areas that possess special value as habitats of these animals shall be ensured.

**Article 258. Use of rare and endangered animal species living in natural freedom**

1. If the use of rare and endangered animal species living in natural freedom for scientific, cultural, educational and aesthetic purposes does not entail removing animals from their habitat, the authorised state body for protection, reproduction and use of wildlife has the right to impose restrictions on visiting certain places and at certain times. These restrictions are published in the national and oblast media; special warning boards are installed at corresponding locations are installed.

2. Individuals and legal entities interested in keeping and breeding rare and endangered animal species in captivity and (or) semi-free conditions shall release into the habitat within the prescribed time limits a number of rare and endangered animal species, obtained through artificial breeding, corresponding the one that has been removed from it. Animals are released under a handover deed in the presence of officials of the authorised state body for protection, reproduction and use of wildlife.

**Article 259. Keeping and breeding in captivity and (or) semi-free conditions of rare and endangered animal species, as well as species included in the annexes of the Convention on International Trade in Endangered Species of Wild Fauna and Flora**

1. Artificial breeding of rare and endangered species of animals, as well as species included in the annexes of the [Convention](#) on International Trade in Endangered Species of Wild Fauna and Flora, can be in captivity (cage and enclosure keeping) or semi-free conditions (keeping in parks and in other areas with conditions close to their natural habitat).

2. Keeping and breeding in captivity and (or) semi-free conditions of rare and endangered species of animals, as well as species included in the [annexes](#) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, are permitted to individuals and legal entities given that they comply with the following requirements:

1) availability of conditions for keeping the animals, including a duly allocated plot or premises equipped with enclosures, cages and other constructions;

2) implementing the necessary zootechnical, veterinary and sanitary-epidemiological measures;

3) availability of zoological, zootechnical and veterinary professionals, and people with skills required for keeping animals in captive or semi-free conditions;

4) having a permit of the authorised state body for protection, reproduction and use of wildlife.

3. The permit for keeping and breeding rare and endangered animal species, as well as species included in the [annexes](#) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, in captivity and (or) semi-free conditions specifies mandatory requirements as well as the maximum number of units per animal species. If individuals and legal entities fail to comply with the terms of the permit, after three warnings within six months, the permit may be withdrawn or revoked.

4. Captive and (or) semi-free keeping and breeding of rare and endangered animal species in specialised zoological breeding centres is carried out in line with the regulations for such breeding centres.

5. Owners of animals classified as rare and endangered species kept in captivity and (or) semi-free conditions, as well as species included in the annexes of the Convention on International Trade



in Endangered Species of Wild Fauna and Flora, shall carry out non-removable ringing or tagging and have passports of these animals.

6. Individuals and legal entities who keep animals classified as rare and endangered in captivity and (or) semi-free conditions have the right to purchase, sell and exchange these animals within the Republic of Kazakhstan only by permission of the authorised state body for protection, reproduction and use of wildlife.

7. Individuals and legal entities owning animals classified as rare and endangered, as well as species included in the [annexes](#) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, kept in captivity and (or) semi-free conditions may use them for the purposes of international trade in the manner prescribed by the legislation of the Republic of Kazakhstan.

8. If international trade in rare and endangered animal species bred in captivity and (or) semi-free conditions may cause environmental and (or) economic damage to the state, the Government of the Republic of Kazakhstan shall have the right to impose restrictions on such trade.

## **Chapter 17. FOREST PROTECTION**

### **Article 260. Environmental requirements for using state forest reserve plots in forest reproduction and afforestation in conservation areas**

The use of state forest reserve plots in forest reproduction and afforestation in conservation areas is carried out in accordance with the legislation of the Republic of Kazakhstan.

### **Article 261. Environmental requirements for preservation, protection, reproduction and use of tree and shrub vegetation on state forest reserve plots transferred for use to land plot owners or land users**

1. Preservation, protection, reproduction and use of tree and shrub vegetation on state forest reserve plots, that were transferred for use to land plot owners or land users for integrated management of agriculture and forestry operations under the legislation of the Republic of Kazakhstan, are conducted in line with the requirements of the Forest Code of the Republic of Kazakhstan.

2. Land plot owners or land users, who received land plots of the state forest reserve for use, shall exercise forest management in them and participate in the state accounting of the forest reserve under the Forest Code of the Republic of Kazakhstan.

3. Control over the state, preservation, protection, reproduction and use of the tree and shrub vegetation referred to in paragraph 1 of this Article is exercised by the authorised state body for forestry operations.

### **Article 262. Environmental requirements for preservation, protection, use of state forest reserve plots and forest reproduction on state forest reserve plots located among land plots of other owners or land users**

1. State forest owners have the right of limited permitted use of another's land plot (easement) in the order established by the Land Code of the Republic of Kazakhstan to ensure preservation, protection, use of state forest reserve plots and forest reproduction on state forest reserve plots located among land plots of other owners or land users.

2. Protection zones of twenty metres in width are created along the borders of state forest reserve plots located among land plots of other owners or land users to protect forests of natural origin from adverse external impact.

3. Any activity that adversely affects the state of forests in the state forest reserve is prohibited within the protection zone.

**Article 263. Environmental requirements for preservation, protection and use of protective plantings on the right-of-way to railways, roads, canals, main pipelines and other linear structures**

1. Protective plantings located on the right-of-way to railways, roads, canals, main pipelines and other linear structures are intended to protect these objects from adverse natural phenomena, prevent environmental pollution and reduce noise impacts.

2. Improvement and sanitary felling, reconstruction felling of low-value forests, as well as of plantings losing their protective, water-protective and other functions, and other types of felling are permitted in protective plantings on the right-of-way to railways, roads, canals, main pipelines and other linear structures under the projects of protective plantings.

3. Preservation, protection and use of protective plantings, indicated in paragraph 1 of this Article, are carried out by land users, on whose lands they are located, in line with the Forest Code of the Republic of Kazakhstan.

**Article 264. Protection of urban and rural zones with vegetation resources**

1. Urban and rural zones with vegetation resources are a group of lands planted with forest and other vegetation.

2. Preservation of urban and rural zones with vegetation resources includes a system of measures to maintain and develop vegetation which are necessary to improve the ecological situation and create a favourable environment.

3. In urban and rural zones with vegetation resources, it is prohibited to perform activities that have a negative impact on the lands and prevent them from performing their environmental, sanitary and hygienic and recreational functions.

4. Preservation, protection and forest reproduction on the lands, indicated in paragraph 1 of this Article, are carried out in line with the Forest Code of the Republic of Kazakhstan.

**Article 265. Special protection regime for natural objects in green belts**

1. To protect natural objects in green belts, these areas shall establish a limited economic activity regime.

2. Principles to be followed under the regime:

1) giving priority to activities and technologies that do not have an adverse effect on natural objects in green belts;

2) balancing the solution of socio-economic problems and problems related to special protection of natural objects in green belts.

3. In green belts, it is prohibited to:

1) use toxic chemicals, pesticides, agrochemicals;

2) dispose hazardous waste;

3) construct facilities that have a negative impact on the environment, in accordance with the legislation of the Republic of Kazakhstan on civil protection in relation to hazardous production facilities;

4) develop mineral deposits, except the deposits of mineral water and therapeutic mud, the use of other natural medicine resources;

5) build major facilities (except hydraulic structures, communication lines, power lines, pipelines, roads, railways, other linear facilities, buildings, and structures that are an integral technological part of these facilities, as well as healthcare, education, recreation and tourism facilities);

6) construct livestock and poultry production farms and manure storages;

7) build cattle burial grounds;

8) construct warehouses for pesticides and mineral fertilisers.

4. Disturbed land remediation, land protection from erosion, flooding, waterlogging, swamping, secondary salinisation, drying up, chemical contamination, as well as other negative impacts shall be given priority.

5. Green zone reclamation includes sanitation safety measures in forests and the elimination of foci of harmful organisms, including the use of chemicals that do not entail ecosystem degradation, natural resource depletion and other negative environmental changes.

6. In green belts, it is prohibited to perform clear felling of forest and other plantations, except in cases provided for by the forest legislation of the Republic of Kazakhstan.

7. Reforestation measures in green belts are carried out on a priority basis, but no later than one year from the date of felling of forests and other vegetation.

8. Rules for the use, preservation, protection and reproduction of forests in green belts are established by the authorised body for forestry operations.

## **Chapter 18. PROTECTION OF GENE POOLS OF FLORA, FAUNA AND MICROORGANISMS. USE OF GENETIC RESOURCES**

### **Article 266. Environmental requirements for preservation and reproduction of gene pools of flora and fauna living in natural freedom**

1. It is prohibited to perform activities that may lead to the death, reduction in numbers of population or disturbance of habitats of rare and endangered animal species, endemic and relict plants and animals, which are a part of valuable gene pool and a national treasure of the Republic of Kazakhstan.

2. The areas, where rare, endangered, endemic and relict plants and animals, as well as objects of agrobiodiversity, including relatives of plants and animals that are already used or can potentially be used for breeding, can be designated as special conservation areas or genetic reserves, with protected or buffer zones established around them in accordance with the procedure established by law.

3. The natural objects specified in paragraph 2 of this Article may be included in the list of nature reserve fund, with their habitats, breeding sites and migration routes be protected and a special regime for the use of these sites be established.

It shall be ensured that natural gene pool sites are protected from quarantine objects and alien species.

4. Reproduction and use of the natural objects specified in paragraph 2 of this Article shall be carried out in ways that ensure the safety of female parents and meet the ethical requirements for conducting scientific research in this area, as well as using the relevant scientific achievements, practice and traditional knowledge.

### **Article 267. Environmental requirements for maintenance and use of genetic collections**

1. Genetic collections of plants (including herbariums), animals and microorganisms, including genetic banks, DNA and RNA collections shall be kept in conditions that ensure their safety, the established regime of access and use.

The procedure, access and use of these collections are determined by the authorised body for science.

2. Genetic collections may be state- or privately owned on the grounds, conditions and within the limits established by the legislative acts of the Republic of Kazakhstan.

Regardless of the form of ownership, the collections and their holders are subject to state registration in the manner established by the authorised body for science.

## **Chapter 19. STATE RESERVE AREA IN THE NORTHERN PART OF THE CASPIAN SEA**

### **Article 268. Borders of the state reserve area in the northern part of the Caspian Sea**

The borders of the state reserve area in the northern part of the Caspian Sea are established by the Government of the Republic of Kazakhstan.

### **Article 269. Restrictions on activities in the state reserve area in the northern part of the Caspian Sea**

1. Within the state reserve area in the northern part of the Caspian Sea, according to functional zoning, reserve areas with a total ban on economic and other activities and additional temporary restrictions on certain types of work are created under the Law on Conservation Areas of the Republic of Kazakhstan

2. The following regime of use is established in the reserve area:

1) it is prohibited to conduct construction and geophysical works, well testing and navigation in the Ural and Volga river estuaries within a radius of 50 kilometres from the most seaward point of the Kazakhstan's part of the Volga river land delta and the most seaward point of the Ural river land delta, as well as in a strip 15 kilometres wide as of 1 January 1994 shoreline between the boundaries of the above-mentioned areas and further eastward to the Emba River from 1 April to July 15 in order to ensure normal fish spawning passage and fry migration to the sea. At the same time, the navigation of vessels engaged in fishing and fish transportation, display, replacement, removal and testing of navigational aids, research work with the approval of the authorised state body for protection, reproduction and use of wildlife is allowed;

2) during the period referred to in subparagraph 1) of this paragraph, the oil production process shall be transferred to an autonomous supply of equipment, chemical reagents, fuel and lubricants and other materials, and catering. All measures shall be taken to ensure that wastes from the oil extraction process are accumulated and stored for their removal at the end of the ban period;

3) in order to preserve birds in nesting sites (reed beds, sandy coastal spits and islands), construction work and well testing shall be prohibited during the period referred to in subparagraph 1) of this paragraph;

4) performing works in the period other than that specified in subparagraph 1) of this paragraph within the reed beds (natural biological filter) on the land-sea border is regulated by decisions of the authorised state bodies for environmental protection and conservation areas while taking into account the season of the year

5) to preserve the Caspian seal population, oil operations from October to May shall be performed no closer than 1,852 metres (1 nautical mile) from areas where they concentrate. Given the shifting seal rookeries, all possible measures shall be taken to identify seal concentrations areas;

6) to avoid negative impacts on birds and Caspian seals, overflight of aircraft over their identified habitats and breeding grounds below 1 kilometre is prohibited, excluding research and rescue works with prior notification to authorised state bodies for environmental protection and conservation areas.

3. When designing offshore exploration and production, the construction of drilling bases, well testing and shipping shall be limited to the extent possible to ensure sustainability of the ecosystem of the state reserve area in the northern part of the Caspian Sea.

### **Article 270. Water conservation zone along the shore of the Caspian Sea**

The width of the water conservation zone along the shore of the Caspian Sea is to be 2,000 metres from the last decade's long-term average sea level of minus 27.0 metres, except for the cases provided for by paragraph 2 of Article 223 of this Code.

**Article 271. Protecting coastal waters in the northern part of the Caspian Sea in places of public water use**

1. The protected areas for coastal waters in the northern part of the Caspian Sea in places of public water use are established by local executive bodies within their remit while taking into account the actual and prospective water use. The width of this area towards the sea shall be at least 3.9 kilometres (2 miles) from the last decade's long-term average sea level.

2. The coastal strip of land within the protected areas for coastal waters in the northern part of the Caspian Sea in places of public water use corresponds to the water conservation zone of the Caspian Sea, both in terms of defining the boundaries and the conservation regime.

**Article 272. Environmental requirements in relation to economic and other activities within the zone affected by wind-induced water level fluctuations**

1. The zone affected by wind-induced water level fluctuations has no clearly defined boundaries and roughly stretches from absolute levels of minus 29 metres within the water area to minus 26 metres on land.

2. The following is prohibited within the zone affected by wind-induced water level fluctuations:

1) designing, constructing and commissioning new and reconstructed facilities not equipped with structures and devices that prevent pollution and littering of water bodies and their water conservation zones and strips;

2) locating and constructing outside of settlements petroleum product storage facilities, machinery maintenance facilities, mechanical workshops, washing facilities, organisation of waste disposal sites, as well as placing other facilities negatively affecting water quality;

3) construction, dredging and blasting works, extraction of minerals, laying of cables, pipelines and other communications, drilling, agricultural and other works without projects that passed the state environmental review

**Article 273. General environmental requirements in relation to economic and other activities in the state reserve area in the northern part of the Caspian Sea**

When carrying out activities in the state protected area in the northern part of the Caspian Sea, the following environmental requirements shall be observed:

1) works involving excavation and relocation of soils is permitted with a special permit granted by the authorised state body for subsoil studies, except rescue works;

2) construction, installation and dismantling of structures shall only use technologies that ensure the collection of all types of pollutants;

3) the use of blasting in the water column and on the seabed is prohibited during all kinds of construction and other works;

4) blasting operations under the seabed may be carried out with the permission of the authorised state bodies for environmental protection, use and protection of the water reserve and subsoil studies;

5) it is prohibited to disturb the nesting sites of waterfowl and semiaquatic birds, as well as to obstruct access to spawning grounds of sturgeon fish;

6) water withdrawal from the sea is only allowed if the intake facilities are equipped with fish protection devices;

7) technical devices shall be installed at water intake facilities to continuously monitor the effectiveness of fish protection devices;

8) it is prohibited to dump waste in the sea;

9) within the state reserve area in the northern part of the Caspian Sea, the discharge of wastewater and waste is prohibited, except for a limited list of unpolluted or treated wastewater, including cooling and fire extinguishing water and ballast water that is discharged under the



permission of the authorised state body for environmental protection, use and protection of the water reserve and the state body for sanitary and epidemiological welfare of the population;

10) the water temperature resulting from the discharge outside the control station shall not increase by more than five degrees compared with the average monthly water temperature during the discharge period of the last three years;

11) transport routes shall be chosen in such a way as to prevent or reduce their impact on marine mammals, fish and birds;

12) it is prohibited to lay railway tracks, roads and main pipelines not included in the project in the area with special requirements.

The vehicles used for works in water conservation zones and shallow waters shall ensure that highly productive benthic communities and spawning grounds are preserved. If necessary, special vehicles on extended tracks, low-pressure tyres or an air cushion that cause minimal disturbance to the terrain and existing ecosystems can be used for environmental monitoring.

**Article 274. Environmental requirements for offshore hydrocarbon exploration and (or) production in the state reserve area in the northern part of the Caspian Sea**

1. When carrying out onshore hydrocarbon exploration and (or) production in the state reserve area in the northern part of the Caspian Sea, the subsoil user, in addition to other environmental requirements provided for by this Code, is obliged to ensure compliance with the environmental requirements established by this Article.

2. If previously drilled wells are discovered within the contract area, the subsoil user shall include them in their books and monitor them.

3. Flaring of fluids during well operation is prohibited, unless there is a threat of an emergency.

4. Flaring of hydrocarbons during well testing shall be kept to a minimum and the best available technology (and the safest one) shall be used. The use of appropriate technology is justified by the environmental impact assessment.

If the method referred to in this paragraph is recognised by the environmental review as the safest method for the environment, it shall be used only under favourable weather conditions that accommodate dispersion of the plume, and the flare design shall ensure complete combustion of the hydrocarbons.

5. If the well is located in the way of bird migration routes, organisational and technical measures shall be taken to avoid damage to the bird fauna.

6. Emissions into the atmosphere are subject to control in line with the requirements of the legislation of the Republic of Kazakhstan, proven principles and methods accepted in international practice of environmental protection in oil operations.

7. Drilling waste shall not be injected into the subsoil without prior decontamination operations and shall be carried out in line with a project that has passed the state environmental review.

8. The injection of associated gas in the northern part of the Caspian Sea exceeding the norms that ensure increased oil recovery by maintaining the reservoir pressure under the approved design documents, as well as the injection of associated gas beyond the design parameters, are prohibited.

9. All operations for the neutralisation and storage of drilling waste (slurry and fluids) not recycled or re-injected into the subsoil shall be carried out at a special site outside the state reserve area in the northern part of the Caspian Sea. These operations shall ensure that the construction of the site is completed by the time the drilling operations begin.

10. Offshore production facilities recognised as such by the Code of the Republic of Kazakhstan on Subsoil and Subsoil Use, and the vessels serving them shall be equipped with an installation for treating and neutralising wastewater or for collecting, storing and subsequent transferring it to specialised vessels or onshore reception facilities. Appropriate facilities shall be provided for the collection or treatment of garbage (shredding or compacting). Incineration of

medical and food waste is allowed, provided that the best available technology is used and a positive conclusion of the state environmental review for the project documentation is available.

11. Prior to the commencement of oil extraction operations, the subsoil user shall envisage from their own funds comprehensive environmental protection programmes, including measures to protect spawning grounds and the reproduction of valuable commercial fish, as well as seal habitats in the state reserve area in the northern part of the Caspian Sea.

12. Drilling and grouting fluids shall not contain any substances that have not been agreed under the technical design.

13. Drilling rigs shall be equipped with internal combustion engines that meet the International Maritime Organization's carbon monoxide emission limits

14. Power units shall be equipped with internal combustion engines or dual fuel turbines (diesel-gas).

15. Offshore exploration shall be preceded by the preparation of a work plan based on international practice, including a full environmental impact assessment. The analysis of the current state of the previously studied area of the planned economic activity shall be based on the results of field studies carried out no earlier than four years prior to the submission of the environmental impact assessment.

16. A mandatory element in the environmental impact assessment is the analysis of alternatives, including the refusal to explore in particularly sensitive areas of the sea and coastal zone.

17. Wells in the water conservation zone and in shallow coastal areas up to 10 metres depth are drilled using electric-driven rigs from external grids. If drilling is carried out with a diesel-powered generator, the release of untreated exhaust gases into the atmosphere from such rigs shall be reduced to a minimum.

18. When carrying out offshore exploration and (or) production of hydrocarbons, each offshore facility and each vessel on which oil and oily cargo is transported shall be equipped with devices to deal with oil spill at sea, inland water bodies and in the safety zone of the Republic of Kazakhstan, determined in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use.

#### **Article 275. Environmental requirements for geophysical works**

1. When conducting geophysical works in state reserve area in the northern part of the Caspian Sea, the following is prohibited:

1) using explosive sources of seismic waves and pneumatic sources with parameters that have a harmful effect on the fish fauna and its habitat;

2) using equipment and methods whose safety has not been documented or based on experimental geophysical work;

3) leaving streamer cables at sea unmonitored to prevent them from breaking off and being carried away, and towing them along the seabed.

2. In order to conserve the Caspian seal population, seismic works and other economic activities from October to May are adjusted by setting off seismic profiles at least 1,852 metres (one nautical mile) away from seal concentration areas on island and ice rookeries. Preliminary aerial overflights shall be envisaged to identify areas of high seal concentration due to the frequent change of rookeries.

3. The seismic exploration may include the use of means for scaring fish away from the work area.

**Article 276. Environmental requirements for the design and construction of oil and gas pipelines**

1. The design and construction of oil and gas pipelines and their accompanying facilities in the zone affected by wind-induced water level fluctuations shall be carried out with their maximum amplitudes in mind.

2. Automatic shut-off valves on oil and gas pipelines are designed with an assessment of the risks associated with a possible integrity damage of oil and gas pipelines.

3. The construction of oil and gas pipelines shall use technical means and equipment that minimise seabed disturbance and use technologies and methods that localise the spread of suspended matter in the water column.

4. Oil and gas pipelines in the state reserve area in the northern part of the Caspian Sea shall be buried to protect them from damage by moving ice, ship anchors and other man-made influences

5. Exclusion zones are established along the oil and gas pipelines in the form of sections of water space from the water surface to the bottom, enclosed between parallel planes spaced from the axis of the extreme pipeline strings by five hundred metres on each side.

6. The discharge of water during hydrotesting of oil and gas pipelines shall be performed outside the borders of the state reserve area in the northern part of the Caspian Sea.

**Article 277. Environmental requirements for onshore supply bases and coastal infrastructure facilities**

1. Onshore bases, including fuel and lubricant depots, vehicle maintenance stations, other than ports and terminals, are constructed outside the water conservation zone of the Caspian Sea shore using existing infrastructure. The construction of facilities and performing works in the water conservation zone envisaged by the legislation of the Republic of Kazakhstan are permitted.

2. Terminal and supply base areas shall be planned in such a way that supply, maintenance and refuelling operations are carried out in compliance with all requirements to ensure the safety of the environment and public health.

3. Upon completion of the operation of onshore infrastructure facilities and their dismantling, land remediation shall be carried out in accordance with the design documentation approved by the authorised environmental protection body.

**Article 278. Environmental requirements for shipping**

1. The use of equipment and devices, as well as vessels previously operating in other water basins, is prohibited without an environmental examination to avoid accidental introduction of flora and fauna into the Caspian Sea.

2. All types of water transport movements shall be submitted as part of the pre-project and project documentation. At the detailed design stage and when organising the works, a timetable for the seasons shall be determined and ship routes shall be indicated on the mapping materials. When selecting transport routes, hydrometeorological conditions, including ice conditions, as well as spawning and migration periods and locations of valuable fish species, seal rookeries and bird nesting sites shall be taken into account.

3. All vessels shall be equipped with closed fuel bunkering systems, wastewater and domestic waste collection tanks with devices to prevent their discharge into open water bodies.

4. Bulk materials, chemicals and dangerous cargo shall be transported in closed containers and special tanks that exclude their release into the environment in line with the requirements of the legislation on Merchant Shipping of the Republic of Kazakhstan.

5. The hulls of ships, other vessels, offshore drilling rigs and platforms shall be coated with modern certified anti-corrosion materials.

6. Refuelling of vessels at sea shall be carried out using systems that prevent spills and leaks of fuel and lubricants.

7. Noise and vibration from vessels shall not exceed the maximum allowed noise levels established by the sanitary and epidemiological rules and standards and hygienic regulations.

8. Construction equipment for special purpose vessels shall be fitted with noise and vibration reduction devices.

9. Twin-hulled tankers are used for the tanker transportation of hydrocarbons and other hazardous substances in the Caspian Sea.

10. Vessels shall be fitted with equipment to prevent contamination of vessel decks with oil products and discharge of contaminated wastewater into water bodies. It is prohibited to discharge into water bodies oil, hazardous substances and water containing them, food waste, domestic waste and all kinds of plastics from vessels. Measures to prevent pollution are taken in accordance with the legislation of the Republic of Kazakhstan on commercial shipping.

11. The navigation regime is established in agreement with the authorised state bodies for protection, reproduction and use of wildlife and use and protection of the water reserve.

### **Article 279. Environmental requirements for suspension and abandonment of oil operations objects**

1. Suspension or abandonment of offshore objects for oil operations, exploration, including solid minerals, mineral and (or) drinking water, are carried out in line with the legislation of the Republic of Kazakhstan on subsoil and subsoil use

2. In the case of well suspension after the completion of tests, the subsoil user shall perform suspension works, ensure that the drilling platform is intact and the well is reliably sealed until the work is resumed.

3. When abandoning wells drilled from an earthfill structure (underwater berm or island), the subsoil user shall ensure that they are sealed and control the condition of the artificial base, having previously cleaned it from possible contamination by hydrocarbons and other chemicals. If an island (berm) is eroded, the subsoil user shall mark it with a spar buoy or beacon buoy before final levelling of the base structure is carried out and provide the coordinates to the authorised state bodies for subsoil studies, inland water transport to reflect it on sea charts for navigation safety.

4. When abandoning wells drilled from platforms of any type, their structures shall be completely dismantled and removed and the heads of sealed wells cut off at bottom level to avoid interference with fishing and navigation.

5. The decision to abandon decommissioned artificial production islands shall be made on the basis of an environmental impact assessment of the abandonment works.

6. Suspension and abandonment of flooded and waterlogged old wells shall be carried out under projects, including an environmental impact assessment, that passed the state environmental review and industrial safety review under the legislation of the Republic of Kazakhstan and the review in line with the legislation of the Republic of Kazakhstan on subsoil and subsoil use. Upon that, an oil spill contingency plan shall be developed and approved, with monitoring of suspended and abandoned wells ensured. No work shall be carried out without being provided with the necessary equipment to respond to oil spills at sea, inland water bodies and in the safety zone of the Republic of Kazakhstan in accordance with the oil spill contingency plan.

### **Article 280. Environmental monitoring of the state reserve area in the northern part of the Caspian Sea**

1. The authorised environmental protection body shall conduct mandatory state environmental monitoring in the state reserve area in the northern part of the Caspian Sea.

2. A subsoil user carrying out economic activities in the state reserve area in the northern part of the Caspian Sea shall conduct annual industrial environmental monitoring (by climatic seasons) throughout the contract area, except for monitoring during the winter period in the sea area covered by ice to prevent negative impacts on the marine environment.

3. The environmental impact assessment materials of each phase of oil operations (geophysical surveys, geotechnical investigations, drilling, construction, development, operation, abandonment and other) shall envisage production monitoring, which includes:

1) field environmental studies at the production facilities of each of the phases of oil operations;

2) monitoring of pollution sources;

3) monitoring the state of environment;

4) monitoring the effects of accidental environmental pollution.

4. State and production environmental monitoring shall include observations of the following parameters:

1) the level of pollution of water, as well as bottom sediments by physical, chemical and hydrobiological indicators in different status (regime) areas of the Caspian Sea;

2) the balance and transformation of pollutants in certain areas of the Caspian Sea (control sampling points in the open sea, bays, estuaries, rivers flowing into the sea, oil operations areas) at the atmosphere-water interface and their accumulation in bottom sediments;

3) natural circulation processes, hydrometeorological indicators (water temperature, currents, wind speed and direction, precipitation, atmospheric pressure, air humidity).

5. If necessary and at the request of the authorised environmental protection body, the subsoil user shall perform additional environmental studies.

6. The subsoil user determines the types and methods of environmental observation under the procedure established by the authorised environmental protection body.

7. When conducting production monitoring, the subsoil user shall take into account the results of previous years' observations and use readings from already existing stations located in the work area (within and around the contract area) to continue the long-term observation series.

8. In the event of accidents, monitoring of the effects of accidental environmental pollution shall be organised without delay.

9. The subsoil user shall provide the results of industrial monitoring to the authorised environmental protection body.

## **PART 18. CLIMATE AND OZONE LAYER**

### **Chapter 20. STATE REGULATION OF GREENHOUSE GAS EMISSIONS AND REMOVALS**

#### **Article 281. Greenhouse gases**

1. Greenhouse gases are any gaseous compounds of both natural and anthropogenic origin that are capable of absorbing and reflecting infrared radiation.

2. This Code applies to the following types of greenhouse gases:

1) carbon dioxide (CO<sub>2</sub>);

2) methane (CH<sub>4</sub>);

3) nitrous oxide (N<sub>2</sub>O);

4) hydrofluorocarbons (HFCs);

5) perfluorocarbons (PFCs);

6) sulphur hexafluoride (SF<sub>6</sub>);

7) other substances determined by the authorised environmental protection body in accordance with paragraph 3 of this Article.

3. The authorised environmental protection body classifies certain substances as greenhouse gases if the international obligations of the Republic of Kazakhstan, requiring the adoption of measures for state regulation of emissions and removals in relation to such substances come into force.



**Article 282. Greenhouse gas emissions and removals**

1. Greenhouse gas emissions are the release of greenhouse gases into the atmosphere as a result of anthropogenic processes.

2. Greenhouse gas removals are the absorption (removal) of greenhouse gases emitted as a result of any natural process or activity.

3. Greenhouse gas emissions and removals are measured and calculated in tonnes of carbon dioxide equivalent.

A tonne of carbon dioxide equivalent is one metric tonne of carbon dioxide or any other greenhouse gas that is equivalent to one metric tonne of carbon dioxide in global warming potential.

Global warming potentials are determined by the authorised environmental protection body in accordance with the provisions of international treaties on climate change ratified by the Republic of Kazakhstan.

**Article 283. National contributions of the Republic of Kazakhstan to the global climate change response**

1. The Republic of Kazakhstan aims to reduce the carbon balance by at least fifteen percent compared to the 1990 carbon balance by 31 December 2030

The carbon balance of the Republic of Kazakhstan is the volume of actual greenhouse gas emissions minus the volume of actual greenhouse gas removals for a specified period.

The goal specified in part one of this paragraph is the nationally determined contribution of the Republic of Kazakhstan to the global climate change response (hereinafter referred to as the national contribution).

2. The authorised environmental protection body develops subsequent nationally determined contributions in accordance with international treaties ratified by the Republic of Kazakhstan.

These contributions shall be approved by the Government of the Republic of Kazakhstan.

3. The authorised environmental protection body is a working body responsible for the implementation of international treaties on climate change ratified by the Republic of Kazakhstan and state regulation on greenhouse gas emissions and removals in accordance with this Code in order to ensure that nationally determined contributions of the Republic of Kazakhstan are achieved.

4. State bodies and officials of the Republic of Kazakhstan are obliged, within their remit, to take actions to ensure the implementation of the nationally determined contributions of the Republic of Kazakhstan.

**Article 284. State regulation of greenhouse gas emissions and removals**

1. State regulation of greenhouse gas emissions and removals is a set of measures taken by the state to create conditions for reducing greenhouse gas emissions and increasing their removals, taking into account the need to ensure sustainable development of the Republic of Kazakhstan and fulfil its international obligations.

2. State regulation of greenhouse gas emissions and removals is carried out through:

1) regulatory instruments on greenhouse gas emissions and removals in accordance with this Code;

2) a market instrument for carbon units trade.

3. State regulation of greenhouse gas emissions and removals is carried out in accordance with this Code and the rules for state regulation of greenhouse gas emissions and removals approved by the authorised environmental protection body.

**Article 285. Regulatory instruments of greenhouse gas emissions and removals**

State regulation of greenhouse gas emissions and removals is carried out using the following instruments:

- 1) carbon budget;
- 2) carbon allowances;
- 3) administration of installation operators.

#### **Article 286. Carbon budget**

1. The carbon budget is the maximum permissible volume of CO<sub>2</sub> emissions established in the manner prescribed by this Code for the carbon budgeting period.

2. The carbon balance of the Republic of Kazakhstan for the carbon budgeting period shall not exceed the carbon budget established for such a period.

3. The carbon budgeting period is five consecutive calendar years.

4. The carbon budget determines the volumes of greenhouse gas emissions under allowances and not under allowances.

5. The carbon budget is developed and approved by the authorised environmental protection body for each consecutive carbon budgeting period no later than six months before the start of the corresponding carbon budgeting period.

6. The carbon budget is developed taking into account the need to comply with nationally determined contributions under international treaties ratified by the Republic of Kazakhstan in the following way:

1) for the carbon budgeting period from 2021 to 2025: the carbon budget for 2021 shall be at least 1.5 percent below the 1990 carbon budget, in subsequent years – it shall be reduced by at least 1.5 percent annually from the level of the carbon budget of the previous year;

2) for the carbon budgeting period from 2026 to 2030: the carbon budget for each calendar year shall be reduced by at least 1.5 percent of the level of the previous year's carbon budget;

3) for subsequent carbon budgeting periods: the carbon budget for each calendar year shall be at least fifteen percent below the 1990 carbon budget.

