

Environmental Code of the Republic of Kazakhstan

Unofficial translation

Code of the Republic of Kazakhstan dated 9 January, 2007 No.212

Unofficial translation

Footnote. Throughout the text, the words "plant and animal" shall be supplemented by the words "plant and animal" by the Law of the Republic of Kazakhstan dated 25.01.2012 No 548 - IV (shall be enforced after ten calendar days after its first official publication.)

GENERAL PART

SECTION 1. GENERAL PROVISIONS

Chapter 1. BASIC PROVISIONS

Article 1. Basic definitions used in this Code

The following definitions shall be used in this Code:

- 1) mobile source of releasing pollutants into the atmosphere - transport vehicles, machinery and other mobile facilities fitted with internal combustion (ID) engines running on different kind of fuels;
- 2) an observation point - fixed or moving point of observation of meteorological, agro-meteorological and hydrological characteristics of the environment;
- 3) an assigned amount - the total amount of greenhouse gas emissions including absorptions of greenhouse gases, stipulated in the framework of the obligations under the international treaties of the Republic of Kazakhstan;
- 4) an assigned amount unit - a carbon unit that is used to determine the volume of greenhouse gas emissions for the Republic of Kazakhstan in accordance with the international treaties of the Republic of Kazakhstan in the scope of climate change;
- 5) a biodiversity - the variety of flora and fauna objects within the framework of one specie, between species and in the ecological systems;
- 6) biological resources - genetic resources, organisms or their parts, populations or any other biotic component of ecosystems with actual or potential use or value for humanity;
- 7) a joint use mechanism - the procedure, provided by international treaties of the Republic of Kazakhstan on the implementation of investment projects of joint use mechanism, allowing transfer of carbon units between entities of countries which have quantified liabilities on limitation and (or) reduction of greenhouse gas emission;
- 8) a validation (determination) - a supervision that carried out by an independent accredited organization on usage of the techniques and procedures of preparation and documentation of design decisions in the development of projects to reduce emissions and absorption of greenhouse gas emissions for compliance with the requirements, established by international treaties of the Republic of Kazakhstan;
- 9) a verification - the process of validating data by an independent accredited organization on the reduction of greenhouse gas emissions, which is carried out in accordance with accepted national and international standards for the reduction of emissions of greenhouse gases;
- 10) genetically modified organisms - organisms, capable to reproduce or transfer of hereditary genetic material, different from natural organisms, obtained by using of genetic engineering methods and containing genetically engineered material (genes, fragments thereof, or combinations of genes);
- 11) genetically modified products - plant products and (or) ingredients of animal origin, made by using genetic engineering methods, containing nonliving genetically modified organisms or their components;
- 12) the best available technologies - used and planned industry technologies, machinery and equipment, ensuring organizational and management measures, aimed at reducing the negative impact of economic activities on the environment to ensure the objectives of environmental quality;
- 13) persistent organic pollutants - the most dangerous organic compounds that are resistant to degradation, described by bioaccumulation and being the objects of transboundary transfer over the air, water and migratory species, as well as precipitating far from the emission point, accumulating in terrestrial and aquatic ecosystems, causing destruction of the immune and endocrine systems of living organisms and a variety of

diseases, including oncologic;

14) the unit of quota - a carbon unit, used for the calculation of the volume of quota;

15) city wastes - a waste of consumption, produced in the communities, particularly as a result of human activity, as well as industrial waste that are close to them on their composition and character education;

16) Is excluded by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

17) the carbon unit - an accounting unit equivalents to one metric ton of carbon dioxide;

18) the operator of state registry of carbon units - an organization carried out a maintenance of state registry of carbon units;

19) a secondary turnover of carbon units - the relationships arising between the agents on the market of greenhouse gas emissions during the transfer, sale and other circulation of carbon units;

20) the state registry of carbon units - a system of accounting for transactions, related to the issuance, holding, transfer, acquisition, reservation, cancellation, withdrawal from circulation of carbon credits;

21) an accounting of waste - the system of collection and provision of the data about the quantity and quality of waste and methods of treatment;

22) disposal of wastes - an operation of ground disposal and waste destruction;

23) a waste control - a reduction or elimination of hazardous properties of waste by mechanical, physical, chemical or biological treatment;

24) a waste utilization - the use of waste as a secondary material or energy resources;

25) a disposal of waste - a waste storage in the place, specifically stipulated for their safe storage for an unlimited period of time;

26) a type of waste - a group of waste with common features in accordance with their origin, properties and handling technology, determined on the basis of the waste classifier;

27) a placement of waste - storage or ground disposal of production waste and consumption waste;

28) a waste conversion - physical, chemical or biological processes, including sorting, focused on extracting from the waste of materials and (or) other materials, used in the production (manufacture) of goods or other products in the future, as well as on modification the properties of waste in aid of facility of handling, reducing its volume or hazardous properties;

29) a waste storage - decommissioning wastes in specially designated locations for the following utilization, recycling, and (or) discharge;

30) a waste classifying - the order of waste attribution to reference levels according to their threat to the environment and human health;

31) a waste management - types of activities, related with wastes, including the prevention and minimization of waste production, accounting and control, accumulation of waste, and the collection, processing, utilization, disposal, transportation, storage (warehousing) and discharge of waste;

32) a waste classifier - a background paper applied nature, which contains the results of the classification of waste;

33) non-hazardous waste - waste that do not have hazardous properties;

34) hazardous waste - waste that contain hazardous substances with hazardous properties (toxicity, explosion hazard, radioactive, fire risk, high reactivity) and may represent immediate or potential danger to the environment and human health, alone or upon coming into contact with other substances;

35) a hazardous waste certificate - a document, containing a standardized description of the processes of waste at the place of their origin, their quantity and quality factors, the rules for handling with them, their methods of control, types of adverse effects of waste to the environment, human health, and (or) property, information about waste generators, and other persons having them in the property;

36) dangerous chemicals - substances with properties that may have a direct or potential harmful effects on human health and the environment;

37) a favorable environment - the environment, the state which provides environmental safety and public health, biodiversity conservation, pollution prevention, sustainable functioning of ecological systems, reproduction and rational use of natural resources;

38) an installation - point source of greenhouse gas emissions;

39) a propositional attitude operator - a legal entity, who has the setting in ownership or in legitimate use in the territory of the Republic of Kazakhstan, which functioning provides the greenhouse gas emissions;

40) the installation certificate - a document that contains information about the geographical location of the facility, which emits greenhouse gases, activities and characteristics of the used technology, base emissions volume and the method of their calculation and monitoring plan and other information necessary to account for the facilities;

41) the environment - a set of natural and cultural objects, including open air, the ozone layer of the Earth, surface and underground water, land, minerals, flora and fauna, as well as the climate in their interaction;

42) environmental damage - pollution of the environment or the harvesting of natural resources over the established limits, causing or inducing the degradation and depletion of natural resources, or the death of living organisms;

43) environmental emissions - emissions, discharges of pollutants, waste production and consumption in the environment, harmful physical effects, distribution and storage of sulfur in the environment in the clear;

44) limits on emissions into the environment - the regulatory scope of emissions into the environment, determined on a fixed term;

45) the quota for emissions into the environment - part of the limit on emissions into the environment, perceptible to the concrete nature user for a certain period of time;

46) an environment protection - a system of government and public measures, aimed at the preservation and restoration of the environment, prevention of adverse effects of economic and other activities on the environment and the elimination of its consequences;

47) the authorized body in the scope of environment protection - the central executive body, realizing management and cross-sector coordination in the development and implementation of state policy in the scope of environment protection and natural resources, as well as its regional bodies;

48) pollution of environment - entry of polluting substances, radioactive materials, waste production and consumption into the environment, as well as the environmental impact of noise, vibration, magnetic fields and other physical hazards;

49) an accidental pollution of the environment - a sudden unintended environmental pollution, caused by the accident, which occurred in the exercise of environmentally hazardous business and other activities of individuals and (or) legal entities, and presenting a release to the atmosphere and (or) the discharge of harmful substances into the water or dispersal of solid, liquid or gaseous pollutants on the earth's surface or in the interior of the formation of odors, noise, vibration, radiation, or electromagnetic, temperature, light, or other physical, chemical, biological harmful exposure over time for a given acceptable level;

50) the areas of environmental pollution - limited areas of the earth's land surface and water bodies, contaminated with hazardous chemicals above the determinate standards, apart from the objects, appointed and designated to contain waste disposal and discharge of wastes preclusive the contamination of the Earth's surface, subsurface and groundwater;

51) a quality of the environment - characteristics of the state of the environment;

52) the environmental quality standards - indicators, characterizing the state of environment and natural resources, favorable to life and human health;

53) target values of the environment quality - indicators of the ultimate level of the environment normalized parameters for a certain period of time, taking into account the need to gradually enhancement of the environment;

54) environmental conditions (habitat) - the type of locality or place of the natural habitat of a particular organism or population;

55) State observation network - a system of stationary and mobile observation points, laboratories and centers for observation of the physical and chemical processes, occurring in the environment, determine its weather, climate, upper air, water, heliogeophysical, agro-meteorological characteristics;

56) State ecological control - the activity of the authorized body within its competence, focused on securing compliance with the requirements of the Laws of the Republic of Kazakhstan, the decrees of the President of the Republic of Kazakhstan and decrees of the Government of the Republic of Kazakhstan in the scope of environment protection by individual and legal entities;

57) an ozone depleter - a chemical that exists independently or in combination, is used in business and other activities, or is the product of these activities and can have a harmful effect on the ozone layer;

58) a disinfection of ozone depleters - the elimination of hazards through the destruction of ozone depleters, leading them to the constant transformation or decomposition into components which have no harmful effects on the environment, including the ozone layer;

59) an utilization of ozone depletes - a set of measures, focused on the collection and storage of ozone depleters, derived from the mechanism, equipment, containers, and other facilities during their servicing or before the decommissioning, in order to re-use or disposal of ozone depleters which are not subject to recovery;

60) waste material - residues of raw materials and other products and the products, formed during the manufacturing process and bereft the original usability fully or partially;

61) stable model of production and consumption - the social and economic model, characterized by increased production while reducing the use of non-renewable resources, renewable resources recovery and reducing anthropogenic pollution of the environment;

62) greenhouse gases - gaseous components of the atmosphere of the natural and (or) human origin, absorbing thermal infrared waves and (or) are its source;

63) unit of greenhouse gases adsorbing - the carbon unit, used to calculate the adsorbing of greenhouse gases;

64) inventory of greenhouse gas emissions - the determination of emissions volume and adsorbing of greenhouse gases;

65) the public cadastre of emission sources and adsorbing of greenhouse gases - the accounting system of sources of greenhouse gas emissions, emissions, produced by them, as well as the number of adsorbings of greenhouse gases within the boundaries, established for the facility operator;

66) an atomic waste - waste, containing radioactive substances in quantities and concentrations that exceed regulated for radioactivity values, established by the legislation of the Republic of Kazakhstan in the scope of atomic energy;

67) implementation of the subject of review - the beginning and the progress of building work, operation and liquidation of industrial and other facilities, services, entry into the utility turnover of products and technologies in accordance with the decisions, provided for pre-planning, design and project documentation, as well as the enforcement of the regulatory legal act, other actual implementation of the subject of review;

68) waste water - water, used for production or daily living needs and received additional impurities (dirt) herewith that changed their original composite or physical properties. Water flowing from the territory of

settlements and industrial enterprises at the time of rainfall patterns, watering the streets or after, and the water, formed during the extraction of minerals, are also considered waste;

69) water bodies - water, concentrated in the relief of the land surface and the depths of the earth, having boundaries, the volume and the hydroregime;

70) a liquid effluent - any waste in liquid form, except for aqueous wastes;

71) a nature user - an individual or legal entity, carrying out the use of natural resources, and (or) emissions into the environment;

72) natural objects - natural objects with boundaries, volume and mode of existence;

73) natural resources - natural objects with customer value: land, minerals, water, flora and fauna;

74) protection of natural resources - a system of government and public measures, focused on protecting the natural resources of each type of irrational use, destruction, degradation, leading to the loss of their consumer properties;

75) the depletion of natural resources - partial or complete loss of quantity and quality of natural resources;

76) Clean Development Mechanism - a mechanism to limit the implementation of projects on limitation and (or) the reduction of greenhouse gas emissions on the territory of countries that do not have quantified liabilities on limitation and (or) the reduction of greenhouse gas emissions, funded by legal entities of countries with quantified liabilities on limitation and (or) the reduction of greenhouse gas emissions;

77) an independent provider of information - the legal entity, exercising professional activities for accounting, monitoring and implementation of the project-based mechanisms in the sphere of regulation of emissions and removals of greenhouse gases;

78) hard domestic waste -city waste in the solid form;

79) consumption residue - the remnants of products, goods and other substances, formed in the course of their consumption or use, as well as goods (products) that have lost the original consumer properties fully or partially;

80) environmentally hazardous kind of economic and other activities -the activity of individuals and (or) legal entities, which can cause an accidental pollution of the environment;

81) an emission trading - purchase and sale of emission quotas for greenhouse gas under the market mechanism to reduce emissions and adsorbing of greenhouse gases;

82) emission reduction unit -the carbon unit, derived in consequence of execution of a project, implemented under the mechanism of the joint implementation mechanism;

83) a unit of certified emission reduction - a carbon unit, derived in consequence of execution of a project, implemented under the Clean Development Mechanism;

84) a unit of inner emission reductions -a carbon unit, used to determine the amount of emission reductions and (or) adsorbing of greenhouse gas emissions, achieved as a result of inner emission reduction projects, and (or) the adsorbing of greenhouse gases;

85) an environmental education -dissemination of environmental knowledge and information on the state of the environment, natural resources, environmental safety, in order to create a culture of environmental foundations of society;

86) an environmental audit - an independent audit of business and other activities of the audited entities, focused on the identification and assessment of environmental risks and the development of recommendations to improve the environmental safety of their activities;

87) an environmental education - a continuous process of education, training, self-education and personal development, focused on the creation of a system of knowledge and skills, value system, moral and aesthetic relationships that ensure the individual's responsibility for the environment;

88) environmental (green) investments - investment of funds, received from the transfer of assigned amount units, by the management of reserve quotas of the National allocation blueprint for greenhouse gas emissions in projects, programs and activities, designed to reduce emissions or increase the adsorbing of greenhouse gases;

89) an ecological system (ecosystem) - an interconnected set of organisms and non-living environment of their habitat, interacting as a functional unit;

90) an ecological hazard - a condition, characterized by the presence or probability of ablation, the environmental changes under the influence of natural and anthropogenic influences, particularly resulting from disasters and catastrophes, including natural, threatening the vital interests of the individual and society;

91) ecological safety - the security of vital interests and rights of the individual, society and the state from threats arising as a result of anthropogenous and natural impacts on the environment;

92) ecologically destructive object - the economic and other entities, the building and operation of which may cause or causes adverse effects on human health and the environment;

