

**[L9700210.DOC] * LAW No. 210 of 25th DECEMBER 1997 OF
THE REPUBLIC OF KAZAKHSTAN**

CONCERNING ENERGY SAVING

This Law shall regulate the public relations in the field of energy saving for the purposes of establishing economic and organizational conditions for effective use of fuel and energy resources of the Republic of Kazakhstan and environment protection.

Chapter 1. General Provisions

Article 1. Principle Concepts

This Law shall use the following principle concepts:

energy saving - activity (organizational, scientific, practical, informational) directed to rational and economic use of fuel and energy resources.

policy in the area of energy saving - judicial, organizational and financial and economic regulation of activity in the area of energy saving;

energy saving technologies, equipment and materials - technologies, equipment and materials providing increase the effectiveness of fuel energy resources in comparison with achieved level;

fuel and energy resources - energy carrier which at the current level of machinery and technology development is used or may be usefully used;

ecologically clean energy resources - carriers of energy of sun, wind, thermal waters, earth warmth, energy of moving flows of water, waves;

secondary energy resources - energy resources received as a side product or as a waste of main production;

effective use of fuel and energy resources - achievement of providing high results, technologically possible, economic profitable utilization of fuel and energy resources at the currently existing level of development of machinery and technology and simultaneous reduction of technogenic influence to environment.

indicator of effective utilization of fuel and energy resources - regulated within norms and standards amount of proportional expense of fuel and energy for certain produce, works and services;

unproductive expense of fuel and energy resources - losses of fuel and energy caused by deviation from requirements of standards (technical conditions) for newly introduced equipment, violation of requirements of normative acts, technological regulations and passport operational data for working equipment;

recommensable energy sources - sources of permanently existing or periodically originating in the environment flows of sun, wind, earth warmth, biomass and rivers;

objects of energy saving - processes connected with extraction, processing, transportation, production, storage and utilization of all types of fuel and energy resources, heat and electric energy;

conventional fuel - accepted for technical and economic calculations and regulated in the union of norms and standards used for comparison with heat value of different types of organic fuel;

Article 2. Legislation of the Republic of Kazakhstan in the Sphere of Energy saving

Legislation of the Republic of Kazakhstan in the sphere of energy saving is based on the Constitution of the Republic of Kazakhstan comprising this Law as well as other normative legal acts of the Republic of Kazakhstan.

Article 3. The Main Principles of State Policy in the Field of Energy Saving

The main principles of the state policy in the field of energy saving shall be the followings:

priority of enhancement of effectiveness of fuel and energy resources utilization over the volume of its extraction and production of heat and electric energy;

priority of securing safety and human health, social amenities conditions of life, preservation of environment of extraction, production, processing, transportation and utilization of fuel and energy resources and (or) energy;

performance of state regulation in the field of energy saving;

necessity of economic support of energy saving, stimulation of use of recommendable energy sources;

compulsory application of reliable accounting of produced and utilized fuel and energy resources;

combination of interests of manufacturers, suppliers and customers of fuel and energy resources;

systematic approach to energy saving;

carrying out informational, educational and scientific-research activities in the field of energy saving;

Article 4. Main Directions of Energy Saving

Main directions of energy saving shall be the following:

stabilization of production and consumption of energy necessary for intensive development of national economy;

optimization of regimes of production and consumption of energy, organization of its accounting and control;

organization of investigation of energy effectiveness of enterprises, institutions and organizations;

conduction of expertise of energy saving of products, objects currently operable and under reconstruction, technology and equipment;

development of recommendable sources of energy;

utilization of secondary energy resources and wastes;

implementation of projects on introduction of energy effective machinery and products, advanced technology;

introduction of scientific research and new methods of management in this sphere;

reduction of losses of fuel and energy resources at its extraction, transformation, transportation, storage and consumption;

securing accuracy, reliability and unity of measurement in the part of accounting of supplied and consummated energy resources;

introduction of new and improvement of actual construction norms and rules providing saving of energy resources.