#### **Article 287. Objects under state regulation of greenhouse gas emissions and removals**

1. The instruments of state regulation on greenhouse gas emissions and removals provided for by this Code are applied to installations whose greenhouse gas emissions exceed the corresponding threshold values established in this section.

2. An installation is a stationary source of greenhouse gas emissions or a group of stationary sources of greenhouse gas emissions, interconnected by a single technological process and located on the same industrial site.

A stationary source of greenhouse gas emissions is the one that cannot be moved without dismantling and whose permanent location can be determined using a unified state coordinate system or which can be moved by means of a transport or other mobile vehicle, but requires a fixed position for its operation.

3. An installation operator is defined by this Code as an individual or a legal entity, which owns or otherwise legally uses the installation.

#### **Article 288. Carbon units trading system operator**

1. The carbon units trading system operator is the organisation for the regulation of greenhouse gas emissions subordinate to the authorised environmental protection body, which provides technical and expert support for state regulation and international cooperation in the field of greenhouse gas emissions and removals.

2. The carbon units trading system operator carries out the following activities:

1) forms and maintains the state carbon cadastre;

2) state inventory of greenhouse gas emissions and removals;

3) forms and maintains state register of carbon units;

4) supports the implementation of the carbon units trading system in the Republic of Kazakhstan;

5) sells and buys carbon units.

### **Article 289. Carbon allowances allocation**

1. Carbon allowances allocation is the determination by the state of the total volume of allowances for greenhouse gas emissions by installations involved in economic sectors specified in paragraph 2 of this Article and the distribution of carbon allowances to entities subject to allowances in accordance with this Code.

Greenhouse gas emissions subject to allowances refer to carbon dioxide emissions.

2. The carbon allowance allocation system covers electricity, oil and gas, mining, metallurgy and chemical industries, as well as cement, lime, gypsum and brick production in manufacturing industry (hereinafter referred to as the regulated economic sectors).

3. An installation subject to allowances is an installation whose volume of greenhouse gas emissions subject to allowances exceeds twenty thousand tonnes of carbon dioxide per year in regulated economic sectors.

The entity subject to allowances is the operator of the installation being allocated allowances.

4. The carbon allowance is the quantitative volume of greenhouse gas emissions subject to allowances established for an installation subject to allowances for the validity period of National Allocation Plan for Greenhouse Gas Emission Allowances in accordance with paragraph 4 of Article 290 of this Code and credited to the operator's account in the state register of carbon units.

The carbon allowance is formed by distributing carbon allowance units among the entities subject to allowances, as well as through the purchase of carbon units in the carbon market.

5. The carbon allowance unit is the carbon unit used to calculate the volume of the carbon allowance.

6. It is prohibited to operate an installation subject to allowances without carbon allowances received.

7. The entity subject to allowances may independently distribute the available allowances among its installations within the allowance allocation period.

8. The entity subject to allowances has the right to transfer unused carbon allowance units between reporting periods within the validity period of National Allocation Plan for Greenhouse Gas Emission Allowances.

9. The entity subject to allowances has the right to sell or buy carbon allowance units, with the exception of units received under paragraph 8 of Article 295 of this Code.

10. Carbon allowances are allocated in accordance with this Code and the rules for state regulation of greenhouse gas emissions and removals.

11. In case of exceeding the established carbon allowance, the entity subject to allowances has the right to compensate the lack of carbon allowances with purchased carbon units, an additional carbon allowance and (or) offset units.

It is prohibited for an installation subject to allowances to produce greenhouse gas emissions exceeding the number of carbon units available on the account in the state register of carbon units.

### **Article 290. National allocation plan for greenhouse gas emission allowances**

1. The National Allocation Plan for Greenhouse Gas Emission Allowances establishes the total number of carbon allowance units to be distributed among entities subject to allowances in regulated economic sectors, as well as the volume of the reserve of carbon allowance units.

2. The National Allocation Plan for Greenhouse Gas Emission Allowances is developed and approved by the authorised environmental protection body.

3. The National Allocation Plan for Greenhouse Gas Emission Allowances shall be valid over the period of carbon budgeting.

The reporting period under the National Allocation Plan for Greenhouse Gas Emission Allowances is one calendar year.

4. The total number of carbon allowance units subject to free distribution among the entities subject to allowances in regulated economic sectors is calculated in accordance with the rules for state regulation of greenhouse gas emissions and removals.

5. Carbon allowance units are included in the reserve under the National Allocation Plan for Greenhouse Gas Emission Allowances for the purpose of:

1) free distribution of carbon allowance units for new installations subject to allowances commissioned within the validity period of National Allocation Plan for Greenhouse Gas Emission Allowances;

2) free distribution of carbon allowance units for installations subject to allowances previously unaccounted and identified within the validity period of National Allocation Plan for Greenhouse Gas Emission Allowances;

3) free distribution of additional carbon allowance units in the event of an increase in the capacity of installations subject to allowances within the validity period of National Allocation Plan for Greenhouse Gas Emission Allowances;

4) free distribution of carbon allowance units for installations of subjects of administration that pass into the category of installations subject to allowances within the validity period of National Allocation Plan for Greenhouse Gas Emission Allowances;

5) sale of carbon allowance units on an auction basis.

6. The volume of the carbon allowance units reserve is calculated based on the average indicator of the projected annual growth rate of the gross domestic product for the corresponding period according to the information provided by the authorised state planning body.

7. The reserve under the National Allocation Plan for Greenhouse Gas Emission Allowances is managed by the authorised environmental protection body.

8. The installations belonging to the subjects of administration are included in the category of installations subject to allowances based on a verified greenhouse gas inventory report, confirming that the installation's emissions exceed twenty thousand tonnes of carbon dioxide per year.

The installation specified in part one of this paragraph is to be covered by the allowances allocation system from 1 January of the year following the year of submission of the corresponding verified greenhouse gas inventory report.

9. A new installation subject to allowances being commissioned is to be covered by the allowances allocation system from 1 January of the year following the year it was put into operation.

10. Carbon allowance units included in the reserve category in accordance with subparagraph 5) of paragraph 5 of this Article shall be transferred to the carbon unit trading system operator to be sold on an auction basis.

11. Funds received from the sale of reserve carbon allowance units are transferred to the account of the carbon unit trading system to finance activities, programmes, and projects to regulate greenhouse gas emissions and removals.

#### **Article 291. Distribution of carbon allowance units**

1. The distribution of carbon allowance units among the entities subject to allowances is carried out through free distribution and sale on an auction basis within the volumes determined by the National Allocation Plan for Greenhouse Gas Emission Allowances.

2. The number of carbon allowance units for installations subject to allowances, subject to free distribution, is calculated by the benchmarks in accordance with the rules for state regulation of greenhouse gas emissions and removals.

A benchmark is the specific volume of greenhouse gas emissions subject to allowances per production unit.

The list of benchmarks in regulated economic sectors is developed and approved by the authorised environmental protection body.

3. The distribution of carbon allowance units through their sale on an auction basis shall be carried out in accordance with Article 299 of this Code.

4. To credit the received carbon allowance units, the entity subject to allowances opens an account in the state register of carbon units in accordance with the rules for maintaining the state register of carbon units approved by the authorised environmental protection body.

5. The carbon allowance shall be credited to the corresponding account in the state register of carbon units within ten working days from the date of approval of the National Allocation Plan for Greenhouse Gas Emission Allowances.

6. Carbon allowance units within the National Allocation Plan for Greenhouse Gas Emission Allowances may be carried over from one reporting period to another.

7. Unused (unredeemed) carbon allowance units are not carried over to the next the National Allocation Plan for Greenhouse Gas Emission Allowances.

8. Carbon allowance units are valid during ninety business days after the reporting deadline for the most recent reporting year of the relevant the National Allocation Plan for Greenhouse Gas Emission Allowances under which they were allocated.

#### **Article 292. Redemption of carbon allowance units**

1. The redemption of carbon allowance units is the withdrawal of carbon allowance units from circulation by writing them off from the corresponding account and crediting them to the allowance’s redemption account in the state register of carbon units.

2. Carbon allowance units are redeemed annually in the amount equal to the actual greenhouse gas emissions subject to allowances produced by the installation subject to allowances, which are determined according to the verified greenhouse gas inventory report for the reporting year.

3. The carbon unit trading system operator transfers the redeemed carbon allowance units from the entity’s account to the allowances redemption account within five working days after the registration of the verified greenhouse gas inventory report for the reporting year.

#### **Article 293. Monitoring of greenhouse gas emissions produced by installations subject to allowances**

1. The entity subject to allowances develops a mandatory plan for monitoring greenhouse gas emissions (hereinafter - the monitoring plan) for the validity period of National Allocation Plan for Greenhouse Gas Emission Allowances.

2. The entity subject to allowances shall submit a validated monitoring plan to the authorised environmental protection body by 1 April of the first year of the National Allocation Plan for Greenhouse Gas Emission Allowances.

If the monitoring plan is not submitted within the period specified in part one of this paragraph, the entity’s account in the state register of carbon allowance units shall be blocked within five working days until the required documents are submitted.

3. Greenhouse gas emissions produced by an installation subject to allowances are monitored in accordance with the rules for state regulation of greenhouse gas emissions and removals.

4. The form of the monitoring plan is established by the rules for state regulation of greenhouse gas emissions and removals.

#### **Article 294. Inventory of greenhouse gas emissions produced by installations subject to allowances**

1. The inventory of greenhouse gas emissions is the determination of the actual volumes of greenhouse gas emissions and removals for the reporting period.

2. The entity subject to allowances is obliged to fill in an electronic form for the greenhouse gas inventory report for the previous year in the state carbon cadastre before 1 April of the current year.



The form of the report is established by the rules for state regulation of greenhouse gas emissions and removals.

3. Methods for calculating greenhouse gas emissions and removals are developed and approved by the authorised environmental protection body.

4. The entity subject to allowances submits the completed electronic form of the greenhouse gas inventory report to the accredited validation and verification body.

5. The accredited validation and verification body shall verify the greenhouse gas inventory report for the reporting year in the state carbon cadastre. If it is necessary to make changes to the report, the accredited validation and verification body sends it to the entity subject to allowances for revision.

6. Within twenty working days from the date of receiving a greenhouse gas inventory report, the carbon unit trading system operator checks the compliance of the report with the approved form, the availability of verification, the correctness of the calculations and the application of the coefficients used to calculate the greenhouse gas emissions, and based on the results:

1) registers a greenhouse gas inventory report if it meets the requirements specified in the first subparagraph of this paragraph;

2) if the report does not comply with the requirements of the first subparagraph of this paragraph, sends it to the entity subject to allowances for revision, and also notifies the authorised environmental protection body to take measures in relation to the accredited validation and verification bodies.

7. Based on the registered greenhouse gas inventory reports, the carbon unit trading system operator analyses and predicts greenhouse gas emissions and removals and, if necessary, submits proposals to the authorised environmental protection body to improve the legislation of the Republic of Kazakhstan in the field of greenhouse gas emissions regulation.

8. The inventory of greenhouse gas emissions is controlled in accordance with the rules for state regulation of greenhouse gas emissions and removals.

### **Article 295. Changing carbon allowances**

1. If the installation capacity increases within the validity period of the National Allocation Plan for Greenhouse Gas Emission Allowances, the entity subject to allowances shall apply to the authorised environmental protection body to obtain additional greenhouse gas emission allowances.

An increase in capacity is an increase in the annual volume of extraction, production, processing and (or) transportation of products.

2. In order to obtain an additional carbon allowance, the entity subject to allowances shall submit an electronic application for changing the carbon allowance and calculations justifying the change to the authorised environmental protection body not earlier than 1 April, but not later than 1 October of the year following the reporting year.

In case of applying for an additional carbon allowance during the last year of the National Allocation Plan for Greenhouse Gas Emission Allowances, the entity subject to allowances shall submit the documents specified in part one of this paragraph to the authorised environmental protection body not earlier than 1 April, but not later than 1 June of the year following the reporting year.

3. Additional carbon allowances are calculated using the following formula:

$$M = (X - Y) \times Z,$$

where:

M is the requested additional carbon allowance;

X is the confirmed volume of products specified in the verified greenhouse gas inventory report for the previous reporting year;

Y is the value of the production volume used to calculate the carbon allowance for one year under the current National Allocation Plan for Greenhouse Gas Emission Allowances;

Z is the benchmark.

4. The authorised environmental protection body considers the documents submitted by the entity subject to allowances within fifteen working days from the date of their receipt.

5. In case of a positive decision to issue an additional carbon allowance, the authorised environmental protection body sends appropriate notifications to the entity subject to allowances and the carbon units trading system operator within three working days, indicating the entity subject to allowances, the installation subject to allowances and the volume of the additional carbon allowance.

6. In case of incomplete package of documents and (or) their non-compliance with the requirements of paragraphs 1, 2 and 3 of this Article, the authorised environmental protection body asks to revise them.

After the entity subject to allowances has submitted the revised documents, the authorised environmental protection body shall consider them within the time limits specified in paragraph 4 of this Article.

7. Information on the additional carbon allowances issued is published on the official website of the carbon unit trading system operator.

8. Carbon allowance units formed by reducing the capacity of an installation subject to allowances cannot be sold and are to be returned to the reserve under the National Allocation Plan for Greenhouse Gas Emission Allowances in accordance with the procedure established by the rules for state regulation of greenhouse gas emissions and removals.

A decrease in capacity is a decrease in the annual volume of extraction, production, processing and (or) transportation of products.

9. In the event of liquidation (decommissioning) of an installation subject to allowances, the entity subject to allowances is obliged to notify the authorised environmental protection body within ten working days from the date of the decision on liquidation attaching a greenhouse gas inventory report for the last reporting period.

Within three working days after receiving a notification from the entity subject to allowances, the authorised environmental protection body notifies the carbon unit trading system operator about the transfer of unused carbon allowance units from the account of the decommissioned facility to the account of the reserve under the National Allocation Plan for Greenhouse Gas Emission Allowances.

10. Unallocated carbon reserve units intended as additional carbon allowances shall be redeemed after ninety business days from the reporting deadline for the last reporting year of the corresponding National Allocation Plan for Greenhouse Gas Emission Allowances.

#### **Article 296. Changing the operator of an installation subject to allowances**

1. In case if there is a change of the operator of an installation subject to allowances, all rights and obligations of the previous operator provided for in this section shall pass to a new operator.

2. Within ten working days, a new operator is obliged to submit an application for making the appropriate changes to the state register of carbon units with a notarised copy of the corresponding title certificate (sales contract, acceptance certificate or other document confirming the ownership or legitimate use) to the carbon unit trading system operator.

3. Within five working days after receiving the application and documents provided for in paragraph 2 of this Article, the carbon units trading system operator makes the appropriate changes to the state register of carbon units.

**Article 297. Changing the name and (or) legal form of the operator of an installation subject to allowances**

1. In the event of a change in its name and (or) legal form, the operator of an installation subject to allowances is obliged, within ten working days, to submit an electronic application to the carbon units trading system operator for making the appropriate changes to the state register of carbon units.

2. Within five working days after receiving the application provided for in paragraph 1 of this Article, the carbon units trading system operator shall make the appropriate changes to the state register of carbon units.

**Article 298. Carbon offset**

1. Carbon offset is a reduction in greenhouse gas emissions and (or) an increase in greenhouse gas removals as a result of activities aimed at reducing greenhouse gas emissions and (or) increasing greenhouse gas removals in any economic sector in the Republic of Kazakhstan.

A reduction in the greenhouse gas emissions subject to allowances produced by an installation subject to allowances cannot be recognised as carbon offset.

2. An individual or legal entity carrying out activities specified in part one of paragraph 1 of this Article (hereinafter referred to as the project applicant) has the right to submit his/her project for consideration to the authorised environmental protection body to obtain approval of the carbon offset and obtain offset units.

3. An offset unit is the carbon unit used to calculate the carbon offset.

4. Carbon offsets are approved, and offset units are provided in accordance with the rules developed and approved by the authorised environmental protection body.

5. Offset units are put into circulation by the carbon units trading system operator by transferring them to the account of the project applicant in the state register of carbon units.

6. Offset units are of unlimited validity, except for cases where their validity is limited at the time of putting into circulation.

7. The project applicant has the right to sell offset units in the manner prescribed by the authorised environmental protection body.

8. The entity subject to allowances has the right to reduce the volume of carbon allowance units to be redeemed by the volume of received (purchased) offset units.

**Article 299. Carbon units and the carbon market**

1. A carbon unit is the accounting unit of the carbon allowance or carbon offset and is equal to one tonne of carbon dioxide equivalent.

2. A carbon unit (carbon allowance unit, offset unit) is a commodity permitted for circulation between the subjects of the carbon market in the Republic of Kazakhstan in accordance with this Code.

3. The subjects of the carbon market are:

- 1) entities subject to allowances;
- 2) individuals and legal entities engaged in the implementation of carbon offsets;
- 3) carbon unit trading system operator.

4. The carbon unit trading system in the Republic of Kazakhstan consists of primary and secondary carbon markets.

In the primary carbon market, the carbon unit trading system operator sells carbon allowances from the relevant reserve category under the National Allocation Plan for Greenhouse Gas Emission Allowances to the carbon market subjects on an auction basis.

In the secondary carbon market, the subjects sell and purchase carbon units directly or through a commodity exchange.

5. The rules for carbon units trade are developed and approved by the authorised environmental protection body.

6. Trading shall be organised in accordance with the legislation of the Republic of Kazakhstan on commodity exchanges.

7. The commodity exchange to trade carbon units is determined by the authorised environmental protection body in accordance with the rules for carbon units trade.

8. The sale and purchase of carbon allowances by the carbon unit trading system operator is carried out through commodity exchange.

9. The entity subject to allowances, the project applicant, has the right to sell carbon allowance units and offset units directly under a sale and purchase agreement at a price not lower than the level of the commodity exchange price of a carbon allowance unit and offset unit on the transaction day.

In the absence of a commodity exchange price for a carbon allowance unit or offset unit on the transaction day, the price is determined by the latest available quotation for a carbon allowance unit or offset unit.

10. Carbon units that have been annulled, redeemed or withdrawn from circulation by the decision of the authorised environmental protection body cannot be traded.

11. The rules for trading carbon units issued in the Republic of Kazakhstan in the foreign carbon market, as well as trading carbon units issued in a foreign country in the carbon market of the Republic of Kazakhstan are determined by international treaties ratified by the Republic of Kazakhstan.

#### **Article 300. State register of carbon units**

1. State Register of Carbon Units is a system for recording transactions on the issuance, holding, transfer, acquisition, reservation, cancellation and withdrawal from circulation of carbon units.

2. A separate account shall be opened in the national register of carbon units for each installation to be assigned a quota.

3. The State Register of Carbon Units shall be formed and maintained by the authorised environmental protection body.

4. The State Register of Carbon Units is formed and maintained by the carbon unit trading system operator in accordance with the rules established by the authorised environmental protection body.

5. The main functions of the State Register of Carbon Units are to provide an accurate record of carbon units that were introduced into circulation, are stored, were transferred, acquired, annulled and withdrawn from circulation and to exchange data with other national registers.

#### **Article 301. Administration of installations**

1. An administered installation is an installation with an allowance of greenhouse gas emissions ranging from ten thousand to twenty thousand tonnes of carbon dioxide per year in regulated economic sectors.

The subject of administration is the administered installation operator.

2. The subject of administration is obliged to fill out an electronic form for the greenhouse gas inventory report of the administered installation for the previous year in the state carbon cadastre by 1 April of the current year.

3. The greenhouse gas inventory report by the administered installation is not subject to verification.

4. In order to obtain a carbon offset, the subject of administration has the right to participate in projects aimed at reducing greenhouse gas emissions or increasing their removals.

5. The authorised environmental protection body controls the volume of greenhouse gas emissions subject to allowances produced by administered installations.

### **Article 302. State inventory system of greenhouse gas emissions and removals**

1. The State Inventory System of Greenhouse Gas Emissions and Removals is a set of organisational measures to collect, process, store and analyse data required to determine the actual amounts of greenhouse gas emissions and removals in a relevant period.

2. The collection of information for the state greenhouse gas inventory is based on the data of the fuel and energy balance of the Republic of Kazakhstan, statistical reporting and on data from greenhouse gas inventory reports in line with the legislation of the Republic of Kazakhstan

3. The authorised environmental protection body organises and coordinates the operation of the State Inventory System of Greenhouse Gas Emissions and Removals.

4. The state inventory of greenhouse gas emissions and removals is carried out by the carbon unit trading system operator.

5. Control over the completeness, transparency and reliability of the state inventory of greenhouse gas emissions and removals is performed annually in line with the procedure established by the authorised environmental protection body.

### **Article 303. State carbon cadastre**

1. The State Carbon Cadastre is a system of accounting sources of greenhouse gas emissions, the amount of emissions produced by them, as well as the amount of reduction in emissions or increase in removals of greenhouse gases within the boundaries established for the installation operator.

2. The State Carbon Cadastre is formed and maintained by the authorised environmental protection body.

3. The State Carbon Cadastre is formed and maintained by the carbon unit trading system operator in accordance with the rules established by the authorised environmental protection body.

4. The State Carbon Cadastre contains information on sources of greenhouse gas emissions, installation operators, the amount of greenhouse gas emissions and removals.

5. Based on the data contained in the State Carbon Cadastre, the authorised environmental protection body establishes a system of state control over the volumes of greenhouse gas emissions and removals and ensures that the obligations of the Republic of Kazakhstan on annual reporting in accordance with international treaties ratified by the Republic of Kazakhstan are fulfilled.

### **Article 304. Validation and verification**

1. Validation is a systematic, independent and documented process of assessing compliance with the requirements established by international standards and the legislation of the Republic of Kazakhstan, and confirming the monitoring plan, as well as documentation as part of the projects to reduce greenhouse gas emissions or increase their removals.

2. Verification is a systematic, independent and documented process of assessing compliance with the requirements established by international standards and the legislation of the Republic of Kazakhstan and confirming the accuracy of the information specified in the greenhouse gas inventory report and in the report on the implementation of projects to reduce emissions or increase removals.

3. Validation and verification bodies are accredited under the legislation on Accreditation in Compliance Evaluation of the Republic of Kazakhstan.

4. The validation and verification body is responsible for the credibility of the validation and verification.

5. The installation operator covers the costs of validation and verification.

6. The validation and verification body cannot validate or verify a greenhouse gas inventory report or monitoring plan developed with its participation.

7. Validation and verification of the same greenhouse gas emission reduction and removal project cannot be executed by the same validation and verification body.



8. Validation and verification are carried out in line with the national standards approved by the authorised standardisation body, unless otherwise provided by international treaties ratified by the Republic of Kazakhstan.

## **Chapter 21. OZONE LAYER PROTECTION**

### **Article 305. Ozone layer and its protection**

1. Ozone layer is the layer of atmospheric ozone above the boundary layer of the Earth’s atmosphere.

2. The protection of the ozone layer is a system of measures carried out by state bodies, legal entities and individual entrepreneurs to prevent the destruction of the ozone layer and ensure its restoration in order to protect life and (or) health of people and protect the environment from adverse consequences caused by its destruction.

### **Article 306. Ozone depleting substances and their handling**

1. Substances that deplete the ozone layer (hereinafter – ozone-depleting substances) are chemicals that exist alone or in a mixture, are used in economic or other activities or are a product of these activities and may have a harmful effect on the ozone layer.

2. Chemicals not classified as ozone-depleting by this Code are recognised as ozone-friendly substances.

### **Article 307. State regulation of ozone layer protection**

State regulation of ozone layer protection is carried out by the authorised environmental protection body and includes:

- 1) regulating the consumption of ozone-depleting substances;
- 2) regulating the handling of ozone-depleting substances.

### **Article 308. Regulating consumption of ozone-depleting substances**

1. The consumption of ozone-depleting substances is the total amount of ozone-depleting substances imported into the Republic of Kazakhstan to be permanently located on the territory, minus the ozone-depleting substances exported from the Republic of Kazakhstan to be permanently located outside its borders, for a certain period.

2. The consumption of ozone-depleting substances is regulated by the authorised environmental protection body by:

1) establishing limits (allowances) for the consumption of ozone-depleting substances in accordance with international treaties on ozone-depleting substances ratified by the Republic of Kazakhstan;

2) licensing the import of ozone-depleting substances and products containing them into the Republic of Kazakhstan from non-Eurasian Economic Union countries, and export from the Republic of Kazakhstan to these states;

3) issuing permits for the import of ozone-depleting substances and products containing them into the Republic of Kazakhstan from the Eurasian Economic Union countries and export from the Republic of Kazakhstan to these states.

The rules for issuing permits for the import of ozone-depleting substances and products containing them into the Republic of Kazakhstan from the Eurasian Economic Union countries and export from the Republic of Kazakhstan to these states are approved by the authorised environmental protection body.

### **Article 309. Regulating handling of ozone-depleting substances**

1. The handling of ozone-depleting substances includes the following:

1) use of ozone-depleting substances in production, during maintenance or repair, including refuelling operations for products and equipment, or in other technological processes (hereinafter referred to as the use of ozone-depleting substances);

2) transportation of ozone-depleting substances;

3) storage of ozone-depleting substances;

4) recuperation of ozone-depleting substances, which is the extraction, collection and storage of ozone-depleting substances contained in machinery and equipment, their components, containers, during their maintenance or before their decommissioning;

5) recovery of ozone-depleting substances, which is the processing of recuperated ozone-depleting substances in order to restore their consumer properties;

6) disposal of ozone-depleting substances, which is a set of measures to collect and store ozone-depleting substances extracted from mechanisms, equipment, containers and other devices during their maintenance or before decommissioning for the purpose of recycling or destruction of ozone-depleting substances not subject to recovery.

2. Recycling of ozone depleting substances is the reuse of recuperated ozone-depleting substances after their recovery.

3. Destruction of ozone-depleting substances is the elimination of dangerous properties of ozone-depleting substances by destruction which leads to their permanent transformation or decomposition into components which do not have a harmful effect on the environment, including the ozone layer.

4. The handling of ozone-depleting substances is regulated by the authorised environmental protection body by issuing permits for performing works using ozone-depleting substances, repair, installation, maintenance of equipment containing ozone-depleting substances, transportation, storage, recuperation, recovery and disposal of ozone-depleting substances.

The rules for issuing permits for the works specified in part one of this paragraph are approved by the authorised environmental protection body.

### **Article 310. State cadastre and inventory of ozone-depleting substances**

1. The State Cadastre of Ozone Depleting Substances is a periodically updated accounting system for the consumption and circulation of ozone-depleting substances, including data on their location, composition, quantitative and qualitative characteristics, and the conditions of use.

2. All types of ozone-depleting substances shall be registered in the State Cadastre of Ozone-Depleting Substances.

3. The State Cadastre of Ozone Depleting Substances is developed and maintained by the authorised environmental protection body.

4. The rules for keeping the State Cadastre of Ozone-depleting Substances are approved by the authorised environmental protection body.

5. The State Cadastre of Ozone-Depleting Substances is kept in order to provide state bodies, interested individuals and legal entities with information for assessing, forecasting, developing technological, economic, legal and other solutions to ensure environmental protection, as well as a nationwide comprehensive accounting of ozone-depleting substances in order for the Republic of Kazakhstan to fulfil its international obligations.

6. Based on the data provided for by the State Cadastre of Ozone-Depleting Substances, the authorised environmental protection body analyses and predicts the consumption of ozone-depleting substances, ensures that state control over ozone-depleting substances is organised in order for the Republic of Kazakhstan to fulfil its international obligations on annual reporting under international treaties on ozone layer protection ratified by the Republic of Kazakhstan.

7. To keep the State Cadastre of Ozone-Depleting Substances, legal entities and individual entrepreneurs handling ozone-depleting substances and (or) having equipment containing ozone-depleting substances on their balance sheets submit to the authorised environmental protection

body a report on the handling of ozone-depleting substances and a report on inventory of ozone-depleting substances in the forms approved by the authorised environmental protection body.

8. The inventory of ozone-depleting substances is the determination of the volume of ozone-depleting substances contained in equipment and technical devices.

The rules for the inventory of ozone-depleting substances are approved by the authorised environmental protection body.

9. The report on the handling of ozone-depleting substances as of 1 January is submitted annually, no later than the first quarter of the year following the reporting year, in paper and (or) by filling out an electronic form in the State Cadastre of Ozone-Depleting Substances, in accordance with the rules for keeping the State Cadastre of Ozone-Depleting Substances, and digitally signed by the official providing the information.

The report on the inventory of ozone-depleting substances as of 1 January is firstly submitted, no later than the first quarter of the year following the reporting year, in paper and (or) by filling out an electronic form in the State Cadastre of Ozone-Depleting Substances, in accordance with the rules for keeping the State Cadastre of Ozone-Depleting Substances, and digitally signed by the official providing the information, and is submitted again - in case if changes were made.

10. The summary data of the state inventory of ozone-depleting substances are open and accessible.

11. The State Cadastre of Ozone-Depleting Substances is posted and updated in the information system and on the Internet resource of the authorised environmental protection body.

### **Article 311. General requirements for handling and consumption of ozone-depleting substances**

1. When handling ozone-depleting substances, legal entities and individual entrepreneurs shall:

1) reduce the consumption of ozone-depleting substances and take the measures necessary to completely stop their consumption in accordance with the international obligations of the Republic of Kazakhstan on the ozone layer protection;

2) comply with the requirements of this Code and the rules for handling ozone-depleting substances;

3) during state environmental control, submit for control the available ozone-depleting substances and products containing them, as well as documentation on the handling of ozone-depleting substances at the request of the authorised environmental protection body;

4) not exceed the established limits for the consumption of ozone-depleting substances;

5) keep an inventory and record of the circulation and consumption of ozone-depleting substances in accordance with the rules for the inventory of ozone-depleting substances and the rules for recording the circulation and consumption of ozone-depleting substances;

6) ensure their safe use, storage, transportation, recuperation, recovery, and disposal;

7) develop and implement measures for the collection of ozone-depleting substances and their storage in a sealed container for the purpose of disposal, recovery, recuperation and (or) destruction.

2. The following is prohibited:

1) movement of ozone-depleting substances by individuals for personal use (for non-commercial purposes);

2) handling of ozone-depleting substances and products containing them which are not allowed to be imported into the Eurasian Economic Union and (or) exported from it, with the exception of their disposal, recycling, recovery (or) destruction;

3) emission of ozone-depleting substances into the atmosphere, with the exception of technological losses of such substances in the volumes established by the design, construction and other technical documentation;

4) design, reconstruction, technical re-equipment, expansion, construction of new facilities with the use of technologies, equipment, substances and materials involving the handling of ozone-depleting substances included in the lists of ozone-depleting substances restricted or prohibited for consumption in the Republic of Kazakhstan, except for facilities intended for their disposal, recycling, recovery and (or) destruction, shall be prohibited.

Part one of this paragraph comes into force in the event of a ban on the import into the Republic of Kazakhstan and export from the Republic of Kazakhstan of ozone-depleting substances.

3. The rules for handling ozone-depleting substances are approved by the authorised environmental protection body.

## **Chapter 22. STATE REGULATION OF CLIMATE CHANGE ADAPTATION**

### **Article 312. Climate change and climate change adaptation**

1. Climate change is statistically significant variation in either the mean state of the climate or in its variability over a decade or more, which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

2. Climate change adaptation is carried out in accordance with this Code and international treaties on climate change ratified by the Republic of Kazakhstan; it is the process of preventing and reducing losses and using the benefits associated with the observed and predicted impacts of climate change.

Climate change impacts are the observed and predicted positive and negative effects in ecological systems, society and economy caused by climate change and associated extreme meteorological and other natural phenomena.

Climate change vulnerability is the exposure of ecological systems, societies and economies to the adverse effects of climate change.

### **Article 313. Goals, priority areas of state regulation, and key principles for climate change adaptation**

1. Climate change adaptation is carried out in order to prevent and reduce the adverse effects and damage caused by climate change for human health, ecological systems, society and economy, reduce climate change vulnerability, and take advantage of the opportunities associated with climate change.

2. Priority areas for climate change adaptation are agriculture, water management, forestry, civil protection.

3. Climate change adaptation is based on the following principles:

1) the obligation to take into account the impacts of climate change in medium and long-term plans for socio-economic development;

2) the stage-by-stage implementation of climate change adaptation, starting with priority areas;

3) an intersectoral approach to climate change adaptation by local executive bodies, covering all priority areas specified in paragraph 2 of this Article;

4) a link between the measures taken to adapt to climate change and reduce its adverse impacts.

### **Article 314. General requirements for climate change adaptation**

1. Climate change adaptation shall include the following stages:

1) data collection and assessment of climate change vulnerability;

2) planning of climate change adaptation;

3) development of measures for climate change adaptation;

4) implementation of measures for climate change adaptation;

5) monitoring and evaluation of how effective the measures are;

6) reporting on the impacts of climate change and the effectiveness of measures to adapt to climate change;

7) adjustment of measures for climate change adaptation based on the results of monitoring and assessment.

2. Climate change adaptation activities are carried out by the authorised central executive bodies and by local executive bodies of oblasts, cities of national significance, the capital.

3. Within the framework of the development and implementation of the relevant state programmes on priority areas for climate change adaptation, the areas of public administration specified in paragraph 2 of Article 313 of this Code, the authorised central executive bodies and local executive bodies of oblasts, cities of national significance, the capital implement the stages of the adaptation process specified in paragraph 1 of this Article.