93) ecologically destructive machinery and equipment - machinery, machines, appliances, instruments, used in economic or other activities, and dangerous to the environment;

94) ecologically destructive technologies - a combination of the processing methods, manufacturing, reduction, properties, shape of the raw products, material or semi-finished product, implemented in the production process and are hazardous to the environment;

95) ecological management - administration management of environment protection, which includes organizational structure, planning, responsibilities, practices, procedures, processes and resources for the development, implementation, execution, analysis and maintenance of the environmental policy of the company;

96) ecological monitoring - systematic monitoring and assessment of the environment and level of effects on it;

- 97) ecological regulation - a system of rules (standards) and contained there quantitative and qualitative indicators (standards) in the environment and the impact on it;
- 98) environmental permission - a document, certifying the right of individuals and legal entities in the implementation of emissions into the environment;
- 99) environmental impact assessment - the matching of planned economic and other activities with environmental quality standards and environmental requirements, as well as determination of the admissibility of environmental impact assessment in order to prevent the possible adverse effects of these activities on the environment and related with it social consequences;
- 100) the mark of ecologically clean production-the registered mark, confirming compliance of the labeled products with the standards of environmentally clean products;
- 101) environmental requirements - limitations and restrictions of economic and other activities which have an adverse effect on the environment and human health, contained in this Code and other regulatory legal acts and normative technical documents of the Republic of Kazakhstan;
- 102) ecolabeling - the conferment of ecologically clean products to the production mark, which has undergone conformity assessment in accordance with the legislation of the Republic of Kazakhstan on technical regulation;
- 103) ecological risk - the possibility of adverse movement in the environment and (or) natural objects due to the influence of certain factors;
- 104) the technical specific standards of emissions- the value of emissions into the environment per unit of time or per unit of output product, or in other terms, determined on the base of the possibility to provide specific technology in case of an acceptable cost to the economy of expense country;
- 105) emission standards - allowable emission standards, which provide compliance with environmental quality standards.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

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 legal acts of the Republic of Kazakhstan.
2. If the other rules were established by the international treaty, ratified by the Republic of Kazakhstan, than those which were contained in this Code, shall be applied the international treaty rules.
3. The provisions of this Code shall be applied in the event of a conflict between this Code and other Laws of the Republic of Kazakhstan, contained provisions regulating relations in the sphere of environment protection.
4. Relations in the scope of protection and usage of the environment objects and natural areas of preferential protection shall be regulated by special laws of the Republic of Kazakhstan in the not regulated part by this Code.

Article 3. Relations, regulated by this Code

1. This Code shall regulate relations in the scope of environment protection, reclamation and conservation of the environment, the natural resources utilization and restoration of natural resources in the implementation of business and other activities, related to the natural resources utilization and the environmental modification, within the territory of the Republic of Kazakhstan.
2. Participants in relations, regulated by this Code shall be individuals or legal entities, the state and government bodies, responsible for state regulation in the scope of environment protection and governance of natural resources.

Article 4. Ecological basis of sustainable development of the Republic of Kazakhstan

The ecological basis of sustainable development of the Republic of Kazakhstan are:

- 1) objectives achieving to provide a supportive environment for human life and health by government;
- 2) environment protection and conservation of biodiversity;
- 3) provision and implementation of the right of the Republic of Kazakhstan for the development of its natural resources and the assertion of national interests in the natural resources utilization and the environmental modification;
- 4) equitable repletion of needs of present and future generations;
- 5) development of sustainable production and consumption;
- 6) compliance with the environmental regulation conditions of social and economic development in view of the environment;
- 7) the loyalty of every individual to have access to environmental information and the full participation of the public in matters of environment protection and sustainable development;
- 8) the ensuring of transparency of measures, taken in the scope of environment protection;
- 9) a global partnership in aid of conservation, protection and rehabilitation the health and integrity of the Earth's ecosystem;

- 10) the promotion of development of international Law, relating to liability for environmental damage;
- 11) an inhibition, prevention the transfer and transfer to other States of any activities and substances that cause severe damage to the environment or to be harmful to human health, as well as precautions in cases, where there are threats of serious or irreversible damage to the environment.

Article 5. The basic principles of environmental legislation of the Republic of Kazakhstan

The basic principles of the environmental legislation of the Republic of Kazakhstan are:

- 1) ensuring of sustainable development of the Republic of Kazakhstan;
- 2) ensuring of environmental safety;
- 3) the ecosystem approach to the regulation of environmental relations;
- 4) government regulation in the scope of environment protection and governance of natural resources;
- 5) mandatory preventive measures to prevent pollution of the environment and causing her injury in any other forms;
- 6) the inevitability of punishment for violation of environmental Laws of the Republic of Kazakhstan;
- 7) mandatory compensation for damage, caused to the environment;
- 8) payment and authorization procedure of environmental impact;
- 9) application of best of clean and resource-saving technologies in the natural resources utilization and the environmental modification;
- 10) cooperation, coordination and transparency of the activities of the government bodies for the environment protection;
- 11) nature users stimulation to prevent, reduce and eliminate pollution of the environment, waste reduction;
- 12) the availability of environmental information;
- 13) ensuring of the national interests in the natural resources utilization and the environmental modification;
- 14) harmonization of environmental legislation of the Republic of Kazakhstan with the principles and norms of international Law;
- 15) the presumption of environmental hazards of economic and other activities, and mandatory assessment of the environmental modification and human health for the taking the decision on its implementation.

Article 6. The main provisions of state regulation in the scope of the environment protection and public administration of the natural resources utilization

1. State regulation in the scope of environment protection shall include:
 - 1) the licensing of activities in the scope of environment protection;
 - 2) environmental regulation;
 - 3) technical regulations for the environment protection;
 - 4) Environment Impact Assessment;
 - 5) the issuance of environmental permissions;
 - 6) State ecological control;
 - 7) a system of economic regulation of the environment protection, promotion of implementation of the best ecologically clean technologies, the finance system of environmental actions;
 - 7-1) assignment of quotas for greenhouse gas emissions;
 - 7-2) an inventory of greenhouse gas emissions;
 - 7-3) the establishment of market mechanisms to reduce emissions and adsorbing of greenhouse gases;
 - 7-4) a system of monitoring of actual emissions and adsorbing of greenhouse gases;
 - 8) state environmental monitoring;
 - 9) public accounting of nature users, sources and environmental contaminated areas;
 - 10) environmental education and awareness.
2. State management in the scope of natural resources utilization shall include:
 - 1) state planning in the natural resources utilization;
 - 2) state control over the protection, utilization and restoration of natural resources
 - 3) the issuance of licenses, permissions and contracts (contracts) for the natural resources utilization;
 - 4) organization of restoration and reproduction of natural resources, introduction of resource-saving technologies;
 - 5) maintenance of monitoring and natural resources inventory;
 - 6) the establishment of limits and allocation of quotas for the natural resources utilization;
 - 7) a management of public legal entities, engaged in the utilization, recovery, and restoration of natural resources;
 - 8) the organization of the environment protection.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 7. The objects of environment protection

1. The land, mineral resources, surface and ground water, air, forests and other vegetation, animal life,

the gene pool of living organisms, natural ecological systems, climate and the ozone layer are subject to protection from destruction, degradation, damage, pollution and other adverse effects.

2. Natural area of preferential protection and objects of the state nature reserve fund are subject to special protection.

Article 8. State nature reserve fund

1. State natural reserve fund - a set taken under state protection of the environment, which have particular ecological, scientific, historical, cultural and recreational value as a natural standards, uniques and relics, a genetic reserve, the subject of scientific research, enlightenment, education, tourism and recreation.

2. Objects of the state nature reserve fund, established by the Law of the Republic of Kazakhstan "On Natural Areas of preferential protection."

3. Protection of the state nature reserve fund shall be ensured through the establishment of protected areas, as well as prohibitions and restrictions in the use of environmental objects that have special ecological, scientific, historical, cultural and recreational value.

Article 9. Natural area of preferential protection

1. Natural area of preferential protection- the areas of land, water bodies and the air space above them with natural complexes and objects of state natural reserve fund, for which was established a regime of special protection.

2. Types of natural areas of preferential protection, the order of creation, type of the security arrangement, and the features of natural areas of preferential protection organization shall be established by the Law of the Republic of Kazakhstan "On Natural Areas of preferential protection."

Article 10. Concept and types of natural management

1. The nature management is the natural resources utilization and (or) the environmental modification in everyday life, in business and other activities of individuals and legal entities.

2. The nature management is divided into general and special.

3. The general nature management is constant and free of charge to meet the vital needs of the population and without providing for the natural resources utilization.

The limitation of general nature shall be allowed if it is provided by the Laws of the Republic of Kazakhstan.

4. The special nature management- an activity of individual and (or) legal entity, carrying on a paid basis of the natural resources utilization, and (or) emissions into the environment in the manner, prescribed by this Code and other Laws of the Republic of Kazakhstan.

5. The types of nature management shall include:

- 1) land-tenure;
- 2) water management;
- 3) forest use;
- 4) subsurface resources management;
- 5) The use of wildlife;
- 6) The plant life use;
- 7) emissions into the environment;
- 8) other types of nature management, established by the Laws of the Republic of Kazakhstan.

6. Features of origin of special nature management Law by a special type of nature management shall be determined by the Laws of the Republic of Kazakhstan.

7. Special nature management may include one or a few species of wildlife in their entirety.

Article 11. Users of natural resources (Nature users)

1. The users of natural resources may be individual or legal persons are permanently or temporarily residing in the territory of the Republic of Kazakhstan.

2. The users of natural resources may be:

1) permanent (the right of nature management is in unlimited duration) and temporary (the right of nature management is limited to a certain period);

2) primary (right of nature management is received from the state or from other primary users of natural resources in the order of the alienation of rights or universal succession) and secondary (right of temporary nature is received under a contract from the primary nature user, keeping the status of this).

3. The users of natural resources must comply with the requirements, established by this Code and other regulatory legal acts of the Republic of Kazakhstan.

Article 12. The grounds and conditions of rights of special nature management implementation

1. The right of a special nature management shall arise on the basis of:

- 1) licenses and (or) the authorization of the use and removal of natural resources and the implementation

of certain activities in the scope of environment protection;

2) the decision of the Government of the Republic of Kazakhstan and local executive bodies to provide natural resources in nature management in the manner, prescribed by the Laws of the Republic of Kazakhstan;

3) agreements (contracts) for environmental management, concluded in accordance with the Laws of the Republic of Kazakhstan.

2. The right of a special nature management may be based on one, two or all of the acts, referred to in paragraph 1 of this Article, in accordance with legal acts of the Republic of Kazakhstan.

3. Exercise of the right of a special nature management of natural resources, implementing emissions into the environment is subject to the availability of environmental permissions, with the exception of emissions from mobile sources.

4. The right to use the natural resources are available to individuals and (or) legal entities in accordance with the legislative acts of the Republic of Kazakhstan.

5. Individuals and legal entities that qualify for special nature management may not dispose of it, except in cases, provided by the Laws of the Republic of Kazakhstan.

6. The right of a special nature management may be restricted or prohibited under the Laws of the Republic of Kazakhstan in order to ensure national security and environment protection.

Footnote. Article 12, as amended by the Law of the Republic of Kazakhstan dated 16.11.2009 No 200-IV (shall be enforced from 01.01.2010).

Chapter 2. RIGHTS AND OBLIGATIONS OF INDIVIDUALS, COMMUNITY ASSOCIATIONS AND BODIES OF LOCAL GOVERNMENT

Article 13. The rights and obligations of individuals in the scope of environment protection.

1. Individuals have a right:

- 1) on favorable environment for their lives and health;
- 2) to implement measures to protect and improve the environment;
- 3) to form associations and environment protection funds;
- 4) to participate in decision-making by government bodies on issues, related to the environment, in accordance with the Laws of the Republic of Kazakhstan;
- 5) to participate in meetings, rallies, pickets, marches and demonstrations, referenda in the scope of environment protection in accordance with the Laws of the Republic of Kazakhstan;
- 6) to apply to the government bodies with letters, complaints, requests and suggestions on the issues of environment protection and to require their consideration;
- 7) to receive from government bodies and organizations with well-timed, complete and reliable environmental information;
- 8) to participate in the discussion of draft Laws and regulations on the protection of the environment during their training and provide comments to the developers;
- 9) to participate in the preparation of plans and programs, relating to the environment;
- 10) to submit proposals for public environmental expert review and take part in it;
- 11) to demand the abolition of the administrative or judicial decisions on the siting, construction, reconstruction and commissioning of enterprises, buildings and other environmentally hazardous facilities, as well as on the limitation and termination of business and other activities of individuals and legal entities that have an adverse impact on the environment and human health;
- 12) to bring a case before a court for damages, caused to their health and property as a result of violation of environmental legislation of the Republic of Kazakhstan.

2. Individuals shall:

- 1) conserve the environment, treat with due care for natural resources;
 - 2) promote the implementation of measures, aimed at the rational use of nature, environment protection and ecological safety;
 - 3) prevent threats to environmental security, which may occur through their own fault;
 - 4) carry out its activities in accordance with environmental Laws of the Republic of Kazakhstan.
3. Individuals have certain rights and responsibilities, established by the Laws of the Republic of Kazakhstan.

Article 14. The rights and obligations of public associations in the scope of environment protection

1. Associations in carrying out its activities in the scope of environment protection have a right to:

- 1) develop and promote environmental programs to protect the rights and interests of citizens, to bring them to volunteer to be active in the scope of environment protection;
- 2) perform work on the protection of the environment and its rehabilitation, sound management and restoration of natural resources, participate in the protection of the environment, with special ecological, scientific, historical, cultural and recreational value in the activities of natural areas of preferential protection;
- 3) participate in decision-making by government bodies on issues, related to the environment in accordance with the Laws of the Republic of Kazakhstan;

- 4) perform work on environmental education and enlightenment, conduct scientific research in the scope of environment protection;
 - 5) initiate and organize the public environmental expert review and public consultations;
 - 6) carry out a public ecological monitoring;
 - 7) receive from government bodies and organizations with well-timed, complete and reliable environmental information;
 - 8) cooperate and collaborate in the scope of environment protection with government bodies and international organizations to conclude agreements with them, for them to carry out certain works on contracts under the Laws of the Republic of Kazakhstan;
 - 9) participate in the discussion of draft Laws and regulations on the protection of the environment during their training and provide comments to the developers;
 - 10) participate in the preparation of plans and programs, relating to the environment;
 - 11) raise questions about the prosecution of individuals and (or) legal entities present in court for compensation for damage to health and (or) property of citizens as a result of violation of environmental legislation of the Republic of Kazakhstan;
 - 12) demand the abolition of the administrative or judicial decisions on the siting, construction, reconstruction and commissioning of enterprises, buildings and other environmentally hazardous facilities, as well as a decision on the limitation, suspension or termination of business and other activities of individuals and legal entities that have an adverse effect on the environment and human health;
 - 13) establish environmental protection funds.
2. Associations on conducting its activities in the scope of environment protection shall:
- 1) be promotive of the implementation of measures, aimed at the sound management of natural resources, environment protection and ecological safety;
 - 2) carry out its activities in accordance with the Laws of the Republic of Kazakhstan.
3. Public associations have other rights and responsibilities, established by the Laws of the Republic of Kazakhstan.