Chapter 2. State Regulation in the Sphere of Energy Saving

Article 5. Organization of Energy Saving System

System of energy saving shall be the instrument of performance of the unite state policy and self-management in the field of energy saving and shall comprise the following complex: judicial norms regulating public relations in the field of energy saving; objects of energy saving; central and local executive bodies, physical persons and legal entities as well as entities participating in the implementation of program of energy saving; means and measures providing rational and economic consummation of fuel and energy resources and environment preservation.

The structure of regional and local (for all the legal entities) systems of energy saving shall be formed on the basis the state system those structure shall be determined by the Government of the Republic of Kazakhstan.

System of energy saving shall be performed by means of state, regional and branch programs as well as programs elaborated by legal entities.

Article 6. Authority of the Government of the Republic of Kazakhstan in the Field of Energy Saving

The Government of the Republic of Kazakhstan in the field of energy saving shall:

elaborate principle directions of the unite state policy, strategic and tactical measures on its implementation;

elaborate state programs and submit them for approvement to the President of the Republic of Kazakhstan;

elaborate normative methodological, legal and economic mechanism of energy saving and stimulation of utilization of recommentable energy sources;

establish the structure of state system of energy saving and the authorized body;

establish the policy in the field of standardization, certification and provision of unity of measurement at production and consummation of fuel and energy resources;

establish the procedure of information, knowledge propaganda, education of population and specialists;

perform international cooperation;

perform other functions in accordance with legislation of the Republic of Kazakhstan.

Article 7. Authority of the Authorized Body in the Field of Energy Saving

The authorized body in the field of energy saving shall:

conduct unite state policy in the fiend of energy saving;

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exercise control and coordination of relevant services of ministries, departments and organizations in the part of securing performance of state programs of energy saving;

elaborate Provisions concerning expertise of energy saving;

organize state supervisions for effectiveness of consummation of fuel and energy resources;

participate in international cooperation;

perform other functions in accordance with legislation of the Republic of Kazakhstan.

Article 8. Authority of Local Representative and Executive Bodies in the Field of Energy Saving

1. Local representative bodies shall:

approve programs of energy saving within boundaries of administrative territory unit;

consider reports of directors of local executive bodies of implementation of programs of energy saving;

2. Local executive bodies shall:

secure performance of state program of energy saving;

elaborate and implement programs of energy saving within the boundaries of administrative territory unit, coordinate its implementation;

organize scientific research in the field of energy saving;

consider the activity of located in its territory physical persons and legal entities on implementation of programs of energy saving.

Article 9. Accounting of Energy Resources

The quantity of consummated and stored by physical persons and legal entities fuel and energy resources shall compulsorily be subject of accounting and control in accordance with normative documents and established by the state norms and standards.

Article 10. State Reporting of Production, Consummation and Effectiveness of Utilization of Fuel and Energy Resources

The authorized body shall elaborate the form of state statistics reporting and upon coordination with the authorized body in the field of state statistics shall provide introduction of state statistical reporting in the volume and with the nomenclature of production and consummation of fuel and energy resources and indexes of effectiveness of their utilization for enterprises and organizations irrespective of the form of ownership.

Article 11. Quoting, Standardization and Certification in the Field of Energy Saving

1. Quotas of energy consumption shall be established by the Government of the republic of Kazakhstan and shall be subject to revisions each five years with consideration of achievements of progressive technology.

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Quotas of utilization of fuel and energy resources compulsory shall be included into energy registration certificate, technological instructions and technical conditions of equipment, buildings and structures consuming fuel and energy resources.

Control for observation of quotas of consumption of fuel and energy resources shall be exercised by the authorized body.

2. Requirements established in the field of energy consumption by the state standards, technical norms and rules should be obligatory for performance in all the territory of the Republic of Kazakhstan.

Energy consumption product of any purpose as well as energy resources shall be subject to compulsory certification with regard to relevant indexes of energy effectiveness. Compulsory certification shall be performed in the order established by legislation of the Republic of Kazakhstan.

3. When extracting, producing, processing, transporting, storing and consuming fuel and energy resources as well as at the moment of certification the obligatory state metrological control and supervisions shall be exercised.