4. The stages specified in paragraph 1 of this Article are implemented in accordance with the rules for organising and implementing the process of climate change adaptation, approved by the authorised environmental protection body.

5. The authorised environmental protection body reports on the results of climate change adaptation activities in accordance with international treaties on climate change.

#### **Article 315. Requirements for data collection and assessing climate change vulnerability**

1. The authorised central executive bodies and local executive bodies of oblasts, cities of national significance, the capital will organise an assessment of climate change vulnerability for planning, developing and implementing measures to adapt to climate change.

2. Assessment of climate change vulnerability is carried out based on the data collected:

1) current and past climate trends and events;

2) forecasting future climate changes;

3) current and past climate change impacts;

4) projected climate change impacts.

3. The assessment of climate change vulnerability by priority areas at the national level is organised by the authorised bodies in the field of agriculture, water management, forestry and civil protection within their remits.

4. Assessment of climate change vulnerability at the local level is organised by local executive bodies of oblasts, cities of national significance and the capital according to the priority spheres of public administration for climate change adaptation.

5. In accordance with the rules for organising and implementing the process of climate change adaptation, the authorised environmental protection body provides information and methodological support in assessing climate change vulnerability.

#### **Article 316. Planning climate change adaptation**

1. Climate change adaptation is planned in accordance with the main national objectives in the field of climate change adaptation and is based on the results of an assessment of climate change vulnerability.

2. At the national level, climate change adaptation is planned by taking into account the climate change impacts and considering measures for adaptation in the relevant state programmes on priority climate change adaptation areas specified in paragraph 2 of Article 313 of this Code.

3. At the local level, climate change adaptation is planned by local executive bodies of oblasts, cities of national significance, the capital by taking into account the climate change impacts and considering measures for adaptation as part of state environmental policy at the local level.



## **PART 19. WASTE**

### **Chapter 23. GENERAL PROVISIONS ON WASTE**

#### **Article 317. Definition of waste**

1. Waste refers to any substances, materials or items formed in the process of production, performance of work, provision of services or consumption (including goods that have lost their consumer properties), which their owner directly recognises as waste or shall send for removal or recovery in by force of law or intends to subject or subject it to removal or recovery.

2. Waste does not include:

- 1) substances contained in exhaust gases emitted into the atmosphere (dust-gas-air mixture)
- 2) wastewater;
- 3) contaminated lands, including the unremoved contaminated soil layer;
- 4) real estate objects that are firmly associated with land;
- 5) removed uncontaminated soils;
- 6) common solid minerals extracted during earthworks in the course of construction activities and which, in accordance with the design document, are used or will be used for construction purposes on the same construction site where they were separated;
- 7) firearms, ammunition and explosives subject to disposal in accordance with the legislation of the Republic of Kazakhstan in the field of state control over the circulation of certain types of weapons.

#### **Article 318. Waste owners**

1. The waste owner refers to the waste producer or any person who legally owns the waste.
2. A waste producer is any person whose activities result in waste generation (primary waste producer), or any person performing processing, mixing or other operations leading to a change in the properties of such waste or its composition (secondary waste producer).

#### **Article 319. Waste management**

1. Waste management refers to the operations carried out with respect to waste from the moment of its generation to its final removal.
2. Waste management operations include:
  - 1) waste accumulation at the place of its generation;
  - 2) waste collection;
  - 3) waste transportation;
  - 4) waste recovery;
  - 5) waste removal;
  - 6) ancillary operations performed during the operations provided for in subparagraphs 1), 2), 4) and 5) of this paragraph;
  - 7) supervision of waste collection, transportation, recovery and (or) removal;
  - 8) maintenance of liquidated (closed, decommissioned) waste disposal facilities.
3. Entities carrying out waste management activities, with the exception of households, are obliged to comply with national standards on managing waste included in the list approved by the authorised environmental protection body. Violation of the requirements provided for by such national standards entails liability established by the laws of the Republic of Kazakhstan.
4. Entities carrying out waste management activities, with the exception of households, are obliged to submit reports on waste management in the manner established by the authorised environmental protection body.

### **Article 320. Waste accumulation**

1. Waste accumulation refers to its temporary storage in specially designated places during the periods specified in paragraph 2 of this Article, in the process of waste generation or its further management until final recovery or removal.

2. Waste accumulation sites are intended for:

1) temporary waste storage at the place of its generation for a period not exceeding six months before its collection or transfer to the facility for recovery or removal;

2) temporary storage of non-hazardous waste during its collection (in containers, at transfer and sorting stations), with the exception of out-of-service vehicles and (or) self-propelled agricultural machinery, for a period not exceeding three months before its transfer to the facility for recovery or removal;

3) temporary waste storage at the facility for recovery or removal, for a period not exceeding six months before sending it for recovery or removal.

For out-of-service vehicles and (or) self-propelled agricultural machinery, the temporary storage in the process of their collection shall not exceed six months;

4) temporary storage of waste from mining and processing industries, including waste from metallurgical and chemical-metallurgical industries, at the place of their formation for a period not exceeding twelve months before the date of their transfer for recovery or removal.

3. Waste accumulation is allowed only in specially established and equipped places in accordance with the requirements of the legislation of the Republic of Kazakhstan (at sites, in warehouses, storages, containers and other storage facilities).

4. It is prohibited to accumulate waste for a period exceeding that specified in paragraph 2 of this Article, and (or) exceeding the established limits of waste accumulation (for facilities of categories I and II) or the volumes of waste accumulation specified in the environmental impact declaration (for facilities of category III).

### **Article 321. Waste collection**

1. Waste collection refers to activities for waste reception from individuals and legal entities by specialised organisations in order to further send it for recovery or removal.

Waste collection can include ancillary operations to sort and accumulate waste during its collection.

Waste accumulation in the collection process refers to waste storage in specially equipped places in accordance with the requirements of the legislation of the Republic of Kazakhstan, where waste is placed in order to prepare it for further transportation to the facility for recovery or removal.

2. Entities engaged in waste collection are obliged to ensure waste sorting in accordance with the requirements of this Code.

Sorting refers to the collection of waste separately by type or group in order to facilitate further specialised waste management.

3. Requirements for sorting, including the types or groups (aggregate of types) of waste subject to mandatory sorting, are determined by the authorised environmental protection body in accordance with the requirements of this Code and taking into account the technical, economic and environmental feasibility.

4. Waste is segregated in the following fractions:

1) dry (paper, cardboard, metal, plastic and glass);

2) wet (food waste, organic waste, etc.).

5. It is prohibited to mix sorted waste at all further stages of waste management.

### **Article 322. Waste transportation**

1. Waste transportation refers to the movement of waste using specialised vehicles between the places of its generation, accumulation in the process of collection, sorting, processing, recovery and (or) removal.
2. Waste transportation is carried out in accordance with the requirements of this Code.

### **Article 323. Waste recovery**

1. Waste recovery refers to any operation aimed at reducing the volume of waste, the main purpose of which is to use waste to perform some useful function and replace other materials that would otherwise be used to perform the specified function, including ancillary preparation operations for waste to perform such a function, carried out at a specific production facility or in a specific economic sector.

Waste recovery operations include:

- 1) preparation of waste for reuse;
  - 2) waste processing;
  - 3) waste recycling.
2. Preparing waste for reuse includes checking the condition, cleaning and / or repairing, to make waste products and their components suitable for reuse without any other treatment.
3. Waste processing refers to physical, chemical or biological processes, including waste sorting with an aim to extract raw and (or) other materials to be used further in production (manufacturing) of goods or other products depending on their purpose, except for the cases provided for in paragraph 4 of this Article.
4. Waste recycling refers to the process of using waste for purposes other than processing, including as a secondary energy resource for extracting heat or electric energy, producing various types of fuel, as well as a secondary material resource for construction purposes, filling (backfill) of worked-out spaces (voids) in the ground or subsoil or for engineering purposes when creating or modifying landscapes.

### **Article 324. Waste energy recovery**

1. Waste energy recovery is a process of thermal treatment of waste to reduce its volume and obtain energy, including its use as secondary and (or) energy resource, except for the production of biogas and other fuels from organic waste.

2. Waste energy recovery does not cover the waste included in the list approved by the authorised environmental protection body.

3. Waste energy recovery facilities operate in line with the requirements for the operation of waste energy recovery facilities approved by the authorised environmental protection body.

The requirements for the operation of waste energy recovery facilities shall be equivalent to Directive 2010/75/EU of the European Parliament and of the Council of the European Union on Industrial Emissions (Integrated Pollution Prevention and Control).

Waste energy recovery facility is a set of technical devices and installations for waste energy recovery and related facilities and infrastructure technologically required for waste energy recovery.

4. The costs of construction and operation of new waste energy recovery facilities are reimbursed through the purchase by the Settlement and Financial Centre for Renewable Energy Support of electricity produced by energy-producing organisations through waste energy recovery and supplied by them to the unified power system of the Republic of Kazakhstan at auction prices determined by the results of the auction, including indexation, as determined by the Government of the Republic of Kazakhstan

5. The authorised environmental protection body approves the maximum auction prices for electrical energy produced through waste energy recovery, in accordance with the rules for determining the maximum auction prices for electrical energy produced through waste energy

recovery, including the procedure for indexing auction prices approved by the Government of the Republic of Kazakhstan.

6. Energy-producing organisations included in the list of energy-producing organisations that use waste energy recovery and apply new, previously unused technical devices and installations designed for waste energy recovery, and related facilities and infrastructure technologically required for the operation of waste energy recovery facilities are allowed to participate in the auction bidding for the selection of waste energy recovery projects.

The list of energy producing organisations using waste energy recovery is formed in accordance with the rules approved by the authorised environmental protection body.

7. Public relations arising in the process of electric energy production by waste energy recovery facilities, its transmission and consumption are regulated by the legislation of the Republic of Kazakhstan on the electric power industry and on the support of the use of renewable energy sources.

#### **Article 325. Waste removal**

1. Waste removal refers to any non-recovery operation of landfilling or waste destruction, including ancillary operations for the preparation of waste for landfilling or destruction (including sorting, processing, neutralisation).

2. Waste landfilling is storage of waste in places specially designated for its safe storage for an indefinite period of time.

3. Waste destruction is a method of waste removal by thermal, chemical or biological processes, as a result of which the volume and (or) weight is significantly reduced and the physical state and chemical composition of waste changes, but which is not specially intended for goods production or energy extraction.

#### **Article 326. Ancillary waste management operations**

1. Ancillary operations include waste sorting and processing.

2. Waste sorting refers to operations to separate waste according to its types and (or) fractions, or to break waste down by components, carried out separately or together with waste accumulation before it is collected, during collection and (or) at facilities for recovery or removal.

3. Waste processing refers to physical, thermal, chemical or biological processes that change waste properties in order to facilitate its further management; these processes are carried out separately or together with waste accumulation before it is collected, during collection and (or) at facilities for recovery or removal.

Waste neutralisation refers to a reduction or elimination of hazardous properties of waste by mechanical, physical, chemical or biological treatment.

#### **Article 327. Fundamental environmental requirement for waste management operations**

Entities engaged in waste management operations are obliged to perform them in such a way as not to pose a threat to human life and (or) health, environmental damage, and:

- 1) not posing a risk for waters, including groundwater, ambient air, soil, flora and fauna;
- 2) not having a negative impact on landscapes and conservation areas.

#### **Article 328. Principles of state environmental policy on waste management**

In addition to the general principles set out in Article 5 of this Code, the state environmental policy on waste management is based on the following principles:

- 1) hierarchy;
- 2) proximity to the source;
- 3) waste producer responsibility;
- 4) extended producer (importer) responsibility.

### **Article 329. Hierarchy**

1. Waste producers and owners shall apply the following hierarchy of measures to prevent waste generation and waste management in descending order according to the priorities of environmental protection and sustainable development of the Republic of Kazakhstan:

- 1) waste prevention;
- 2) preparation of waste for reuse;
- 3) waste processing;
- 4) waste recycling;
- 5) waste removal.

When carrying out the operations provided for by subparagraphs 2) - 5) of part one of this paragraph, the waste owners have the right to perform ancillary operations of sorting, processing and accumulation.

2. Waste prevention refers to measures taken before a substance, material or product becomes waste, and aimed at:

- 1) reducing the amount of waste generated (including by reusing products or increasing its service life);
- 2) reducing the level of negative impact of the generated waste on the environment and human health;
- 3) reducing the harmful content in materials or products.

Reuse in subparagraph 1) of part one of this paragraph refers to any operation of reusing products or their components that have not yet become waste for the purpose such products or their components were created.

3. In the event of impossibility to implement the measures provided for in paragraph 2 of this Article, the waste is subject to recovery.

4. Waste that cannot be recovered shall be removed by safe methods that shall comply with the requirements of Article 327 of this Code

5. When applying the principle of hierarchy, the precautionary principle and the principle of sustainable development, technical capabilities and economic feasibility, as well as the general level of impact on the environment, human health and socio-economic development of the country shall be taken into account.

### **Article 330. Proximity to the source**

The resulting waste shall be subject to recovery or removal as close as possible to the source of its generation, if this is justified from a technical, economic and environmental point of view.

### **Article 331. Waste producer responsibility**

Legal entities that are waste producers are responsible for ensuring that such waste is properly managed from its generation to transfer under the ownership of an entity engaged in waste recovery and removal, in accordance with paragraph 3 of Article 339 of this Code.

### **Article 332. Extended producer (importer) responsibility**

Individuals and legal entities engaged in producing in the Republic of Kazakhstan and (or) importing into the Republic of Kazakhstan products (goods) from the list of products (goods) approved by paragraph 1 of Article 386 fall under extended producer (importer) responsibility in accordance with this Code, including in order to reduce the negative impact of such products on the life and (or) health of people and the environment.

### **Article 333. End-of-waste status**

1. Certain types of waste cease to be waste and pass into the category of finished products or secondary resources (material or energy) after recovery operations and the substances or materials formed as a result of such operations meet the criteria established in accordance with this Code.



2. Types of waste that may cease to be waste in accordance with paragraph 1 of this Article include waste of plastics, plastic, polyethylene, polyethylene terephthalate packaging, waste paper (waste paper and cardboard), used glass containers and cullet, non-ferrous and ferrous scrap, used tyres and textile products, as well as other types of waste according to the list approved by the authorised environmental protection body.

3. The criteria referred to in paragraph 1 of this Article are developed and approved by the authorised environmental protection body in accordance with the following conditions:

- 1) substance or materials can be used in production for specific purposes;
- 2) there is a market or demand for a substance or materials in the Republic of Kazakhstan or abroad;
- 3) the substance or materials comply with the environmental and sanitary and epidemiological requirements for the relevant product or its use for specific purposes;
- 4) the use of the substance or materials does not have harmful effects on the environment or human health.

As a criterion for end-of-waste status, the legislation of the Republic of Kazakhstan may determine the maximum concentration of pollutants in substances or materials formed as a result of waste recovery.

#### **Article 334. Standardisation in waste management**

1. Limits for waste accumulation and landfilling are established for facilities of categories I and II on the basis of a relevant environmental permit.

2. Waste accumulation and (or) landfilling at facilities of categories III and IV are not subject to environmental regulation.

3. Development and approval of waste accumulation and landfilling limits, submission and control of reports on waste management are carried out in accordance with the rules approved by the authorised environmental protection body.

#### **Article 335. Waste management programme**

1. Operators of facilities belonging to categories I and (or) II, as well as entities engaged in sorting, processing, including neutralisation, recovery and (or) removal of waste, are obliged to develop a waste management programme in accordance with the rules approved by the authorised environmental protection body.

2. The waste management programme is an integral part of the environmental permit.

3. The waste management programme is developed in accordance with the principle of hierarchy and shall contain information on the volume and composition of waste generated and (or) received from third parties, methods of its accumulation, collection, transportation, neutralisation, recovery and removal, as well as a description of the proposed measures for reducing waste generation, increasing the share of its reuse, processing and recycling.

4. The waste management programme for Category I facilities is developed taking into account the need to use the best available techniques in accordance with the conclusions on the best available techniques developed and approved in accordance with this Code.

#### **Article 336. Licensing hazardous waste recovery and removal activities**

Business entities engaged in processing, neutralisation, recycling and (or) destruction of hazardous waste are required to obtain a license in accordance with paragraph 1 by 31 December 2021

1. Business entities engaged in processing, neutralisation, recycling and (or) destruction of hazardous waste are required to obtain a license to perform work and provide services in the field of environmental protection for the relevant sub-activity in accordance with the requirements of the Law of the Republic of Kazakhstan on Permits and Notifications.

2. A license for carrying out the activities provided for in paragraph 1 of this Article shall indicate:

1) type and amount of hazardous waste in respect of which the entity can carry out the relevant activities;

2) types of activities involving hazardous waste;

3) technical and other requirements for the site for each type of activity;

4) method to be applied for each type of activities.

3. A license is not required for waste collection.

4. The requirement of paragraph 1 of this Article does not apply to business entities that are hazardous waste producers in terms of recovery, neutralisation and removal of their own hazardous waste.

5. The requirements of this Article do not apply to radioactive waste management activities subject to licensing in accordance with the legislation of the Republic of Kazakhstan on the use of nuclear energy.

### **Article 337. Notification regime of business entities in the field of waste management**

1. Business entities planning to carry out or carrying out collection, sorting and (or) transportation of waste, recovery and (or) destruction of non-hazardous waste, are obliged to submit a notification of the beginning or termination of activities to the authorised environmental protection body in the manner prescribed by the Law of the Republic of Kazakhstan on Permits and Notifications.

2. The authorised environmental protection body receives notifications from the entities specified in paragraph 1 of this Article, forms and maintains the state electronic register of permits and notifications (hereinafter - the register of business entities in waste management) in accordance with the Law of the Republic of Kazakhstan on Permits and Notifications.

The procedure for keeping the register of business entities in waste management is established by the rules approved by the authorised environmental protection body.

3. Entrepreneurial activities of collection, sorting and (or) transportation of waste, recovery and (or) destruction of non-hazardous waste without notification in accordance with paragraph 1 of this Article is prohibited.

4. Business entities engaged in waste management specified in paragraph 1 of this Article can be excluded from the register of business entities in waste management on the basis of the decision of the authorised environmental protection body in the following cases:

1) liquidation of a business entity;

2) entry into legal force of a court decision;

3) submission of an application by a business entity on the voluntary termination of its activities.

Before submitting an application, a business entity shall fulfil all its obligations.

5. Business entities specified in paragraph 1 of this Article, can be excluded from the register of business entities in waste management on the basis of a court decision in the following cases:

1) systematic (more than three times within twelve consecutive calendar months) violation of the requirements of the environmental legislation of the Republic of Kazakhstan;

2) failure to carry out activities within twelve consecutive calendar months from the date of inclusion in the register of business entities in waste management.

6. The requirement of paragraph 1 of this Article does not apply to business entities that are waste producers in terms of the accumulation and sorting of its own waste at the place of its generation prior to its collection.

### **Article 338. Types of waste and its classification**

1. A waste type refers to a group of wastes that have common characteristics according to their origin, properties and handling technology.

Waste types are determined on the basis of the waste classifier approved by the authorised environmental protection body (hereinafter referred to as the waste classifier).

2. The waste classifier is developed taking into account the origin and composition of each waste type and, if necessary, determines the limits in hazardous substance concentration in order to classify them as hazardous or non-hazardous.

3. Each type of waste in the waste classifier is identified by a six-digit code.

4. Waste types are classified as hazardous or non-hazardous in accordance with the waste classifier, taking into account the requirements of this Code.

Certain waste types in the waste classifier can be classified as both hazardous and non-hazardous at the same time with different codes assigned (“mirror” waste types) depending on the concentration levels of hazardous substances contained in them or the degree of influence of hazardous characteristics of the waste type on the life and (or) health of people and the environment.

5. The classification of waste as hazardous or non-hazardous and coding in accordance with this Article are made independently by the waste owner.

6. The inclusion of a substance or material in a waste classifier does not classify such a substance or material as a waste. A substance or material included in the waste classifier is considered waste if it meets the definition of waste specified in Article 317 of this Code.

### **Article 339. Waste ownership and waste management responsibility**

1. Waste is an object of property rights. Public relations associated with property rights to waste are regulated by the civil legislation of the Republic of Kazakhstan, taking into account the specifics provided for by this Code.

2. Waste producers are the owners of the waste generated by them.

3. In accordance with the “polluter pays” principle, the current and former waste owners are responsible for ensuring that environmental waste management requirements are met until such waste is transferred to the operator carrying out recovery and removal activities on the basis of a license in accordance with Article 336 of this Code, except for the cases provided for by this Code.

Municipal waste producers are responsible for complying with environmental requirements for waste management from waste generation to the transfer to entities engaged in waste collection, recovery or removal.

Entities carrying out waste collection operations are responsible for ensuring compliance with environmental requirements for waste management from the moment they receive the waste under their ownership until the moment such waste is transferred to the entities carrying out waste recovery or removal operations on the basis of a license in accordance with Article 336 of this Code, except for the cases provided for by this Code.

4. Waste owners are obliged to carry out safe waste management on their own or to ensure their safe management by transferring waste to business entities carrying out waste management operations in accordance with the principle of hierarchy and the requirements of Article 327 of this Code.

5. The state is the owner of waste that is generated at state-owned facilities or that is recognised as state property by court, as well as in other cases stipulated by legislative acts of the Republic of Kazakhstan.

6. If the waste is left by its owner on a land plot owned or used by another person, in order to relinquish ownership of them, the person who owns or uses such a land plot has the right to turn this waste into their ownership by proceeding to use it or performing other actions indicating that the waste is being turned into their ownership, as well as to claim compensation for losses that he suffered in connection with the abandonment of the waste by their previous owner on the land plot, regardless of its further use.

7. Transfer of waste by its owner to entities performing waste collection, recovery or removal means that the ownership of the waste is transferred to these entities at the same time, including at

the time of placing waste in containers located on the territory of container sites, or at established waste collection sites, unless the parties have concluded an agreement on other terms.

8. If the land plot owner or land user on whose land plots the waste is located changes, the issue of ownership of the waste shall be resolved in line with the legislative acts of the Republic of Kazakhstan.

9. Upon privatisation of state-owned facilities, the ownership of waste, as well as obligations for safe waste management and its removal, land remediation and restoration, are transferred to the new owner, unless otherwise specified in the privatisation terms of these enterprises under the Law on State-owned Property of the Republic of Kazakhstan.

#### **Article 340. Managing ownerless waste**

1. Wastes that do not have an owner or the owner of which cannot be established, are recognised by a court decision as ownerless and become a property of the person at his or her request.

2. Land plot owners or land users when identifying ownerless waste on their land plots have the right to turn this waste into their ownership by proceeding to use it or performing other actions indicating that the waste is being turned into their ownership.

3. Local executive body of the oblast (city of national significance, the capital), where the ownerless waste is found, shall apply to the court within one year after receipt of notification about presence of the ownerless waste with a claim to recognise this waste as national or municipal property.

When finding ownerless waste, the authorised environmental protection body may also apply to the court with a claim to recognise it as republican or municipal property.

4. Ownerless hazardous waste is transferred to republican ownership by a court decision.

5. The procedure for managing ownerless hazardous waste is approved by the authorised environmental protection body. Such waste is managed by a subordinate organisation of the authorised environmental protection body or local executive bodies.

6. The local executive body manages ownerless waste, recognised by a court decision as state-owned, in accordance with the rules for the management of ownerless waste approved by the authorised environmental protection body.

#### **Article 341. Stimulating reduction of waste generation and increase of waste recovery**

Local executive bodies determine and implement measures to stimulate the reduction of waste generation, increase the share of recovered waste, reduce the level of their hazard, economic activities of business entities that introduce technologies aimed at reducing waste generation, plan to recover waste generated in the production process (performance of works, provision of services), collect and prepare such waste, build relevant enterprises and workshops, and also organise the production of equipment for waste recovery, take a share in financing activities to reduce waste generation and increase the share of waste recovery.

### **Chapter 24. HAZARDOUS WASTE**

#### **Article 342. General provisions on hazardous waste**

1. Hazardous waste is the waste which displays one or more of the following hazardous properties:

- HP1 explosive;
- HP2 oxidising;
- HP3 flammable;
- HP4 irritant;
- HP5 single target organ toxicity/aspiration;
- HP6 acute toxicity;

HP7 carcinogenic;  
HP8 corrosive;  
HP9 infectious;  
HP10 toxic for reproduction;  
HP11 mutagenic;  
HP12 emitting toxic gases when in contact with air, water or acid;  
HP13 sensitising;  
HP14 ecotoxic;  
HP15 capable of exhibiting a hazardous property listed above not directly displayed by the original waste;  
C16 persistent organic pollutants (POPs).

Wastes that do not have any of the properties listed in part one of this paragraph and do not pose an immediate or potential hazard to the environment, human life and (or) health, either alone or in contact with other substances, are considered non-hazardous waste.

2. It is prohibited to mix or dilute waste to lower the initial concentrations of hazardous substances to a level below the threshold determined for waste to be classified as hazardous.

3. The generation and accumulation of hazardous waste shall be minimised.

### **Article 343. Hazardous waste passport**

1. A hazardous waste passport is drawn up and approved by individuals and legal entities whose economic activities generate hazardous waste.

2. The hazardous waste passport shall include the following mandatory sections:

- 1) naming of the waste and its code in accordance with the waste classifier;
- 2) information about the waste producer: individual identification number for an individual and business identification number for a legal entity, location;
- 3) location of the enterprise producing the waste;
- 4) waste origin: the name of the technological process that generated the waste or the process that resulted in the loss of consumer properties of the goods (products) with the name of the original goods (products);
- 5) list of hazardous properties of the waste;
- 6) chemical composition of waste and description of hazardous properties of its components;
- 7) recommended method of waste management;
- 8) required precautionary measures for waste management;
- 9) waste transportation and loading-unloading requirements;
- 10) measures for prevention and response to natural and man-made emergencies and their consequences, including during waste transportation and loading-unloading;
- 11) additional information (other information provided by the waste producer).

3. The form of the hazardous waste passport is approved by the authorised environmental protection body and filled in separately for each type of waste and is sent to the authorised environmental protection body within three months from the moment of waste generation in the manner determined by Article 384 of this Code.

4. The hazardous waste passport is an undated document.

5. If the hazardous waste properties change due to a change in the technological process leading to waste generation, or more detailed and specific additional information received, the hazardous waste passport shall be updated.

6. The updated passport is sent to the authorised environmental protection body within ten business days.

7. Copies of hazardous waste passports shall be provided to the individual or legal entity transporting the waste batch or its part and to each consignee of that batch (its part)



8. When handling a received waste batch, including mixing it with other materials, the waste producer shall draw up a new hazardous waste passport and send the new passport to the authorised environmental protection body

9. The chemical and constituent composition of the waste is indicated on the basis of analyses carried out by an accredited laboratory. For the waste in form of goods (products) that lost their consumer properties, information about the initial composition of goods (products) shall be provided according to technical specifications.

#### **Article 344. Environmental requirements for hazardous waste management**

1. Mixing of hazardous waste can only be carried out by business entities that have an appropriate environmental permit, subject to the requirements of Article 327 of this Code.

Mixing is carried out in accordance with technological standards and (or) the best available techniques in order to minimise the negative impact on human life and (or) health and the environment during the recovery or removal of hazardous waste.

2. Hazardous waste shall be landfilled in specially equipped places and under environmental permit, and in the case of subsoil landfilling, including in unwatered mines and shafts—also in agreement with the authorised body for subsoil use.

It is prohibited to carry out activities other than those related to hazardous waste management in the territory designated for its accumulation or landfilling.

3. Hazardous waste polygons shall be clearly marked with visible identification signs indicating the type of waste, the degree of its hazard and the date of landfilling.

4. A business entity carrying out collection, transportation, recovery and (or) removal of hazardous waste is obliged to develop a hazardous waste emergency response plan.

#### **Article 345. Environmental requirements for transporting hazardous waste**

1. Hazardous waste transportation shall be kept to a minimum.

2. Hazardous waste can be transported under the following conditions:

1) the availability of appropriate packaging and labelling of hazardous waste for transport purposes;

2) the availability of specially equipped vehicles with distinguishing signs;

3) the availability of a hazardous waste passport and documentation for hazardous waste transportation indicating the quantity of hazardous waste to be transported, the purpose and destination of transportation;

4) compliance with safety requirements for hazardous waste transportation and loading-unloading operations.

3. The procedure for packaging and labelling the hazardous waste for transportation is established by the legislation of the Republic of Kazakhstan on transport.

4. The procedure for waste transportation by vehicles, requirements for loading and unloading operations and other environmental, sanitary and epidemiological requirements are determined by norms and rules, approved by the authorised state body for transport and communication and agreed with the authorised environmental protection body and the state body for sanitary and epidemiological welfare of the population.

5. From the moment the waste is loaded onto a vehicle and accepted by the individual or legal entity transporting the waste until it is unloaded at the designated place, the transport organisation or those who own the vehicle shall be responsible for its safe handling.

#### **Article 346. Transboundary movement of hazardous waste**

1. For the purposes of this Article, hazardous wastes are ones considered hazardous under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (hereinafter referred to as the Basel Convention) and (or) other international treaties ratified by the Republic of Kazakhstan.

2. Import, export and transit of hazardous and other waste through the territory of the Republic of Kazakhstan is carried out in line with the requirements of the Basel Convention, other international treaties ratified by the Republic of Kazakhstan and the laws of the Republic of Kazakhstan in the manner determined by the Government of the Republic of Kazakhstan.

3. Transboundary movement of hazardous waste through the territory of the Republic of Kazakhstan is carried out on the basis of the conclusion by the authorised environmental protection body. The conclusion is made in the manner and in the form approved by the authorised environmental protection body.

4. It is prohibited to export hazardous waste to states-parties to the Basel Convention and to developing countries which, under their legislation, have banned the import of hazardous waste or where there is reason to believe that the waste will not be used in an environmentally friendly manner, as well as to areas south of 60 degrees south latitude.

5. In transboundary movement of hazardous waste, the waste owners shall provide the states concerned with information regarding the proposed transboundary movement indicating the effects of the proposed movement on human health and the environment.

6. The hazardous waste for transboundary movement shall be packaged, labelled and transported in line with generally accepted international rules and regulations on packaging, labelling and transportation.

7. The import of hazardous waste into the Republic of Kazakhstan from non-Eurasian Economic Union countries, and the export of hazardous waste from the Republic of Kazakhstan to these states for the purpose of its further recovery are carried out on the basis of a license issued by a state body determined by the Government of the Republic of Kazakhstan.

8. The import and export of hazardous waste into/from the Republic of Kazakhstan by individuals for personal use (non-commercial purposes) is prohibited.

9. It is prohibited to import hazardous waste into the Republic of Kazakhstan for its landfilling and neutralisation.

10. The import of disposable products into the Republic of Kazakhstan may be limited or completely prohibited by the decision of the authorised environmental protection body, if this leads to waste generation the management of which poses a high environmental risk or is economically inexpedient.

11. It is prohibited to import goods the use of which generates hazardous waste that cannot be neutralised and recovered by existing facilities due to insufficient capacity to carry out such operations.

12. It is prohibited to manufacture and import goods, the use of which generates waste containing persistent organic pollutants in accordance with international treaties of the Republic of Kazakhstan on persistent organic pollutants.

#### **Article 347. Keeping waste management records**

1. Those engaged in the recovery or removal of hazardous waste, hazardous waste producer s, entities engaged in the collection, transportation and (or) neutralisation of hazardous waste are required to keep chronological records of the amount, type, origin of waste, destination, frequency of collection, transportation method and handling method and provide this information to the authorised environmental protection body in accordance with paragraph 3 of this Article.

2. Hazardous waste records shall be kept for at least five years, with the exception of entities engaged in hazardous waste transportation, which shall keep their records for at least twelve months.

3. The entities specified in paragraph 1 of this Article are obliged to submit an electronic hazardous waste inventory report as of 1 January annually until 1 March of the year following the reporting year.

4. Documents confirming the completion of hazardous waste management operations shall be submitted by the entities specified in paragraph 1 of this Article, at the request of the authorised environmental protection body or the former waste owner.

5. Primary waste management statistics are formed by the subordinate organisation of the authorised environmental protection body based on the information contained in the State Cadastre of Waste on the basis of reports submitted by the entities engaged in waste management, in the manner determined by Article 384 of this Code and are sent to the authorised body for state statistics in line with the legislation of the Republic of Kazakhstan on state statistics.

## **Chapter 25. WASTE DISPOSAL POLYGONS**

### **Article 348. General provisions on waste disposal polygons**

A waste disposal polygon (hereinafter referred to as the polygon) is a specially equipped place for permanent waste disposal without the intention of its further retrieval, which meets environmental, construction and sanitary and epidemiological requirements.

### **Article 349. Classes of polygons**

1. Each polygon shall be assigned to one of the following classes:

Class 1 – polygon for hazardous waste;

Class 2 – polygon for non-hazardous waste;

Class 3 – polygon for solid domestic waste.

2. Lists of waste types for disposal at polygons of various classes are determined by the authorised environmental protection body.