Article 15. The powers of local government in the scope of environment protection and natural management

The powers of local governments in the scope of environment protection and nature management are:

- 1) organization of work on redevelopment and amenity planting of settlements;
- 2) organization of work on providing the sanitation of settlements;
- 3) the content of the storage and production waste burial and consumption places.
- 4) making suggestions to the local executive bodies, authorized government body for the protection and use of historical and cultural heritage to declare natural and other objects that have environmental, scientific, historical, cultural and recreational value, the monuments of history or culture.

Chapter 3. THE COMPETENCE OF STATE BODIES IN THE FIELD OF ENVIRONMENT PROTECTION AND NATURAL MANAGEMENT

Article 16. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan in the scope of environment protection and natural management shall:

- 1) develop the main directions of the state policy in the scope of environment protection and natural management, waste management, strategic measures for their implementation;
 - 1-1) implement public policies to meet the obligations under the international treaties of the Republic of Kazakhstan in the scope of climate change;
- 2) is excluded by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication);
- 3) Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 4) decide on the provision of natural resources in the nature management in the manner, prescribed by the Laws of the Republic of Kazakhstan;
- 5) Is excluded by the Law, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 6) determine the order of public accounting, government inventories and state monitoring of each type of natural resources;
- 7) state:
 - technical regulations in the scope of environment protection;
 - lists of best available techniques;
 - list of pollutants and wastes for which emission standards are established;
 - qualification requirements for licensed type of activity in the scope of environment protection;
 - trading procedures and commitments to reduce emissions into the environment;
 - the order of the state register of contaminated areas;
 - the order of the economic assessment of damage from environmental pollution;
 - standard rules of calculation rules of formation and accumulation of municipal waste;

National allocation of quotas blueprint for greenhouse gas emissions;
procedures for monitoring and controlling inventory of greenhouse gas emissions;
the order of implementation of project-based mechanisms in the regulation of emissions and removals of greenhouse gases;
rules for the development of waste management programs;
rules for the organization and conduct of industrial environmental monitoring during petroleum operations in the Kazakh sector of the Caspian Sea;
rules for the organization and conduct of baseline environmental studies in conducting petroleum operations in the Kazakh sector of the Caspian Sea;
8) shall determine:
list of environmentally dangerous economic and other activities;
list of objects of environment protection, with special ecological, scientific and cultural importance;
the procedure of open calls for proposals in the scope of environment protection;
the management order of ownerless hazardous waste, accepted the decision of the court, entered to the Republican property;
the procedure for the formation of the decommissioning costs of waste disposal grounds;
9) shall establish:
procedure for determining the target values of the environmental quality;
procedure for issuing, integrated environmental permissions and a list of types of industrial facilities for which it is possible to receive integrated environmental permissions instead the permits for emissions into the environment;
procedure for issuing permissions for the import, export of ozone depletes and products containing them, the production of works using ozone depletes, repair, installation and maintenance of equipment containing ozone depletes;
the order of state registration of the consumption of ozone depletes;
criteria for assessing the environmental areas;
ecological criteria for the evaluation of land;
boundaries of state action area in the northern part of the Caspian Sea;
procedure for import, export and transit of waste;
the list of greenhouse gases, which are subject to government regulation;
the order of creation and circulation of assigned amount units, emission reduction units, certified emission reductions, units of the adsorbing of greenhouse gases and other derivatives under international treaties of the Republic of Kazakhstan;
procedures for evaluation, approval and implementation of projects, aimed at reducing emissions and adsorbing of greenhouse gases;
formation of reserves and reserve set number of National allocation of quotas blueprint for greenhouse gas emissions;
procedure for the issuance of quotas for greenhouse gas emissions;
the order of implementation of environmental (green) investments;
10) carries out an international cooperation;
11) announces the territory as a zone of ecological emergency and takes a decision on the termination of the legal regime of the zone of ecological emergency;
11-1) takes the decision to restrict the transfer of the units to reduce emissions and adsorbing of greenhouse gases, produced by the implementation of projects in the registries of other countries and (or) their transfer to the reserve or reserves set number of National allocation of quotas blueprint for greenhouse gas emissions;
12) performs other functions, assigned to it by the Constitution and the Laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

Footnote. Article 16, as amended by the Laws of the Republic of Kazakhstan dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009) dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011) dated 22.07.2011 No 479 -IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 No 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 17. The competence of the authorized body in the scope of the environment protection

An authorized body in the scope of the environment protection shall:
1) conduct a unified state policy in the scope of environment protection;
1-1) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
1-2) implement a state policy in the scope of environment protection;
1-3) implement a state policy and carry out inter-sectoral coordination in the scope of municipal waste management;
1-4) develop and approve a normative-technical documentation in the scope of municipal waste management within its competence;

- 1-5) organize methodological support in the scope of municipal waste management;
- 1-6) organize carrying out of applied scientific research and development activity in the scope of municipal waste management;
- 1-7) develop model rules of calculation of norms of formation and accumulation of municipal waste;
- 2) coordinate activities within the competence of the central and local executive bodies in the exercise of the environment protection;
- 3) carry out the government management in the scope of climate and ozone layer of the Earth;
- 4) carry out within its jurisdiction the coordination of individuals and legal entities in the scope of climate change and the ozone layer, biodiversity, desertification and land degradation;
- 5) approve, within their competence or coordinate environmental regulations and environmental requirements of economic and other activities;
- 6) develop the program targets of the environmental quality;
- 7) Is excluded by the Law of the republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 8) issue environmental permissions within its competence, set limits on their emissions into the environment;
- 8-1) is excluded by the Law of the Republic of Kazakhstan dated 27.04.2012 No 15-V (shall be enforced after ten calendar days after its first official publication);
- 9) carry out the state environmental control;
- 10) carry out licenses for works and services in the scope of environment protection;
- 11) bring licenses into accord, permissions, agreements (contracts) in the natural resources utilization within its jurisdiction;
- 12) make the environmental impact assessment within its competence, and coordinate the implementation of environmental impact assessment in the Republic of Kazakhstan and its implementing guidance;
- 13) is excluded by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first publication);
- 14) decide to hold a mandatory environmental audit and approve the form conclusions about the mandatory environmental audit;
- 15) organize the state monitoring of the environment and of certain special types of monitoring and coordinating the conduct of a single state system of monitoring the environment and natural resources;
- 16) organize the Unified inventories of natural resources;
- 17) organize the State cadastre of waste production and consumption;
- 18) organize the State cadastre of burials of harmful substances, radioactive waste and waste water into the subsoil and approve instructions and guidance documents for the maintenance;
- 19) organize maintenance of public accounting of polluted areas;
- 20) organize the State cadastre of ozone depletes;
- 20-1) organize public registry of carbon units;
- 20-2) organize the state cadastre of emissions and removals of greenhouse gases;
- 20-3) define the list of measures to encourage waste utilization and densification of their formation;
- 21) issue a permission for the import, export of ozone depletes and products, containing them, the production of works, using ozone depletes, repair, installation and maintenance of equipment containing ozone depletes;
- 21-1) issue a permit for the production of works with use of ozone-depleting substances, repair, installation, maintenance of equipment, containing ozone-depleting substances;
- 21-2) issue a statement for the transboundary refuse transport through the territory of the Republic of Kazakhstan;
- 22) maintain the State Register of nature and the sources of pollution and establish the order of their registration;
- 23) organize the State Fund of environmental information, establish a schedule and procedure for access to environmental information, relating to the procedure for assessing the impact on the environment and the decision-making process on planned economic and other activities;
- 24) develop lists of best available technologies and arrange for keeping their registry;
- 24-1) maintain a register of environmentally dangerous technologies, machinery and equipment;
- 25) define the lists of wastes in landfills to accommodate the different classes;
- 26) prepare technical regulations in the scope of environment protection;
- 27) develop and approve the form of documents, relating to the organization and conduct of the state environmental control;
- 28) develop and approve instructions and guidance documents on assessment of impacts on the environment and the state environmental review, including the procedure for the conduct of the state environment impact assessment;
- 28-1) is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No 188-IV (the order of enforcement See Art. 2);
- 28-2) develop the procedure for monitoring and controlling inventory of greenhouse gas emissions;
- 28-3) develop the procedure for the implementation of project-based mechanisms in the regulation of emissions and removals of greenhouse gases;
- 28-4) develop a national plan for the allocation of quotas for greenhouse gas emissions;
- 28-5) develop the procedure for the allocation of quotas for greenhouse gas emissions;

28-6) develop the procedure for developing waste management programs;

28-7) develop the rules for the organization and conduct of industrial environmental monitoring during petroleum operations in the Kazakh sector of the Caspian Sea;

28-8) develop the rules for the organization and conduct baseline environmental studies in conducting petroleum operations in the Kazakh sector of the Caspian Sea;

29) shall state:

- method for determining the emission standards in the environment;
- classifier of waste;
- report form for hazardous waste;
- the including order of environmental conditions in the permission for emissions into the environment, forms of documents for the issuance of permissions for emissions into the environment and how to fill them;
- typical list of actions for the protection of the environment;
- methodology for calculating the fee for emissions into the environment;
- from of conclusion of the state environment impact assessment;
- composition and location of the advisory council of the technical regulation;
- checklists, forms and terms of the exchange of information on the Unified State System of monitoring of environment and natural resources;
- the procedure for converting units of project-based mechanisms in the regulation of emissions and removals of greenhouse gases in units of quotas;
- procedure for the development of internal projects to reduce greenhouse gas emissions and the list of sectors and industries in which they are carried out;
- procedure for the mutual recognition of allowances and other units of carbon credits on the basis of international treaties of the Republic of Kazakhstan;
- order of trade quotas on greenhouse gas emissions and carbon credits;
- the rules of monitoring procedure, recording and reporting of carbon units of greenhouse gases for the purpose of trading;
- the form of a passport facility
- form of report on the inventory of greenhouse gas emissions;
- the order of standardization of measurement procedures and accounting of greenhouse gas emissions;
- method of calculation of emission reductions and removals of greenhouse gases;
- rules for the treatment of persistent organic pollutants and wastes containing them;
- the rules of public registry procedure of carbon units;

30) shall state:

- the procedure for holding public hearings;
- the inventory order of greenhouse gases and ozone-depletes;
- quotas of greenhouse gas emissions for the subjects of the market mechanism to reduce emissions and adsorbing of greenhouse gases;
- reporting requirements as a result of self-control;

31) perfect the activity of laboratory services and analytical control in the system of environmental impact assessment;

32) involve in agreeing of basin scheme of complex use and protection of water bodies, the preparation of basin agreements, the development of government (regional and basin) programs on the use, reproduction and protection of water bodies, as well as in the implementation of the principle of basin water resources management within their competence;

33) carry out international cooperation in the scope of environment protection;

34) conclude agreements and memoranda in the scope of environment protection;

35) Is excluded by the Law of the Republic of Kazakhstan, dated 13.01.2014 No 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);

36) Is excluded by the Law of the Republic of Kazakhstan, dated 13.01.2014 No 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);

36-1) carry out the international treaties of the Republic of Kazakhstan in the scope of climate change;

36-2) specify the operating body for the implementation of international treaties of the Republic of Kazakhstan in the scope of climate change;

36-3) approve projects to reduce emissions and adsorbing of greenhouse gases, sold in the territory of the Republic of Kazakhstan;

36-4) accredit independent organizations, which carry out professional verificational and validation (determinating) activity in the reduction of emissions and removals of greenhouse gases, as well as confirmation of the report on the inventory of greenhouse gas emissions;

37) is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011);

38) develop and approve the form of mandatory departmental reports, checklists, criteria for risk assessment, plans for a semi-annual inspections in accordance with the Law of the Republic of Kazakhstan "On State Control and Supervision of the Republic of Kazakhstan";

38-1) coordinate the activities of the central executive bodies on the implementation of international treaties of the Republic of Kazakhstan for the conservation of natural and cultural heritage;

38-2) organize the implementation of international treaties of the Republic of Kazakhstan on Persistent Organic Pollutants;

38-3) perform the functions of the national body for the implementation of international treaties of the Republic of Kazakhstan on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;

38-4) argue instructional guidance documents for conducting of meteorological and hydrological monitoring;

38-5) argue instructional guidance documents for the calculation of emissions into the environment, coordinate the use of software systems for the calculation of emission standards in the environment;

38-6) carry out state management of hazardous chemicals, including persistent organic pollutants in the performance of the obligations of international treaties of the Republic of Kazakhstan on Persistent Organic Pollutants on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in international Trade;

39) carry out other powers, provided by this Code and other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 17, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement See Art. 2) dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009) dated 23.06.2009 No 164-IV (the order of enforcement see Art. 2), dated 17.07.2009 No 188-IV (the order of enforcement see Art. 2) dated 19.03.2010 No 258-IV; dated 06.01.2011 No 378-IV (shall be enforced after ten calendar days after its first official publication), dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011) dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first publication), dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 27.04.2012 No 15-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 No 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No 159-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 17-1. The competence of the authorized body in the scope of the community facilities

Footnote. Article 17-1 is excluded by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 18. The competence of the specially authorized government bodies

1. Specially authorized government bodies in the scope of environment protection, reproduction and natural resources utilization are:

- 1) the authorized government body in the scope of use and protection of water resources;
- 2) the central competent authority for land management;
- 3) the authorized government body in the scope of forest husbandry;
- 4) the authorized government body in the scope of protection, reproduction and use of wild animals;
- 5) the authorized government body in the scope of natural areas of preferential protection;
- 6) the authorized government body for the study and utilization of mineral resources;
- 7) the authorized government body in the scope of natural and anthropogenic disasters;
- 8) the authorized government body in the scope of sanitary and epidemiological welfare of the population;
- 9) the authorized government body in the scope of veterinary medicine;
- 10) the authorized government body in the scope of protection and plant quarantine;
- 11) the authorized government body in the scope of nuclear energy.