Article 12. Expertise of Energy Saving

1. Expertise of energy saving shall be carried out for the purposes of effective utilization of energy resources and reduction of expenses of consumers in respect of supply with fuel and energy resources.

2. The following shall be subject of the expertise of energy saving:

projects of schemes of development and location of production forces, projects of development of branches of public economy, territorial schemes of energy saving, technical documentation related to energy saving;

feasibility studies and construction projects of new and improvement (reconstruction, technical modernization, modernization) of working objects and enterprises with annual consumption of fuel and energy resources of 500 and more tones of conventional fuel;

draft instructions of methodological and normative technological acts, construction norms and rules, documentation for creation and purchasing new power consuming machinery, technology and materials of activity in the sphere of energy saving. Compulsory expertise shall be conducted at working enterprises and in organizations with annual consumption of fuel and energy resources of 500 and more tones of conventional fuel.

3. The provisions for conducting the expertise of energy saving shall be approved by the Government of the Republic of Kazakhstan.

Chapter 3. Economic Mechanism of Energy Saving

Article 13. Financing of Programs in the Field of Energy Saving

The sources of financing the programs in the field of energy saving shall be the governmental budget, own and borrowed means of enterprises, organizations and the other sources non contradicting to legislation.

Article 14. Stimulation of Energy Saving

For consumers and manufacturers of energy resources performing measures for energy saving shall apply conditions of stimulation of such activity in accordance with legislation of the Republic of Kazakhstan.

Chapter 4. Recommensable Sources of Energy

Article 15. Recommensable Sources of Energy

1. Use of recommendable sources of energy shall be the priority direction in elaboration of programs of development of power engineering and solving of ecological problems of Kazakhstan.

2. Necessary judicial and organization economic conditions for attraction recommendable energy sources into the energy balance and development on their basis of energy objects shall be established in the Republic of Kazakhstan.

3. Coordination and responsibility for development and implementation of programs for attraction recommendable energy sources into the energy balance shall be entrusted to the authorized body.

Chapter 5. Education, Informational Provisions and Scientific Research in the Field of Energy Saving

Article 16. Education in the Field of Energy Saving

Distribution of knowledge in the field of energy saving shall be carried out through the mass media, in the system of education and by the other procedures not contradicting to legislation.

Article 17. Informational Provision and Scientific Research in the Field of Energy Saving

1. Informational provision in the field of energy saving shall be performed by the following way:

communication to organizations and population of the Republic of Kazakhstan of energy saving programs;

publishing of educational and methodological literature on energy saving;

development, demonstration of projects and objects of high energy effectiveness;

propaganda and advertisement of energy saving equipment, materials, technology and means providing energy saving, organization of exhibitions;

propaganda of equipment and means of effective use of recommendable energy sources;

propaganda of use of secondary energy resources and household wastes;

communication to population, enterprises, institutions, organizations of directive normative methodical and information documents and materials;

2. Scientific research and testing engineering works in the field of energy saving in the Republic of Kazakhstan shall be conducted on the competition basis by the specialists of any countries with compulsory attraction of specialists of the Republic of Kazakhstan.

Article 18. Financing of Education, Informational Provision and Scientific Research in the Field of Energy Saving

Financing of education, informational provision in the field of energy saving shall be carried out from the state budget, own means of physical persons and legal entities, other sources not contradicting to legislation of the Republic of Kazakhstan.

Chapter 6. Concluding Provisions

Article 19. International Cooperation in the Field of Energy Saving

1. International cooperation in the field of energy saving for the purposes of performance of joint projects in the area of energy saving, mutual exchange of effective technology with regard to energy, coordination of indexes of energy effectiveness with requirements of international standards, as well as mutual recognition of certification results.

2. If international treaties ratified by the Republic of Kazakhstan establish the other rules than those provided by legislation concerning energy saving of the Republic of Kazakhstan that rules of international treaty shall apply.

Article 20. Responsibility for Violation of Legislation on Energy Saving

Entities blamed in violation of energy saving legislation shall bear responsibility in accordance with legislation of the Republic of Kazakhstan.

**President of the Republic of Kazakhstan
N. Nazarbaev**