3. Disposal of hazardous waste at non-hazardous waste polygons is prohibited.

### **Article 350. Environmental requirements for polygons**

1. It is prohibited to landfill waste on the territories of urban and other settlements, forest parks, resort, recreational, and water conservation zones, on the catchment areas of ground water bodies used for drinking and household water supply purposes, as well as on the territories classified as historical and cultural heritage objects.

2. It is prohibited to landfill waste in mineral deposits and mine sites, if this can result in the contamination of mineral deposits and a risk to the safety of mining operations.

3. Only non-hazardous waste may be landfilled without prior treatment.

4. Hazardous waste shall be subjected to neutralisation, stabilisation and other treatment to reduce its hazardous properties.

5. The landfilling of solid domestic waste without its prior sorting is prohibited.

6. Criteria for accepting waste in a polygon of a certain class include the following:

1) protecting the environment (especially groundwater and surface water) and public health;

2) ensuring waste stabilisation processes within the polygon;

3) qualitative composition of the accepted waste;

4) requirements or restrictions on the quantity of accepted waste and the biodegradability of its organic components;

5) limitations on the quantity of potentially hazardous components in accordance with protection criteria;

6) ecotoxic properties of the waste and leachate generated.

7. The dumping of waste at unauthorised sites and illegal dumping are prohibited.

8. Each polygon shall be equipped with a system for monitoring leachate and wastewater generated in the deposited waste to prevent their adverse environmental impact.

Solid domestic waste polygons shall also be equipped with a system for monitoring emissions of landfill gas.

9. Solid domestic waste polygons shall be equipped with systems for collecting and diverting the leachate and landfill gas. Requirements for the design, construction and operation of leachate and landfill gas collection and diversion systems are set out in the standards of the Republic of Kazakhstan in the field of architecture, urban planning and construction, national standards included in the list approved by the authorised environmental protection body.

10. Newly constructed solid domestic waste polygons shall be equipped with an impervious screen. Requirements for impervious screens are established by national standards in the field of architecture, urban planning and construction and are mandatory for individual entrepreneurs and legal entities regardless of their legal form.

11. The amount and hazardous properties of waste to be landfilled shall be reduced.

12. The polygon owner shall take measures to reduce methane generation in the polygon by reducing the volume of biodegradable waste and introducing systems for collecting and diverting landfill gas.

Biodegradable waste refers to the waste capable of undergoing anaerobic or aerobic decomposition, such as garden and park waste, as well as food waste comparable to food industry waste, waste paper.

13. The polygon owner shall develop a uniform acceptance procedure based on waste classification.

14. The operation of polygons is determined by the operation scheme developed as part of the polygon construction project, and shall ensure environmental protection, maximum equipment productivity and safety measures.

15. The main work planning document is the polygon operation schedule agreed with the authorised environmental protection body.

16. The project of the polygon shall envisage the creation of a decommissioning fund for polygon closure, land remediation and post-closure monitoring and contamination control.

A decommissioning fund is established by the polygon owner in the manner prescribed by the rules approved by the authorised environmental protection body.

The operation of the polygon without a decommissioning fund is prohibited.

17. Compliance with the requirements for waste disposal at polygons and their maintenance is monitored by the authorised environmental protection body.

### **Article 351. Waste not accepted to polygons**

1. The following wastes shall not be accepted to polygons:

- 1) any liquid waste;
- 2) hazardous wastes which are explosive, corrosive, oxidising, highly flammable or flammable under polygon conditions;
- 3) waste which reacts with water;
- 4) medical waste;
- 5) biological waste in accordance with the legislation of the Republic of Kazakhstan on veterinary medicine;
- 6) whole used tyres and their fragments, except for their use as stabilisation material in remediation;
- 7) waste containing persistent organic pollutants;
- 8) pesticides;
- 9) waste not meeting the acceptance criteria;
- 10) plastic, polyethylene and polyethylene-terephthalate packaging waste;
- 11) cardboard and waste paper;
- 12) mercury-containing lamps and appliances;
- 13) glass containers;
- 14) scrap glass;
- 15) non-ferrous and ferrous metal scrap;

- 16) lithium, lead-acid batteries;
- 17) electronic and electrical equipment;
- 18) out of service vehicles;
- 19) construction waste;
- 20) food waste.

2. Mixing of waste to meet the acceptance criteria is prohibited.

3. Solid domestic waste polygons shall provide for mandatory waste sorting by the types specified in subparagraphs 6), 10), 11), 12), 13), 14), 15), 16) and 17) of paragraph 1 of this Article. The sorting of solid domestic waste shall be carried out in accordance with national standards included in the list approved by the authorised environmental protection body.

The operation of solid domestic waste polygons not fulfilling the requirements provided for in part one of this paragraph, is prohibited.

4. Local executive bodies take measures to reduce the landfilling of biodegradable waste, including measures for recycling, composting, biogas production and (or) use for the products or energy production.

Biodegradable waste shall be composted in compliance with environmental and sanitary requirements.

### **Article 352. Industrial solid and sludge-like waste not allowed for disposal in polygons designated for municipal solid waste**

The following industrial solid and sludge waste shall not be disposed in municipal waste polygons:

- 1) waste from chlorine production:
  - graphite sludge from the production of synthetic rubber, chlorine, caustic soda containing mercury and its compounds;
  - methanol, plexiglass production wastes containing methanol;
  - sludge from the production of salts of monochloroacetic acid containing hexachlorane, methanol, trichlorobenzene;
  - paper bags used for the transportation of DDT, urotropine, zineb, copper trichlorophenolate, thiuram-D;
  - copper trichlorophenolate production sludge containing trichlorophenol;
  - used catalysts for plastics production containing benzene and dichloroethane;
  - coagulum and omega polymers containing chloroprene;
  - trichlorobenzene and fertiliser production waste containing hexachlorane, trichlorobenzene;
- 2) waste from the production of chromium compounds:
  - sludge from the production of sodium monochromate and sodium chloride, waste from the production of potassium bichromate containing hexavalent chromium;
- 3) zinc ash waste from the soda production containing zinc;
- 4) waste from the production of man-made fibres:
  - sludge containing dimethyl terephthalate, terephthalic acid, zinc, copper;
  - waste from caprolactam filtration containing caprolactam;
  - methanolysis wastes containing methanol;
- 5) waste from the paint and varnishes industry:
  - films of varnishes and enamels, equipment cleaning wastes containing zinc, chromium, solvents, oxidising oils;
  - sludge containing zinc and magnesium;
- 6) wastes of the chemical and photographic industry:
  - waste from the hyposulfite and anhydrous sulphite production containing phenol;
  - wastes of magnetic varnish, collodion, paints containing butyl acetate, toluene, dichloroethane, methanol;
- 7) plastic production wastes containing phenol;



- 8) waste from the nitrogen industry:
  - sludge (tars) from the coke oven gas cleaning unit and waste oils from the synthesis and compression shop containing carcinogenic substances;
  - still bottoms from the distillation of monoethanolamine containing monoethanolamine;
- 9) waste from the oil refining and petrochemical industries:
  - aluminosilicate adsorbent from purification of oils, paraffin containing chromium and cobalt;
  - acidic tars with a sulphuric acid content of more than thirty percent;
  - sludge and heavy tar residues of coke production and semi-coke gasification containing phenol;
  - waste catalysts containing chromium;
  - waste clay containing oils;
  - filtration residues from alkylphenolic additive installations containing zinc;
- 10) mechanical engineering waste:
  - chromium-containing effluent sludge containing chromium;
  - cyanide effluent sludge containing cyanide;
  - organic binder core sands containing chromium;
  - sludge from vacuum filters, neutralisation stations in galvanising plants containing zinc, chromium, nickel, cadmium, lead, copper, chlorophos, thiokol;
- 11) medical waste:
  - synthomycin production waste containing bromine, dichloroethane, methanol;
- 12) concentration wastes and sludge containing heavy metal salts.

### **Article 353. General requirements for hazardous waste polygons**

1. When defining the location for a hazardous waste polygon, the following shall be taken into account:

See paragraph 17 of Article 418 of this Code

1) distances from the border of the polygon to residential and recreational areas, water bodies, agricultural land and settlements;

See paragraph 17 of Article 418 of this Code

2) the presence of groundwater, surface water and their water conservation zones and stripes or conservation areas;

3) geological and hydrogeological conditions;

4) the risk of flooding, depressions, landslides or avalanches at the site;

5) protection of objects of the state nature reserve fund.

2. Depending on the characteristics of the polygon and meteorological conditions, the following shall be provided:

1) control of sudden water ingress into the body of the polygon;

2) preventing surface and (or) groundwater from entering the polygon;

3) collection and treatment of polluted water and leachate to the standards established for wastewater.

3. Collection, treatment and use of landfill gas shall be carried out in a way that minimises damage or degradation to the environment and risks to public health.

4. Measures shall be taken to minimise the impacts from the polygon's operation:

1) odour and dust emissions;

2) wind-borne materials, compounds and aerosols;

3) noise and traffic;

4) birds, vermin and insects;

5) fires.

5. The polygon shall be designed in a way that would prevent contamination of public roads and the surrounding area.

6. The polygon shall be secured against unauthorised access. The control and access system for each technical means shall contain a programme of measures to detect and prevent their illegal use.

7. The polygon is managed by individuals or legal entities who have the technical means to operate the polygon and who provide professional and technical education and training to polygon employees.

8. The level of allowed impacts shall be defined in the environmental permit according to the specific hydrogeological conditions at the polygon site based on the polygon design.

9. The polygon is assigned an individual registration number included in the State Cadastre of Waste of the Republic of Kazakhstan. The polygon owner shall develop a document management system designed to keep records of waste accepted to the polygon.

#### **Article 354. Waste acceptance procedures**

1. Waste owners who hand over waste to the polygon shall provide the polygon owner with reliable information on its qualitative and quantitative characteristics, confirming the waste type, and accompanied by a copy of the hazardous waste passport for hazardous waste.

2. Polygon owners shall only accept waste types that are allowed for disposal in that polygon, where the right for their disposal is confirmed by an environmental permit.

3. The polygon owner shall observe the following waste acceptance procedures:

1) checking the waste documentation, including a hazardous waste passport;

2) visual inspection of the waste when received;

3) checking the contents against the description in the documentation provided by the waste owner;

4) keeping records of the quantity and characteristics of the disposed waste, indicating the origin, date of delivery, identification of the waste producer or collector and, if hazardous waste is present, the exact location of the waste in the polygon;

5) dosimetric monitoring of each waste batch to prevent radioactive substances from entering the polygon.

4. The polygon owner shall provide written confirmation of receipt of each waste batch accepted at the site at all times and ensure that this documentation is kept for a period of five years.

5. Measuring devices shall be installed at waste acceptance points to determine the weight of incoming waste.

#### **Article 355. Control and monitoring during the operation of the polygon**

1. The polygon owner annually submits an environmental impact monitoring report to the authorised environmental protection body.

2. The polygon owner shall notify the authorised environmental protection body about the adverse environmental impact identified through control and monitoring and agree with the authorised environmental protection body on the nature and timing of the corrective measures to be taken.

3. Control, monitoring and (or) analyses shall be carried out by accredited laboratories.

4. Leachate and surface water shall be sampled at representative points. The sampling and measurement of the volume and composition of the leachate shall be carried out separately at each point of the site where the leachate is generated.

5. Gas monitoring is held for each section of the solid domestic waste polygon in line with the methodology approved by the authorised environmental protection body.

6. The frequency of sampling and analysis is justified in the monitoring programme accompanying the environmental permit.

7. The parameters to be measured and the substances to be analysed are adjusted depending on the composition of the disposed waste.

8. The parameters to be analysed in groundwater samples shall be based on the expected leachate composition and the groundwater quality in this location. When choosing parameters for analytical accounting, groundwater velocity and flow direction shall be determined. Parameters may include indicative indicators to ensure early detection of changes in water quality.

**Article 356. Procedures for closure, remediation and monitoring of the polygon (part of the polygon)**

1. A polygon (part of a polygon) shall only be closed after obtaining an environmental permit.

2. A polygon (part of a polygon) can be considered closed only after officials of the authorised environmental protection body and the state body for sanitary and epidemiological service have performed a final inspection of the site, evaluated all information provided by the polygon owner and informed them about the approval of closing the polygon (part of the polygon). Upon that, the polygon owner is not exempt from observing the terms of the environmental permit.

3. After the closure of the polygon (part of the polygon), the polygon owner carries out the remediation of the area and monitors landfill gas and leachate emissions for thirty years for Class 1 polygons, twenty years—for Class 2 polygons, and five years—for Class 3 polygons. Funds for the remediation of disturbed land and subsequent monitoring come from the polygon decommissioning fund.

4. Polygon remediation includes polygon waste stabilisation, measures to prevent erosion and landscaping of the polygon slopes, taking into account the natural and climatic conditions of the polygon area. Requirements for polygon remediation are set out in national standards for architectural, urban planning and construction activities.

5. After the polygon owner has performed the remediation of the polygon (part of the polygon) in line with the project terms and the performed work is accepted by the certificate of the acceptance commission with the participation of the authorised environmental protection body, the owner shall stop the environmental monitoring.

## **Chapter 26. MINING WASTE MANAGEMENT**

### **Article 357. Mining waste**

1. Mining waste refers to the waste generated in the process of exploration, mining, processing and storage of solid minerals, including overburden, enclosing rock, dust, low-grade (substandard) ore, sediment left from the mechanical treatment of quarry and mine waters, mine tailings and sludges.

For the purposes of this Code, the processing of solid minerals includes mechanical, physical, biological, thermal or chemical processes, or their combinations in order to extract useful components from them, including by resizing (crushing, grinding), classification (sorting), separation and leaching, enrichment, and reprocessing of previously disposed mining waste, but excludes smelting, thermal processing (other than limestone roasting) and metallurgical processes.

2. For the purposes of this Code, waste from energy production (ash and slag waste) is not recognised as mining waste.

3. The provisions of Chapters 23 and 24 of this Code shall apply to relations on mining waste management to the extent that they do not contradict the provisions of this Chapter. The requirements of Chapter 25 of this Code do not apply to long-term or permanent storage facilities for mining waste.

4. This Chapter does not apply to waste generated during the exploration, mining, processing and storage of solid minerals, which are not a direct result of such operations.

### **Article 358. Mining waste management**

1. Mining waste management is carried out in accordance with the hierarchy principle established by Article 329 of this Code.

2. Mining waste storage shall be carried out in specially designated places, determined by a project document developed in accordance with the legislation of the Republic of Kazakhstan, and within the environmental permit.

3. It is prohibited to store mining waste outside specially designated areas.

4. It is prohibited to mix or store mining waste with other types of waste other than mining waste, as well as mix or store different types of mining waste together, unless expressly provided for by the conditions of the environmental permit.

5. Mining waste resulting from the processing of previously stored mining waste shall not have a hazard level higher than the hazard level of the original waste.

6. Mining waste landfilling shall be carried out in accordance with the approved project documentation, taking into account the provisions of this Code, industrial safety requirements and sanitary and epidemiological standards.

### **Article 359. Requirements for the design, construction and operation of waste storage facilities**

1. The waste storage facility is a specially designated place for long-term storage (for a period exceeding twelve months) of mining waste in solid or liquid form, or in the form of a solution or suspension.

Long-term storage of mining waste in order to charge for negative environmental impact is equivalent to landfilling.

2. When designing, constructing (reconstructing), operating and managing the waste storage facility, the following requirements shall be observed:

1) when choosing the location, one shall take into account the requirements of this Code, as well as geological, hydrological, hydrogeological, seismic and geotechnical conditions;

2) in the short and long term:

prevent pollution of soil, ambient air, ground and (or) surface water and ensure effective collection of contaminated water and leachate;

reduce water and wind erosion;

ensure physical stability of the waste storage facility;

3) minimise damage to the landscape;

4) take measures to close (liquidate) the waste storage facility and reclaim the soil;

5) develop plans and create conditions for regular monitoring and inspection of the waste storage facility by qualified personnel, as well as for taking measures in case of instability of the waste storage facility or water or soil pollution;

6) ensure environmental monitoring after the closure.

Information and documents regarding the monitoring specified in subparagraph 6) of this paragraph shall be stored together with the permits.

3. The waste storage facility operator submits an annual environmental monitoring report to the authorised environmental protection body.

4. The waste storage facility operator is obliged, within 48 hours, to notify the authorised environmental protection body of any circumstances that may affect the physical or chemical stability of the waste storage facility, and any significant negative consequences for the environment identified during the monitoring process, and also take appropriate corrective measures in agreement with the authorised environmental protection body.

The obligations provided for by this paragraph apply to the monitoring period after the closure of the waste storage facility.

5. The disposal of mining waste into open or underground mine workings for the purposes of construction, closure of a waste storage facility and reclamation of disturbed lands is carried out taking into account the following requirements:

- 1) ensuring the physical stability of the waste storage facility;
- 2) preventing pollution of soil, surface and ground waters in accordance with the requirements of this Code;
- 3) monitoring in accordance with the requirements of this Chapter.

#### **Article 360. Mining waste management programme**

1. The waste storage facility operator is required to develop a mining waste management programme to minimise waste generation, recovery and removal.

2. The mining waste management programme is developed taking into account the need to use the best available techniques in accordance with information and technical guides on the best available techniques, developed and approved in accordance with this Code.

3. The objectives of the mining waste management programme are:

- 1) to prevent or reduce waste generation and its hazard;
- 2) to stimulate mining waste recovery through recycling, reuse in cases where it meets environmental requirements;
- 3) to ensure that waste removal is safe in the short and long term, in particular by choosing an appropriate design option that:

assumes a minimum level or no need for monitoring, control and management of a closed waste storage facility;

aims to prevent or reduce the long-term negative consequences of waste disposal;

provides long-term geotechnical stability of dams and dumps that protrude above the earth's surface.

4. The mining waste management programme is an integral part of the environmental permit and is subject to revision every five years in case of significant changes in the operating conditions of the waste storage facility and (or) the type and nature of the waste stored. Changes are to be approved by the authorised environmental protection body.

5. The mining waste management programme is developed in accordance with the principle of hierarchy and shall contain information on the volume and composition of waste generated and (or) received from third parties, methods of its accumulation, collection, transportation, neutralisation, recovery and removal, as well as a description of the proposed measures to reduce waste generation, increase the share of its processing and disposal.

#### **Article 361. Preventing water, air and soil pollution**

1. When handling mining waste, it is mandatory to comply with the environmental requirements established by this Code to prevent water pollution by:

1) assessing the potential for leachate, including pollutants contained in the leachate, of the stored waste during the operation period and after the closure of the waste storage facility, determining the water balance of the waste storage facility;

2) preventing or minimising leachate and contamination of surface or groundwater and soil;

3) collecting and purifying contaminated water and leachate to the level necessary for their discharge.

2. The mining waste storage facility operator is obliged to take measures to prevent or reduce the emission of dust and gas.

3. When disposing mining waste back into open or underground mines subject to flooding, the waste storage facility operator shall take the necessary measures to prevent or minimise water and soil degradation.



4. If cyanide is present in the containment pond, the operator shall ensure that the cyanide concentration in liquid waste is reduced to the lowest possible level using the best available techniques.

#### **Article 362. Preventing major environmental incidents**

1. Before commencing waste accumulation activities, the waste storage facility operator is obliged to develop an environmental emergency response plan for mining industry, as well as an internal emergency response plan in accordance with the rules approved by the authorised environmental protection body together with the authorised body for industrial safety.

2. In order to implement and monitor such a programme, the waste storage facility operator shall appoint a responsible employee.

3. The authorised environmental protection body develops an external emergency response plan, which provides for measures to be taken outside the place where such incidents occurred. The waste storage facility operator is obliged to provide the authorised environmental protection body with the information necessary to develop an external emergency response plan.

4. In the event of a major environmental incident, the waste storage facility operator is obliged to immediately notify the authorised environmental protection body and provide all the necessary information, as well as provide assistance in order to minimise the consequences of such an incident for human life and (or) health and assess the degree of actual or potential environmental damage.

#### **Article 363. Closure of a waste storage facility and post-closure monitoring**

1. When a mining waste storage facility or a part of it is closed, the provisions of Article 356 of this Code shall apply, taking into account that the obligations to conduct monitoring in the period after the closure of such a facility are not limited in time.

2. Financing of measures to close the waste storage facility, reclaim disturbed lands and subsequently monitor the facility are carried out in the manner prescribed by the Code of the Republic of Kazakhstan on Subsoil and Subsoil Use.

#### **Article 364. Inventory of mining waste storage facilities**

1. The authorised environmental protection body keeps the register of closed (decommissioned, liquidated) and abandoned (ownerless) mining waste storage facilities that have significant negative environmental consequences or pose a threat to the life and (or) health of the population, as well as the environment in the short- to medium- term.

2. The register has to be periodically updated on the basis of data provided by local executive bodies in accordance with Article 340 of this Code, but at least once a year.

3. The register is placed in the public domain on the official websites of those responsible for keeping the register, as well as the authorised environmental protection body.

### **Chapter 27. MUNICIPAL WASTE MANAGEMENT**

#### **Article 365. Environmental requirements for municipal waste management**

1. Municipal waste is the consumption waste of the following type:

1) mixed waste and separately collected household waste, including but not limited to paper and cardboard, glass, metals, plastics, organic waste, wood, textiles, packaging, used electrical and electronic equipment, batteries and accumulators;

2) mixed waste and separately collected waste from other sources, if such waste is similar to household waste in nature and composition.

Municipal waste does not include waste from manufacturing, agriculture, forestry, fishing, septic tanks and sewerage systems, as well as from sewage treatment plants, including sewage sludge, disused vehicles or construction waste.

Consumption waste includes waste generated as a result of human activity, products and (or) articles that have completely or partially lost their consumer properties, their packaging and other substances or their residues, the shelf life or operation of which has expired, regardless of their state of aggregation, as well as which the owner physically disposed of on their own or documented transferred to the category of consumption waste.

2. The authorised environmental protection body implements the state policy on municipal waste management by:

- 1) approving the rules for municipal waste management;
- 2) approving standard rules for calculating the norms of municipal waste generation and accumulation;
- 3) providing methodological support on municipal waste management to local executive bodies.

3. Local representative bodies of raions, cities of regional significance, cities of national significance, the capital implement the state policy on municipal waste management by:

- 1) approving, within their remit, municipal waste management programme;
- 2) approving the norms of municipal waste generation and accumulation;
- 3) approving tariffs for the collection, transportation, sorting and landfilling of solid domestic waste for the population.

4. Local executive bodies of raions, cities of raion and regional significance, cities of national significance, the capital implement the state policy on municipal waste management by:

- 1) organising the development of programmes for municipal waste management and ensuring their implementation;
- 2) developing norms of municipal waste generation and accumulation and submitting them for approval to the relevant local representative bodies;
- 3) allocating land plots for the construction and (or) placement of municipal waste management facilities, including places for waste containers and points for receiving secondary raw materials;
- 4) ensuring the construction of facilities for municipal waste removal and landfilling;
- 5) exercising control over the circulation of municipal waste in accordance with this Code, the rules for municipal waste management, as well as developing measures and economic instruments aimed at reducing the volume of municipal waste, increasing the level of its reuse, recycling, disposal and reducing the volume of municipal waste to be landfilled, including through public-private partnerships;
- 6) approving rules for calculating the norms of municipal waste generation and accumulation;
- 7) developing tariffs for the collection, transportation, sorting and landfilling of solid domestic waste for the population calculated in accordance with the methodology developed and approved by the authorised environmental protection body and submitting them for approval to the relevant local representative bodies;
- 8) determining the procedure for tariff distribution between the entities engaged in the collection, transportation, sorting and landfilling of solid domestic waste;
- 9) organising a sustainable and environmentally friendly system for collecting municipal waste, providing for its sorting, including transportation and accumulation until recovery or removal;
- 10) ensuring the creation and operation of the necessary infrastructure for entities engaged in the collection, transportation, sorting, recovery and removal of municipal waste, including through public-private partnerships;
- 11) ensuring the achievement of target indicators of environmental quality in municipal waste management;

- 12) encouraging sorting of municipal organic waste and its recovery, including by composting;
  - 13) providing access for organisations engaged in the collection, transportation, sorting, recovery, including processing, and removal of municipal waste to information on population registration in order to identify the number of citizens registered at the place of residence;
  - 14) informing the population about the sustainable system of collection, disposal and processing of solid domestic waste, including sorting;
  - 15) organising waste collection and transport for owners of waste-to-energy facilities.
5. Local executive bodies of villages, townships, rural districts implement the state policy on municipal waste management by:
- 1) encouraging sorting of municipal organic waste and its recovery, including by composting;
  - 2) organising regular municipal waste collection and transportation;
  - 3) ensuring compliance with environmental requirements;
  - 4) prohibiting unauthorised burning of municipal waste.
6. Hazardous components of municipal waste (electronic and electrical equipment, mercury-containing waste, batteries, accumulators and other hazardous components) shall be collected separately and transferred to specialised entities for recovery.

### **Article 366. Public-private partnerships for municipal solid waste management**

1. The design, construction, creation, reconstruction, modernisation and operation of infrastructure and the implementation of activities for the collection, transportation, sorting, landfilling of solid domestic waste, removal of unauthorised dumping (hereinafter referred to as the solid domestic waste management) can be carried out through public-private partnership projects in accordance with the legislation of the Republic of Kazakhstan on public-private partnership.

Unauthorised dumping removal is the collection, transportation and transfer of waste located outside specially designated sites to specialised organisations for sorting, neutralisation, processing, disposal or landfilling.

2. The recycling fee funds can be used for the implementation of public-private partnership projects taking into account the specifics provided for in this Article. At the same time, such projects are used only for solid domestic waste management, at the expense of the tariff for the collection, transportation, sorting and landfilling of solid domestic waste for the population.

3. The authorised environmental protection body develops and approves the procedure and conditions for the implementation of public-private partnership projects for solid domestic waste management, including:

- 1) the procedure and terms for holding a tender to determine a private-sector partner;
- 2) standard tender documentation for a public-private partnership project and standard contracts;
- 3) the procedure, terms and limits for reimbursing the costs incurred by the private-sector partner;
- 4) the procedure for the development and approval of the maximum tariff for the collection, transportation, sorting and landfilling of solid domestic waste for the population.

4. Local executive bodies of oblasts, cities of national significance and the capital, in accordance with subparagraphs 1) - 3) of paragraph 3 of this Article, organise the competition for local public-private partnership projects, develop and approve tender documentation in agreement with the authorised environmental protection body.

5. Reimbursement of the costs incurred by a private-sector partner within the framework of public-private partnership projects for solid domestic waste management is carried out at the expense of funds received from collecting tariff for the collection, transportation, sorting and landfilling of solid domestic waste for the population, and other sources of financing not prohibited by the legislation of the Republic of Kazakhstan.

6. In accordance with subparagraph 3) of paragraph 3 of this Article, the operator with extended producer (importer) responsibility shall reimburse, within the framework of a public-private partnership project, the difference between the maximum tariff and the current tariff for the collection, transportation, sorting and landfilling of solid household waste for the population.

7. The size of the ceiling tariff for each public-private partnership project for the collection, transportation, sorting and landfilling of solid domestic waste for the population is developed and approved by the authorised environmental protection body and reflects the actual and investment costs for these operations in the relevant city, raion.

### **Article 367. Centralized municipal solid waste collection system**

1. Municipal solid waste refers to municipal waste in solid form.

2. The centralized municipal solid waste collection system (hereinafter referred to as the centralized system) is a system organised by local executive bodies to provide individuals and legal entities, regardless of the form of ownership and type of activity, who live (are) and (or) carry out their activities in residential buildings or stand-alone buildings (structures) and do not own places for waste containers and waste containers, as well as those who own places for waste containers and containers but which are located on public lands, with solid waste collection and transportation services. Places for waste containers are special sites for waste accumulation, where containers for the collection of solid domestic waste are placed, with access roads for specialised vehicles that transport solid domestic waste.

3. Individuals living in residential buildings are obliged to use the centralized system on the basis of public contracts and pay for waste transportation services in accordance with the tariffs approved by the local representative body.

Legal entities and individual entrepreneurs operating in residential buildings or stand-alone buildings (structures), when using a centralized system, are obliged to conclude a contract for the solid domestic waste transportation with business entities engaged in the collection and transportation of solid domestic waste, determined by local executive bodies in accordance with this Code.

Legal entities and individual entrepreneurs operating in stand-alone buildings (structures), when using the services of entities outside the centralized system, are obliged to conclude a contract for the transportation of solid domestic waste with entities included in register of permits and notifications in accordance with the Law of the Republic of Kazakhstan on Permits and Notifications.

4. The centralized system is organised by the local executive body through a tender to determine the participants in the solid waste market, collecting and transporting solid waste in accordance with the requirements of this Code and the rules for municipal waste management.

5. Entities collecting and transporting solid domestic waste are obliged to use only specially equipped vehicles that comply with the rules for municipal waste management and are not intended for the transportation of other types of waste, unless otherwise provided by such rules.

6. In case of self-collection, legal entities and individual entrepreneurs shall comply with the requirements of this Code, as well as conclude contracts with entities processing and (or) landfilling solid domestic waste.

7. Entities collecting and transporting solid domestic waste, or the waste owner collecting solid household waste his/herself shall ensure such waste is delivered to entities recovering solid domestic waste.

8. Sending waste directly to the polygon for solid domestic waste is carried out in the absence of entities engaged in the recovery of solid domestic waste, or insufficient production capacity of such entities, with the exception of the waste specified in Article 351 of this Code.

### **Article 368. Requirements for municipal solid waste transportation**

1. Transportation (including collection) of solid domestic waste shall be carried out by vehicles that meet the requirements of this Code.
2. Individuals and legal entities transporting solid domestic waste shall transmit navigation information about the movement of vehicles to the information system National Databank on the State of the Environment and Natural Resources of the Republic of Kazakhstan.
3. The subsection of the information system on tracking the movement of solid domestic waste collecting vehicles is developed and maintained by the authorised environmental protection body.
4. Entities transporting solid domestic waste shall comply with the following requirements:
  - 1) use specially equipped vehicles designed for the transportation of solid domestic waste;
  - 2) equip the vehicles specified in subparagraph 1) of this paragraph with satellite navigation systems connected to the information system "National data bank on the state of the environment and natural resources of the Republic of Kazakhstan", and constantly maintain these systems;
  - 3) conclude contracts with solid domestic waste owners in the standard form established by the rules for handling solid household waste;
  - 4) comply with the current legislation of the Republic of Kazakhstan.
5. Requirements for solid domestic waste transportation, painting, distinguishing marks and equipment of vehicles, as well as for loading and unloading operations are established by the national standards of the Republic of Kazakhstan included in the list approved by the authorised environmental protection body.

## **Chapter 28. RADIOACTIVE WASTE MANAGEMENT**

### **Article 369. Radioactive waste and its classification**

1. Radioactive waste includes the following substances in any aggregate state that cannot be further used:
  - 1) materials, products, equipment, objects of biological origin, where the radionuclides content exceeds the levels established by the legislation of the Republic of Kazakhstan;
  - 2) non-recyclable spent nuclear fuel;
  - 3) spent or damaged radionuclide sources;
  - 4) extracted rocks, ores, and wastes from ore beneficiation and leaching stored in dumps and tailings ponds where the radionuclides content exceeds the levels established by the legislation of the Republic of Kazakhstan.
2. Radioactive waste is classified according to its aggregate state, origin, level of radioactivity, and half-life of radionuclides.
3. The aggregate state of radioactive waste is divided into liquid and solid.

Liquid radioactive waste includes inorganic solutions, filter media pulp and organic liquids.

Solid radioactive waste includes articles, machine parts, materials, biological objects and spent radioactive sources.
4. Waste is classified as radioactive, if the specific activity of its radionuclides is greater than the values under the radiation safety standards for radioactive materials subject to regulation, and if the radionuclide composition is unknown, the specific activity is greater than:
  - 1) one hundred kilobecquerels per kilogram for beta-emitting radionuclides;
  - 2) ten kilobecquerels per kilogram for alpha-emitting radionuclides (excluding transuranic radionuclides);
  - 3) one kilobecquerel per kilogram for transuranic radionuclides.
5. Radioactive waste is classified by the source of generation as follows:
  - 1) mining waste;
  - 2) waste from research reactors and nuclear power plants;
  - 3) waste from nuclear explosions;
  - 4) unused radioactive sources and sources with an expired service life.



6. Radioactive waste is classified by radioactivity level as follows:

1) low-activity waste – waste with a specific activity (kilobecquerels per kilogram): less than one thousand for beta-emitting radionuclides; less than one hundred for alpha-emitting radionuclides (excluding transuranic); less than ten for transuranic radionuclides;

2) medium-activity waste – waste with a specific activity (kilobecquerels per kilogram): one thousand to ten million for beta-emitting radionuclides; one hundred to one million for alpha-emitting radionuclides (excluding transuranic); ten to one hundred thousand for transuranic radionuclides;

3) high-activity waste – waste with a specific activity (kilobecquerels per kilogram): more than ten million for beta-emitting radionuclides; more than one million for alpha-emitting radionuclides (excluding transuranic); more than one hundred thousand for transuranic radionuclides.

7. Radiation safety supervision and control including for activities related to radioactive waste management are carried out the authorised body for the use of nuclear energy.