2. The competence of the specially authorized government bodies, established by the Land, Water and Forest Codes of the Republic of Kazakhstan, as well as the Laws of the Republic of Kazakhstan on Subsoil and Subsoil Use, oil, protection, reproduction and use of wild animals, natural areas of preferential protection, the protection of public health and, emergency situations of natural and sanitary and epidemiological welfare of the population, natural and emergency situations, industrial safety of hazardous production facilities, veterinary, plant protection and quarantine, nuclear energy and radiation safety.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan, dated 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 No 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 19. The competence of local representative bodies of regions, cities of republican status, capital in the scope of environment protection

Footnote. Title of Article 19, as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Local representative bodies of regions, cities of republican status, capital (hereinafter - the local representative bodies) in the scope of environment protection shall:

- 1) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

- 2) approve within its jurisdiction waste management programs;
- 3) approve within its competence targets for environmental quality within the administrative-territorial units;
- 3-1) approve state program for the development of territories and projects to reduce emissions and adsorbing of greenhouse gases;
- 4) hear reports of the heads of local executive bodies and legal entities on the state of the environment and natural resources;
- 5) adopt rules within the limits of their competence of natural resources utilization, for violations which provides for administrative liability;
- 6) is excluded by the Law of the Republic of Kazakhstan dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009);
- 6-1) approve rates of formation and accumulation of municipal waste;
- 7) carry out the other powers to safeguard the rights and interests of citizens in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 19, as amended by the Laws of the Republic of Kazakhstan dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009) dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011) dated 22.07.2011 No 479 -IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 19-1. The competence of local representative bodies of districts and cities of regional importance in the sphere of community facility

Local representative bodies of districts, cities of regional importance in the scope of community facility shall:

- 1) maintain standards of education and the accumulation of municipal waste;
- 2) claim rates for collection, transport, disposal and recycling of municipal waste;
- 3) carry out the other powers to safeguard the rights and interests of citizens in accordance with the Laws of the Republic of Kazakhstan.

Footnote. The Code shall be supplemented by Article 19-1 in accordance with the Law of the Republic of Kazakhstan dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 20. Jurisdiction of local executive bodies of oblasts, cities of republican status, capital in the scope of environment protection

Footnote. Title of Article 20, as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Local executive bodies of oblasts, cities of republican status, capital (hereinafter - the local executive bodies) in the scope of environment protection shall:

- 1) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar after its first official publication);
- 1-1) implement the state policy in the scope of environment protection;
- 1-2) conclude agreements and memorandums in the scope of environment protection within its competence;
- 2) prohibit or permit the construction or reconstruction of enterprises, buildings and other facilities, based on the environmental impact assessment and sanitary-epidemiological expertise within its jurisdiction;
- 3) organize and conduct within their competence, the state impact assessment of objects of economic activity;
- 3-1) issue permissions for emissions into the environment, set limits on emissions into the environment within its jurisdiction;
- 4) organize a public hearing on the conducting of environment impact assessment;
- 5) make proposals for the development of instruments for the protection of the environment, refer initiative projects of such documents to the authorized body in the scope of environment protection;
- 6) draw for the expert work of external experts (individuals and businesses), carrying out works and rendering of services in the scope of environment protection;
- 7) develop, within its competence targets for environmental quality;
- 8) organize the development of programs for waste management and ensure their implementation;
- 8-1) develop and submit the rules of formation and accumulation of municipal waste by the local representative bodies for approval;
- 9) allocate land for the construction of facilities for disposal of waste production and consumption;
- 10) provide the construction of facilities for disposal and waste disposal;
- 11) provide compliance with the environmental requirements for handling municipal waste;
- 12) carry out the control of the amount of waste and develop measures and economic incentives related to reduce waste generation, increasing their re-use or alternative uses and reducing the amount of waste to be disposed;

- 13) decide whether to provide the natural resources of nature in the manner, prescribed by the Laws of the Republic of Kazakhstan;
- 14) carry out provision of information to the public on the state of natural objects in the relevant territory;
- 15) carry out the registration of public ecological expert review;
- 16) develop and submit projects in the scope of environment protection to the authorized body in the scope of environmental investment;
- 17) carry out in the interests of local government the other powers, delegated to local executive bodies by the legislation of the Republic of Kazakhstan
- 18) develop and coordinate the development ground program and projects to reduce emissions and adsorbing of greenhouse gases with the authorized body in the scope of environment protection.

Footnote. Article 20, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement see Article 2) dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011) dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 03.12.2011 No 505 - IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon publication of ten calendar days after its first official publication).

Article 20-1. The competence of local executive district bodies and cities of oblast status in the scope of community facilities

Local executive bodies of regions, cities of oblast status in the scope of community facilities shall:

- 1) develop and submit rules of formation and accumulation of municipal waste for approval by the local representative bodies of districts and cities of oblast status;
- 2) develop and submit tariffs for collection, transport, disposal and recycling of municipal waste for approval by the local representative bodies of districts and cities of oblast status;
- 3) carry out other powers, delegated to local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local government.

Footnote. Chapter 3 is supplemented by Article 20-1, in accordance with the Law dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

SECTION 2. LICENSING IN THE FIELD OF ENVIRONMENT PROTECTION, ECOLOGICAL RATIONING, TECHNICAL REGULATION IN THE FIELD OF ENVIRONMENT PROTECTION, IMPACT ASSESMENT ON THE ENVIRONMENT, IMPACT STATEMENT, ENVIROMENTAL PERMIT AND ENVIRONMENTAL AUDIT

Article 21. Licensing of activities in the scope of environment protection

1. The activities of individuals and legal entities on environmental design, regulation and environmental audit for Category I of economic and other activities in accordance with Article 40 of this Code is based on the license to perform work and services in the scope of environment protection.

2. The authorized body in the scope of environment protection shall issue licenses for provision of works and services in the scope of environment protection in accordance with the Laws of the Republic of Kazakhstan on licensing.

3. The qualification requirements for licensed type of activity in the scope of environment protection shall be approved by the Government of the Republic of Kazakhstan.

Footnote. Article 21, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 10.07.2012 No 36-V (shall be enforced after ten calendar days after its first official publication).

Chapter 4. ECOLOGICAL REGULATION

Article 22. The purpose of the ecological regulation

1. The purpose of ecological regulation is to regulate the quality of the environment and to establish the permissible impact on it, providing environmental safety, conservation of ecosystems and biodiversity.

2. The standards for environmental quality standards and emission standards for the use and protection of natural resources shall be established in the process of ecological regulation.

Article 23. Environmental quality standards and the order of their establishment

1. The quality standards of the environment shall include:

- 1) the standards, established in accordance with the chemical characteristics of the environment, including standards for the maximum permissible concentrations, including radioactive substances, approximate safe levels

of chemicals;

2) the standards, established in accordance with the physical attributes of the environment, including the maximum permissible levels of noise, vibration, magnetic fields, radioactivity, heat, and other physical effects;

3) the standards, established in accordance with the biological indicators of environmental conditions, including the species and groups of plants, animals and other organisms, used as indicators of environmental quality, as well as standards for the maximum permissible concentrations of microorganisms, which are regulated by the sanitary-epidemiological rules and norms, hygienic standards:

soil fertility, humus content, indicators of water and wind erosion, soil waterlogging, salinization, alkalination and other soil characteristics of land;

forestation and reforestation areas, clutter forests, forest health, and other quantitative and qualitative indicators of individual sections of the forest fund;

water quality standards to be used for drinking and other purposes;

other norms of natural resources under the Laws of the Republic of Kazakhstan;

4) other environmental quality standards, stipulated by the legislation of the Republic of Kazakhstan.

2. In order to establish maximum residue limits of the authorized government body in the scope of sanitary and epidemiological surveillance shall be maintained state registration of potentially hazardous chemicals, including the classification of harmful substances according to their degree of danger. Chemicals that have passed state registration shall be allowed to use on the territory of the Republic of Kazakhstan.

3. Procedure for the establishment of the maximum permissible concentrations and approximate safe levels of substances shall be determined by the Laws of the Republic of Kazakhstan on the sanitary-epidemiological welfare of the population, protection, reproduction and use of wildlife, land legislation of the Republic of Kazakhstan.

4. Standards of natural resources shall be established in accordance with the Laws of the Republic of Kazakhstan for each type of resource.

Article 24. Target values of environmental quality

1. For individual areas shall be established target values of environmental quality.

2. Target values of environmental quality shall control limit of normalized parameters of the environment for a certain period of time, taking into account the need to gradually improve the quality of the environment.

3. Different target values of environmental quality shall be established for:

1) resident areas;

2) protected areas;

3) recreational areas;

4) desert and semi-desert areas;

5) water bodies.

4. Target values of environmental quality shall be established by appropriate programs for the protection of the environment, developed by local executive bodies of the regions (cities of republican status, capital) and approved at the local level by local representative bodies at the national level and the Protected Areas - Government of the Republic of Kazakhstan.

5. The target value establishment of environmental quality should ensure:

1) gradual achievement of environmental quality standards throughout the Republic of Kazakhstan;

2) environmental safety and reduce risks to public health;

3) regulation of the quality of the environment, taking into account the socio-economic conditions, plans and programs of economic development of the Republic of Kazakhstan and its regions, as well as the need to protect ecosystems, genetic fund of flora and fauna.

6. The procedure for determining the quality target values of the Environment shall be established by the Government of the Republic of Kazakhstan.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 25. Emission standards

1. The standards of emissions include:

1) the specific standards of technical issues;

2) the emission limit values of emissions and discharges of pollutants;

3) standards for waste disposal of production and consumption;

4) the permissible physical influences (heat, noise, vibration, ionizing radiation and other physical effects);

5) the standards of accommodation sulfur in the environment in the plain sight.

2. Emission Standards must ensure compliance with environmental quality standards, taking into account the natural features of the territories and waters and shall be calculated on the basis of maximum allowable concentrations, or the targets of environmental quality.

3. The values of emission standards are the basis for the issuance of environmental permissions and making decisions about the need for technical measures to reduce the negative impact of economic and other activities on the environment and human health.

Footnote. Article 25, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 26. Technical specific emission standards

1. Technical specific emission standards shall be established for specific processes and industries through the implementation of best available technologies.

2. Technical specific emission standards shall be established in technical regulations and shall be the basis of integrated environmental permissions.

3. Technical specific emission standards for mobile sources of emissions of air pollutants shall be established by technical regulations.

Footnote. Article 26, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 27. The standards of maximum permissible emissions and discharge of pollutants, standards for waste disposal of production and consumption

1. The standards of maximum permissible emissions, with the exception of greenhouse gas emissions and discharges of pollutants, waste disposal of production and consumption are emission standards that are established on the basis of calculations for each stationary source emissions and the enterprise as a whole from such a condition as to achieve the environmental quality standards.

2. The standards of maximum permissible emissions and discharges of pollutants, waste disposal standards of production and consumption shall be used on issuing permissions for emissions into the environment as part of projects with estimated values of standards, established by the values of the technical unit of emission standards for stationary and mobile sources of emissions, processes and equipment. Validity of the established maximum allowable emissions and discharges of pollutants, regulatory disposal of production and consumption shall be determined by the validity of environment impact assessment, containing regulations, issued by the projects.

Footnote. Article 27 is in the wording of the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 28. The procedure for determining emission standards

1. Emission Standards in the environment shall be justified in the evaluation of the impact assessment of the planned economic and other activities, either as separate documents for existing enterprises.

2. The development of emission standards for Category I of economic and other activities in accordance with Article 40 of this Code shall be carried out by individuals and legal entities that are licensed to perform work and services in the scope of environment protection.

3. Emission Standards for individual sources shall be established by specific technical emission standards or determined by calculation on the basis of environmental quality standards.

4. Methods of determining the emission standards by calculation, approved by the authorized body in the scope of environment protection.

5. The existing pollutions shall be taken into account in setting emission standards. Data on background levels of environmental quality parameters shall be presented to the National Hydro meteorological Service under contract with the project owner or project organization. Submission of data on background levels of environmental quality parameters, related to the activities of technologically related to the conduct of environmental monitoring.

6. Emission standards from mobile sources of emissions shall not be established into the atmosphere. Limiting concentrations of major air pollutant substances in the exhaust gases shall be determined by the legislation of the Republic of Kazakhstan on technical regulation.

Footnote. Article 28, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon the expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.07.2012 No 34-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 29. Other standards of natural resources

1. Standards of natural resources shall be established for the purpose of natural resources protection and restoration.

2. Standards of natural resources and the order of their establishment shall be determined by legislation of the Republic of Kazakhstan on subsoil and subsoil use in the protection, reproduction and use of wildlife, land, water, forest legislation of the Republic of Kazakhstan.

Chapter 5. TECHNICAL REGULATION IN THE FIELD OF ENVIRONMENT PROTECTION**Article 30. Objects and confirmation procedure of compliance in the scope of environment protection**

Objects and conformation procedure of compliance in the scope of environment protection shall be determined by the legislation of the Republic of Kazakhstan on technical regulation.

Article 31. Standards for confirmation procedure of compliance in order to ensure environmental safety

1. The requirements, established by regulatory legal acts in the scope of technical regulation shall be provided by the harmonized standards.

Standards of organizations are voluntary for use and shall not be contrary to the requirements, established by regulatory legal acts in the scope of technical regulation.

2. The sale of products, services, processes, subject to mandatory conformity have not undergone conformity assessment.

Article 32. Ecolabeling

1. The objectives of eco-labeling are:

- 1) protection of consumers from buying (use) of products, which are dangerous for the environment;
- 2) prevention of pollution of the environment during production, use and elimination (recycling, recycling) of all types of products;
- 3) ensuring of environmental safety equipment, processes, industries and products;
- 4) implementation of environmentally friendly production processes, equipment and facilities;
- 5) prevention of import of environmentally hazardous products and technologies;
- 6) export promotion and competitiveness of domestic products.

2. The ecolabeling object is the production in the manufacture of which is the least harmful or beneficial effects on the environment, human health and biological resources. The object of eco-labeling shall involve the process of production and applied technology.

3. Manufacturers shall label their products with the eco-friendly products on a voluntary basis after confirmation of compliance. Eco-labeling of products is a non-profit organization in the relevant sector in accordance with the Laws of the Republic of Kazakhstan on technical regulation.

4. Standards for environmentally friendly products, the shape and the technical requirements for the sign of environmentally friendly products shall be established by non-profit organization, accredited in accordance with the Law of the Republic of Kazakhstan "On technical regulation".

Article 33. Expert advisory body on technical regulation

Expert advisory body on technical regulation of the authorized body in the scope of environment protection shall develop draft technical regulations, as well as propose for the development and application of technical regulations in the scope of environment protection.

Article 34. The implementation of international standards

1. The implementation of natural resources of the system of international standards for environmental management shall be stimulated by:

- 1) spreading of information on international standards;
- 2) reduction of frequency of inspections for nature to implement the international standards of environmental management and with the evidence of such implementation by the authorized body in the scope of environment protection;
- 3) usage of economic regulation mechanisms of environment protection.

2. Measures to promote the implementation of international standards shall be carried out in accordance with the Laws of the Republic of Kazakhstan.

Article 34-1. Standards in the scope of greenhouse gas emissions and adsorbings

1. The authorized body in the scope of environment protection shall develop and approve the rules and criteria for the recognition of the admissibility of action in the Republic of Kazakhstan the international standards and standards of the Republic of Kazakhstan in consultation with the authorized body in the scope of technical regulations, used in the implementation of project-based mechanisms in the regulation of greenhouse gases emissions and adsorbings, an inventory of greenhouse gas emissions, verification and validation (determination).