#### **Article 370. Environmental requirements for radioactive waste management**

1. Individuals and legal entities are obliged to comply with the rules for the production, storage, transportation, use, disposal and removal of radioactive materials established by the authorised body for the use of nuclear energy, to observe the maximum permissible level of radiation exposure, to take measures to prevent and eliminate radioactive contamination.

2. The collection, storage, transportation and disposal of radioactive waste shall be carried out in accordance with the legislation of the Republic of Kazakhstan on the use of nuclear energy.

3. In the event of emergencies during the transportation of radioactive materials, the requirements of the legislation of the Republic of Kazakhstan for the use of nuclear energy, radiation safety of the population and technical regulations shall be observed in order to protect the health of citizens, their property, and the environment.

#### **Article 371. Classification of radioactive waste storage and (or) landfill facilities**

1. Radioactive waste storage and (or) landfill facilities include natural and man-made sites, tanks and premises used to store and (or) landfill radioactive waste.

2. Radioactive waste landfill facilities are places where the waste is placed without the intention of its further retrieval.

3. Radioactive waste storage facilities are subdivided according to the acceptance of radioactive waste from:

1) exploration, mining and processing activities predominantly containing naturally occurring radionuclides;

2) nuclear energy, nuclear explosions and radioisotope products predominantly containing artificial radionuclides.

4. Radioactive waste storage and (or) landfill facilities are divided into local and regional according to the area where the radioactive waste is collected. Local facilities include facilities intended for the disposal of waste from one facility or one raion, and regional ones include two or more facilities and (or) raions.

#### **Article 372. Environmental requirements for the storage and landfilling of radioactive waste**

1. Radioactive waste generated on the territory of the Republic of Kazakhstan shall be landfilled in such a way as to ensure radiation protection of the population and the environment for the period of time during which it may pose a potential hazard.

2. The storage and disposal of radioactive waste is carried out on the basis of licenses issued by the authorised body for the use of nuclear energy, and these types of activities are not subject

to environmental regulation and obtaining environmental permits. The standards for radioactive waste are established by the authorised body for the use of nuclear energy.

3. The disposal of radioactive waste shall be included in the design and technical documentation as an obligatory step in any activity leading to the generation of radioactive waste. The procedure and organisation of collection, storage, transportation and landfilling of radioactive waste are carried out in line with the legislation of the Republic of Kazakhstan on the use of nuclear energy while taking into account the environmental requirements under this Code.

4. When storing and landfilling radioactive materials and waste, the operators shall ensure the following:

- 1) the impossibility of spontaneous nuclear chain reactions and protection against excessive heat generation;
- 2) effective protection of the public and the environment through appropriate protection methods in line with radiation safety rules and standards;
- 3) the consideration of biological, chemical and other risks that may be associated with the storage of radioactive materials and waste;
- 4) keeping records relating to the location, construction and contents of the landfill site;
- 5) control and restrict unauthorised access to radioactive materials and prevent the unintended release of radioactive substances into the environment.

### **Article 373. Environmental requirements for radioactive waste storage and (or) landfill facilities**

1. All projects of radioactive waste storage and (or) landfill facilities are subject to state environmental review, sanitary and epidemiological review and the review under the legislation of the Republic of Kazakhstan on Subsoil and Subsoil Use. The design shall be carried out in line with the construction norms and rules approved in accordance with the legislation of the Republic of Kazakhstan

2. The project shall contain:

- 1) sources of radioactive waste generation, other sources of radioactive impact on the environment within the projected radius of radioactive waste storage and (or) landfill facilities, their quantitative and qualitative characteristics;
- 2) the organisational structure, scope and procedures for industrial radiation monitoring;
- 3) calculations of dose loads on the population, allowed and controlled levels of impact and its assessment for all radiation sources within the projected impact range of the radioactive waste on the environment and the population.

3. The project shall justify the location choice for constructing the waste storage and (or) landfill facility out of available options on the basis of special investigations and economic assessments while taking into account the environmental impact, including the assessment of dose loads to critical populations.

4. Engineering investigations, including geodetic, geological, hydrogeological and hydrometeorological investigations, shall provide the rationale for:

- 1) the location choice for facility construction and its engineering protection from the adverse natural and man-made factors;
- 2) environmental protection measures.

5. Designs for radioactive waste storage and (or) landfill facilities shall envisage remediation of disturbed land after decontamination or other activities.

6. A sanitary protection zone is established around radioactive waste landfill facilities. Its borders are established in line with the legislation of the Republic of Kazakhstan on the sanitary and epidemiological welfare of the population.

7. Radioactive waste storage and (or) landfill facilities shall not be located:

- 1) in residential areas;

- 2) in the area of mineral deposits without the approval of the authorised state body for subsoil studies;
  - 3) in active karst areas;
  - 4) in areas of landslides, debris flows and avalanches and other dangerous geological processes;
  - 5) in wetlands;
  - 6) in the catchment areas of ground water sources of drinking water;
  - 7) in resort sanitary protection zones;
  - 8) in urban green zones;
  - 9) in conservation areas;
  - 10) on the I, II, III strips of the sanitary protection zones for ground water and surface water sources of domestic and drinking water supply, treatment facilities of water pipelines, main water pipelines;
  - 11) in watershed areas;
  - 12) on lands occupied by or intended for forests, forest parks and other green plantings that perform protective and sanitary-hygienic functions and are places of public recreation.
8. When selecting a land plot for construction, the following conditions shall be met:
- 1) no subsurface water suitable for drinking and technical water supply;
  - 2) high sorption-capacity properties of the host rocks;
  - 3) considerable depth of groundwater location (sixty metres or more);
  - 4) the subsurface water level is at least four metres from the bottom of the radioactive waste storage and (or) landfill facility;
  - 5) geological layers that are not aquifers and have no hydraulic connection with the underlying aquifers;
  - 6) absence of fault tectonics and intense fracturing, and a distance to an earthquake-prone fault of more than forty kilometres;
  - 7) very low sensitivity to faulting, subsidence, sinking;
  - 8) absence of erosion;
  - 9) geomorphological stability;
  - 10) hard and very dense soils and basement rocks;
  - 11) impermeable basement rocks over ten metres thick;
  - 12) gently hilly terrain with slopes not exceeding five percent;
  - 13) the distance to the nearest subsurface and groundwater abstraction or surface water source is at least four kilometres;
  - 14) the actual use of the land does not produce a significant economic effect, and the potential use of the land also has no recognised evaluation;
  - 15) there are no cultural and nationally significant heritage sites within a distance of four kilometres;
  - 16) the area is not of tourist value and is rarely visited by residents of nearby settlements.

9. If one of the conditions specified in paragraph 8 of this Article is not met, measures shall be developed to protect the environment from the harmful effects of the radioactive waste storage and (or) landfill facility or to protect it from the harmful effects of natural and man-made factors by:

- 1) creating engineering barriers from low-permeable and sorption-capacitive materials (polyethylene, concrete, ceramics, clay, zeolite);
- 2) creating drainage systems to ensure the movement of surface, subsurface and ground water bypassing the facilities.

10. Previously passed mine workings can be used for low-activity waste from uranium and non-uranium mining and processing enterprises, where the radioactive waste is placed below the vadose zone and among other rocks with higher sorption capacity (excluding the possibility of radionuclides migration outside the facility).

11. The passed mine workings can also be used for medium-activity waste from uranium and non-uranium mining and processing enterprises, with additional technical barriers made of clay, zeolite and other radionuclide-sorbing materials set in place.

12. Natural depressions in the terrain can be used for the long-term disposal of low-activity solid and liquid radioactive waste if a natural or artificial substrate of impermeable rock or other material is in place.

13. The landfilling of liquid waste is prohibited. Liquid waste shall be dewatered to the moisture content of loose rock in the environment or solidified.

14. Security measures and alarms are mandatory for storage and (or) landfill facilities for medium-activity radioactive waste; for low-activity radioactive waste – security measures without alarms.

15. The calculation of dose loads and the development of effective radiation protection measures for the population are based on the calculation of doses for critical population groups. A critical population group is determined by analysing and identifying the critical pathway through which radioactive substances reach that population group.

16. The spreading of radioactive contamination on surface, subsurface and ground water is calculated basing on special hydrological and hydrogeological studies held to determine the filtration rate of solutions and contaminants, their migration capacity and the sorption capacity of water-bearing rocks.

17. The damage caused by the impact of accidental radioactive contamination of the environment is assessed at the cost of protective measures for remediation works.

#### **Article 374. Transboundary movement of radioactive waste**

1. It is prohibited to import radioactive waste into the Republic of Kazakhstan from other states for the purposes of storage or landfilling, except for the Republic of Kazakhstan's own radioactive waste exported for processing in other states. It is also prohibited to dispose radioactive waste and materials on the ground and in the subsoil without measures to prevent the migration of radioactive substances into the environment.

2. The import of radioactive materials, semi-finished products, raw materials, component parts containing radioactive substances above exemption levels established by radiation safety standards is carried out under the export control legislation of the Republic of Kazakhstan and is subject to state accounting of nuclear materials and ionising radiation sources in line with the legislation of the Republic of Kazakhstan on the use of nuclear energy.

3. The operator shall take measures to ensure compliance with international law in the transboundary movement of radioactive materials. Upon that:

1) the operator shall take measures to ensure the movement under a permit and prior notification, as well as the consent of the state of destination;

2) transboundary movement through transit states is subject to international commitments that correspond to the particular modes of transport used;

3) no burnup fuel or radioactive waste shall be sent for storage or landfill to a destination south of 60 degrees south latitude.

#### **Article 375. Environmental requirements for the transportation of radioactive waste**

1. Radioactive materials and waste are transported in line with the rules established by the legislation of the Republic of Kazakhstan in accordance with the rules for the transportation of radioactive materials and radioactive waste, approved by the authorised body for the use of nuclear energy and international treaties ratified by the Republic of Kazakhstan.

2. Regulations for the transportation of radioactive materials and waste shall envisage the rights, obligations and liability of the consignor, carrier and consignee, safety measures, physical protection measures, a system of agreed measures to prevent accidents and incidents, requirements

for packaging, labelling and means of transport, measures to contain the consequences of possible accidents.

## **Chapter 29. MANAGING CERTAIN WASTE TYPES**

### **Article 376. Environmental requirements for construction waste management**

1. Construction waste refers to the waste generated in the process of demolition, disassembly, reconstruction, repair (including major ones) or construction of buildings, structures, industrial facilities, roads, engineering and other communications.

2. Construction waste is to be separated from other types of waste directly at the construction site or in a special place.

3. Mixing construction waste with other types of waste is prohibited, except for the cases of recovery of construction waste in accordance with the approved design solutions.

4. It is prohibited to accumulate construction waste outside specially designated places

### **Article 377. Environmental requirements for medical waste management**

1. Medical waste is the waste generated as a result of medical services and medical procedures.

2. The procedure for handling medical waste is determined by the authorised healthcare body.

3. Treatment and removal of medical waste using thermal and (or) chemical processes shall be carried out in compliance with the requirements of this Code.

### **Article 378. Environmental requirements for biological waste management**

1. Biological waste is determined in accordance with the legislation of the Republic of Kazakhstan on veterinary medicine.

2. The procedure for handling biological waste is determined by the authorised body for veterinary medicine.

3. Treatment and removal of biological waste using thermal and (or) chemical processes shall be carried out in compliance with the requirements of this Code.

### **Article 379. Environmental requirements for the management of waste containing persistent organic pollutants**

1. Facilities to store waste containing persistent organic pollutants shall be equipped with protective equipment to prevent the effects of persistent organic pollutants on the environment and public health.

2. Records on waste containing persistent organic pollutants shall be kept in registers.

3. The owner of waste containing persistent organic pollutants shall not be changed without notifying the authorised environmental protection body.

4. The cadastre of waste containing persistent organic pollutants is managed in a separate section within the State Cadastre of Waste.

5. It is prohibited to landfill waste containing persistent organic pollutants provided for by international treaties of the Republic of Kazakhstan on persistent organic pollutants. The export and import of such waste is permitted only for the purpose of its destruction

### **Article 380. Environmental requirements for the management of certain types of waste and their life cycle processes**

1. When managing certain types of waste, waste owners shall ensure compliance with environmental, sanitary and epidemiological requirements, as well as those included in the list approved by the authorised environmental protection body and the requirements of national standards for managing certain types of waste.



2. Special environmental requirements for the management of materials and products for the management of the following materials and products reclassified as waste: tyres, electronic and electrical equipment, packaging, paper, waste oils, chemical current sources, mercury-containing waste, as well as other hazardous waste, are established by those included in the list approved by the authorised environmental protection body, national standards for managing certain types of waste.

**Article 381. Environmental requirements for waste management in the design of buildings, structures and other facilities**

When designing buildings, structures and other facilities, it is necessary to provide places (sites) for waste collection in accordance with the rules, regulations and requirements in the field of waste management, established by the authorised environmental protection body and the state body for sanitary and epidemiological well-being of the population.

**Chapter 30. STATE CADASTRE OF WASTE**

**Article 382. State cadastre of waste**

1. The State Cadastre of Production and Consumption Waste (hereinafter – the State Cadastre of Waste) is a systematic, periodically updated and specified set of unified information that is based on geoinformation systems for each waste disposal facility (specifying its spatial location), as well as for waste types, its origin and physical and chemical properties (taking into account the danger to the population and the environment), component composition, quantitative and qualitative indicators, technical, hydrogeological and environmental conditions for storage, landfill and discharge, methods for its use and neutralisation.

2. All types of waste and waste disposal facilities are subject to recording in the State Cadastre of Waste.

The cadastre is maintained by the authorised environmental protection body.

The State Cadastre of Production and Consumption Waste is managed by a subordinate organisation of the authorised environmental protection body.

**Article 383. Goals and objectives of the State Cadastre of Waste**

1. The State Cadastre of Waste is maintained with a view to provide state bodies, interested individuals and legal entities with information for assessment, forecasting, development of technological, economic, legal and other solutions on environmental protection, as well as for maintaining a nationwide comprehensive waste accounting.

2. The main objective of the State Cadastre of Waste is to provide national, regional and sectoral expert systems and databanks with information on waste, its properties and recycling technologies.

**Article 384. Keeping the State Cadastre of Waste**

1. Facility operators submit the following documentation to the authorised environmental protection body:

- 1) hazardous waste passport;
- 2) waste inventory report;
- 3) a cadastral file for the waste disposal facility, including:

the decision of the local executive body of the corresponding administrative territorial unit on dedicating a land plot for the storage and removal of waste;

a certificate for land plot demarcation and issuance of a land plot entitlement document certified by local executive bodies of the corresponding administrative territorial unit within their remit at the location of the land plot;

a feasibility study on the creation of waste disposal facilities;  
positive conclusions of state environmental and sanitary and epidemiological reviews for creating a waste disposal facility.

2. The forms of the documents specified in paragraph 1 of this Article, instructions for filling them out are approved by the authorised environmental protection body.

3. The documentation referred to in subparagraph 2) of paragraph 1 of this Article is submitted annually as of 1 January until 1 March of the year following the reporting year in hard copy and (or) electronically by completing the form of the information system and signing it with the electronic digital signature by the operator’s official responsible for providing information.

4. The documentation referred to in subparagraph 1) and 3) of paragraph 1 of this Article is submitted again in case of any changes in them in hard copy and (or) electronically by completing the form of the information system and signing it with the electronic digital signature by the operator’s official responsible for providing information and is submitted again in case of updates.

#### **Article 385. Information about the results of management of the State Cadastre of Waste**

1. The authorised environmental protection body using the results of management of the State Cadastre of Waste annually prepares an information overview.

2. The State Cadastre of Waste is placed and updated in the information system, the Internet resource of the authorised environmental protection body.

### **Chapter 31. EXTENDED PRODUCER (IMPORTER) RESPONSIBILITY**

#### **Article 386. Requirements for the fulfilment of extended producer (importer) responsibility**

1. Individuals and legal entities engaged in producing products (goods) in the Republic of Kazakhstan and (or) importing products (goods) into the Republic of Kazakhstan according to the list of products (goods) that fall under extended producer (importer) responsibility shall ensure collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of wastes generated after these products (goods) lose their consumer properties (hereinafter referred to as the extended producer (importer) responsibility):

2. Producers and importers referred to in paragraph 1 of this Article fulfil the extended producer (importer) responsibility in one of the following ways:

1) applying its own system of waste collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling;

2) concluding a contract with an operator with extended producer (importer) responsibility on the organisation of collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of wastes, filing an application in accordance with the rules for the implementation of extended producer (importer) responsibility, approved by the Government of the Republic of Kazakhstan and transferring money to the bank account of the operator with extended producer (importer) responsibility as a recycling payment.

Recycling fee is a payment to the operator with extended producer (importer) responsibility, made by the producer (importer) for collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of wastes generated after products (goods), subject to extended producer (importer) responsibility, lose their consumer properties, as well of their packaging.

The contract on the organisation of collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of wastes is an agreement concluded between the operator with extended producer (importer) responsibility and a producer (importer) on the basis of a standard agreement on the organisation of collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of wastes generated after the loss of consumer properties of

products (goods), which are subject to extended producer (importer) responsibility, and its (their) packaging.

3. The requirement to apply own system of waste collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling does not apply to producers and importers of automobile vehicles, self-propelled agricultural machinery, and cable and wire products.

4. Requirements for the producer's or importer's own system of waste collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling are determined by the authorised environmental protection body.

5. In case of using the method provided for in subparagraph 2) of paragraph 2 of this Article, the manufacturer or importer submits an application in accordance with the rules for the implementation of extended producer (importer) responsibility, approved by the Government of the Republic of Kazakhstan, and transfers the recycling fee to the operator's bank account. The method for calculating the recycling fee is approved by the authorised environmental protection body.

6. The extended producer (importer) responsibility does not apply to:

1) producers of oils, polymer, glass, paper and (or) cardboard packaging, accumulator batteries, provided that not less than thirty percent of waste oils, plastic, glass, paper and cardboard waste and used accumulator batteries that were recycled and processed in the Republic of Kazakhstan are used for their production;

2) producers and importers of products (goods) produced in the Republic of Kazakhstan and (or) imported into the Republic of Kazakhstan that are sold outside the Republic of Kazakhstan;

3) producers in the Republic of Kazakhstan and (or) importers into the Republic of Kazakhstan of polymer, glass, paper, cardboard and (or) metal packaging, packages made of combined materials which are intended for packaging and (or) in which products (goods) are packaged and sold outside the Republic of Kazakhstan;

4) individuals importing into the Republic of Kazakhstan products (goods), subject to extended producer (importer) responsibility, within the allowance for duty-free import of goods for personal use, except for importers of automobile vehicles and self-propelled agricultural machinery;

5) importers of polymer, glass, paper, cardboard and (or) metal packaging, packaging made of combined materials used for food staples whose list is approved by the Government of the Republic of Kazakhstan.

6) producers of polymer packaging from preforms for which a recycling fee has been made;

7) importers of polymer, glass, paper, cardboard and (or) metal packages, packages made of combined materials used for imported products (goods) that are used in their activities as key assets, materials, raw materials, spare parts (components) in production of products, works, services, for general economic needs and that are not intended for sale;

8) importers of polymer, glass, paper, cardboard and (or) metal packaging used for goods imported as foreign gratuitous aid in line with the legislation of the Republic of Kazakhstan.

7. The rules for the implementation of extended producer (importer) responsibility are developed by the authorised environmental protection body and approved by the Government of the Republic of Kazakhstan.

### **Article 387. Legal status of the operator with extended producer (importer) responsibility**

1. The operator with extended producer (importer) responsibility is a legal entity determined by the decision of the Government of the Republic of Kazakhstan to implement the principle of extended producer (importer) responsibility.

2. The operator with extended producer (importer) responsibility has the exclusive right to collect recycling fees and shall manage the said fees in the manner prescribed by this Code and other legislative acts of the Republic of Kazakhstan.

3. The Government of the Republic of Kazakhstan has the right to create the operator of extended producer (importer) responsibility as a shareholder (participant, founder) and (or) to buy back shares (participatory interest in the authorised capital) of an operator with extended producer (importer) responsibility.

**Article 388. Areas of activity of the operator with extended producer (importer) responsibility**

1. The operator with extended producer (importer) responsibility transfers the money received from producers and importers in line with the requirements of this Code to its bank account as a recycling fee for:

1) reimbursement of the costs incurred by entities engaged in collecting, transporting, sorting, landfilling solid household waste, removing illegal dumping in accordance with Article 366 of this Code;

2) compensation to producers of food staples for the costs associated with the recycling fee made by producers (importers) of polymer, glass, paper, cardboard and (or) metal packaging or packaging made from combined materials used for food staples in the manner prescribed by the rules approved by the authorised environmental protection body;

3) stimulation of the production in the Republic of Kazakhstan of environmentally friendly automobile vehicles (corresponding to the ecological class established by the technical regulations of the Eurasian Economic Union; with electric motors) and their components, as well as of self-propelled agricultural machinery meeting the environmental requirements under technical regulations by:

financing their producers in the following areas: job maintenance; energy use; research and development; product-related testing; and warranty support;

financing the discount provided by the producer to individuals and legal entities for the purchase in the Republic of Kazakhstan of a vehicle and (or) self-propelled agricultural machinery that was manufactured in the Republic of Kazakhstan;

4) stimulation of production in the Republic of Kazakhstan of cable and wire products that are environmentally safe (non-combustible and (or) with reduced fire hazard and low smoke and gas emission) and whose waste is recyclable in the Republic of Kazakhstan, by financing their producers in the following areas: maintaining jobs; use of energy resources; procurement of raw materials for production of environmentally safe and (or) recyclable products; research and development, product-related testing; product certification;

5) organisation of collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of wastes generated after products (goods), subject to extended producer (importer) responsibility, lose their consumer properties;

6) organisation of collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling outside the Republic of Kazakhstan of waste generated after products (goods), subject to extended producer (importer) responsibility, lose their consumer properties, for which there are no neutralisation, processing and (or) recycling facilities in the Republic of Kazakhstan;

7) organisational, technical and information support of the system of waste collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling, financing of advertising, educational, marketing research on waste and secondary resources management;

8) organisation and management of the information system that tracks the movement of vehicles removing solid domestic waste using the data from satellite navigation systems;

9) financing experimental, pilot, design, research and development works in the field of waste collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling;

10) introduction of new technologies of collection and use of waste as secondary raw materials; construction of plants (production operations) for sorting and (or) using solid domestic waste and secondary resources; upgrading the equipment and facilities of organisations engaged

in collection and (or) use of secondary resources, collection, sorting and (or) use of solid domestic waste, creation and development of an electric charging stations network;

11) creation and development of a network of electric charging stations, including through the acquisition, placement and organisation of activities of electric charging stations;

12) financing activities related to the operator with extended producer (importer) responsibility performing its functions;

13) financing or co-financing the construction of waste-to-energy disposal facilities in the manner and on terms determined by the Government of the Republic of Kazakhstan;

14) organising the collection, transportation, preparation for reuse, sorting, treating, processing, neutralisation, disposal, destruction of waste containing persistent organic pollutants, in the manner and on conditions determined by the authorised environmental protection body;

15) financing an organisation, fifty percent or more of the voting shares (holding in the charter capital) of which are directly or indirectly owned by the state and (or) the national managing holding company, for further financing of environmental improvement projects in the manufacturing industry under the procedure and conditions determined by the Government of the Republic of Kazakhstan;

2. The rules for stimulating the production in the Republic of Kazakhstan of environmentally friendly automobile vehicles (corresponding to the ecological class established by the technical regulations of the Eurasian Economic Union; with electric motors) and their components, as well as of self-propelled agricultural machinery meeting the environmental requirements under technical regulations are approved by the authorised environmental protection body together with the authorised body in the field of state support for industrial and innovative activities and establish the following:

1) the form of a standard contract between manufacturers of environmentally friendly automobile vehicles (corresponding to the ecological class established by the technical regulations of the Eurasian Economic Union; with electric motors) and the operator with extended producer (importer) responsibility, specifying the time period and scope of financing;

2) the form of a standard contract between manufacturers of self-propelled agricultural machinery complying with the environmental requirements under technical regulations and the operator with extended producer (importer) responsibility, specifying the time period and scope of financing;

3) reporting forms on the production of environmentally friendly automobile vehicles (corresponding to the ecological class established by the technical regulations of the Eurasian Economic Union; with electric motors) and the deadlines for their submission to the operator with extended producer (importer) responsibility;

4) reporting forms on the production of self-propelled agricultural machinery and the deadlines for their submission to the operator with extended producer (importer) responsibility;

5) requirements for producers of environmentally friendly automobile vehicles;

6) requirements for producers of self-propelled agricultural machinery;

7) terms for the discount, including procedures for determining its amount and for its financing, that producers grant to individuals and legal entities when selling an automobile vehicle and (or) self-propelled agricultural machinery made in the Republic of Kazakhstan upon submission of a document confirming the handover of an out-of-service vehicle and (or) self-propelled agricultural machinery for recycling, which grants the right for a discount for the purchase in the Republic of Kazakhstan of a vehicle and (or) self-propelled agricultural machinery made in the Republic of Kazakhstan.

3. The rules for stimulating the production of cable and wire products in the Republic of Kazakhstan that are environmentally safe (non-combustible and (or) with reduced fire hazard and low smoke and gas emission) and whose waste is recyclable in the Republic of Kazakhstan are approved by the authorised environmental protection body together with the authorised body in



the field of state support for industrial and innovative activities and establish the following establish the following:

1) the form of a standard contract between manufacturers of cable and wire products and the operator with extended producer (importer) responsibility, specifying the time period and scope of financing;

2) reporting forms on the production of cable and wire products and the deadlines for their submission to the operator with extended producer (importer) responsibility;

3) requirements for manufacturers of cable and wire products;

4) product and process requirements;

5) financing terms and procedures.

Environmental safety requirements for cable and wire products (non-combustible and (or) with reduced fire hazard and low smoke and gas emission) are determined in line with technical standards.

### **Article 389. Powers of the operator with extended producer (importer) responsibility**

1. Powers of the operator with extended producer (importer) responsibility include:

1) concluding with producers (importers) a contract on organisation of collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of wastes generated after products (goods), subject to extended producer (importer) responsibility, lose their consumer properties, on the basis of the standard contract on the organisation of collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of wastes generated after the products (goods), subject to extended producer (importer) responsibility, lose their consumer properties;

2) collecting recycling fees transferred by producers (importers) to a bank account of the operator with extended producer (importer) responsibility basing on a contract for organising the collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of waste generated after products (goods), subject to extended producer (importer) responsibility, lose their consumer properties;

3) controlling the correctness of the calculation, completeness and timeliness of recycling fees;

4) upon requests from producers and importers, refunding and (or) crediting to future payments the overpaid amounts in the manner defined by the operator with extended producer (importer) responsibility, if the overpaid amounts are confirmed no later than thirty calendar days before the operator with the extended producer (importer) responsibility submits the corporate income tax declaration provided for by the tax legislation of the Republic of Kazakhstan for the reporting period during which the recycling fee was made;

5) controlling the correctness in the provision of documents by producers of food staples to receive partial compensation for the costs associated with the organisation of the collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of waste by producers (importers) of polymer, glass, paper, cardboard and (or) metal packaging or packaging made from combined materials used for food staples;

6) reporting to the authorised environmental protection body on the fulfilment of the extended producer (importer) responsibility;

7) forming, approving and managing the register of producers (importers) producing in the Republic of Kazakhstan and (or) importing into the Republic of Kazakhstan products (goods), subject to extended producer (importer) responsibility, except for manufacturers and importers of automobile vehicles and self-propelled agricultural machinery;

8) developing and approving the rules for registration and managing the register of producers (importers) producing in the Republic of Kazakhstan and (or) importing into the Republic of Kazakhstan products (goods), subject to extended producer (importer) responsibility, except for manufacturers and importers of automobile vehicles and self-propelled agricultural machinery;

9) interaction with state bodies, including in the field of customs and tax legislation of the Republic of Kazakhstan, on matters relating to extended producer (importer) responsibility;

10) introduction of technologies for collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of waste, construction of factories (production) for sorting, processing, treatment and (or) recycling of waste, improvement material and technical base of organisations engaged in the collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of waste, organising waste-to-energy process;

11) when identifying acts containing elements of administrative offences, proceedings on which fall under the remit of the authorised environmental protection body under the Code of the Republic of Kazakhstan on Administrative Offenses, the operator with extended producer (importer) responsibility shall transfer the materials available on such offences to the authorised environmental protection body

12) with a view to implement the principle of extended producer (importer) responsibility, the operator with extended producer (importer) responsibility has the right to receive data out of the information on the activities of individuals and legal entities subject to extended producer (importer) responsibility from the authorised environmental protection body to calculate the recycling fee;

13) issuance of documents confirming the handing over for recycling of out-of-service vehicles and (or) self-propelled agricultural machinery, including providing the right to a discount for purchasing in the Republic of Kazakhstan a vehicle manufactured in the Republic of Kazakhstan;

14) development and approval of rules and terms for issuing documents confirming the handing over for recycling of out-of-service vehicles and (or) self-propelled agricultural machinery, including providing the right to a discount for purchasing in the Republic of Kazakhstan a vehicle manufactured in the Republic of Kazakhstan;

15) transferring the money received as a recycling fee to its bank account in line with the directions under Article 388 of this Code;

16) development and approval of the form of a standard contract on the organisation of collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of waste generated after the loss of consumer properties of products (goods), which are subject to extended obligations of manufacturers (importers), and its (their) packaging.

2. The operator with extended producer (importer) responsibility spends the recycling fees in accordance with Article 388 of this Code and the development strategy approved by the authorised environmental protection body, which includes prioritising the use of recycling fees for those purposes which are not recouped by the funds paid by individuals and legal entities at tariffs for solid domestic waste collection in settlements.

### **Article 390. Liability of the parties to extended producer (importer) responsibility**

1. Producers (importers) who have not concluded a contract with an operator with extended producer (importer) responsibility on the organisation of collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of waste generated after products (goods), subject to extended producer (importer) responsibility, lose their consumer properties, and who have not transferred at all or have not transferred in timely manner the money to the bank account of the operator with extended producer (importer) responsibility as a recycling fee are held liable under the laws of the Republic of Kazakhstan.

2. The requirements of paragraph 1 of this Article in relation to the calculation of recycling fees do not apply to producers (importers) who have their own waste collection, processing and recycling systems.

Producers (importers), who have their own waste collection, processing and recycling systems, are held liable under the laws of the Republic of Kazakhstan for failure to fulfil and (or) improper fulfilment of requirements to ensure collection, transportation, processing, sorting,

treatment, neutralisation, and (or) recycling of waste generated after products (goods), subject to extended producer (importer) responsibility, lose their consumer properties.

3. The operator with extended producer (importer) responsibility is held liable under the laws of the Republic of Kazakhstan for misusing recycling fees, failing to perform or improper performance of assigned duties and functions, not using and (or) improperly using opportunities to implement extended producer (importer) responsibility.

**Article 391. Transparency in the activities of the operator with extended producer (importer) responsibility**

The operator with extended producer (importer) responsibility:

1) gets approvals on its development strategy and investment policy from the authorised environmental protection body;

2) gets approvals on the criteria and requirements for second-tier banks for the accumulation of money from recycling fees from the central authorised body for state planning and the central authorised body for budget planning;

3) sends an annual report on the implementation of the extended producer (importer) responsibility to the authorised environmental protection body.

**Article 392. Fulfilment of extended producer (importer) responsibility**

1. Extended producer (importer) responsibility is fulfilled through concluding a contract between producers (importers) and the operator with extended producer (importer) responsibility for organising the collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of waste generated after products (goods), subject to extended producer (importer) responsibility, lose their consumer properties, under this Code.

The contract is considered concluded if it is signed by the operator with extended producer (importer) responsibility by posting on the official Internet resource; if signed by the producer (importer) - from the moment of import or production of products (goods) to which the extended producer (importer) responsibility applies.

2. Producers (importers), who have their own waste collection, processing and recycling systems under the procedure established by the authorised environmental protection body submit to the operator with extended producer (importer) responsibility documents confirming the collection, transportation, processing, sorting, treatment, neutralisation, and (or) recycling of waste generated after products (goods), subject to extended producer (importer) responsibility, lose their consumer properties, to prove their compliance with the extended producer (importer) responsibility.

**PART 20. SPECIAL ENVIRONMENTAL REQUIREMENTS  
FOR CERTAIN TYPES OF ACTIVITY**

**Article 393. General environmental requirements for the design of buildings, structures and their complexes**

1. Projects for the construction of buildings, structures and their complexes intended for the activities which, in accordance with this Code, are subject to mandatory environmental impact assessment, shall include solutions that ensure that the requirements and measures provided for by the relevant conclusion based on the results of the environmental impact assessment are fulfilled.

2. Projects for the construction of buildings, structures and their complexes related to Category I and II facilities shall include solutions that ensure their safe decommissioning, post-utilisation, land reclamation and measures for processing, recycling or removal of waste generated as a result of these operations.

**Article 394. General environmental requirements for the commissioning and operation of buildings, structures and their complexes**

1. The commissioning of buildings, structures and their complexes is carried out in accordance with the [legislation](#) of the Republic of Kazakhstan on architectural, urban planning and construction activities.

2. It is not allowed to put into operation buildings, structures and their complexes belonging to Category I and II facilities, if at the time of putting them into operation, the relevant standards of permissible man-made impact established by the environmental permit are not met.

3. It is prohibited to put into operation and operate buildings, structures and their complexes that are part of Category I or II facilities without structures, installations and equipment provided for by the construction project, intended for treatment and (or) neutralisation of emissions and discharges, as well as waste management.

**Article 395. General environmental requirements for accidents**

1. In case of deterioration in the quality of the environment, caused by accidental emissions or discharges which also pose a threat to human life and (or) health, in accordance with the [legislation](#) of the Republic of Kazakhstan on civil protection, emergency measures shall be taken to protect the population.

2. In case of emergency at Category I and II facilities, resulting or possibly resulting in a violation of the established environmental standards, the operator immediately, but in any case, no more than two hours after the detection is obliged to inform the authorised environmental protection authority and take all necessary measures to prevent environmental pollution up to a partial or complete shutdown of the corresponding stationary sources or the facility as a whole, as well as to eliminate the negative consequences for the environment caused by such an emergency.

**Article 396. Environmental requirements for military and defence facilities, and military activities**

The environmental requirements set out in this Code apply to military and defence facilities and military activities, with the exception of special situations under the legislation of the Republic of Kazakhstan.

**Article 397. Environmental requirements for subsoil use operations**

1. Project documents for subsoil use operations shall provide for the following environmental protection measures:

1) application of methods, technologies and methods of subsoil use operations, ensuring the maximum possible reduction in the areas of disturbed and alienated land (by building roads ahead of the works according to a rational scheme, as well as using other methods, including cluster drilling, stockpiling inside quarries, use of production waste as secondary resources, their processing and recycling, progressive rectification of the consequences of subsoil use operations and other methods) to the extent that it is technically, technologically, environmentally and economically sustainable; this shall be justified in the project document for subsoil use operations;

2) preventing man-made land desertification;

3) preventing subsoil pollution, including when using the subsoil space;

4) environmental protection in case of suspension, termination of subsoil use operations, suspension and abandonment of field development facilities in cases provided for by the [Code](#) of the Republic of Kazakhstan on Subsoil and Subsoil Use;

5) preventing wind erosion of soil, overburden and waste dumps, oxidation and spontaneous combustion;

6) isolation of absorbing and freshwater strata to avoid pollution;

7) prevention of groundwater depletion and pollution, including the use of non-toxic reagents in making drilling liquids;

8) cleaning and reuse of drilling fluids;  
9) disposal of drilling residues, fuel and lubricants in an environmentally friendly manner;  
10) treatment and reuse of oilfield effluents in the reservoir pressure maintenance system of oil fields.

2. When conducting subsoil use operations, subsoil users are obliged to ensure compliance with the decisions provided for by the project documents for subsoil use operations, as well as the following requirements:

1) well and mine designs shall comply with terms of subsoil and the environment protection;  
2) when using diesel-generator and diesel engine drive units in drilling and other subsoil use operations, the release of untreated exhaust gases into the atmosphere from such units shall be in line with their technical specifications and environmental requirements;

3) when constructing subsoil use structures on fertile land and agricultural land, during the preparatory work for equipment installation the fertile layer is removed and stored separately for subsequent remediation of the area;

4) an engineered system for the organised collection and storage of subsoil use waste with waterproofing of the technological sites shall be provided to exclude the migration of toxic substances into water and soil;

5) in cases of well construction in conservation areas, only pitless technology shall be used;

6) oil operations shall be accompanied with measures to reduce the amount of elemental sulphur on sulphur pads and its harmful effects on the environment;

7) subsoil use operations shall be accompanied with measures for slurry recycle and neutralisation of waste drilling mud, drilling, quarry and mine wastewater for their reuse in the drilling process and return to the environment in line with prescribed requirements;

8) when hydrocarbon-based drilling fluids (lime-bitumen, invert-emulsion, etc.) are used, measures shall be taken to prevent atmospheric gas pollution;

9) landfilling of pyrophoric sediments, drilling returns and core samples to eliminate the possibility of ignition or poisoning of people shall be carried out according to the project and in agreement with the authorised environmental protection body, the state sanitary and epidemiological service and local executive bodies;

10) commissioning of subsoil use facilities are subject to full compliance with all environmental requirements under the project;

11) after the completion of subsoil use operations and removal of equipment, restoration (remediation) of the land plot is carried out in line with the design solutions;

12) drilling wells, including flowing wells and wells that are not suitable for operation or whose use has been terminated, are subject to equipment by the subsoil user with regulating devices, their suspension or abandonment under the procedure established by the legislation of the Republic of Kazakhstan;

13) absorption wells can be drilled only if there are positive conclusions of authorised state bodies for environmental protection, use and protection of the water reserve, for subsoil studies, state body of sanitary and epidemiological service, issued after special inspections in the wells drilling area;

14) suspension and abandonment of wells within the contract areas are carried out under the [legislation](#) on subsoil and subsoil use of the Republic of Kazakhstan.

3. The following is prohibited:

1) allowing solutions and materials into reservoirs containing household drinking water;

2) drilling of absorption wells for the discharge of industrial, therapeutic mineral and thermal energy wastewater in cases where these wells may be a source of pollution of an aquifer suitable or used for domestic and drinking water supply or for therapeutic purposes;

3) installation of absorption wells and water wells in sanitary protection zones of water supply sources;



4) discharge of wastewater containing radioactive substances into absorption wells and water wells.

**Article 398. Environmental requirements for exploration and production at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan**

1. Wells shall be drilled according to the best proven principles and methods accepted in international practice of environmental protection in oil operations.

2. Locations for offshore drilling platforms within the contract area shall be selected with due regard to the maximum possible conservation of marine areas with prospective fishing importance, the conservation and reproduction of valuable fish species and other aquatic species.

3. Drilling operations from a drilling barge or platform in the presence of ice in navigable waters shall be carried out with the constant presence of an ice-breaking ship with equipment necessary to contain a possible hydrocarbon spill. The requirement referred to in this paragraph shall not apply to drilling from artificial islands.

4. It is prohibited to expose a producing strata of subsalt sequence and to test wells with expected extreme pressure and high hydrogen sulphide content in heavy ice conditions.

5. When conducting offshore oil production operations, the subsoil user shall monitor the production process by observation and measurement at wellheads in line with the procedure determined by the authorised environmental protection body.

6. When conducting oil operations, the subsoil user shall ensure that measures are in place to prevent, contain and eliminate oil spills.

7. In case of emergency oil spill at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan, optimal response techniques shall be applied based on the net environmental benefit analysis.

Net environmental benefit analysis is an approach to selecting the best oil spill response techniques to maximise the protection of human health and the environment.

The selection of the best oil spill response methods is based on the net environmental benefit analysis to maximise the protection of human health and the environment.

The approval of optimal oil spill response methods based on the net environmental benefit analysis by the authorised environmental protection bodies, the authorised bodies for protection, reproduction and use of wildlife, the authorised bodies for use and protection of the water reserve, the authorised bodies for water supply, wastewater disposal, the authorised bodies for sanitary and epidemiological well-being of the population is required only for:

1) burning an oil slick at a distance of no more than five kilometres from the settlement;

2) the use of herders in order to localise an oil slick to be burned;

3) the use of dispersants when the water depth is less than ten metres and the distance from the coast is less than one kilometre.

In other cases, the best oil spill response methods are selected in agreement with the authorised environmental protection body.

Any use of dispersants, herders or oil slick burning shall be reported to the authorised environmental protection body.

The rules for determining, approving and making decisions on optimal response methods for oil spills at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan, based on the net environmental benefit analysis, are approved by the authorised environmental protection body.

8. The authorised environmental protection body:

1) approves the best oil spill response methods based on preliminary and operational net environmental benefit analysis;

2) develops and approves a methodology for the net environmental benefit analysis;

3) approves the list of recommended best international practices on the net environmental benefit analysis and oil spill response methods.

9. The authorised bodies for protection, reproduction and use of wildlife, the authorised bodies for use and protection of the water reserve, the authorised bodies for water supply, wastewater disposal, the authorised bodies for sanitary and epidemiological well-being of the population approve the best oil spill response methods in cases established by the rules for determining, approving and making decisions on optimal response methods for oil spills at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan, based on the net environmental benefit analysis.

10. When responding to emergency oil spills at sea and inland waters, one shall use the dispersants and herders included in the list approved by the authorised environmental protection body.

The list of dispersants and herders for oil spill response at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan, the procedure for including dispersants and herders in the list of dispersants and herders for oil spill response at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan are approved by the authorised environmental protection body.

Dispersants are a mixture of surface active substances and solvents that allow the oil slick to break into small droplets that can more effectively mix with water, remaining in its thickness until broken down by natural processes.

The methodology for determining dispersants to be included in the list of dispersants for oil spill response at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan is approved by the authorised environmental protection body.

The authorised environmental protection body also approves the methodology for determining herders to be included in the list of dispersants and herders for oil spill response at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan.

11. Environmental sensitivity maps for oil spill response at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan (hereinafter referred to as environmental sensitivity maps) are developed by the authorised environmental protection body and include measures for collection, storage, processing (accounting and systematisation), analysis.

The environmental sensitivity map determines the location of socially and economically important objects, highly valuable environmental objects, and their environmental sensitivity index taking into account the seasonality, to determine the priority of protection and clean-up during oil spill response at sea.

The environmental sensitivity map is software-based and is to be regularly updated (at least once a year).

12. The authorised environmental protection body approves:

1) rules for developing an environmental sensitivity map and determining an environmental sensitivity index for oil spill response at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan;

2) an environmental sensitivity map with environmental sensitivity indices for oil spill response at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan in agreement with the authorised bodies for protection, reproduction and use of wildlife, the authorised bodies for use and protection of the water reserve, the authorised bodies for water supply, wastewater disposal, the authorised bodies for sanitary and epidemiological well-being of the population;

3) methodology for the development of an environmental sensitivity map for oil spill response at sea, inland water bodies and in the coastal safety zone of the Republic of Kazakhstan.

### **Article 399. Environmental requirements for subsoil use operations within the coastal safety zone of the Republic of Kazakhstan**

1. A subsoil user performing subsoil use operations within the coastal safety zone shall conduct them in a manner that avoids or minimises sea pollution in the event of a water level rise.

2. A subsoil user performing subsoil use operations within the coastal safety zone shall be liable for damage and losses caused to the environment and to individuals or legal entities in the event of sea pollution from its contract area irrespective of whether it was a fault of the subsoil user or not.

**Article 400. Environmental requirements for handling sulphur from hydrocarbon exploration and (or) production operations**

1. Technical gaseous elemental sulphur formed during exploration and (or) production of hydrocarbons can only be stored at special sites equipped in accordance with environmental and sanitary and epidemiological requirements, as well as fire and industrial safety requirements.

2. Technical gaseous sulphur shall be handled in accordance with the environmental requirements provided for by the rules approved by the authorised environmental protection body.

**Article 401. Environmental requirements in the design, laying and operation of underwater cables and pipelines**

1. The choice of route location, design, equipment, technology and facilities for the construction and operation of each specific object shall be made on an alternative basis to reduce the negative impact on the environment.

2. Drilling-and-blasting works and seismic exploration with pneumatic and other detonating sources of elastic wave excitation (seismic signals) are prohibited within five hundred metres from the pipeline route or underwater cables.

3. Towing of seismic streamers and trawling by fishing vessels with crossing the pipeline routes and underwater cables are prohibited.

4. The design of pipelines and associated engineering structures to be constructed shall ensure: a high degree of their reliability, safety, security and monitoring of their technical condition; the ability to respond quickly to unforeseen situations; the promptness and quality of repair works; minimal negative impact on the environment.

5. The project design shall contain a separate Environmental Protection section that complies with the requirements of the construction, sanitary and epidemiological standards and regulations, as well as the instructions of the authorised environmental protection body.

6. The responsibility for the completeness and accuracy of the design and estimate documentation lies with the project requester and project developer.

7. Pipeline projects shall include measures to protect the pipelines during construction and subsequent operation. Each stage of construction and operation of pipelines transporting hydrocarbons and petroleum products shall include measures to protect and preserve the environment, as is for high-risk pipelines.

8. Pipeline crossings with navigable rivers and canals are marked on the banks with navigation signs. Navigation signs during construction of the main pipeline are installed in line with the legislation on inland water transport of the Republic of Kazakhstan.

9. Exclusion zones shall be established during the pipeline installation to avoid damage to them:

along underwater crossings – as a section of water space from the water surface to the bottom, enclosed between parallel planes, separated from the axes of the outermost strings of the crossings by one hundred metres on each side;

around units for preparation of products for transportation, initial and intermediate, transfer and loading pump stations, tank farms, compressor and gas distribution stations, product measuring units, loading and discharge racks, oil and oil products heating stations – as a land plot bounded by a closed line extending one hundred metres from the boundaries of the above facilities in all directions.

10. Materials on the actual location of the pipelines with reference to exclusion zones, utilities and facilities included therein shall be submitted to the relevant local executive bodies and "Government for Citizens" State Corporation for their entry into the state land cadastre.

11. Activities that may interfere with or damage normal pipeline operation in the exclusion areas are prohibited. This includes:

moving, backfilling and breaking identifying navigational signs, control and measuring points; opening hatches, gates and doors of unattended cable communication points, fences of overhead line hardware nodes, cathodic and drainage protection installations, line and inspection holes and other line devices, opening and closing cocks and gate valves, turning off or turning on communication, power supply and telemechanics of pipelines;

setting up landfills, pouring solutions of acids, salts and alkalis;

destroying bank protection structures, culverts, earthworks and other structures (devices) protecting the pipelines from destruction and the adjacent area and surrounding terrain from accidental spillage of transported products;

dropping anchors, passing with dropped anchors, chains, lots, drags and trawls, performing dredging;

making a fire or place open or closed sources of fire.

12. No work, including geological surveying, exploration, prospecting, geodetic and other survey work involving the construction of wells, pits and soil sampling, or blasting is permitted in the pipeline exclusion zones without the written permit of the owner of the main pipeline. The written permit to carry out blasting operations in the exclusion zones of pipelines is granted only after the organisation carrying out the operations submits the relevant material as specified in the Uniform Blasting Safety Rules.

13. In case of emergency spills of oil and water containing hydrogen sulphide, they shall be immediately collected and neutralised on site or taken away for disposal.

14. Where gas, oil and condensate pipelines cross railways and waterways, roads, ravines and other natural obstacles, at turns, at possible public gathering places and at technological nodes of gas, oil and condensate pipelines, appropriate safety signs and writings are displayed. The design shall include additional measures to eliminate or reduce the risk of emissions, discharges and spills in the listed locations.

#### **Article 402. Environmental requirements for the production, import, export, use and destruction of persistent organic pollutants and chlorine-containing waste**

1. Persistent organic pollutants as defined by international treaties ratified by the Republic of Kazakhstan are the most dangerous organic compounds, resistant to degradation, characterised by bioaccumulation and subject to transboundary transport by air, water and migratory species, as well as deposited at a great distance from their source and accumulating in land and water ecosystems, causing destruction of immune and endocrine systems of living organisms, as well as various diseases, including cancer.

2. Persistent organic pollutants shall be destroyed in an environmentally friendly way.

3. The use of technologies for the destruction of persistent organic pollutants and chlorine-containing waste without comprehensive waste gas treatment is prohibited. The comprehensive waste gas treatment shall ensure that the concentration of dioxins and furans in the treated waste gases does not exceed 0.1 ng/m<sup>3</sup>.

4. The use of persistent organic pollutants is prohibited in places associated with the production and processing of food or fodder.

5. The manufacture and import of products containing persistent organic pollutants or that generate persistent organic pollutants under international treaties ratified by the Republic of Kazakhstan are prohibited. The export and import of these substances are only permitted for the purpose of their destruction.

6. The handling of persistent organic pollutants is regulated by the rules for handling persistent organic pollutants and wastes containing them, approved by the authorised environmental protection body.

7. The authorised environmental protection body ensures the implementation of international treaties on persistent organic pollutants ratified by the Republic of Kazakhstan.

**Article 403. Environmental requirements for genetic engineering, production, use and distribution of products of modern biotechnology**

1. A genetically modified organism means any organism (including a microorganism), with the exception of a human organism, that possesses a new combination of genetic material obtained through the use of modern biotechnology.

2. Modern biotechnology refers to the use of:

1) *in vitro* nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or

2) fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombination barriers and that are not techniques used in traditional breeding and selection.

3. A microorganism is a microbiological entity, cellular or non-cellular, capable of replication or of transferring genetic material, including viruses, viroids, animal and plant cell culture.

4. Deliberate release is any intentional introduction into the environment of a GMO or a combination of GMOs for which no specific containment measures are used to limit their contact with and to provide a high level of safety for the general population and the environment

When genetically modified organisms are deliberately released into the environment, the following requirements shall be met:

1) the deliberate release of genetically modified organisms into the environment in any new place is carried out only if there are positive conclusions of the sanitary and epidemiological review and after the genetically modified organisms are entered into the register (list) of genetically modified organisms and products;

2) when making decisions regarding the deliberate release of genetically modified organisms into the environment, under no circumstances shall the following information be considered confidential: general description of the genetically modified organism; the name and address of the entity planning the deliberate release of genetically modified organisms into the environment; the location of the site where it is planned; intended uses of genetically modified organisms; environmental impact assessment documentation; conclusions of the sanitary and epidemiological review; results of public participation; the content of the decision authorising the deliberate release of genetically modified organisms into the environment and its rationale;

3) measures shall be taken to prevent the unintended release of genetically modified organisms.

5. The placement of genetically modified organisms on the market means the provision of genetically modified organisms to third parties for a fee or free of charge.

During the initial placement of genetically modified organisms on the market, the following requirements shall be observed:

1) the initial placement of genetically modified organisms on the market is carried out only after carrying out an assessment of environmental risks and risks to human health and the inclusion of genetically modified organisms in the register (list) of genetically modified organisms and products;

2) when making decisions regarding the initial placement of genetically modified organisms on the market, under no circumstances shall the following information be considered confidential: general description of the genetically modified organism; the name and address of the entity planning the initial placement of genetically modified organisms on the market; intended uses of genetically modified organisms; environmental impact assessment documentation; a description



of the measures to prevent, reduce the impact on the environment and (or) human health, including proposals for environmental monitoring; conclusions of the sanitary and epidemiological examination; results of public participation; the content of the decision authorising the initial placement of genetically modified organisms on the market and its rationale;

3) measures shall be taken to prevent the unintended release of genetically modified organisms.

6. The use of genetically modified organisms in closed systems refers to any activity carried out within a facility, installation or other physical object related to genetically modified organisms, in respect of which special isolation (containment) measures are used, effectively limiting their contact with the external environment. and the impact on it.

When using genetically modified organisms in closed systems, the following requirements shall be met:

1) the creation of new strains of microorganisms are breeding of genetically modified organisms are carried out, if there are positive conclusions of state environmental and sanitary and epidemiological reviews in accordance with the Unified Sanitary and Epidemiological and Hygienic Requirements for Goods Subject to Sanitary and Epidemiological Supervision (Control), approved by the decision of the Customs Union Commission dated 28 May 2010 No. 299, on the safety of new strains of microorganisms, including genetically modified microorganisms (lack of pathogenicity, virulence, toxicity and allergenicity);

2) when making decisions regarding the use of genetically modified organisms in closed systems, under no circumstances shall the following information be considered confidential: general description of the genetically modified organism; the name and address of the entity planning the use of genetically modified organisms in closed systems; the location of facility, installation or other physical object planning the use of genetically modified organisms in closed systems; environmental impact assessment documentation; conclusions of the sanitary and epidemiological examination; description of special isolation (containment) measures; the action plan in case of unforeseen (emergency) circumstances associated with the unintentional release of genetically modified organisms into the environment and a risk of causing damage to the environment and (or) human health; results of public participation; the content of the decision authorising the deliberate release of genetically modified organisms into the environment and its rationale;

3) measures shall be taken to prevent the unintended release of genetically modified organisms;

4) an action plan shall be developed in case of unforeseen (emergency) circumstances associated with the unintentional release of genetically modified organisms into the environment and the risk of causing damage to the environment and (or) human health.

7. In the event of an imminent threat associated with genetically modified organisms to the environment and (or) public health, state bodies shall promptly disseminate the necessary information that may enable the public concerned to take measures or reduce the damage from such a threat.

8. Genetically modified products refer to products, including agricultural products, food products and feed, produced with the use of genetically modified organisms.

The use of genetically modified products is allowed only within the scope of the list approved by the authorised environmental protection body and the state body for sanitary and epidemiological welfare of the population.

9. Genetically modified products are entered in the register (list) of genetically modified organisms and products.

10. All food products, feed and feed additives containing or consisting of, or obtained from genetically modified organisms are subject to labelling in accordance with technical regulations.

The purpose of labelling is to inform consumers about the actual properties of the product or fodder.

If labelling is impossible or not required in accordance with technical regulations, then information on the actual properties of the genetically modified product is indicated in the accompanying documents.

11. Agricultural producers shall inform the purchaser that they are buying genetically modified products through labelling and keep a register of their purchasers.

12. State bodies shall disseminate existing requirements for the labelling of genetically modified food products, feed and feed additives.

The labelling system for genetically modified products indicates the presence of genetically modified deoxyribonucleids or proteins in the final food product.

13. Those producing and using genetically modified products and organisms are obliged:

1) have systems and procedures in place to determine the origin and destination of where genetically modified products come from and where they go;

2) as regards to genetically modified organisms for intended release into the environment – submit detailed information about their specifics to the authorised environmental protection body and the state sanitary and epidemiological service body;

3) as regards to genetically modified organisms intended for food, fodder or processing – submit to the authorised environmental protection body a declaration that the product is to be used only as food, fodder or for processing, describing the features of genetically modified organisms that the product may contain;

4) as regards to food and fodder derived from genetically modified organisms – inform purchasers that the product is derived from genetically modified organisms;

5) keep information on the production and use of genetically modified products and organisms for five years and submit it to the authorised environmental protection body and the state body for sanitary and epidemiological welfare of population upon request.

## **PART 21. AREAS OF ENVIRONMENTAL EMERGENCY AND ENVIRONMENTAL DISASTER**

### **Article 404. Environmental emergency and environmental disaster**

1. An environmental emergency is an environmental situation that has arisen in an area, where sustained negative environmental changes occur as a result of economic or other activities or natural processes, threatening public health, the state of natural ecosystems, flora and fauna genetic pools.

A threat to public health refers to an increase in the frequency of reversible health disorders associated with environmental pollution.

2. An environmental disaster is an environmental situation that has arisen in an area, where profound irreversible environmental changes have occurred as a result of economic or other activities or natural processes, resulting in significant deterioration of public health, destruction of natural ecosystems, and degradation of flora and fauna.

Significant deterioration of public health refers to an increase in irreversible, lethal health disorders, changes in the pattern of causes of death and occurrence of specific diseases caused by environmental pollution, as well as a significant increase in the frequency of reversible health disorders associated with environmental pollution.

3. Territories are recognised as an environmental emergency or an environmental disaster area to identify sources and factors of environmental deterioration and to develop appropriate urgent measures to stabilise and reduce the environmental distress, reduce the impact of economic and other activities on the environment, implement operational measures to restore natural resources and minimise the impact on public health.

**Article 405. Procedure for declaring a territory as an area of environmental emergency or environmental disaster**

1. A commission is set up to investigate the area where an environmental emergency or environmental disaster is suspected.

2. The commission may be initiated by local executive bodies and other state bodies within their remit on the basis of requests from:

- 1) residents living in an area with a suspected environmental problem;
- 2) members of the Parliament of the Republic of Kazakhstan and local representative bodies;
- 3) public associations.

3. The commission includes members of local representative bodies, representatives of authorised bodies for environmental protection, education, science, healthcare, industry and trade, energy and mineral resources, agriculture, labour and social welfare, civil protection, local executive bodies of the respective administrative territories, and other interested individuals and legal entities.

4. The commission collects and analyses materials to assess:

- 1) the environmental state of the area;
- 2) the causes of the adverse environmental situation;
- 3) the boundaries of an area that has suffered a degree of degradation;
- 4) damage, the potential for deterioration of the suspected adverse environmental situation;
- 5) measures required to remedy the suspected adverse environmental situation;
- 6) the means required to remedy the suspected adverse environmental situation in order to eliminate the factors leading to it;

7) types of economic and other activities that have caused the suspected adverse environmental situation.

5. If the available materials are insufficient, the commission proposes conducting additional studies to the relevant state body.

6. The materials of the territory study with the conclusion of authorised state bodies for healthcare, education and science are forwarded to the authorised environmental protection body to hold the state environmental review.

7. The conclusion of the state environmental review shall contain a decision whether or not territory is recognised an area of environmental emergency or environmental disaster.

8. Following confirming conclusions of the state environmental review of the authorised environmental protection body, as well as conclusions of authorised state bodies for healthcare, science and education, the territory is declared as:

1) an area of environmental emergency – by decree of the Government of the Republic of Kazakhstan;

2) an area of environmental disaster – by the law of the Republic of Kazakhstan.

9. The laws and regulations listed in paragraph 8 of this Article specify:

- 1) the boundaries of the area of environmental emergency or environmental disaster;
- 2) the time period for declaring the environmental emergency or environmental disaster situation in the area;

3) the legal regime in the area of environmental emergency or environmental disaster;

4) measures to stabilise and mitigate the adverse environmental situation in the area or refer to the need to develop them;

5) the procedure for classifying citizens as affected by an environmental emergency or environmental disaster and measures for their social protection.

10. Measures for natural resources reproduction, improvement of the environment, and medical care for the population are developed and implemented in a differentiated manner.

**Article 406. Assessment of the environmental situation in the territory**

1. The environmental situation of territories is assessed against a basic set of criteria with the use of additional or supplementary criteria.
2. Criteria for assessing the environmental situation of territories is a set of indicators for the deterioration of the health of the population and the environment.
3. An area of environmental emergency or environmental disaster is defined basing on one or more basic indicators and additional indicators that reflect a higher degree of environmental distress.
4. Criteria for assessing the environmental situation of territories are established by the authorised environmental protection body.

**Article 407. Legal regime in areas of environmental emergency or environmental disaster**

1. The following measures may be introduced in the areas, where legal regimes of an environmental emergency and environmental disaster have been declared:
  - 1) termination or restriction of the operation of facilities that caused the adverse environmental situation;
  - 2) prompt measures to restore (reproduce) natural resources and to improve the environment;
  - 3) resettlement of the population from places dangerous for living, with the compulsory provision of premises for permanent or temporary residence;
  - 4) quarantine and other mandatory sanitary and epidemiological measures;
  - 5) necessary measures to help the animals if they are ill or if there is a threat to their lives;
  - 6) special regime of entry and exit and restrictions for traffic;
  - 7) a temporary ban on the construction of new and expansion of existing enterprises and other facilities whose activities are not connected with the response to the environmental emergency or are not of vital importance for the population;
  - 8) a specific food distribution procedure for persons affected by the adverse environmental situation;
  - 9) a ban on the construction and operation of facilities that pose an increased environmental risk;
  - 10) a temporary ban on using in economic and other activities particularly hazardous substances (chemical, radioactive, toxic, explosive, flammable, biological), plant protection products, whose aggregate properties and (or) specifics of the state may worsen the environmental situation in the area;
  - 11) a ban on the operation of health-improvement and recreational facilities;
  - 12) banning or restricting any other activity that poses an increased environmental hazard to people, flora, fauna and other natural objects.
2. State bodies and local executive bodies, within their remit, ensure the legal regime in areas of environmental emergency and environmental disaster and the implementation of measures under the relevant regulatory legal act, and the documents of the State Planning System in the Republic of Kazakhstan adopted in accordance with it.

**Article 408. Compensation to individuals affected by an environmental emergency or environmental disaster**

Individuals/entities affected by environmental emergencies or environmental disasters are entitled to compensation for the damage they have suffered and to social protection under the legislative acts of the Republic of Kazakhstan.

**Article 409. Monitoring the environmental situation in areas of environmental emergency and environmental disaster**

1. Monitoring includes special observations of the state of the environment and public health and relevant studies.

2. The objects of observation and study are:

- 1) factors leading to an environmental emergency or environmental disaster;
- 2) negative changes in the environment and public health in the areas of environmental emergency and environmental disaster, as well as in the adjacent territories, including the quality of ambient air, surface and ground waters, soils, radiological indicators, as well as biodiversity.

**Article 410. Lifting the legal regime of areas of environmental emergency or environmental disaster**

Following a positive conclusion of a state environmental review and study materials indicating the environmental situation has been normalised, the legal regime of an environmental emergency area can be lifted by a decree of the Government of the Republic of Kazakhstan, and the legal regime of an environmental disaster area – by a law of the Republic of Kazakhstan.

**Article 411. Liability for violation of the legal regime in areas of environmental emergency and environmental disaster**

Individuals and legal entities guilty of violating the legal regime in the area of environmental emergency and environmental disaster are held liable under the laws of the Republic of Kazakhstan.

**SPECIAL PART**

**PART 22. INTERNATIONAL COOPERATION OF THE REPUBLIC OF KAZAKHSTAN IN THE FIELD OF ENVIRONMENTAL PROTECTION**

**Article 412. Principles of international cooperation of the Republic of Kazakhstan in environmental protection**

The Republic of Kazakhstan carries out international cooperation in the field of environmental protection in accordance with generally recognised principles and norms of international law and international treaties on environmental protection ratified by the Republic of Kazakhstan.

**Article 413. International treaties of the Republic of Kazakhstan in the field of environmental protection**

1. The procedure for the conclusion, fulfilment, amendment and termination of international treaties on environmental protection and natural resource management is regulated by the legislation of the Republic of Kazakhstan on international treaties.

2. Implementation of international environmental treaties may include:

- 1) developing and approving action plans to ensure their implementation;
- 2) identifying a state body responsible for fulfilment of the international environmental treaty;
- 3) continuous effectiveness analysis of the participation of the Republic of Kazakhstan in international treaties on environmental protection and natural resource management;
- 4) cross-border operations.



## **PART 23. Liability for environmental offences and environmental dispute resolution**

### **Article 414. Liability for environmental offences**

1. Breaching the environmental legislation of the Republic of Kazakhstan entails liability under the laws of the Republic of Kazakhstan.

2. [Administrative](#) or [criminal](#) liability does not relieve the guilty persons from the obligation to remedy violations of the requirements of the environmental legislation of the Republic of Kazakhstan.

### **Article 415. Environmental dispute resolution**

1. Environmental disputes refer to disputes arising in connection with a violation or risk of violation of the requirements of the environmental legislation of the Republic of Kazakhstan.

2. Environmental disputes are resolved in the manner under the legislative acts of the Republic of Kazakhstan.

## **PART 24. FINAL AND TRANSITIONAL PROVISIONS**

### **Article 416. Enactment of this Code**

1. This Code shall enter into force from 1 July 2021, with the exception of cases provided for in [Article 418](#) of this Code.

2. The following laws of the Republic of Kazakhstan shall be repealed: [Environmental Code](#) of the Republic of Kazakhstan dated 9 January 2007 (Bulletin of the Parliament of the Republic of Kazakhstan, 2007, No. 1, Art. 1; No. 20, Art. 152; 2008, No. 21, Art. 97; No. 23, Art. 114; 2009, No. 11-12, Art. 55; No. 18, Art. 84; No. 23, Art. 100; 2010, No. 12, Art. 5; No. 5, Art. 23; No. 24, article 146; 2011, No. 1, Art. 2, 3, 7; No. 5, Art. 43; No. 11, Art. 102; No. 12, Art. 111; No. 16, Art. 129; No. 21, Art. 161; 2012, No. 3, Art. 27; No. 8, Art. 64; No. 14, Art. 92, 95; No. 15, Art. 97; No. 21-22, Art. 124; 2013, No. 9, Art. 51; No. 12, Art. 57; No. 14, Art. 72, 75; 2014, No. 1, Art. 4; No. 2, Art. 10; No. 7, Art. 37; No. 10, Art. 52; No. 12, Art. 82; No. 14, Art. 84; No. 19-I, 19-II, Art. 96; No. 21, Art. 122; No. 23, Art. 143; No. 24, Art. 145; 2015, No. 8, Art. 42; No. 11, Art. 57; No. 20-IV, Art. 113; No. 20-VII, Art. 115; No. 22-I, Art. 141; No. 22-II, Art. 144; No. 22-V, Art. 156; 2016, No. 1, Art. 2; No. 6, Art. 45; No. 7-II, Art. 56, 57; No. 8-II, Art. 71, 72; No. 24, Art. 124; 2017, No. 4, Art. 7; No. 7, Art. 14; No. 9, Art. 17; No. 12, Art. 34; No. 23 -III, Art. 111; No. 23-V, Art. 113; 2018, No. 10, Art. 32; No. 19, Art. 62; No. 24, Art. 93; 2019, No. 7, Art. 37; No. 19-20, Art. 86; No. 21-22, Art. 91; No. 23, Art. 103; 2020, No. 10, Art. 46; No. 12, Art. 61; The Law of the Republic of Kazakhstan On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Energy, Transport and State Awards dated 9 November 2020, published in the newspapers "Yegemen Kazakstan" and "Kazakhstanskaya Pravda" on 10 November 2020)

### **Article 417. Application of this Code**

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

### **Article 418. Transitional provisions**

1. The authorised environmental protection body ensures the development and approval of environmental quality standards no later than 1 January 2024.