2. The subjects of the state regulation of greenhouse gases emissions and adsorbings in their activity by the standards recognized and admitted by the authorized body in the scope of environment protection.

Footnote. The Code is supplemented by Article 34-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Chapter 6. IMPACT ASSESSMENT ON THE ENVIRONMENT

Article 35. Impact assessment on the environment

Impact assessment on the environment - a procedure under which potential consequences of economic and other activities on the environment and human health are estimated, measures to prevent adverse effects (destruction, degradation, damage and depletion of natural ecological systems and natural resources), environmental health, taking into account the requirements of the environmental legislation of the Republic of Kazakhstan shall be

developed.

Article 36. The Impact Assessment obligatoriness on the environment

1. The impact assessment on the environment is obligatory for all types of business and other activities that may have a direct or indirect impact on the environment and human health.

2. The development and implementation of projects of economic and other activities, affecting the environment without assessing the impact on it shall be prohibited. The results of the impact assessment are an integral part of pre-planning, planning, pre-designed and project documentation.

3. The impact assessment on the environment is subject to prospective activities of designed facilities in accordance with the requirements of this Code.

4. The customer (initiator) and project developer must take into account the results of the assessment of environmental impact and ensure the application of such an option that causes the least harm to the environment and human health.

Footnote. Article 36, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Article 37. Stages of the impact assessment on the environment

1. The impact assessment on the environment shall be carried out with the planning and construction stages of the design, provided by the legislation of the Republic of Kazakhstan.

2. The impact assessment on the environment includes the following stages:

1) a preliminary assessment of the impact on the environment (stage 1);

2) impact assessment, performed in the full and comprehensive analysis of the possible effects of the project or the further implementation of economic and other activities, study of alternatives and development plan (program), environmental management (stage 2);

3) The section "Environment protection" as part of the detailed design to the technical solutions for the prevention of adverse effects on the environment (stage 3).

3. On the impact assessment stages 2 or 3 on the environment shall be developed emission standards to the environment in accordance with the Chapter 4 of this Code.

Footnote. Article 37 is in the wording of the Law dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Article 38. The procedure of impact assessment on the environment

1. The impact assessment on the environment for Category I of economic and other activities in accordance with Article 40 of this Code shall be carried out by individuals and legal entities that have obtained a license to perform work and services in the scope of environment protection.

2. Organization and financing of the assessment of the effects on the environment shall provide the client (initiator) of the proposed activity.

3. Individuals and legal entities, engaged in developing an assessment of the environmental impact, shall be liable to the customer for the accuracy, completeness or quality of the results of the impact assessment on the environment in accordance with the contract.

Customer is responsible for the accuracy of submitted materials for environment impact assessment in accordance with the Laws of the Republic of Kazakhstan.

4. Monitoring of compliance with the environmental legislation of the Republic of Kazakhstan in the performance evaluation procedures of environmental impact shall supervise the authorized body in the scope of environment protection.

Footnote. Article 38, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication).

Article 39. Types of actions to be taken into account in the procedure of impact assessment on the environment

1. The procedure of impact assessment on the environment shall be accounted for:

1) direct effects - impacts that are directly provided by the main and related types of planned activities in the area of the object;

2) side effects - the impact on the environment, that are caused by indirect (secondary) factors, arising as a result of the project;

3) The cumulative effects - impacts, resulting from the ever-increasing changes, caused by past, present or reasonably foreseeable actions that accompany the implementation of the project.

2. In the procedure of impact assessment on the environment shall be carried out the assessment on:

1) air, with the exception of the impact of greenhouse gas emissions;

2) surface water and groundwater;

3) The bottom surface of the water;

4) landscapes;

- 5) land and soil cover;
- 6) the plant life;
- 7) wild animals;
- 8) condition of ecological systems;
- 9) health status of the population;
- 10) social services (employment, education, transport infrastructure).

3. Negative and positive effects of the impact on the environment and human health shall be accounted in the procedure of impact assessment.

Footnote. Article 39, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 40. Object classification of impact assessment on the environment on the importance and completeness evaluation

1. Economic and other activities for which shall be carried out the impact assessment on the environment, are divided into four categories - I, II, III, IV on the relevance and completeness of assessment.

Category I includes activities, related to the 1 and 2 hazard classes according to the sanitary classification of industrial facilities, as well as exploration and extraction of minerals, except popular.

Category II includes activities, related to the danger class 3 according to the sanitary classification of industrial facilities, as well as exploration and extraction of popular minerals, all kinds of forest management and the special water management.

Category III includes activities, related to hazard class 4 according to the sanitary classification of industrial facilities.

Category IV includes activities, related to the hazard class 5 according to the sanitary classification of industrial facilities, as well as all kinds of wildlife, except for amateur (sports) fisheries and hunting.

1-1. Activities, not related to the hazard classes in accordance with the sanitary classification of industrial activities are unclassified.

2. Differentiated requirements for the impact assessment on the environment of different categories objects shall be established by the instruction on the impact assessment on the environment.

Footnote. Article 40, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Article 41. Documentation of the impact assessment on the environment

1. Documentation on the impact assessment on the environment shall include:

- 1) the details of the customer's business and other activities;
- 2) the application (application) on the need for the proposed activity, feasibility study, feasibility study (draft), approved part of the project of an explanatory note;
- 3) description of the components of the environment prior to the implementation of either at the moment;
- 4) a description of the project, including:

objective and quantitative characteristics of the project and the requirements for placement on the area during the construction and operational phases;

the main characteristics of the production processes, including the type and quantity of materials and equipment with an indication of the potential impact of a proposed activity on the elements of the environment, and with the amount of ingredient composition of emissions into the environment, consumption of raw materials and divert resources;

5) an analysis of the used technology for compliance with the best available technologies and specific technological standards as well as compliance with technical regulations and environmental requirements to technology, techniques and equipment;

- 6) information on alternatives and an indication of the main reasons for the choice of design options;
- 7) a description of the possible impacts on the environment, public health and socio-economic conditions;
- 8) blear impacts of projected economic and other activities on the environment;
- 9) an assessment of the environmental risks and risks to public health;
- 10) a description of the measures, envisaged to prevent, reduce environmental impact, including proposals for environmental monitoring;

11) design standard environmental emissions standards and extraction of natural resources;

12) the rationale for the program of self-control;

13) environmental and economic assessment of the project in view of the possible risks and damage compensation;

14) materials on account of public opinion, and issuing reports, containing the findings and the results of the public discussion of environmental aspects of the proposed activity;

15) an indication of any difficulties and a lack of information in the assessment of the environmental impact;

16) the main findings on results of the impact assessment on the environment.

2. An application on the ecological consequences of the planned or conducted activity, which is the basis for the preparation of the decision on the admissibility of its implementation, based on an assessment of the impact assessment on the environment by customer (initiator) of the proposed activity.

3. The completeness of the content of the documentation for each stage of the impact assessment on the environment shall be determined by the instruction on the impact assessment on the environment.

Footnote. Article 41, as amended by the Laws of the Republic of Kazakhstan dated 23.06.2009 No 164-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after the first official publication).

Article 42. Methodical provision of the realization of the impact assessment on the environment

1. The impact assessment on the environment shall be carried out in accordance with the instructions and guidance documents on impact assessment on the environment, approved by the authorized body in the scope of environment protection.

2. The authorized body in the scope of environment protection, within its competence, shall monitor compliance with the requirements of methodical documents on the realization of the impact assessment on the environment in the development process of the impact assessment on the environment by the associated physical and juridical persons.

Article 43. Features of the impact assessment on the environment of objects with transboundary impacts

Features of the impact assessment on the environment of objects with transboundary effects shall be determined by international treaties, ratified by the Republic of Kazakhstan.

Article 44. Features of the impact assessment on the environment for current objects

Footnote. Article 44 is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Chapter 7. ENVIRONMENTAL IMPACT ASSESSMENT

Article 45. Types of the environmental impact assessment

Environmental impact assessment and public ecological expert reviews shall be carried out in the Republic of Kazakhstan.

Article 46. The objectives of the environmental impact assessment

Environmental impact assessment shall be carried out in order to:

- 1) define and limit the possible negative effects of the proposed administrative, economic, investment, rule-making and other activities on the environment and public health;
- 2) balance the interests of economic development and environment protection, as well as preventing damage to third parties in the course of nature.

Article 47. Objects of the Environmental impact assessment

1. A mandatory environmental impact assessment shall include:

- 1) pre-project and project documentation of planned activities that impact on the environment, with its accompanying materials evaluation of the environmental impact in accordance with the stages, determined by Article 37 of this Code;
- 2) Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 3) projects of emission standards in the environment;
- 4) The draft of regulatory legal acts of the Republic of Kazakhstan, regulatory, technical and methodological, documents, implementation of which may lead to negative impacts on the environment;
- 5) draft contracts for subsoil use operations;
- 6) science projects and feasibility studies for the establishment and expansion of protected areas, the abolition of state nature reserves and state conservation areas of national importance and a decrease in their territory;
- 7) biological studies on the production and use of resources, flora and fauna;
- 8) draft master plans for construction (development) of cities and territories, including the territories of special economic zones and territories with a special mode of doing business;
- 9) survey data areas, justifying the assignment of these areas to areas of ecological disaster or environmental emergency;
- 10) projects of economic activity, which may have an impact on the environment of neighboring countries or for which you want to use in common with the neighboring states of natural objects, or which affect the interests of neighboring states, including the complex "Baikonur" as defined by international treaties of the Republic of Kazakhstan;
- 11) documentation on the application of technology, equipment, excluding vehicles and equipment, transported (imported) to the Republic of Kazakhstan.

2. Objects of the environmental impact assessment shall pass recurring state environmental review in the following cases:

- 1) completion of the object of environmental impact assessment on the observations of the earlier environmental impact assessment;
- 2) introduction to the project and other documentation of changes after the positive opinion of the environmental impact assessment;
- 3) on the basis of a court decision.

3. Objects of the environmental impact assessment, referred to in subparagraphs 1) and 3) of paragraph 1 of this Article shall be divided into categories I, II, III, IV according to the classification of objects in Article 40 of this Code.

Projects of public, sector programs, legislative acts of the Republic of Kazakhstan, normative-technical and guidelines and procedures documents, the implementation of which may lead to negative impacts on the environment, developed by central government bodies, shall belong to the category I.

Projects of regional programs, legislative acts of the Republic of Kazakhstan, normative-technical and instructional and methodological documents, developed by the local government, shall belong to the II category II.

Objects of the environmental impact assessment, referred to in paragraphs 5) - 11) of paragraph 1 of this Article, shall belong to the category I.

Pre-project and project documentation of planned activities that impact on the environment, referred to in subparagraph 1) of paragraph 1 of this Article and unclassifiable according to the classification of objects in Article 40 of this Code shall apply to the Category II

Footnote. Article 47, as amended by the Laws of the Republic of Kazakhstan dated 23.06.2009 No 164-IV (the order of enforcement See Art. 2) dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 48. Bodies, exercising the environmental impact assessment

1. The environmental impact assessment shall be carried out by the authorized body in the scope of environment protection and local executive bodies within their competence.

2. The environmental impact assessment of the category I objects shall be carried out by the authorized body in the scope of environment protection, categories II, III and IV - local agencies areas (cities of republican status, capitals).

3. Distribution of the category I objects, subject to state environment review between the authorized body in the scope of environment protection and its territorial divisions, established by the authorized body in the scope of environment protection in accordance with the criteria, established by the Government of the Republic of Kazakhstan.

Footnote. Article 48, as amended by the Law of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement see Art.2).

Article 49. The procedure of the environmental impact assessment

1. Documentation on environmental impact assessment shall submit:

- 1) the customer (investor) of the planned administrative, economic, investment and other activities;
- 2) the head of the government body, which develops the draft legislation, plans and programs subject to the environmental impact assessment.

2. The procedure of the environmental impact assessment shall be determined by the authorized body in the scope of environment protection.

Footnote. Article 49 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 50. Terms of the environmental impact assessment

1. Term of the environmental impact assessment must not exceed two months for the category I objects and one month for objects II, III and IV categories from the transfer of the bodies, responsible for the environmental impact assessment of all necessary documentation, passed the preliminary examination.

The term of the re-examination of the environmental impact assessment for Category I objects shall not exceed one month, for objects of categories II, III and IV shall not exceed ten business days from the date of registration.

2. Term of the preliminary examination shall not exceed five business days of receipt of documentation for the environmental impact assessment. In the case of incomplete documentation, it to be returned to the submitting party.

Footnote. Article 50, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Article 51. The opinion of environmental impact assessment

1. The opinion of the environmental impact assessment shall be issued as a result of its implementation.

The environmental impact assessment is mandatory and must precede the adoption of legal, organizational and economic decisions regarding natural resources and the impact on the environment and human health. Without a positive opinion of the environmental impact assessment the realization of the product shall be prohibited.

2. The positive opinion of the environmental impact assessment shall include findings on the admissibility and the possibility of making a decision on the realization of the environmental impact assessment.

3. With a negative opinion of the environmental impact assessment the customer must provide a revision, submitted to the examination of materials in accordance with the suggestions and comments of the expert opinion and submit all materials for re-environmental review or stop the activity.

4. The financing and implementation of projects of economic and other activities for which the environmental impact assessment were required, banks and other financial institutions without a positive opinion of the environmental impact assessment.

5. The opinion of the environmental impact assessment shall be signed by the heads of offices of the authorized body in the scope of environment protection, regional offices of the authorized body in the scope of environment protection in the territory of the expert or the head offices of local executive bodies of oblasts, cities of republican status, capital within the limits of their competence.

6. The positive opinion of the environmental impact assessment to the project documentation is valid for five years from the date of issuance.

Footnote. Article 51, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after the first official publication).

Article 52. Rights of examination divisions heads, carrying out the environmental impact assessment

1. An examination division heads, carrying out the environmental impact assessment shall have the right to:

- 1) create in the established order the expert committees, groups for carrying out of the environmental impact assessment to be involved in the work of domestic and foreign experts, as well as legal entities;
- 2) carry out the control for activities of examination divisions of committees and groups;
- 3) lead expert advice to the environmental impact assessment, organize their activities;
- 4) determine the methods of the environmental impact assessment;
- 5) reject the submitted materials for the environmental impact assessment that do not meet the requirements of the environmental legislation of the Republic of Kazakhstan;
- 6) return to refine the documents and materials, containing calculation errors and other irregularities, the correction of which requires further research, exploration or additional funds;
- 7) sign the environmental impact assessment;
- 8) revoke the previously issued positive opinion of the environmental impact assessment within a month from the date of discovery of circumstances, evidence of the negative consequences of the implementation of the examination object to the environment, or the failure by the customer to the aforesaid conclusions;
- 9) request necessary for the additional materials for the environmental impact assessment.
- 10) submit to the banks and other financial organizations information about the objects of examination, which were not received a positive opinion of the environmental impact assessment;
- 11) prepare and send appropriate materials to Law enforcement and other bodies to address the issues of bringing to justice the persons, who are guilty of violating the Laws of the Republic of Kazakhstan.