Prior to the approval of environmental quality standards, relevant relations shall be regulated by hygienic standards approved by the state body for sanitary and epidemiological well-being of the population in accordance with the legislation of the Republic of Kazakhstan on healthcare, as well as standards for the state of natural resources, if such standards are established in accordance with the legislation of the Republic of Kazakhstan on the relevant type of natural resources ([water](#),

forest, land legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on the protection, reproduction and use of wildlife).

2. Positive conclusions of the state environmental review or comprehensive non-departmental review, issued before 1 July 2021, remain valid during their validity period. With regard to projects of planned activities with valid positive conclusions of the state environmental review or comprehensive non-departmental review issued before 1 July 2021, an environmental impact assessment or screening of the impact from the planned activity in accordance with the provisions of this Code is not required.

3. Operators of facilities commissioned before 1 July 2021, or not commissioned facilities having positive conclusions of the state environmental review or comprehensive non-departmental review issued before 1 July 2021, which were recognised as subjects of special natural resource management in accordance with the Environmental Code of the Republic of Kazakhstan dated 9 January 2007, no later than 1 August 2021, shall submit an application to the authorised environmental protection body in order to classify the relevant facilities as Category I, II, III and IV facilities in accordance with the provisions of this Code.

The application form, the procedure for its consideration and determination of the facility category in accordance with the requirements of this Code are approved by the authorised environmental protection body.

4. The requirements of this Code on the mandatory integrated environmental permit come into force from 1 January 2025 and do not apply to Category I facilities commissioned before 1 July 2021, and to not commissioned Category I facilities that received a positive conclusion of the state environmental review or comprehensive non-departmental review before 1 July 2021, except for the cases provided for in part three of this paragraph.

In relation to Category I facilities, specified in part one of this paragraph, it is mandatory to have an environmental permit, except for cases of voluntary receipt of an integrated environmental permit in accordance with this Code, as well as cases provided for in part three of this paragraph, paragraphs 5 and 8 of this Article. Environmental permits for such Category I facilities are issued by the authorised environmental protection body.

Obtaining an integrated environmental permit is mandatory for the facilities specified in part one of this paragraph, in the event of their planned reconstruction, the projects of which do not have a valid positive conclusion of the state environmental impact assessment or comprehensive non-departmental review issued before 1 July 2021. The reconstruction of Category I facilities refers to a significant change in the purpose, technical and technological characteristics or operating conditions through its expansion, technical re-equipment, modernisation, repurposing.

5. Integrated environmental permits issued before 1 July 2021 in accordance with the Environmental Code of the Republic of Kazakhstan dated 9 January 2007, including the technological standards specified in them, remain valid until 1 January 2031, provided they comply with the conclusions on the best available techniques for their respective areas of application.

The authorised environmental protection body, together with internal and external experts having the necessary knowledge and experience in the existing areas of the best available techniques, assesses the compliance of the results achieved following the full implementation of the programme for the implementation of the best available technologies under the terms of integrated environmental permits issued up to 1 July 2021, conclusions on the best available techniques in the manner and terms established by the rules for issuing environmental permits. Based on the results of such an assessment, the authorised environmental protection body issues a conclusion on the compliance or non-compliance of the integrated environmental permit with the conclusions on the best available techniques for the relevant areas. Such a conclusion is to be published on the official Internet resource of the authorised environmental protection body within five working days after its issuance.

Within six months from the date the conclusion on the inconsistency of the integrated environmental permit with the conclusions on the best available techniques for the respective areas has been issued by the authorised environmental protection body, the operator of the Category I facility shall obtain an approval of changes in the programme (the period of which cannot exceed six years) to such an integrated environmental permit, from the authorised environmental protection body.

6. The subordinate organisation of the authorised environmental protection body, performing the functions of the Bureau of Best Available Techniques, ensures the development of guides on the best available techniques for all areas of application until 1 July 2023.

When developing guides on the best available techniques for Category I facilities intended for wastewater treatment using centralised wastewater disposal systems in settlements or for the production of heat and (or) electric energy mainly for the purpose of supplying power to settlements, technical and technological features of such facilities, as well as the economic and social conditions of the Republic of Kazakhstan, which determine the technical and economic availability of the best available techniques for implementation at the specified Category I facilities shall be taken into account.

7. The authorised environmental protection body ensures the approval of conclusions on the best available techniques for all areas of their application no later than 31 December 2023.

Before the Government of the Republic of Kazakhstan approves the conclusions on the best available techniques, the operators of facilities when obtaining an integrated environmental permit and justifying technological standards, are allowed to refer to the guides on the best available techniques in the relevant areas of their application, developed within the framework of the European Integrated Pollution Prevention and Control Bureau, and also on the decisions of the European Commission on the approval of the conclusions on the best available techniques for the relevant areas of their application.

Integrated environmental permits issued in accordance with part two of this paragraph are valid and remain in force during their validity period, provided that the technological standards laid down in them comply with technological indicators associated with the use of the best available techniques established in the approved conclusions on the best available techniques for their respective areas of application.

8. Environmental emission permits, emission standards (hereinafter referred to as permits and documents), received before 1 July 2021 by operators of facilities classified as Category I or II facilities from 1 July 2021, are valid until the expiration date of such permits and documents or until the day of obtaining an environmental permit in accordance with this Code.

9. Operators of facilities commissioned before 1 July 2021 and classified as Category III facilities in accordance with [paragraph 3](#) of this Article are required to submit an environmental impact declaration in accordance with this Code no later than 31 December 2021.

10. Environmental emission permits, emission standards received by operators of:

Category III facilities become invalid from the date of submission of the declaration in accordance with this Code;

Category IV facilities become invalid from 1 July 2021.

11. If it is impossible for a stationary source and (or) a set of stationary sources at an operating Category I facility, to comply with emission standards (due to the introduction of stricter environmental quality standards or target environmental quality indicators) and (or) technological standards established in integrated environmental permit in accordance with this Code, as an appendix to the integrated environmental permit, a programme for improving environmental performance shall be developed for a period not exceeding ten years. For the period of implementation of the programme to improve environmental efficiency, such a Category I facility shall apply emission standards in accordance with the environmental permit and the conclusion of the state environmental impact assessment (if any), in force on the date of filing an application for an integrated environmental permit. Such emission standards in the case provided for in

[subparagraph 4\) of part 1 of paragraph 2 of Article 119](#) of this Code shall be applied taking into account the indicators of the gradual reduction of the negative impact on the environment provided for in the programme for improving environmental performance. Upon achieving each corresponding indicator of a step-by-step reduction of the negative impact on the environment, such an indicator becomes a mandatory standard for the operator.

If it is impossible for a stationary source and (or) a set of stationary sources at an operating Category I or II facility, to comply with emission standards (due to the introduction of stricter environmental quality standards or target environmental quality indicators) and (or) technological standards established in integrated environmental permit in accordance with this Code, as an appendix to the integrated environmental permit, an environmental protection action plan shall be developed. For the period of implementation of the environmental protection action plan, such a facility shall apply emission standards in accordance with the environmental permit and the conclusion of the state environmental impact assessment (if any), in force on the date of filing an application for an integrated environmental permit. The action plan shall contain indicators of reducing the negative impact on the environment, which shall be achieved by the operator of the facility during the validity period of the action plan, and a schedule for the phased achievement of such indicators. Upon achieving each corresponding indicator of a step-by-step reduction of the negative impact on the environment, such an indicator becomes a mandatory standard for the operator.

The deadline for the implementation of the environmental protection action plan shall correspond to the deadline for issuing an environmental permit and cannot be extended.

Compliance with the emission standards and (or) technological standards established in the integrated environmental permit in accordance with this Code becomes mandatory for the operator of a Category I facility from the date following the date of completion of the deadline for meeting the relevant emission standards, technological standards.

Compliance with the emission standards established in the environmental permit in accordance with this Code becomes mandatory for the operator from the date following the date of completion of the period for meeting the relevant emission standards.

For the purpose of this Article, the operating facilities refer to facilities that were put into operation before the entry into force of this Code.

12. With respect to Category I or II facilities subject to final decommissioning within ten years for Category I facilities or three years for Category II facilities from the date of entry into force of this Code in accordance with the approved schedule, which is an annex to the relevant environmental permit, the emission standards in accordance with the environmental emission permit valid as of 1 July 2021 shall be applied.

For the period of decommissioning Category I and II facilities in accordance with part one of this paragraph, the inclusion of measures to achieve emission standards in environmental protection action plans and the development of programmes to improve environmental efficiency are not required.

13. For the purposes of [subparagraph 3\) of paragraph 5 of Article 22](#) of this Code, the authorised environmental protection body, no later than July 1, 2024, approves the relevant instructions and methodological documents, including the methodology for calculating emissions of heavy metals and persistent organic pollutants.

14. The provisions of this Code regarding mandatory strategic environmental assessment come into force on 1 January 2024

15. With respect to Category 1 operating facilities, the period established by [paragraphs 5 and 6 of Article 147](#) begins on 1 July 2021.

16. With regard to facilities put into operation before 1 July 2021, the requirement of this Code on the mandatory automated emission monitoring system applies from 1 January 2023.

17. With regard to the existing polygons for metallurgical waste, with positive conclusions of the state environmental review issued before 1 July 2021, the requirements of [subparagraphs 1\)](#)

[and 2\) of paragraphs 1 of Article 353](#) of this Code regarding the distance from the polygon border to residential and recreational zones, water bodies, agricultural land and settlements, the presence of groundwater, surface water and their water protection zones and strips are suspended until 1 January 2036.

With regard to existing storage facilities for mining waste, accumulation sites and polygons for metallurgical waste, with positive conclusions of the state environmental review issued before 1 July 2021, the requirements provided for by subparagraphs 1), 2), 3) and 5) of [paragraph 5 of Article 238](#) of this Code in terms of the prohibition of placement in settlements, the location relative to water bodies and their water protection zones, the level of groundwater standing, the presence of weakly filtering soils, the terrain slope and engineering anti-seepage protection are suspended until 1 January 2036.

The reconstruction (expansion) of polygons and waste storage facilities specified in parts one and two of this paragraph are allowed after conducting an environmental impact assessment, obtaining an environmental permit (if there is an integrated environmental permit - its revision) and taking into account the operator's obligation to monitor the impact on the environment, if a negative impact on the environment is detected - after receiving an approval from the authorised environmental protection body of additional environmental protection measures in order to mitigate such impact.

18. The carbon budget for the period from 2021 to 2025 shall be developed and approved by 31 December 2021.

The validity period for the first National Allocation Plan for Greenhouse Gas Emission Allowances approved after 1 July 2021 is from 2022 to 2025.

19. Business entities engaged in processing, neutralisation, disposal and (or) destruction of hazardous waste are required to obtain a license in accordance with [paragraph 1 of Article 336](#) of this Code by 31 December 2021.

**President of the Republic of Kazakhstan**

**K. TOKAYEV**

Nur-Sultan, Akorda, 2 January 2021  
Law of the Republic of Kazakhstan No. 400-VI



**Section 1. List of planned activities and installations  
that shall be made subject to a mandatory environmental impact assessment**

1. Energy industry:
  - 1.1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil);
  - 1.2. gas treatment plants;
  - 1.3. installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day;
  - 1.4. installations for the thermal or chemical processing of coal or bituminous shale, including the production of carbon by high-temperature carbonization (dry distillation) of coal or electrographite by roasting or graphitisation;
  - 1.5. thermal power stations and other combustion installations with a heat output of 300 megawatts or more;
  - 1.6. nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load);
  - 1.7. Installations for the reprocessing of irradiated nuclear fuel;
  - 1.8. Installations designed:
    - 1.8.1. for the production or enrichment of nuclear fuel;
    - 1.8.2. for the processing of irradiated nuclear fuel or high-level radioactive waste;
    - 1.8.3. for the final disposal of irradiated nuclear fuel;
    - 1.8.4. solely for the final disposal of radioactive waste;
    - 1.8.5. solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.
2. Subsoil use:
  - 2.1. Extraction of oil and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes/day in the case of oil and 500 000 cubic metres/day in the case of gas;
  - 2.2. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares;
  - 2.3. primary processing (enrichment) of solid minerals extracted from the subsoil;
  - 2.4. asbestos mining sites;
  - 2.5. recultivation of disturbed lands and other sites of subsoil use.
3. Metal production and processing:
  - 3.1. Installations for the roasting or sintering of metal ores (including sulphide ores);
  - 3.2. integrated enterprises (plants) for primary smelting of iron and steel;
  - 3.3. Plants for the production of non-oxidized non-ferrous metals from ores, concentrates or secondary raw materials by means of metallurgical, chemical or electrolytic processes.
4. Processing of non-metallic minerals:
  - 4.1. installations for the processing and transformation of asbestos and products containing asbestos:
    - 4.1.1. for asbestos-cement products – with an annual production of more than 20 thousand tonnes of finished products;

- 4.1.2. for friction materials – with an annual production of more than 50 tonnes of finished products;
- 4.1.3. for other uses of asbestos – utilisation of more than 200 tonnes per year.
- 5. Chemical industry:
  - 5.1. Integrated chemical installations (plants) - those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are:
    - 5.1.1. for the production of basic organic chemicals:
      - simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
      - oxygenated hydrocarbons: alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;
      - sulphurous hydrocarbons;
      - nitrogen hydrocarbons: amines, amides, nitrogen compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;
      - phosphorus-containing hydrocarbons;
      - halogenated hydrocarbons;
      - organometallic compounds;
      - basic plastic materials (polymers, synthetic fibres and cellulose-based fibres);
      - synthetic rubber;
      - paints and pigments;
      - surfactants;
    - 5.1.2. basic inorganic chemicals:
      - gases: ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbon oxychloride;
      - acids: chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acid;
      - alkalis: ammonium hydroxide, potassium hydroxide, sodium hydroxide;
      - salts: ammonium chloride, potassium perchloric acid, potassium carbonate, sodium carbonate, perborate, silver nitrate;
      - non-metals, metal oxides or other inorganic compounds: calcium carbide, silicon, silicon carbide;
    - 5.1.3. phosphorus, nitrogen or potash mineral fertilizers (simple or complex fertilizers);
    - 5.1.4. pesticides and biocides;
    - 5.1.5. basic pharmaceutical products using biological or chemical processes;
    - 5.1.6. explosives.
  - 6. Waste management:
    - 6.1. installations for the disposal of hazardous waste by incineration, chemical treatment or landfill of waste;
    - 6.2. Waste disposal installations for the incineration or chemical treatment of non-hazardous waste with a capacity exceeding 100 tonnes per day.
  - 7. Pulp and paper production:
    - 7.1. industrial installations for:
      - 7.1.1. pulp from timber or similar fibrous materials;
      - 7.1.2. paper and board with a production capacity exceeding 200 tonnes per day.
  - 8. Road, rail and air transport:
    - 8.1. construction of lines for long-distance railway traffic;
    - 8.2. construction of airports with a basic runway length of 2 100 m or more;
    - 8.3. construction of new and (or) reconstruction of existing public roads of the 1st technical category with a continuous length of 10 km or more.
  - 9. Water transport:

9.1. Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 tonnes;

9.2. Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1 350 tonnes.

10. Water resource management:

10.1. Works for the transfer of water resources between river basins where that transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic meters/year (transfers of piped drinking water are excluded);

10.2. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic meters;

10.3. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic meters;

10.4. wastewater treatment plants for settlements with a capacity of 30 thousand cubic meters per day and more.

11. Intensive rearing of poultry or pigs:

11.1. more than 50 thousand places for poultry production;

11.2. more than 2 thousand places for pigs production (over 30 kg);

11.3. more than 750 places for sows.

12. Other activities:

12.1. pipelines for the transportation of gas, oil or chemicals with a diameter of more than 800 mm and (or) a length of more than 40 km;

12.2. installations for tanning hides and skins, where the processing volume exceeds 12 tonnes of processed products per day;

12.3. construction of overhead power transmission lines with a voltage of 220 kilovolts and more and a length of more than 15 km;

12.4. treatment and processing for food industry:

12.4.1. animal raw materials (other than milk) with a finished product production capacity exceeding 75 tonnes per day;

12.4.2. milk, the amount of which exceeds 200 tonnes per day (average on an annual basis);

12.5. Installations for the removal and (or) disposal of animal carcasses or animal waste with a processing capacity exceeding 1 ton per day;

12.6. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200 000 tonnes or more, as well as underground storage of natural gas with an active storage volume of more than 150 million cubic meters;

12.7. Installations for surface treatment of substances, objects or products using organic solvents, in particular for finishing, printing, coating, degreasing, waterproofing, size-grading, painting, cleaning or impregnating, with a production capacity of more than 150 kg per hour or more than 200 tonnes per year.

**Section 2. List of planned activities and installations  
that shall be made subject to a mandatory screening procedure for impacts of the planned  
activity**

1. Energy industry:

1.1. installations for gasification and liquefaction of coal, bituminous shale, and other types of fuel with a capacity of 50 tonnes per day or more;

1.2. installations for the processing of coal (hard and brown), with the exception of thermal and chemical processing of coal, with a capacity of 1 million tonnes per year or more;

- 1.3. thermal power plants and other installations for combustion of fuels with a thermal power of 50 megawatts (MW) and more;
- 1.4. industrial installations for the production of electricity, steam and hot water with a capacity of 50 megawatts (MW) and more;
- 1.5. hydroelectric power plants with a total installed capacity of 50 megawatts (MW) or more, or with an installed capacity of a separate power installation of 10 megawatts (MW) or more;
- 1.6. installations for the use of wind energy for the production of electricity with a mast height exceeding 50 meters (windmills);
- 1.7. industrial briquetting of hard and brown coal;
- 1.8. installations for the treatment and storage of radioactive waste.
2. Subsoil use:
  - 2.1. exploration and extraction of hydrocarbons;
  - 2.2. quarries and open pit mining of solid minerals; open pit coal mining over 100 thousand tonnes per year, lignite mining over 200 thousand tonnes per year;
  - 2.3. exploration for solid minerals with the extraction of rock mass and soil movement for the purpose of solid mineral resources evaluation;
  - 2.4. any artisanal works carried out in river beds or on the lands of water bodies with the use of mechanical equipment;
  - 2.5. extraction and processing of widespread mineral resources over 10 thousand tonnes per year;
  - 2.6. underground mining of solid minerals;
  - 2.7. Extraction of minerals by marine or fluvial dredging;
  - 2.8. Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale;
  - 2.9. deep drilling (excluding soil stability drilling), in particular:
    - 2.9.1. geothermal drilling to a depth of 200 meters and more;
    - 2.9.2. drilling for the storage of nuclear waste material;
    - 2.9.3. drilling for water supplies to a depth of 200 meters and more;
  - 2.10. recultivation of disturbed lands and other sites of subsoil use.
3. Metal production and processing:
  - 3.1. installations for the production of pig iron or steel (primary or secondary fusion), including continuous casting with a capacity of 2.5 tonnes per hour or more;
  - 3.2. plants for the processing of ferrous metals:
    - 3.2.1. hot rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;
    - 3.2.2. smithery hammers with an energy exceeding 50 kilojoules (kJ) per hammer and a heat input exceeding 20 megawatts (MW);
    - 3.2.3. application of protective sprayed metal coatings with a raw steel feed exceeding 2 tonnes per hour;
    - 3.2.4. casting of ferrous metals with a production capacity exceeding 20 tonnes per day;
  - 3.3. installations for:
    - 3.3.1. smelting, including alloying, of non-ferrous metals (excluding precious metals), including recovered products (refining, foundry, etc.), with a smelting capacity exceeding:  
4 tonnes per day – for lead and cadmium;  
20 tonnes per day – for all other non-ferrous metals;
    - 3.3.2. surface treatment of metals and plastic materials using electrolytic or chemical processes in which the volume of vats used for processing exceeds 30 cubic meters;
  - 3.4. enterprises for the production and industrial assembly of cars;
  - 3.5. enterprises for the production of automobile engines;
  - 3.6. shipyards (shipbuilding and ship repair industries);
  - 3.7. enterprises for the production and repair of aircraft, helicopters;
  - 3.8. enterprises for the production of railway vehicles, tanks;

- 3.9. production of railway equipment;
- 3.10. workshops that use explosion moulding with a production area of more than 100 square meters.
- 4. Processing of non-metallic minerals:
  - 4.1. cement plants with a production capacity of 15 thousand tonnes per year or more;
  - 4.2. Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day, or lime in rotary kilns with a production capacity exceeding 50 tonnes per day, or other kilns with a production capacity exceeding 50 tonnes per day;
  - 4.3. enterprises for the production of asbestos and the manufacture of asbestos products;
  - 4.4. installations for the production of glass and fiberglass with a smelting capacity of 20 tonnes per day or more;
  - 4.5. installations for fusing mineral substances, including the production of mineral fibres, with a fusion capacity of 20 tonnes per day or more;
  - 4.6. installations for the production of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, stoneware tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day or more, and/or using kilns with a packing density per kiln exceeding 300 kg per cubic meter.
- 5. Chemical industry:
  - 5.1. processing of chemical semi-finished products, production of chemical products (chemicals), pharmaceutical products, except for the production of pharmaceutical potassium salts (chloride, sulphate, potash), varnishes, elastomers and peroxides, with a production capacity of 200 tonnes per year or more;
  - 5.2. installations for the destruction of explosives, ammunition, weapons and pyrotechnic products using chemical processes;
  - 5.3. chemical plants in which chemical or biological processes are used to produce protein livestock feed additives, enzymes and other protein substances.
- 6. Waste management:
  - 6.1. installations where operations are carried out to remove or recover hazardous waste, with a capacity of 500 tonnes per year or more;
  - 6.2. installations for incineration of municipal waste with a capacity exceeding 3 tonnes per hour;
  - 6.3. polygons that receive more than 10 tonnes of non-hazardous waste per day or with a total capacity exceeding 25 thousand tonnes, excluding polygons for inert waste;
  - 6.4. installations where non-hazardous waste disposal operations are carried out with a capacity exceeding 50 tonnes per day;
  - 6.5. installations that carry out operations for the removal or recovery of non-hazardous waste with a capacity exceeding 2,500 tonnes per year;
  - 6.6. tailings;
  - 6.7. production of building materials from waste generated at thermal power plants;
  - 6.8. sites for storing scrap iron and (or) vehicles subject to recycling in an area exceeding 1 thousand square meters or amount exceeding 1 thousand tonnes per year;
  - 6.9. waste sorting plants with a production capacity of over 10 thousand tonnes per year;
  - 6.10. open and closed warehouses of hazardous waste containing persistent organic pollutants, strong toxic substances with a storage area of more than 100 square meters.
- 7. Transport:
  - 7.1. construction of airports and airfields;
  - 7.2. construction of highways with a length of 1 km or more and (or) with a capacity of 1,000 vehicles per hour or more;
  - 7.3. tram and aboveground lines, underground railways, overhead lines, or other similar lines used exclusively or primarily for the transport of passengers;
  - 7.4. construction of inland waterways, channelling and flood prevention works;



7.5. construction of seaports and port facilities, including fishing harbours.

8. Water resources management:

8.1. works on the transfer of water resources between basins and river systems, in which the volume of transferred water exceeds 5 million cubic meters per year (excluding the transfer of piped drinking water);

8.2. dams and other structures designed for the retention or permanent storage of water, where the new or additional retained or stored water exceeds 100 thousand cubic meters;

8.3. abstraction of surface and groundwater or artificial groundwater recharge systems with an annual volume of water withdrawn or replenished equivalent to or exceeding 250 thousand cubic meters;

8.4. works in the coastal zone of water bodies aimed at combating erosion, the construction of dams, breakwaters, piers and other protective structures, excluding the maintenance and reconstruction of such structures;

8.5. wastewater treatment facilities with a capacity of over 5 thousand cubic meters per day.

9. Cellulose and paper and woodworking industry:

9.1. industrial enterprises for the production of paper and board with a capacity of 20 tonnes per day or more;

9.2. production of chipboard and fibreboard using synthetic resins as binding materials with a capacity of 200 cubic meters per day.

10. Other activities:

10.1. pipelines and industrial structures for carrying oil, chemicals, gas, steam and hot water with a length of more than 5 km;

10.2. electricity transmission by overhead power lines from 110 kilovolts (kV);

10.3. livestock farms:

10.3.1. poultry breeding facilities (5 thousand hens and more);

10.3.2. for raising and breeding pigs (500 pigs and more), sows (100 sows and more);

10.3.3. for breeding cattle (1500 heads and more);

10.3.4. sheep breeding (15 thousand heads and more);

10.4. land-based storage facilities for fossil fuels with a capacity of over 10 thousand tonnes;

10.5. natural gas storage facilities with a capacity of over 10 thousand cubic meters;

10.6. installations for pre-treatment (washing, bleaching, mercerization), dyeing of fibres or textiles, where the volume of processed materials exceeds 10 tonnes per day;

10.7. enterprises for tanning hides and skins;

10.8. slaughterhouses with a carcass processing capacity of 10 tonnes per day;

10.9. meat processing enterprises (meat processing plants), including bases for pre-slaughter livestock up to a three-day stock of livestock, with a capacity of over 5 thousand tonnes of products per year;

10.10. packing and preserving meat of animals and plant products with a capacity of over 100 thousand tonnes per year;

10.11. enterprises for the production of fish meal and fish oil (over 5 thousand tonnes of products per year);

10.12. production of vegetable and animal oils and fats from 20 thousand tonnes per year;

10.13. brewing and malting over 1500 litres per day;

10.14. production of food alcohol over 5 thousand litres per day;

10.15. enterprises for the industrial production of starch (over 50 thousand tonnes of products per day);

10.16. sugar factories with a capacity of over 150 thousand tonnes of products per year;

10.17. production of confectionery and syrups with a capacity of over 10 thousand tonnes of products per year;

10.18. production of dairy products over 5 thousand litres per day;

- 10.19. installations for the disposal of animal corpses; cattle cemeteries with burial of animal corpses in pits;
  - 10.20. glue factories that make glue from the remnants of skin, field and landfill bones and other animal waste and residues;
  - 10.21. production of technical gelatine from bone, flesh, skin residues and other animal waste with their storage in a warehouse;
  - 10.22. recycling plants for the processing of dead animals, fish, their parts and other animal waste (conversion into fats, animal feed, fertilizers);
  - 10.23. bone-burning and bone-grinding factories;
  - 10.24. initial afforestation and deforestation with the aim of converting land plots for another type of land use;
  - 10.25. animal droppings and manure storage from 1 ton per day;
  - 10.26. production of phenol-formaldehyde pressed materials, pressed and wound paper products, fabrics based on phenol-formaldehyde resins;
  - 10.27. production or processing of polymers, elastomers, synthetic rubbers, products based on elastomers with a capacity of over 1,000 tonnes per year;
  - 10.28. places for unloading apatite concentrate, phosphate rock, cement and other dusting cargo with a turnover of more than 150 thousand tonnes per year;
  - 10.29. places of transshipment and storage of liquid chemical cargo and liquefied gases (methane, propane, ammonia and others), industrial compounds of halogens, sulphur, nitrogen, hydrocarbons (methanol, benzene, toluene and others), alcohols, aldehydes and other chemical compounds;
  - 10.30. cleaning and washing and steaming stations, disinfection and washing installations, cleaning outlets for ships, tanks, receiving and treatment installations designed to receive ballast and oil contaminated water used for washing from specialized floating collectors;
  - 10.31. placement of installations and the implementation of any types of activities in conservation area, as well as in their protective and buffer zones.
11. Tourism and leisure:
- 11.1. boat stations designed for more than 25 vessels with a displacement of over 1 ton;
  - 11.2. theme parks on an area of more than 2 hectares;
  - 11.3. ski resorts, recreational complexes, hotel complexes (and related facilities) on an area of more than 1 hectare.
12. Activities for the deliberate release of genetically modified organisms into the environment in any new place, the use of genetically modified organisms in closed systems.
13. Types of planned activities specified in section 1 of this annex, which are intended exclusively or primarily for the development and testing of new methods or products.

Note. If the types or objects of activities in sections 1 and 2 of this annex coincide, [section 2](#) includes the types and objects of the activities that have quantitative indicators below the threshold values specified in section 1 of this annex.

**Types of activities and other criteria  
that serve as the basis for classifying objects  
with a negative environmental impact to Categories I, II or III**

**Section 1. Types of activities and other criteria that serve as the basis for classifying objects  
with a negative environmental impact to Category I**

1. Energy industries:
  - 1.1. combustion of fuels, other than gas, in installations with a total rated thermal input of 50 MW or more;
  - 1.2. power plants working on gas with a capacity exceeding 500 MW;
  - 1.3. hydrocarbon exploration and production, hydrocarbon processing;
  - 1.4. production of coke;
  - 1.5. gasification or liquefaction of:
    - 1.5.1. coal;
    - 1.5.2. other fuels in installations with a total rated thermal input of 20 MW or more.
2. Production and processing of metals:
  - 2.1. metal ore (including sulphide ore) roasting or sintering;
  - 2.2. production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tonnes per hour;
  - 2.3. processing of ferrous metals:
    - 2.3.1. operation of hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;
    - 2.3.2. operation of smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used exceeds 20 MW;
    - 2.3.3. application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour;
  - 2.4. operation of ferrous metal foundries with a production capacity exceeding 20 tonnes per day;
  - 2.5. production and processing of non-ferrous metals:
    - 2.5.1. production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;
    - 2.5.2. melting, including the alloyage, of non-ferrous metals, including recovered products and operation of nonferrous metal foundries, with a melting capacity exceeding:  
4 tonnes per day for lead and cadmium;  
20 tonnes per day for all other non-ferrous metals;
  - 2.6. surface treatment of metals or plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m<sup>3</sup>.
3. Mineral industry:
  - 3.1. extraction and processing of solid minerals, except for widespread minerals;
  - 3.2. production of cement, lime and magnesium oxide;

- 3.2.1. production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or in other kilns with a production capacity exceeding 50 tonnes per day;
- 3.2.2. production of lime in kilns with a production capacity exceeding 50 tonnes per day;
- 3.2.3. production of magnesium oxide in kilns with a production capacity exceeding 50 tonnes per day;
- 3.3. production of asbestos or the manufacture of asbestos-based products;
- 3.4. manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day;
- 3.5. melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tonnes per day;
- 3.6. manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with a production capacity exceeding 75 tonnes per day and (or) with a kiln capacity exceeding 4 m<sup>3</sup> and with a setting density per kiln exceeding 300 kg/m<sup>3</sup>.
4. Chemical industry:
  - 4.1. industrial production of organic chemicals, such as:
    - simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
    - oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters and mixtures of esters, acetates, ethers, peroxides and epoxy resins;
    - sulphurous hydrocarbons;
    - nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;
    - phosphorus-containing hydrocarbons;
    - halogenic hydrocarbons;
    - organometallic compounds;
    - plastic materials (polymers, synthetic fibres and cellulose-based fibres);
    - synthetic rubbers;
    - dyes and pigments;
    - surface-active agents and surfactants.
  - 4.2. industrial production of inorganic chemicals, such as:
    - gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride;
    - acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;
    - bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;
    - salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;
    - non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide.
  - 4.3. industrial production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);
  - 4.4. industrial production of plant protection products or of biocides;
  - 4.5. industrial production of pharmaceutical products, except for the production of pharmaceutical salts of potassium (potassium chloride, potassium sulphate, potash);
  - 4.6. industrial production of explosives.
5. Food industry:
  - 5.1. operating slaughterhouses with a carcass production capacity greater than 50 tonnes per day;
  - 5.2. treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed from:

5.2.1. only animal raw materials (other than exclusively milk) with a finished product production capacity greater than 75 tonnes per day;

5.2.2. only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day or 600 tonnes per day where the installation operates for a period of no more than 90 consecutive days in any year;

5.2.3. animal and vegetable raw materials, both in combined and separate products, with a finished product production capacity in tonnes per day greater than: 75 if A is equal to 10 or more; or, defined by the formula:  $300 - (22.5 \times A)$ , if A is less than 10,

where ‘A’ is the portion of animal material (in percent of weight) of the finished product production capacity.

Packaging shall not be included in the final weight of the product.

Subpoint 5.2.3 of point 5.2. shall not apply where the raw material is milk only;

5.3. treatment and processing of milk only, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis).