2. Is excluded by the Law of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement see Article 2).

3. The organization and conducting of the environmental impact assessment of the heads of departments are independent and act in accordance with environmental Laws of the Republic of Kazakhstan.

The independence of the examination division shall be ensured by provisions for them to be approved by the authorized body in the scope of environment protection and local bodies, which include the procedure for their appointment and dismissal of other conditions, not inconsistent with the Laws of the Republic of Kazakhstan.

Footnote. Article 52, as amended by the Law of the Republic of Kazakhstan, dated 04.12.2008 No 97-IV (the order of enforcement see Article 2).

Article 53. An Expert of environmental impact assessment

1. An Expert of environmental impact assessment is the person who has a special knowledge and enough experience, necessary to carry out an environmental impact assessment, and an acquired in an established order by the body of the environmental impact assessment to conduct a state environmental assessment.

2. An Expert of environmental impact assessment may not be a representative of the customer documentation, entitled to the environmental review, or the developer of the object of environmental impact assessment, as well as natural and legal persons, composed of labor and contractual relationship with the customer or developer.

3. An Expert of environmental impact assessment is liable for the fulfilled examination in accordance with the Laws of the Republic of Kazakhstan.

4. The interference of government bodies, individuals, legal entities and officials is prohibited in the activities of the expert, associated with the conduct of the environmental impact assessment.

5. Violated rights of the expert of environmental impact assessment shall be protected in judicial and administrative proceedings, and the persons responsible for such violation shall be liable in accordance with the

Laws of the Republic of Kazakhstan.

6. An Expert of environmental impact assessment shall have the right:

- 1) to require the submission of additional materials, relevant to a comprehensive and objective assessment of the object of environmental impact assessment;
- 2) to involve the specialists additionally for the conduct of environmental impact assessment;
- 3) to make suggestions on the improvement of the organization of expertise, methodologies, procedures and principles of its implementation;
- 4) to form a separate opinion on the project of the environmental impact assessment, which is attached to the conclusion of the environmental impact assessment.

7. An Expert of environmental impact assessment shall be obliged:

- 1) to provide a comprehensive, objective and qualitative conduct of environmental impact assessment;
- 2) to comply with the environmental Laws of the Republic of Kazakhstan;
- 3) to conduct an environmental impact assessment on the basis of the existing rules and regulations;
- 4) to comply with the established period and the procedure for the execution of the environmental impact assessment;
- 5) to prepare the argued conclusion of the environmental impact assessment and transfer then timely to their bodies that decide on the implementation of the object examination and customers;
- 6) by rejecting expertized objects from further consideration or return of materials justifying them for revision to objectively assess and to convincingly justify the environmental impact assessment;
- 7) to ensure the safety of materials and coordinate their actions with respect to confidential documents with their owner, to prevent the disclosure of information, entrusted to him.

Article 54. Use of external experts in the environmental impact assessment

If the environmental impact assessment requires the involvement of external experts, the bodies of environmental impact assessment have the right to ask for expert opinions of other state agencies, other organizations, as well as individual experts. Involvement of external experts shall be exercised by the authorized body in the scope of environmental protection, local executive bodies of the regions, the city of republican status, capital, in accordance with the Laws of the Republic of Kazakhstan on public procurement.

Footnote. Article 54, as amended by the Law of 04.12.2008 No 97-IV (the order of enforcement, see Article 2).

Article 55. Registry of draft regulations passed the environmental impact assessment

The authorized body in the scope of environment protection keeps the register of draft regulations, passed the environment impact assessment, and assigns serial numbers to them.

Article 56. Expert councils of environmental impact assessment.

1. Expert councils of the environmental impact assessment, which are advisory bodies and acting in accordance with the regulations on them are created under the authorized body in the scope of environment protection.

2. The provisions of the advisory councils of the environmental impact assessment of the authorized body in the scope of environment protection, their personal structures are approved by the head of the authorized body in the scope of environment protection.

3. Members of the Expert councils of the environmental impact assessment may be officials of government bodies whose functions are related to the environment protection, the scientists of research institutions, universities, practitioners and members of the public.

4. The jurisdiction of the advisory councils of the environmental impact assessment shall include:

- 1) a discussion of the complex issues of environmental security, environment protection, use and reproduction of natural resources in the environmental impact assessment.
- 2) consideration of the environmental impact assessment on objects with high environmental risk.

Article 57. Publicity of the environmental impact assessment and public access to decision-making

1. Application for the state environmental review, with the exception of applications for the environmental impact assessment of draft standards for emissions into the environment shall be published in the media by the customer of planned activities.

2. All interested citizens and public associations are given the opportunity to express their opinion during the environmental impact assessment.

3. Public hearings are held on the draft, the implementation of which may have a direct impact on the environment and public health.

Event overlays for the environment protection, developed for the objects of I and II category to obtain permits for emissions into the environment, subject to submission on the public hearing.

4. The procedure for public hearings is set by the authorized body in the scope of environment protection and shall specify:

- 1) identification of the concerned persons;

- 2) the location, where the information and consultations may be obtained;
- 3) the manner of informing the public (posting billboards in certain locations, the publication in newspapers, exhibitions in the submission of plans, drawings, tables, graphs, models);
- 4) determining the manner in which a public consultation is carried out (the written submissions, the survey population);
- 5) The date of the public hearing.

5. After adopting a decision on the environmental impact assessment, all the interested parties are given the opportunity to obtain information on the project expertise, in the manner prescribed by this Code.

Footnote. Article 57, as amended by the Law of the Republic of Kazakhstan, dated 03.12.2011 No505-IV (shall be enforced upon expiry of ten calendar days after its official publication.)

Article 58. Method of dealing with differences in the exercise of environmental impact assessment

1. Disagreements in the implementation of the environmental impact assessment are considered by negotiations or through the courts.

2. Differences through negotiations on the environmental impact assessment are considered by the authorized body in the scope of environment protection on the treatment of any of the interested parties, including the customer's planned activities and the local executive body.

In this case, the subject of controversy cannot be a negative conclusion of the environmental impact assessment.

Article 59. Funding for the environmental impact assessment

Funding for the environmental impact assessment shall be carried out at the expense of budget funds and funds of customers.

Article 60. Public environmental impact assessment

1. Public environmental impact assessment - a type of activity, carried out on a voluntary basis by expert commissions, established by public associations.

2. Public environmental impact assessment shall consider any economic and other activities for compliance with the public interest to preserve favorable for the life and health of the environment.

Emissions of greenhouse gases are not subject to public environmental impact assessment, with the exception of emissions of substances provided by the Tax Code of the Republic of Kazakhstan, as pollutants.

3. The initiator of public environmental impact assessment can serve individuals or associations whose interests are affected in the case of the object of public environmental impact assessment.

Footnote. Article 60, as amended by the Laws of the Republic of Kazakhstan from 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 27.04.2012 No 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 61. The organizer of public environmental impact assessment

1. The organizer of public environmental impact assessment, associations on whose behalf the application is submitted for public environmental impact assessment and action is being taken to organize the activities of the expert committee.

2. The organizer of public ecological examination shall have the right to:

- 1) request the customer object of public environmental impact assessment environmental documents and materials, necessary for the public environmental impact assessment;
- 2) create a commission of experts to conduct the examination;
- 3) submit a conclusion of public environmental impact assessment to the local executive bodies and financial institutions.

3. Organizer of public environmental impact assessment shall:

- 1) organize a public environmental impact assessment in accordance with the requirements set out in this Code;
- 2) provide information to the public about the progress and results of the public environmental impact assessment and consideration of public opinion in the formulation of conclusion of the public environmental impact assessment;
- 3) ensure the openness of conclusion of the public environmental impact assessment to all interested parties.

Article 62. Experts of Public environmental impact assessment

1. An expert of environmental impact assessment is an individual who possesses the scientific and (or) a working knowledge of the subject matter and is engaged by the organizer of public environmental expertise to conduct public environmental impact assessment.

2. An expert of public environmental impact assessment may not be:

- 1) The representative of the customer of the object of public environmental impact assessment;

- 2) A representative of the developer of the object of public environmental impact assessment;
 - 3) a natural person who is composed in labor or other contractual relationship with specified customer, or by the developer of the object of public environmental impact assessment;
 - 4) a representative of a legal entity, which consists in a contractual relationship with the customer or with the developer of the object of public environmental review.
3. The expert of public environmental review is involved in its conduct in accordance with the Laws of the Republic of Kazakhstan and the assignment, issued by the organizer of the public environmental review.
4. The expert of public environmental review under the implementation of public environmental review has the right to express a dissenting opinion on the object of public environmental review, which is attached to the conclusion of public environmental review.
5. The expert of public environmental review shall:
- 1) comply with the requirements of environmental legislation of the Republic of Kazakhstan;
 - 2) ensure the objectivity and validity of the conclusions of its opinion on the object of environmental review and consideration of comments and proposals, submitted to the public environmental review from concerned individuals and voluntary associations;
 - 3) ensure the safety and confidentiality of materials, submitted to the public environmental review, and the protection of intellectual property.

Article 63. The rights and obligations of the customer of the object of Public Environmental Review

1. The customer of the object of the public environmental review is a natural or legal person of the planned administrative, economic, investment and other activities.
2. The customer of the object of public environmental review shall have the right for:
 - 1) protection of legally protected confidential information, contained in the documentation for the proposed activity;
 - 2) to obtain information and to have an access to information about the progress and results of the public environmental review;
 - 3) to participate in the public hearings and other events, held in the Public Environmental Review;
 - 4) to submit their explanations and comments to the conclusion of a public environmental review to the body, realizing the environmental environment impact assessment, local executive bodies.
3. The customer of the object of public environmental review shall:
 - 1) provide required documents and materials for public environmental review;
 - 2) submit a written response to the recommendations, set out in the conclusion of public environmental review to the authority in the scope of public environmental review.

Article 64. Funding of public environmental review

Funding of public environmental review shall be carried out by:

- 1) own funds of public associations, organizing and conducting a public environmental review;
- 2) donations, grants, provided without compensation;
- 3) other sources not prohibited by the Laws of the Republic of Kazakhstan.

Article 65. Procedure for registration of public environmental review

1. Public environmental review is subject to the registration statement of the organizer of the review on its conduct.
2. The statement for registration of public environmental review shall be organized by its organizer to the local bodies, on territory of which, the activity of area under review is planned.
3. The statement on realization of public environmental review shall include:
 - 1) the name, legal address of the organizer of public environmental review;
 - 2) the nature of the activity, stipulated in the charter of organizer of public environmental review;
 - 3) information on the category of the expert committee of public environmental review;
 - 4) information about the object of public environmental review, the duration of realization of public environmental review.
4. Local executive bodies within ten business days from the filing date of the public environmental review are obliged to register or refuse a registration of it.

Statement on public environmental review, the registration of which has not been denied in the indicated period, deemed to be registered.
5. In the registration of statement on the organization of public environmental review may be refused if:
 - 1) public environmental review has previously been held twice in respect of the object;
 - 2) the object of public environmental review contains information that constitutes state, commercial and other secrets, protected by Law;
 - 3) the charter of organizer of public environmental review does not include the activities of the public association for the public environmental review;
 - 4) State environmental review of the alleged object of public environmental review is completed.
6. In case of refusal of registration of the statement on realization of the public environmental review, the local agency shall notify the initiator and organizer of public environmental review, a reasoned

justification of the reasons for refusal in writing.

Article 66. The conclusion of the public environmental review

1. The results of the public environmental review are issued in the form of a conclusion of the public environmental review, which is a recommendation.
2. The conclusion of the public environmental review shall include:
 - 1) the name and legal address of the organizer of the environmental review;
 - 2) the name, first name or full name of the customer, the name and location of the object of public environmental review;
 - 3) information on the registration of the statement on realization of the public environmental review in the local executive body;
 - 4) Terms of realization of the public environmental review;
 - 5) the composition of the documentation, held at public environmental review, transfer of other documents, used in the process of public environmental review;
 - 6) a group of members of the expert committee of public environmental review;
 - 7) A summary of the assessment results;
 - 8) job description on realization of the public environmental review, certain organizer of public environmental review;
 - 9) A description of the process of public environmental review, including the interaction with the public, customers and other stakeholders;
 - 10) The conclusion of the public environmental review.
3. Conclusions of the public environmental review shall include:
 - 1) opinion on the conformity of the object of public environmental review to the requirements of the environmental legislation of the Republic of Kazakhstan;
 - 2) characteristics of completeness, quality and credibility of customer impact assessment conducted on the environment;
 - 3) description of the positions of various groups of the public in relation to the proposed activities, review of proposals and comments from the public;
 - 4) experts' opinion on the environmental and social acceptability of the object of public environmental review;
 - 5) The suggestions and recommendations to the authority conducting the environmental impact assessment to the customer, government bodies and corporate decision-makers, associated with the implementation of the expert review object.
4. The conclusion of the public environmental review shall be signed by an authorized representative of the organizer of public environmental review, the chairman and members of the expert committee.
5. The conclusion of public environmental expert review shall be directed to:
 - 1) the local executive body which carried out the registration of the application for public environmental expert review;
 - 2) the body, carrying out the environmental impact assessment of the object;
 - 3) the customer of the planned activities;
 - 4) bodies, which make decisions, associated with the implementation of the object of public environmental expert review;
 - 5) the media.

Article 67. Use of results of the public environmental review

1. Customer of the proposed activity shall examine the conclusion and recommendations contained therein, within one month from the date of receipt of the opinion of the public environmental review and to send his comments to the body of environmental impact assessment and organizer of public environmental expert review.
2. Conclusion of public environmental expert review should be considered during the environmental impact assessment. Results of the review should be sent to the organizer of public environmental expert review and the authorized body in the scope of environmental protection.
3. The conclusion of public environmental impact assessment can also be taken into account in decision-making by local executive bodies, financial institutions and customer of planned activities.

Chapter 8. ENVIRONMENTAL PERMITS

Article 68. Types of environmental permits

Following environmental permits shall be issued to the users of nature in the Republic of Kazakhstan of natural resources:

- 1) permits for emissions into the environment;
- 2) integrated environment permits.

Implementation of emissions into the environment from all stationary sources of emissions without environmental authorization is prohibited.

Emissions of greenhouse gases are not subject to environmental permits, with the exception of emissions of

substances, set by the Tax Code of the Republic of Kazakhstan, as pollutants.

Footnote. Article 68, as amended by the Laws of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication), dated 27.04.2012 No 15-V (shall be enforced after ten calendar days after its first official publication).