6. Waste management:

6.1. disposal and (or) recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities:

6.1.1. biological treatment;

6.1.2. physico-chemical treatment;

6.1.3. blending or mixing prior to submission to any of the other activities listed in points 6.1 and 6.2;

6.1.4 repackaging prior to submission to any of the other activities listed in points 6.1 and 6.2;

6.1.5. solvent reclamation/regeneration;

6.1.6. recycling/reclamation of inorganic materials other than metals or metal compounds;

6.1.7. regeneration of acids or bases;

6.1.8. recovery of components used for pollution abatement;

6.1.9. recovery of components from catalysts;

6.1.10. oil re-refining or other reuses of oil;

6.1.11. surface impoundment;

6.2. disposal or recovery of waste in waste incineration plants or in waste co-incineration plants:

6.2.1. for non-hazardous waste with a capacity exceeding 3 tonnes per hour;

6.2.2. for hazardous waste with a capacity exceeding 10 tonnes per day;

6.3. disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities:

6.3.1. biological treatment;

6.3.2. physico-chemical treatment;

6.3.3. pre-treatment of waste for further incineration;

6.3.4. treatment of slags and ashes;

6.3.5. treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components;

6.4. recovery and (or) disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities:

6.4.1. biological treatment;

6.4.2. pre-treatment of waste for further incineration;

6.4.3. treatment of slags and ashes;

6.4.4. treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

When the only waste treatment activity carried out for the waste indicated in 6.3 and 6.4 is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day;



- 6.5. waste polygons receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25 000 tonnes, excluding polygons of inert waste;
- 6.6. accumulation of hazardous waste not covered under point 6.5 pending any of the activities listed in [points 6.1, 6.2](#), 6.5 and 6.7 with a total capacity exceeding 50 tonnes, excluding accumulation that is pending collection, on the site where the waste is generated;
- 6.7. underground storage of hazardous waste with a total capacity exceeding 50 tonnes.
- 7. Other activities:
  - 7.1. production in industrial installations of:
    - 7.1.1. pulp from timber or other fibrous materials;
    - 7.1.2. paper or cardboard with a production capacity exceeding 20 tonnes per day;
    - 7.1.3. one or more of the following wood-based panels: oriented strand board, particleboard or fibreboard with a production capacity exceeding 600 m<sup>3</sup> per day;
  - 7.2. pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of textile fibres or textiles where the treatment capacity exceeds 10 tonnes per day;
  - 7.3. tanning of hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day;
  - 7.4. disposal or recycling of animal carcasses or animal waste with a treatment capacity exceeding 10 tonnes per day;
  - 7.5. intensive rearing of poultry or pigs:
    - 7.5.1. with more than 50 000 places for poultry;
    - 7.5.2. with more than 2 000 places for production pigs (over 30 kg);
    - 7.5.3. with more than 750 places for sows.
  - 7.6. surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with an organic solvent consumption capacity of more than 150 kg per hour or more than 200 tonnes per year;
  - 7.7. production of carbon or electrographite by means of incineration or graphitisation;
  - 7.8. capture of CO<sub>2</sub> streams from Category I installations for the purposes of geological storage;
  - 7.9. preservation of wood and wood products with chemicals with a production capacity exceeding 75 m<sup>3</sup> per day other than exclusively treating against sapstain;
  - 7.10. wastewater treatment plant complexes for the wastewater discharged from Category I installations, other than municipal wastewater treatment;
  - 7.11. wastewater treatment installations for centralised wastewater disposal systems (sewerage) with a capacity of 20,000 m<sup>3</sup> per day or more;
  - 7.12. operation of nuclear installations, including nuclear power plants (except research reactors of zero power);
  - 7.13. uranium and thorium ore mining, enrichment of uranium and thorium ores, nuclear fuel production;
  - 7.14. operation:
    - 7.14.1. radiation sources (with the exception of radiation sources containing only radionuclide sources of the fourth and fifth radiation hazard categories), provided that the installation has sources of radioactive emissions and discharges into the environment;
    - 7.14.2. storage facilities for nuclear materials and radioactive substances, radioactive waste storage facilities and sites, radioactive waste disposal sites.

## **Section 2. Types of activities and other criteria that serve as the basis for classifying objects with a negative environmental impact to Category II**

1. Energy industries:
  - 1.1. supply of electricity, gas and steam using equipment with a rated electrical capacity less than 50 megawatts (MW);
  - 1.2. gas production by gasification and (or) liquefaction of solid fuels, other than coal, in installations with a total rated thermal output less than 20 megawatts (MW);
  - 1.3. power plants working on gas with a capacity 10 MW and more.
2. Production and processing of metals:
  - 2.1. metallurgical production using equipment:
    - 2.1.1. for production of pig iron or steel (primary or secondary fusion) including installations for continuous casting (with a capacity less than 2.5 tonnes per hour);
    - 2.1.2. for the processing of ferrous metals using hot-rolling mills (with a design capacity of less than 20 tonnes of crude steel per hour);
    - 2.1.3. for applying protective fused metal coats with an input less than 2 tonnes of crude steel per hour;
    - 2.1.4. for ferrous metal foundries with a capacity of less than 20 tonnes per day;
    - 2.1.5. for melting, including alloyage, refining and casting of non-ferrous metals (with a design melting capacity of less than 4 tonnes per day for lead and cadmium or less than 20 tonnes per day for other metals);
  - 2.2. surface treatment of metals or plastic materials using an electrolytic or chemical process where the volume of the treatment vats is less than 30 m<sup>3</sup>.
3. Mineral industry:
  - 3.1. production of:
    - 3.1.1. cement clinker in rotary kilns with a production capacity not exceeding 500 tonnes per day or in other kilns with a production capacity not exceeding 50 tonnes per day;
    - 3.1.2. lime (quicklime, slaked lime) in kilns with a production capacity less than 50 tonnes per day;
    - 3.1.3. magnesium oxide in kilns with a production capacity less than 50 tonnes per day;
    - 3.1.4. glass and glass products, including glass fibre, with a melting capacity less than 20 tonnes per day;
    - 3.1.5. non-metallic mineral products using mineral substances melting equipment, including the production of mineral fibres with a melting capacity not exceeding 20 tonnes per day;
    - 3.1.6. refractory ceramic products and ceramic building materials with a design capacity of less than 1 million pieces per year;
    - 3.1.7. ceramic or porcelain products, other than refractory ceramic products and ceramic building materials, with a production capacity not exceeding 75 tonnes per day and (or) using kilns with a setting density per kiln not exceeding 300 kg/m<sup>3</sup>.
4. Food industry:
  - 4.1. production of:
    - 4.1.1. meat and meat products with a finished product production capacity not exceeding 75 tonnes per day;
    - 4.1.2. vegetable and animal oils and fats (with a design capacity less than that indicated in [subpoints 5.2.2 and 5.2.3 of point 5.2](#) of Section 1 of this Annex);
    - 4.1.3. potato, fruit and vegetable products (with a design capacity of at least 300 tonnes of finished products per day (quarterly average));
    - 4.1.4. dairy products (with a design capacity of less than 200 tonnes of milk processed per day (annual average)).
5. Transport and infrastructure facilities:

- 5.1. ports located on inland waterways (allowing passage of vessels of 1 350 tonnes or more);
- 5.2. seaports;
- 5.3. facilities designed for arrivals and departures of aircrafts and servicing the air traffic (where the runway is 2 100 m or longer);
- 5.4. railway transport infrastructure facilities.
6. Waste management:
  - 6.1. hazardous waste disposal facilities;
  - 6.2. facilities where hazardous waste disposal or recovery operations are carried out, with a capacity of 250 tonnes per year or more;
  - 6.3. facilities where hazardous waste neutralisation operations are carried out;
  - 6.4. facilities where operations for the decontamination, neutralisation and (or) destruction of biological and medical waste are carried out;
  - 6.5. municipal waste incinerators with a capacity not exceeding 3 tonnes per hour;
  - 6.6. facilities where non-hazardous waste disposal operations are carried out, with a capacity not exceeding 50 tonnes per day;
  - 6.7. facilities where non-hazardous waste disposal or recovery operations are carried out, with a capacity exceeding 2500 tonnes per year;
  - 6.8. production of building materials from waste from thermal power plants;
  - 6.9. waste-sorting facilities with a production capacity of more than 10 000 tonnes per year;
  - 6.10. storage sites for scrap iron and (or) vehicles to be disposed of in an area exceeding 1 000 m<sup>2</sup> or in quantities exceeding 1 000 tonnes;
  - 6.11. dumps formed during the extraction of solid minerals (except for widespread minerals) or during the extraction of peat, prospecting;
  - 6.12. accumulation of hazardous waste exceeding 5 tonnes, except for accumulation pending collection at the site where the waste is generated;
  - 6.13. open and closed storage of hazardous waste containing persistent organic pollutants, highly toxic substances, with a storage area exceeding 100 m<sup>2</sup>.
7. Other activities:
  - 7.1. production of paper and card board (with a production capacity not exceeding 20 tonnes per day);
  - 7.2. manufacture of textile products using equipment for washing, bleaching, mercerising, dyeing textile fibres and (or) bleaching, dyeing textile products (with a capacity not exceeding 10 tonnes of processed raw materials per day);
  - 7.3. production of leather and leather goods using equipment for tanning, dyeing, currying of hides and skins (with a design treatment capacity less than 12 tonnes of finished products per day);
  - 7.4. rearing of poultry (5 000 places or more);
  - 7.5. rearing of production pigs (500 places or more), sows (100 places or more);
  - 7.6. rearing cattle (1 500 units or more);
  - 7.7. sheep breeding (15 000 units or more);
  - 7.8. surface treatment of objects or products using organic solvents with a design consumption capacity not exceeding 200 tonnes per year;
  - 7.9. production of artificial graphite by methods that exclude incineration and graphitisation;
  - 7.10. treatment of wastewater from centralised wastewater disposal systems (sewerage) with a volume of wastewater of less than 20 000 m<sup>3</sup> per day;
  - 7.11. extraction and processing of widespread minerals more than 10 000 tonnes per year;
  - 7.12. exploration for solid minerals with the extraction of rock mass and movement of soil for the purpose of evaluating solid mineral resources;
  - 7.13. transportation of gas, gas products, oil and oil products through main pipelines;
  - 7.14. crude oil production from oil shale (bituminous) and sand;
  - 7.15. storage and warehousing (above or underground) of:
    - 7.15.1. oil and refined products (with a design capacity of 200 000 tonnes or more);

7.15.2. plant protection products and agrochemicals (with a design capacity of 50 tonnes or more);

7.16. production of concrete products for use in construction, including production of sand-lime bricks using autoclaves (with a design capacity of 1 million pieces per year or more);

7.17. construction, dredging and blasting works, extraction of minerals, laying of cables, pipelines and other communications, drilling, agricultural and other works within the zone affected by wind-induced water level fluctuations in the Caspian Sea;

7.18. any activities involving the discharge of pollutants into the environment.

8. The activities of an installation that is:

8.1. a port located on inland waterways (allowing passage of vessels of 1 350 tonnes or more);

8.2. a seaport;

8.3. a facility designed for arrivals and departures of aircrafts and servicing the air traffic (where the runway is 2 100 m or longer);

8.4. a railway transport infrastructure facility.

Note. Where there is an overlap between the activities in Sections 1 and 2 of this Annex, those activities that have quantitative indicators below the thresholds indicated in [Section 1](#) of this Annex shall be included in [Section 2](#).

### **Section 3. Types of activities and other criteria that serve as the basis for classifying objects with a negative environmental impact to Category III**

1. Other activities and installations:

1) production of fertiliser mixes;

2) fluoroplastics processing plant;

3) production of paper from finished pulp and rags;

4) glycerine production;

5) production of galalith and other protein plastics (aminoplastics and others);

6) production of condensation resin based enamels;

7) production of soap;

8) salt production and salt milling;

9) production of pharmaceutical salts of potassium (potassium chloride, potassium sulphate, potash);

10) production of natural mineral paints (chalk, ochre and others);

11) production of tanning extract;

12) production of printing inks;

13) photochemical production (photographic paper, photographic plates, photo and cinema films);

14) production of household chemicals from finished products and warehouses for their storage;

15) production of drying oils;

16) production of medical glass (without mercury);

17) plastic processing (moulding, extrusion, pressing, vacuum forming);

18) production of polyurethanes;

19) production of ready-to-use pharmaceutical forms (without manufacturing the ingredients);

20) production of paper from waste paper;

21) dry-cleaning factories for garments with a capacity exceeding 160 kg per day

22) manufacture of plastic and synthetic resin products (mechanical processing);

23) production of carbon dioxide and dry ice;

- 24) production of artificial pearls;
- 25) manufacture of matches;
- 26) manufacture of lead-coated or rubber-insulated cable;
- 27) workshops for the repair of vehicles, cars, bodies, railway and underground rolling stock;
- 28) manufacture of metal electrodes;
- 29) type-casting production (without lead emissions);
- 30) printing production;
- 31) offset printing factories;
- 32) print shops using lead in production;
- 33) assembly of locomotives and electric locomotives;
- 34) production of clayware;
- 35) glassblowing, mirror making, glass polishing and etching;
- 36) mechanical processing of marble;
- 37) production of concrete and concrete products;
- 38) production of cooperage made of finished riveting;
- 39) hessian weaving production;
- 40) wood preservation with saline and aqueous solutions (without arsenic salts), supercoating;
- 41) shipyards for the manufacture of wooden vessels (cutters, boats);
- 42) joinery, carpentry, furniture, parquetry and box objects;
- 43) cottonized fibre production;
- 44) silk cocoon boiling and unravelling;
- 45) melange production;
- 46) hemp and jute twinning and rope production facilities, as well as rope-end finishing enterprises;
- 47) production of artificial karakul fur;
- 48) production of footwear;
- 49) production of yarn and fabric from cotton, linen, wool without dyeing and bleaching shops;
- 50) knitwear and lace production;
- 51) carpet production;
- 52) production of shoeboard from the tannery and tannery-cellulose fibre without the use of solvents;
- 53) spool-reeling production;
- 54) production of wallpaper;
- 55) manufacture of leather goods;
- 56) production of brushes from bristle and hair;
- 57) felting production;
- 58) confectionery production with a capacity exceeding 3 tonnes per day;
- 59) sugar refinery production;
- 60) production of pasta (with a capacity exceeding 1 tonne per day);
- 61) bakeries (with a capacity exceeding 3 tonnes per day);
- 62) industrial installations for low-temperature storage of food products with a capacity exceeding 600 tonnes;
- 63) grape juice production;
- 64) fruit and vegetable juice and soft drink factories;
- 65) mills with a capacity of 0.5 to 2 tonnes per hour;
- 66) small capacity facilities (mini-production): meat, milk processing – up to 3 tonnes per day, fish – up to 3 tonnes per day;
- 67) reclamation objects using livestock waste;
- 68) livestock farms:  
for rearing production pigs – 100 places or more (sows – 10 places or more);  
for rearing cattle with 150 places or more;



- for rearing poultry with 500 places or more;
- for breeding horses with 150 places or more;
- for breeding camels with 150 places or more;
- for rearing sheep and goats with 600 places or more;
- animal farms with 100 places or more;
- 69) motor vehicle service facilities (cars, other than those owned by citizens; buses, other than public transport buses);
- 70) trolleybus and tram parks;
- 71) veterinary clinics with animal care, vivariums, nurseries, canine centres, animal shelters;
- 72) petrol stations for filling vehicles with liquid and gas motor fuel;
- 73) installations for diverting the wastewater to filtration fields, terrain, underground aquifers with a volume of diverted water exceeding 5 000 m<sup>3</sup> per day;
- 74) stormwater treatment installations;
- 75) warehouses and open unloading sites for grain;
- 76) warehouses and open unloading sites for table salt;
- 77) transport and process schemes for reloading and storing apatite concentrate of ground phosphate, cement and other dusty cargoes transported in bulk with the usage of warehouses, pneumatic conveying or other facilities that exclude the transfer of dust into the environment;
- 78) open storage and loading areas for wet mineral building materials (sand, gravel, crushed stone, stone and others);
- 79) storage areas and loading places for pressed cake, hay, straw, tobacco and makhorka tobacco products and others.

2. Other criteria:

Engaging in any activity that meets one or more of the following criteria:

- 1) presence at the installation of stationary sources of emissions with a mass of pollutants in ambient air emissions of 10 tonnes or more per year;
- 2) use of electricity, gas and steam installations on the site by using equipment with a design thermal output of 2 Gcal per hour or more;
- 3) accumulation of 10 tonnes or more of non-hazardous waste and (or) 1 tonne or more of hazardous waste at the installation.

Notes:

1. Production in this Section refers to entrepreneurial activities for the series production of goods, works and (or) services. The provisions of this Section do not apply to the production of goods, works and (or) services by individuals for personal domestic purposes and to small businesses, including micro-businesses producing goods, works and (or) services on an irregular or small-scale basis on individual orders with a predominant share of manual labour.

2. Where there is an overlap between the activities in Sections 2 and 3 of this Annex, those activities that have quantitative indicators below the thresholds indicated in [Section 2](#) of this Annex shall be included in [Section 3](#).

### **List of applications of the best available techniques**

1. Activities:

- 1) extraction and processing of iron ores, production of cast iron, steel and ferroalloys, production of products for further processing of ferrous metals;
- 2) mining and enrichment of non-ferrous metal ores, production of non-ferrous metals;
- 3) extraction of oil and natural gas;
- 4) production of coke and petroleum products, processing of natural gas;
- 5) mining and processing of coal and anthracite;
- 6) production of electric and heat energy through fuel combustion;
- 7) waste neutralisation, including thermal methods;
- 8) landfilling of waste;
- 9) production of cellulose, wood pulp, paper, cardboard;
- 10) production of basic organic chemicals;
- 11) production of products of fine organic synthesis;
- 12) production of polymers;
- 13) production of basic inorganic chemicals (ammonia);
- 14) production of inorganic acids, mineral fertilizers;
- 15) production of solid and other inorganic chemicals (oxides, hydroxides, salts);
- 16) production of special inorganic chemicals;
- 17) production of other basic inorganic chemicals;
- 18) treatment of surfaces, objects or products using organic solvents;
- 19) coating metals and plastics using electrolytic or chemical processes;
- 20) production of glass, ceramic products;
- 21) production of cement, lime, magnesium oxide;
- 22) manufacture of textiles (washing, bleaching, mercerisation);
- 23) dyeing of textile fibres, bleaching, dyeing of textile products;
- 24) tanning, dyeing, currying of hides and skins;
- 25) intensive rearing of pigs, poultry;
- 26) slaughter of animals at meat processing plants, meat slaughterhouses;
- 27) production of food products, beverages, milk and dairy products;
- 28) treatment of wastewater from centralized wastewater disposal systems in settlements.

2. Technological processes, equipment, technical methods and methods used in the implementation of various types of activities:

- 1) reducing the pollutant emissions, pollutant discharges during storage and warehousing of goods (cargo);
- 2) treatment (circulation) systems for wastewater and waste gases in the chemical industry;
- 3) industrial cooling systems;
- 4) handling of overburden and enclosing rocks;
- 5) treatment of wastewater and pollutant emissions in the production of products (goods), works and provision of services at enterprises.

### **Standard list of environmental protection activities**

1. Protection of ambient air:

1) commissioning, repair and reconstruction of dust and gas cleaning installations designed to capture, neutralise (dispose) harmful substances emitted into the atmosphere from technological equipment and aspiration systems;

2) installation works related to the rationalization of thermal systems, including the recovery of thermal energy, recirculation of flue gases with discharge into the burner, domestic production of energy equipment with a high efficiency and the use of alternative, environmentally friendly energy sources;

3) implementation of measures to prevent and reduce emissions of pollutants from stationary and mobile sources;

4) introduction of the best available techniques at communal thermal power plants and combined heat and power plants;

5) introduction of equipment, installations and purification devices for utilisation of associated gases, destruction of exhaust gases, suppression and neutralisation of emissions of pollutants and their compounds into the atmosphere from stationary and mobile sources of pollution;

6) installation of catalytic converters for cleaning exhaust gases in cars using unleaded gasoline as fuel with the introduction of fuel additives that reduce toxicity and smoke of exhaust gases, equipping vehicles running on diesel fuel with exhaust gas catalytic converters, transferring vehicles, expanding the use of electric traction;

7) taking measures aimed at preventing environmental pollution during transportation, storage and use of chemical plant protection products, mineral fertilizers and other preparations;

8) optimization of the technological process, ensuring the reduction of emissions of pollutants during the extraction of minerals, carrying out blasting operations, placement and operation of waste heaps, dumps and polygons;

9) carrying out works on dust suppression at mining and heat-and-power enterprises, subsoil use entities and construction sites, including tailing dumps, sludge ponds, quarries and infield roads;

10) introduction and improvement of technical and technological solutions (including the transition to other (alternative) types of fuel, raw materials and resources), allowing to reduce the negative impact on the environment;

11) purchase of modern equipment, replacement and reconstruction of main equipment, ensuring effective cleaning, disposal, distraction, suppression and neutralisation of pollutants in gases discharged from emission sources, dismantling of outdated boilers with a high concentration of harmful substances in flue gases;

12) introduction of technological solutions that ensure the optimization of fuel combustion modes (change in the quality of the fuel used, the structure of the fuel balance), reduction of toxic substances (including lead compounds, nitrogen oxides) in emissions of pollutants into the atmosphere, including for mobile sources;

13) introduction of measures aimed at reducing the volume of greenhouse gas emissions and (or) increasing the absorption of greenhouse gases;

14) reducing the use of ozone-depleting substances through the use of ozone-friendly substances;

15) introduction of systems for automatic monitoring of emissions of harmful substances at sources and quality of ambient air at the border of the residential sanitary protection zone;

16) improving the efficiency of the existing dust and gas collection installations (including their modernization, reconstruction) and equipping them with instrumentation with the introduction of automatic control systems;

17) construction and modernization of posts for observing the state of ambient air with the expansion of the list of controlled pollutants through the acquisition of modern equipment and the introduction of a local information transmission network to send information to the authorized body in the field of environmental protection and its territorial divisions.

## 2. Protection of water bodies:

1) organization of measures and construction of treatment facilities that improve the quality of the discharged water, implementation of programs to increase the efficiency of small reserve tanks as part of local treatment facilities (storage tanks, sedimentation tanks, structures and devices for water aeration, shields for pesticide retention)

2) introduction of the best available techniques at wastewater treatment plants;

3) regulating the flow of small rivers, clearing their channels or the bed of a reservoir, carrying out regular releases of water to ensure optimal vital activity of ecosystems in the basins of small rivers and lakes, as well as other measures to prevent siltation, maintain an optimal hydrological regime and sanitary condition of small rivers and lakes;

4) modernization of production processes in order to reduce the volume of wastewater discharges into natural water bodies, aimed at preventing pollution and reducing negative impact;

5) implementation of a complex of technological, hydraulic, sanitary and other measures aimed at preventing littering, pollution and depletion of water resources;

6) construction, reconstruction and modernization of:

installations for purification and post-treatment of wastewater, processing of liquid waste and still bottoms;

treatment installations and sewerage systems for enterprises located in the catchment area of reservoirs, as well as in territories that have the status of national parks, resorts;

closed-loop water supply systems, including systems for hydraulic ash removal and hydraulic sludge removal, recycling systems for industrial purposes and reuse of water, including water from other enterprises;

special regulating reservoirs, with the exception of reservoirs for hydraulic engineering and other industrial purposes;

installations for the purification of ground and underground waters subjected to technogenic pollution;

installations for the treatment of domestic and industrial wastewater with a system for their transportation and treatment up to the established standards of permissible discharge for operating enterprises;

treatment facilities based on the use of mechanical, biological and physicochemical treatment methods, wastewater treatment facilities, wastewater receivers and outlets;

networks for the transportation of drainage, mine and storm water, domestic, industrial and agricultural wastewater and hydro-sludge waste, flotation tailings (sludge collectors, sedimentation tanks, ash dumps, evaporation ponds);

7) elimination of abandoned and idle wells, plugging or transfer to a crane controlled mode of self-flowing artesian wells;

8) restoration and reconstruction of emergency water facilities and irrigation and drainage systems, purification to standard quality and reuse for technological purposes of drainage and storm water, household and industrial wastewater by building circulating water supply systems

and local treatment facilities, implementation of measures to reduce the use of water of drinking purpose for technical needs;

9) elimination of wastewater storage tanks, foci of groundwater pollution, historical pollution and sources of negative impact on water resources, demercurisation of the area of pollution to reduce the negative consequences of their impact on water bodies;

10) expansion of the network for monitoring quantitative and qualitative characteristics in the basins of transboundary rivers;

11) introduction of systems for automatic monitoring of the quality of consumed and discharged water;

12) implementation of measures to prevent pollution of surface and ground waters from tailing dumps, mines and audits;

13) construction and modernization of observation posts for the state of surface waters with the expansion of the list of controlled pollutants through the acquisition of modern equipment and the introduction of a local information transmission network to send information to the authorized body in the field of environmental protection and its territorial divisions;

14) taking measures aimed at preventing groundwater pollution due to interstratal flows of oil, water and gas, during the development and subsequent operation of wells, as well as disposal of industrial waste and wastewater.

### 3. Protection from impact on coastal and aquatic ecosystems:

1) introduction of measures to protect the aquatic environment from natural consequences caused by fluctuations in sea level, or accidents resulting from anthropogenic activities, implementation of protective measures for the conservation of flooded wells in the coastal zone of the Caspian Sea;

2) construction, reconstruction, modernization of installations and equipment:

for collection of oil, fuel oil, garbage and other liquid and solid waste from water areas of rivers, reservoirs, ports;

onshore facilities for receiving household and other wastewater from ships, as well as garbage for disposal, storage and treatment;

3) conservation or complete elimination of onshore sources of pollution that continue to have a negative impact on water bodies;

4) implementation of measures for carrying out bank protection works of rivers and reservoirs.

### 4. Protection of lands:

1) carrying out inventory and liquidation of ownerless production facilities that pollute the environment;

2) measures for the rational use of land resources, land zoning, as well as works to assess their condition;

3) reclamation of degraded territories, disturbed and contaminated as a result of anthropogenic activities on lands: restoration, reproduction and increase of soil fertility and other useful properties of the land, its timely involvement in economic circulation, removal, preservation and use of the fertile soil layer during works related to the disturbance of lands;

4) protection of lands from depletion, degradation and desertification, the negative impact of water and wind erosion, mudflows, landslides, flooding, waterlogging, secondary salinization, desiccation and compaction, pollution by waste, chemical, biological, radioactive and other harmful substances;

5) construction, reconstruction and modernization of anti-erosion hydraulic structures, creation of protective forest belts, anchoring ravines, terracing of steep slopes;

6) elimination of historical pollution, localization and demercurisation of sources of pollution of land resources;

7) implementation of measures aimed at restoring natural fertility or increasing soil humus.



5. Protection of subsoil:

- 1) implementation of measures to prevent subsoil pollution during subsoil use work, underground storage of oil, gas, disposal of hazardous substances and production waste, discharge of wastewater into the subsoil;
- 2) inventory, conservation and elimination of sources of negative impact on the subsoil.

6. Protection of flora and fauna:

- 1) protection of forest ecosystems, carrying out measures to increase forest cover, forest hunting management, accounting and biological substantiation of the productivity of forests and wildlife, maintaining optimal biodiversity of forest ecosystems;
- 2) conservation and maintenance of biological and landscape diversity in protected areas (landscape parks, park complexes and objects of historical and cultural heritage) of national and international importance;
- 3) taking measures to preserve the natural conditions of functioning of natural landscapes and natural habitats, taking measures to prevent the death of endangered species or species (subspecies, populations) of plants and animals on the verge of extinction;
- 4) construction of a national repository of genetic resources of plants and animals, preservation of biodiversity, the whole variety of microorganisms, flora and fauna, as well as natural ecosystems, prevention and non-admission of the harmful influence of anthropogenic activities on the conditions of their functioning;
- 5) reproduction of wild animals (carrying out biotechnical activities, including the resettlement of wild animals and birds, the creation of nurseries and farms for the breeding of wild animals and birds, as well as the procurement of feed for their life);
- 6) landscaping of the territories of administrative-territorial units, an expansion in the areas of green spaces, plantings on the territories of enterprises, around hospitals, schools, child care facilities and liberated territories, lands prone to desertification and other unfavourable environmental factors;
- 7) maintaining the ecological balance in the development of resort recreation areas and tourist centres in protected natural areas (development of plans for the development of recreational areas, construction of modern polygons, sewers and treatment facilities, transfer of boiler houses to environmentally friendly alternative fuels);
- 8) carrying out works on the protection and reproduction of the forest fund, rehabilitation of territories after forest fires and reforestation;
- 9) protection, conservation and restoration of biological resources.

7. Waste management:

- 1) processing of tailings, overburden and enclosing rocks, their use for the purpose of carrying out the technical stage of reclamation of waste, disturbed and contaminated lands, laying in internal dumps of open pits and worked-out mines, for dumping open pit roads, protective dams and structures;
- 2) introduction of technologies for the collection, transportation, disposal, use and processing of any types of waste, including ownerless;
- 3) construction, reconstruction of factories, workshops and production facilities, acquisition and operation of installations:
  - polygons for storing any types of waste;
  - for collection, transportation, processing, sorting, utilisation and disposal of waste;
  - for collection and processing of secondary material resources;
  - for collection, transportation, processing and disposal of liquid industrial waste that pollute water bodies or groundwater;

for the receipt of raw materials or finished products associated with the extraction of useful components from waste (processing of tailings, overburden and enclosing rocks, ash and slag, metallurgical slags, man-made mineral formations);

4) destruction and elimination of prohibited and worn-out pesticides and containers from them;  
5) reconstruction and modernization of equipment and technological processes aimed at minimizing the volume of waste generation and disposal;

6) taking measures to eliminate ownerless waste and historical pollution, prevent their further occurrence, timely reclamation of lands disturbed as a result of pollution by industrial, solid household and other wastes;

7) implementation of measures for the disposal of worn-out pesticides that do not contain persistent organic pollutants, and containers from them.

#### 8. Radiation, biological and chemical safety:

1) landfilling and retrieval of ampoule sources of ionizing radiation, final disposal of radioactive waste from bankrupt enterprises, former military facilities, state enterprises, municipal enterprises;

2) conducting radioecological surveys of the territories of regions, cities of republican significance and the capital in order to identify radioactive contamination of environmental objects;

3) decontamination of foci of radioactive contamination (soil, mining dumps, scrap metal), disposal of sources of ionizing radiation and radioactive waste;

4) construction of points for temporary storage and disposal sites for radioactive waste;

5) compliance with the requirements for ensuring radiation safety by organizations using atomic energy and sources of ionizing radiation in their operation;

6) rehabilitation of landfill areas for radioactive, toxic industrial waste, removal from use of persistent organic pollutants, prevention of biological pollution of the natural environment;

7) liquidation and recycling of accumulated volumes of sulphur;

8) elimination of recorded and unaccounted sources of radiation, including waste, historical pollution in order to reduce the radiation hazard to life and (or) health of the population and the environment.

#### 9. Introduction of control systems and best safe technologies:

1) introduction of environmentally friendly water-saving, soil-protecting technologies and reclamation measures in the use of natural resources, the use of low-waste technologies, the improvement of advanced technical and technological solutions that ensure the reduction of emissions of pollutants into the environment;

2) introduction of environmentally friendly resource-saving technologies for enrichment, storage and transportation of mineral raw materials, treatment and disposal of industrial waste;

3) introduction of progressive, modern and effective technological solutions based on the results of scientific research, the use of modern equipment and technologies in production processes (including enterprises based on renewable and resource-saving technologies, changes in the sources and types of raw materials of heat and energy resources), the transition to alternative sources of energy supply, characterized as environmentally friendly (bioethanol and others);

4) development of new observation systems located on Earth and in space, exchange of data from satellite observation systems;

5) introduction of marks and certification in the field of compliance with environmental requirements through more effective management, certification of products, quality and production systems, works and services that ensure product safety, the introduction of an environmental management system in accordance with the current national environmental management system standards.

10. Research, surveys and other developments:
- 1) development of state programs in the field of environmental protection;
  - 2) research and development of target environmental quality indicator;
  - 3) conducting environmental studies to determine the background state of the environment, identifying the possible negative impact of industrial activities on ecosystems and developing programs and action plans to reduce environmental pollution;
  - 4) carrying out research and development works for the invention of environmental protection equipment, installations, structures, enterprises and facilities, the development of advanced environmental technologies (know-how), methods and means of protecting natural objects from the negative impact of economic activities;
  - 5) carrying out scientific and research works to preserve the gene pool and biodiversity;
  - 6) carrying out research works to substantiate the composition of environmental protection measures to ensure the protection of natural waters, soil and landscape;
  - 7) studying and monitoring the radioecological situation in the territories exposed to the negative impact of nuclear tests and military units' locations, conducting comprehensive hydrogeological and geoecological studies of the territories of military test sites;
  - 8) development of express methods for the determination of harmful impurities in air, water and soil;
  - 9) development of non-traditional approaches to environmental protection and creation of highly efficient systems and installations for the purification of waste gases and wastewater from industrial enterprises and waste disposal;
  - 10) development of technological processes, equipment, devices and reagents that enable deep processing of raw materials with the disposal of the resulting waste;
  - 11) improving methods for neutralizing solid household and industrial waste in order to prevent heavy metals and xenobiotics - chemicals and compounds alien to living organisms (industrial pollution, pesticides, household chemicals, medicines) from entering the natural environment;
  - 12) development of schemes, water management balances, modes of navigation on sea vessels involved in economic and production activities, and standards in the field of water resources protection;
  - 13) carrying out environmental research works, development of qualitative and quantitative indicators (environmental standards and requirements), regulatory and methodological documents on environmental protection;
  - 14) carrying out research works on the radioecological assessment of uranium mining enterprises;
  - 15) carrying out comprehensive studies to assess the impact of nuclear power plants on the surrounding natural environment;
  - 16) development of a model for managing transboundary water bodies;
  - 17) development of complex scientifically grounded hydrotechnical, chemical, biological and ichthyological methods for cleaning water bodies.