Article 69. Permit for emissions into the environment

1. Users of nature, carrying out environmental emissions are required to obtain a permit for emissions into the environment, with the exception of emissions from mobile sources.

2. Emission permit to the environment shall be issued to the users of nature according to his application in the manner, prescribed by this Code.

3. Users of nature are obliged to fulfill conditions, specified in the permit for emissions into the environment, and are responsible for their non-compliance in accordance with the Laws of the Republic of Kazakhstan.

4. Users of nature, which have their own manufacturing objects are located in:

1) one area (city of republican status, capital) are eligible to apply for a permit for environmental emissions for each facility, as well as across their accumulation;

2) different areas (cities of republican status, capital), shall apply for a permit for emissions into the environment at the location of each of the object.

5. It is not required to obtain permits for emissions into the environment, if these emissions are in the process of general nature.

Footnote. Article 69, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (order of enforcement See Art. 2) dated 16.11.2009 No 200-IV (shall be enforced from 01.01.2010).

Article 70. Permission content for emission into the environment

1. Permit for the emission into the environment is a set of standard documents, containing:

1) information on the users of nature, business and other activities, carried on by him;

2) the term of the permit;

3) environmental conditions, including emission standards for all of their sources;

4) The action plan for the protection of the environment for the duration of the permit;

5) a program of environmental control.

1-1. In terms of nature when issuing permits for emissions into the environment as part of the disposal of production and consumption, figures include waste management program, reflecting the decrease in the volume of waste and reducing their harmful impact on the environment during the period of the permit.

In the condition of natural resources, in issuing permits for emissions into the environment, in the part of disposing, sulfur, indicators of the program to reduce the accumulated amounts of sulfur and reduce its harmful effects on the environment during the period of the permit are included.

2. Blank forms of permits for emissions into the environment, and the order of their filling are approved by the authorized body in the scope of environmental protection.

Footnote. Article 70, as amended by the Law of the Republic of Kazakhstan, dated 03.12.2011 No 505-IV (the order of enforcement, See Art. 2).

Article 71. Categories of objects that require permits for emissions into the environment

1. Objects, which are allowed to be used for emission into the environment by the users of nature shall be divided into four categories: I, II, III and IV.

2. Objects of the first and second category of hazard classification according to the sanitary production of industrial objects belong to the first category.

Objects of the third class of hazard classification according to the sanitary production of the industrial objects belong to the second category. Objects of the fourth class of hazard classification according to the sanitary production of the industrial objects belong to the third category. Objects of the fifth class of hazard classification according to the sanitary production of the industrial objects belong to the fourth category.

2-1. Activities, not classified according to the sanitary classification of industrial objects belong to the category II.

3. For objects of the first category, users of nature get a permit for emissions into the environment in the authorized body, in the scope of environmental protection of the II category - in local executive bodies of regions, cities of republican status, capital, of the category III - in local executive bodies of regions, cities of republican status, capital cities on the simplified scheme, of the category IV - in local executive bodies, cities of republican status, capital.

4. Distribution of objects of the first category for the grant of permits for emissions into the environment between the authorized body in the scope of protection of the environment and its territorial divisions is established by the authorized body in the scope of environmental protection in accordance with the criteria, established by the Government of the Republic of Kazakhstan.

Footnote. Article 71, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 N 97-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV (shall be enforced expiry of ten calendar days after its first official publication).

Article 72. Files, delivered for permits on the emission into the environment

1. To obtain a permit for emissions into the environment, the user of nature submits the necessary set of documents to the authority, which gives an authorization.

2. For users of nature, having the objects of the categories I and II, set of documents for obtaining a permit for emissions into the environment include:

- 1) an application for a permit;
- 2) Is excluded by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its first publication);
- 3) Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first publication);
- 4) the conclusion of the environmental impact assessment for projects of emission standards;
- 5) a plan of actions on the protection of the environment;
- 6) a program of industrial ecological control;
- 7) Is excluded by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its official publication.)

To obtain a permit for emissions into the environment in terms of waste disposal of the production and consumption, the user of nature shall subject a program of waste management. To obtain a permit for emissions into the environment in terms of sulfur disposal, the user of nature carrying out petroleum operations, shall subject a program on reduce of the accumulated volumes of sulfur and a reduce of its harmful effects on the environment, consistent with the local executive body of the area, on the territory of which, a sulfur disposal is carried out, and with the competent authority in the scope of environment protection.

3. For users of nature, having objects of the III category, a set of documents for obtaining a permit for emissions into the environment shall include:

- 1) an application for a permit;
- 2) the conclusion of the environmental impact assessment for the project emission standards;
- 3) A plan of actions for the protection of the environment;
- 4) a program of industrial ecological control;
- 5) Is excluded by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its official publication).

4. For users of nature, having objects of the IV category, the set of documents for obtaining a permit for emissions into the environment include:

- 1) an application for a permit;
- 2) emission standards into the environment, established and relevant by calculated or instrumental means.
5. The application form for a permit of emissions into the environment is approved by the authorized body in the scope of environment protection.

Footnote. Article 72, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement, See Art. 2) dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (the order of enforcement, See Art. 2).

Article 73. Natural management conditions, included a permit for emissions into the environment

1. In cases, if specific environmental requirements are adopted for ongoing activities in the Republic of Kazakhstan where the nature user for adopted and standards in the permit for emissions into the environment may include environmental conditions to ensure compliance with these requirements and regulations.

2. The decision to include certain environmental conditions on the natural management in the permit for emissions into the environment of, accepted by the permitting authority.

3. Introduction to the permit on environmental emissions environmental conditions which are not stipulated by the environmental requirements and standards, set by the environmental legislation of the Republic of Kazakhstan, shall be prohibited.

4. The order of inclusion in the resolution of environmental conditions on emissions into the environment is to be approved by the authorized body in the scope of environmental protection.

5. The user of nature is obliged to submit a quarterly report on the implementation of environmental conditions included in the environmental permit in issuing body.

Footnote. Article 73, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced upon expiry of ten calendar days after its official publication).

Article 74. Deadline for applications, review and issuance permits the environment issue

1. For objects of category I call for entries is no later than two months, and for objects II, III and IV categories no later than one month before the expiration of the current permit or prior to commissioning of the new facility.

2. No later than fifteen calendar days from the date of filing of the application of the permitting authority, consider the application for completeness and material compliance with this Code. During this period may be requested additional documents provided herein.

Upon expiry of duration, the application is accepted for review or rejected due to lack of submissions and (or) due to its non-compliance with this Code.

Upon the refusal of the application, a refusal is sent to the user of nature with informative foundation of the reasons for the deviation.

3. For objects of I category, accepted applications are reviewed by the authority issuing a permit within a period not more than two months from the date of filing of the application, and for objects of the II, III and IV categories within a period, not exceeding one month. Following the results of investigation, the permit is issued for emissions into the environment.

Footnote. Article 74, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement, See Art. 2) dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication) dated 03.12.2011 No505-IV (shall be enforced upon expiry of ten calendar days after its official publication).

Article 75. The grounds for the issuance of permit for emissions into the environment

1. Permission on emissions into the environment shall be given to the user of nature for the object of categories I and II under the following conditions:

- 1) necessary documents and materials are presented in accordance with Article 72 of this Code;
- 2) Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first publication);
- 3) Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first publication);
- 4) A plan of actions for the protection of the environment complies with the environmental requirements and standards, set by the environmental legislation of the Republic of Kazakhstan, and achieves the emission standards into the environment;
- 5) a program of industrial ecological control meets the requirements, established by the Code.

2. Permit on emissions into the environment should be given to the user of nature for the object of the category III, if:

- 1) the necessary documents and materials are presented in accordance with Article 72 of the Code;
- 2) Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first publication);
- 3) A plan of actions for the protection of the environment complies with the environmental requirements and standards, set by the environmental legislation of the Republic of Kazakhstan and achieves the emission standards into the environment;
- 4) A program of industrial ecological control meets the requirements, established by this Code.

3. Permit on emissions into the environment shall be given to the user of nature for the object of the category IV, if he submitted the necessary application and emissions standards into the environment.

Footnote. Article 75, as amended by the Laws of the Republic of Kazakhstan dated 10.01.2011 No 383-IV (shall be enforced after ten calendar days after its first official publication), dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication).

Article 76. Terms of permits for emissions into the environment

Permits for emissions into the environment shall be issued for a period prior to the change of the technologies and the environmental conditions, specified in the existing permit, but not more than five years.

Footnote. Article 76 in the Law dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first publication).

Article 77. Refusal to issue, suspension, revocation, denial of permits for emissions environment

Footnote. Title of Article 77, as amended by the Law of the Republic of Kazakhstan dated 27.04.2012 No 15-V (shall be enforced after ten calendar days after its official publication.)

1. The permitting authority on environmental emissions, refuse to issue a permit in the following cases:

- 1) incomplete and unreliable materials submitted for approval;
- 2) failure of the requested conditions of natural resource requirements specified in Article 73 of this Code.

2. Disputes and disagreements in connection with the refusal to issue a permit for emissions into the environment are considered in accordance with the Laws of the Republic of Kazakhstan.

3. The suspension of the permit for emissions into the environment shall be carried out in accordance with the Code of the Republic of Kazakhstan on Administrative Offences.

If permission is granted by nature user several production objects, the permit shall be suspended for the project, for which a violation.

4. Resolution on environmental emissions canceled authority that issued it, the date of the issuance of a new permit.

5. Deprivation of a nature user of the permits for emissions into the environment shall be implemented through the courts.

Footnote. Article 77 is in the wording of the Law dated 03.12.2011 No 505-IV (shall be enforced after ten

calendar days after its first official publication.)

Article 78. Procedure for renewal of permits for emissions into the environment

1. Re-issuance of the permit for emissions into the environment in one month in the case of change of name or legal form, reorganization of a nature user which do not increase the burden on the environment.

2. Re-issuance of permits shall be subject to the following documents:

- 1) the application for renewal of the permit;
- 2) a certificate of state registration (re-registration) of a legal entity;
- 3) a certificate of the taxpayer;
- 4) Is excluded by Law of the Republic of Kazakhstan dated 19.03.2010 No 258-IV.

Footnote. Article 78 is in the wording of the Law dated 04.12.2008 N 97-IV (the order of enforcement, See Art. 2), as amended by the Laws of the Republic of Kazakhstan dated 19.03.2010 No 258-IV; dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication), dated 24.12.2012 No 60-V (shall be enforced after ten calendar days after its official publication.)

Article 79. Integrated environmental permit

1. Integrated environmental permit is a single document certifying the right to exercise a nature emission to the environment with the condition of implementation of best available technology and technical compliance of specific emission standards established by the environmental legislation of the Republic of Kazakhstan.

Integrated environmental permits are issued by the authorized body in the scope of environmental protection.

2. The lists of the best available technology for specific industries and processes developed by the authorized body in the scope of environmental protection with the relevant central executive bodies, other organizations and approved by the Government of the Republic of Kazakhstan.

3. The list of types of industrial objects for which, the acceptance of environmental permits for the emission into the environment is possible and the order of their issuance shall be established by the Government of the Republic of Kazakhstan.

4. Integrated environmental permit, in addition to the information specified in Article 70 of this Code, shall include:

- 1) the conditions of the economic use of raw materials and energy;
- 2) waste management system;
- 3) actions and measures for the operation of the object in situations that are dangerous for the environment;
- 4) The terms and conditions for the implementation of best available techniques.

5. Integrated environmental authorization is valid until the change of technologies and the environmental conditions, specified in the permit.

6. Suspension and withdrawal of action of integrated environmental permit are carried out in accordance with the Code of the Republic of Kazakhstan on Administrative Offences.

Footnote. Article 79, as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 N 97-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after the first official publication).

Chapter 9. ENVIRONMENTAL AUDIT

Article 80. Environmental audit

1. An individual or legal entity is the audited subject that has concluded a contract with an environmental auditor or environmental audit organization for conducting of the environmental audit.

2. The environmental audit shall be carried out by analyzing the statements of the audited entities on the environment impact.

Emissions of greenhouse gases are not the subject of analysis in conducting of environmental audit.

3. On conducting of environmental audit shall be carried out special research and measurement for the purpose of:

- 1) control the submitted reports validation on the environment impact;
- 2) the conformance evaluation of engineering and manufacturing process with environmental requirements;
- 3) the conformance evaluation of industrial monitoring system and control of environmental requirements;
- 4) assessment of the workers skills.

4. The relationship between environmental auditors, environmental audit organizations and audited entity shall arise from the contract for the environmental audit in accordance with the civil legislation of the Republic of Kazakhstan. Footnote. Article 80, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 81. Types of environmental audit and the basis for its conducting

1. The types of environmental audit are mandatory audit and initiative audit.

2. The basis for mandatory environmental audit of individuals and legal entities are:

- 1) significant environmental damage, caused by economic and other activities of individuals and legal entities duly documented;
- 2) reorganization of the legal entity- nature user which carries out environmentally hazardous economic and other activities, in the form of a merger, separation and isolation;
- 3) bankruptcy of legal entities -nature users, exercising environmentally hazardous business and other activities.

3. Initiative environmental audit shall be conducted on the initiative of the audited entity or its members, taking into account the specific objectives, the timing and amount of environmental audit under the contract to carry out an environmental audit between the initiator and the environmental auditor or environmental audit organization.

4. Interested individual and (or) legal entities, insurance companies, investors, the authorized body in the scope of environment protection and other government bodies can act as the customers of the environmental audit.

Article 82. The conducting of environmental audit

1. The environmental audit shall be conducted in accordance with the environmental auditing plan, which shall be prepared by auditor according to the requirements of paragraph 2 of this Article, and in agreement with the customer and the audited entity. The parties shall be governed by the standard form of environmental audit plan, approved by the Chamber of environmental auditors, which serves as guidelines on planning the environmental audit.

2. The stages of the environmental audit shall be:

- 1) the prior acquaintance with the audited subject;
- 2) a plan development of the audit;
- 3) collecting and filing of the information;
- 4) inspection of the audited subject and conduct a survey of its employees;
- 5) determination of the amount of technical studies;
- 6) conducting of technical studies;
- 7) identification of environmental risks;
- 8) development of proposals to increase the level of environmental safety;
- 9) preparation of the environmental audit report.

3. The environmental auditor shall acquaint previously with the specifics of the audited subject to develop a plan for environmental audit.

4. Collecting and filing of relevant information shall be carried out by the audited subject and other organizations. The structure of information shall include:

- 1) the requirements of legislative acts on environmental matters, relating to the activities of the audited subject;
- 2) the map of a location area and schematic map of the audited subject;
- 3) the results of aerial photography in the case of its availability;
- 4) the administrative structure of the audited subject management;
- 5) the regulation on the protection of the environment on the audited subject, in the case of its existence;
- 6) the environmental permit;
- 7) the statements of the audited subject for the protection of the environment over the past five years;
- 8) the reports on the implementation of self-control;
- 9) the copies of the records of inspections by the authorized body in the scope of environment protection over the recent three years;

- 10) the program of the audited subject in the scope of environment protection in the case of its existence;
- 11) the plan of action for the prevention of accidents and mitigation of their consequences;
- 12) the assess the impact of the audited subject on the environment with the enacted supplements;
- 13) the report on the inventory of emissions, wastewaters for the current period;
- 14) the draft standards for maximum permissible emissions and wastewaters, waste disposal, operating in the current period;

15) the data about the environmental and economic aspects of the subject;

16) the copies of previous environmental audit reports;

17) the data of state environmental monitoring in the area of audited subject influence;

18) information on citizens public associations addresses and on the activities of the audited subject.

5. An inspection of the audited subject and conduct a survey of employees shall be carried out in order to assess compliance with the valid documentation of the audited subject, the qualification of specialists of the audited subject to develop proposals to improve the effectiveness of the audited entity.

6. During the inspection shall be identified:

- 1) the compliance of the audited subject to the layout and general description of the technology;
- 2) the completeness of the sources of environmental impact in the documentation of the audited subject;
- 3) the state of the territory of the possible impact of the audited subject;
- 4) the circumstances of the possible presence of undocumented effects on the environment;
- 5) the availability and completeness of accounting and other necessary documentation at production

facilities;

6) the compliance with the technical requirements for the protection of the environment during the operation of the facility;

7) the compliance with the requirements of the jurisdiction of performing the manufacturing environmental control.

7. During the survey of employees of the audited subject shall be identified:

1) the level of training of employees on matters, essential to the protection of the environment;

2) the information, needed to confirm the objectivity of record-keeping;

3) information on cases of violations of the Laws and regulations on the protection of the environment and measures to prevent them;

4) the probability of violations of environmental requirements in the future economic and other activities of the audited subject in contemplation;

5) the existence of engineering initiatives to improve environment protection.

8. Technical studies shall be carried out by environmental auditors and environmental auditing organizations in the case of:

1) the need to confirm the reports for the industrial environmental control;

2) identification of undocumented sources of environmental impact;

3) the existence of the circumstances of the negative consequences of the audited subject to the environment and public health.

9. If necessary, studies may include:

1) measurements at the sources of emissions (wastewaters), a study of the wastewaters;

2) measurements of pollution in the area of the potential impact of the audited subject;

3) a study of vegetation, wildlife, ecosystems and human health in the area of the potential impact of the audited subject.

10. Accredited laboratories shall be involved to determine the state of the environment to conduct special studies.

11. The determining of environmental risk shall be carried out by the audited subject by means of:

1) review of relevant documentation and reports to the observed current state;

2) assessment of the possible effects of the audited subject to flora, fauna, ecosystems and public health, including the analysis of cases and deaths, caused by the breach of environmental quality;

3) determining the likelihood of accidents or other deviations from the technological requirements for the audited subject, which could lead to negative consequences for the environment.

12. A development of proposals to increase the level of environmental safety of the audited subject shall be based on the study of:

1) the best available technologies, used for similar assets;

2) possible measures to improve the system of environmental management;

3) ways to improve self-monitoring;

4) proposals to change the environmental standards and requirements.

Article 83. The decision to conduct a mandatory environmental audit

1. The decision to conduct a mandatory environmental audit shall be made by the authorized body in the scope of environment protection, within a month of the establishment of the circumstances, provided for in paragraph 2 of Article 81 of this Code.

2. The decision to conduct the mandatory audit shall be issued in the form of an opinion on mandatory environmental audit.

3. A form of the opinion of the mandatory environmental audit shall be approved by the authorized body in the scope of environment protection.

4. The opinion shall include:

1) the name, first name or full name of the audited subject;

2) the location of the audited subject;

3) the nature of the possible risks to the environment, associated with the economic and other activities of the audited subject;

4) the basis for the mandatory environmental audit;

5) The deadline for submitting opinion on the mandatory environmental audit of the authorized body in the scope of environment protection.

5. The opinion on the mandatory environmental audit shall be sent to the head of the audited subject.

Article 84. The mandatory environmental audit features

1. The mandatory environmental audit shall be carried out in a period, not exceeding six months from the receipt by the audited subject the opinion on the mandatory environmental audit.

2. An environmental auditor or environmental audit organization shall make acquaintance with the opinion on the mandatory environmental audit, the basis for the audit, environmental issues. specific to the audited subject, and other aspects to develop a conduct audit plan.

Article 85. Requirements to environmental audit reports

1. An environmental audit report on the results of a mandatory environmental audit shall include:
 - 1) confirmation of the legitimacy of environmental auditors and environmental auditing organization;
 - 2) an overview of the audited subject;
 - 3) the basis for an environmental audit;
 - 4) a plan for environmental audit;
 - 5) a list and review of the collected information;
 - 6) the results of the inspection of the audited subject and the survey of its employees;
 - 7) the results of technical studies;
 - 8) environmental risk assessment (in quantitative and qualitative terms);
 - 9) a list of recommendations to improve the environmental safety;
 - 10) conclusions on the safety of the audited subject for environmental violations found, the reliability of documentation and reporting of environment protection.
2. The form of proactive environmental audit report, established by the agreement to conduct environmental audit.
3. Proactive environmental audit report is confidential. Only audited subject has a right to disclosure the information, contained in the report of proactive environmental audit.

Article 86. The order of consideration of the mandatory environmental audit report

1. The environmental audit report on the results of a mandatory environmental audit shall be directed by an environmental auditor or environmental audit organization to the authority in the scope of environment protection and to the head of the audited subject at the same time.
2. The results of the mandatory environmental audit, shall be used by the audited subject to take action to comply with the requirements of environmental legislation of the Republic of Kazakhstan, reduce the negative effects of the environment and prevention of damage to the environment, to ensure the reliability of environmental reporting.
3. The audited subject shall bring its paperwork right with the recommendations of the environmental audit, take other steps to comply with the environmental legislation of the Republic of Kazakhstan and to inform the authorized body in the scope of environment protection in the case of revelation of reliability during the mandatory environmental audit in the environmental reporting of the audited subjects, not later than one month from the date of receipt of the environmental audit report.
4. The authorized body in the scope of environment protection shall consider the environmental audit report on the results of a mandatory environmental audit within one month from the date of its receipt.
5. The results of the mandatory environmental audit shall be used by the authorized body in the scope of environment protection to obtain reliable information about the audited subject compliance with environmental requirements and standards of environmental quality.
6. The authorized body in the scope of environment protection upon review of the environmental audit report of mandatory environmental audit may:
 - 1) apply to the court to suspend the activities of the audited subject;
 - 2) amend the conditions of the environmental permit or apply to the authorized government bodies with a proposal to change the terms of agreements (contracts) for the use and removal of natural resources, permits for environmental emissions and other environmental permits;
 - 3) recommend amendments to the program of industrial ecological control.
7. Disputes, arising from environmental audit report of the mandatory environmental audit shall be resolved in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 86, as amended by the Law of the Republic of Kazakhstan dated 04.12.2008 No97-IV (the order of enforcement see item 2)

Article 87. An environmental auditor

1. An environmental auditor is an individual, exercising an independent review of economic and other activities of the audited subjects, aimed at identifying, evaluating environmental risks and the development of recommendations to improve the environmental safety of their operations. Checking the economic and other activities of the audited subjects of Category I, in accordance with Article 40 of this Code shall be based on the license to perform work and services in the scope of environment protection.
2. The environmental auditor may conduct environmental auditing as a sole proprietor or an employee of environmental audit organization.

Footnote. Article 87 is in the wording of Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Article 88. An environmental audit organization

1. An environmental audit organization is a commercial organization, established in the legal form of a limited liability company, is exercising an independent review of economic and other activities of the audited subjects, aimed at the identification and assessment of the environmental safety of their operations. Checking the economic and other activities of the audited subjects of Category I, in accordance with Article 40 of this Code shall be based on the license to perform work and services in the scope of environment protection.

2. Foreign environmental audit organizations may carry out an environmental audit activity in the Republic of Kazakhstan only in the formation of appropriate environmental audit of residents of the Republic of Kazakhstan.

3. The number of environmental auditors as part of the environmental audit organization must be at least three people.

Footnote. Article 88, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Article 89. Chamber of environmental auditors

1. A chamber of environmental auditors shall be created to protect the rights and legal representation of environmental auditors and environmental auditing organizations in the government bodies.

The Chamber of environmental auditors is a non-profit, independent, professional and self-governing organization, acting on the basis of a charter, approved by the general meeting of its members, and funded by membership dues and other sources not prohibited by the Laws of the Republic of Kazakhstan.

2. The primary objectives of the Chamber of environmental auditors are:

- 1) logistics, reference information and methodological support of environmental auditors;
- 2) organization of professional monitoring for the environmental auditing implementation.

3. The Chamber of environmental auditors shall regulate environmental auditors and environmental auditing organizations, develop on the basis of international practice standards for environmental audit in accordance with the Laws of the Republic of Kazakhstan.

4. A membership of environmental auditing organizations in the Chamber of Environmental Auditors is mandatory. Environmental auditors shall be taken by members in the case of their environmental auditing as a sole entrepreneur.

In the presence of license to perform work and services in the scope of environment protection in the admission to the Chamber of environmental auditors shall not be denied.

5. An exclusion from the Chamber of environmental auditors shall be made in cases of:

1) the denial or termination of the license to perform work and provide services in the scope of environment protection;

2) gross or repeated violations of the environmental auditor or environmental audit Organization requirements and norms of environmental legislation of the Republic of Kazakhstan;

3) the developed impossibility by auditor or environmental audit organization of their professional capacity in consequence of insufficient qualifications;

4) in other cases, provided by the founding documents of environmental auditors.

6. An exclusion of environmental auditor or environmental audit organization on the basis, provided for by subparagraphs 2 and 3) of paragraph 5 of this Article shall entail the termination of the license to practice environmental auditing activity, carried out in court at the suit of the authorized body in the scope of the environment protection.

Footnote. Article 89 is in the wording of the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 90. Rights of environmental auditors and environmental audit organizations

Environmental Auditors and environmental audit organizations shall have the right to:

1) determine independently methods for conducting of the environmental audits;

2) receive and verify the documentation, necessary for the fulfillment of the conditions of the contract on environmental audits;

3) draw on a contractual basis to participate in the environmental auditing professionals, in addition to the persons, referred to in Article 92 of this code;

4) refuse from conducting of the environmental audits or issuing an environmental audit report in the case of violation of those being audited, subject to terms and conditions of the agreement on environmental audits.

Article 91. Obligations of environmental auditors and environmental audit organizations

Environmental Auditors and environmental auditing organizations shall:

1) report about impossibility of the environmental audit conducting due to the circumstances, specified in Article 92 of this code;

2) insure safety of documents, obtained from the audited subject, and written in the process of environmental audit conducting;

3) report to the audited subject about identified as a result of non-conformity of documents of environmental auditing requirements, established by the legislation of the Republic of Kazakhstan;

4) maintain confidentiality of environmental audit reports, as well as information, obtained in the environmental audit conducting and which are the subject of commercial or other secrets, protected by the Law;

5) communicate to the authorized body in the scope of environment protection of the identified through mandatory environmental auditing violations of environmental legislation of the Republic of Kazakhstan;

6) carry out the other claims, arising out of contractual obligations to conduct environmental audits.

Article 92. The restriction of the right on conducting of the environmental audit

The conducting of the environmental audit shall be prohibited by environmental audit organization or environmental Auditor if:

- 1) customers, whose party, the creditor is the environmental auditor or environmental audit organization;
- 2) performers, who are in employment or are in close family relations or associates of the audited subject, as well as shareholder (party), owning 10% or more per cent of the shares (or shares of participation in the authorized capital) of the audited subject;
- 3) performers, who have personal property interests in audited subject;
- 4) environmental audit organization or environmental auditor has financial obligations before the audited subject or from the audited subject before them, except for the obligations of the environmental audit.

Article 93. The rights and obligations of the audited subject

1. The audited subject shall have the right to:

- 1) make their own decision about the selecting of environmental auditor or environmental audit organization;
 - 2) receive from environmental auditor or environmental audit organization the whole schemer about the requirements of the legislation of the Republic of Kazakhstan, concerning the environmental audit conducting;
 - 3) look at legislative acts which are based on the environmental observations and opinions of the environmental auditor or environmental audit organization;
 - 4) receive recommendations from environmental auditor or environmental audit organization, information about detected incompliance of the environmental reports and other documents with the legislation of the Republic of Kazakhstan;
 - 5) refuse the services of the environmental auditor or environmental audit organization in the case of violation of the terms and conditions of the agreement on environmental audit conducting.
2. The audited entity shall:
- 1) introduce a mandatory environmental audit;
 - 2) create conditions for the environmental auditor or environmental audit organizations for punctual and quality environmental audit conducting;
 - 3) provide complete and accurate documentation, and other information, necessary for the environmental auditor or environmental audit organization to conduct an environmental audit, provide an explanation in writing or orally;
 - 4) provide reliable financial reports on the impact on the environment and other documents, necessary to conduct an environmental audit;
 - 5) not restrict the activities of the environmental auditor or environmental audit organizations, unless otherwise provided by the contract to conduct an environmental audit;
 - 6) send a written request on their behalf to the third party to obtain the necessary information as required an environmental auditor or environmental audit organization;
 - 7) ensure environmental auditors fees or environmental audit of the organization;
 - 8) perform other claims, arising from the obligations under the contract to conduct an environmental audit.

Article 94. Audit of Environmental Management Systems

1. Audit of environmental management systems is initiative.
2. According to the results of the audit of environmental management systems individuals and legal entities may obtain a document, confirming that the implemented system for environmental management is satisfied to international standards in accordance with the Laws of the Republic of Kazakhstan on technical regulation.

Chapter 9-1. GOVERNMENT REGULATION IN THE REGION OF EMISSIONS AND ADSORBINGS OF GREENHOUSE GASES

Footnote. The Code is supplemented by Chapter 9-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (the order of enforcement see Article 2).

Article 94-1. The basic provisions of the state regulation of emissions and adsorbings of greenhouse gases

State regulation of emissions and adsorbings of greenhouse gases shall include:

- 1) a distribution of quotas for greenhouse gas emissions for nature users;
- 2) an establishment of market mechanisms to reduce emissions and adsorbings of greenhouse gases;
- 3) a managing of nature users.

Article 94-2. The quotas for greenhouse gas emissions

1. The activity without obtaining quotas for greenhouse gas emissions for nature users, operating in the oil and gas, energy, mining, chemical industries, agriculture and transport, which emissions of greenhouse gases are higher than the equivalent of twenty thousand tons of carbon dioxide a year, shall be prohibited.

2. The quotas for greenhouse gas emissions shall be issued in accordance with the National Allocation Plan for greenhouse gases in the order, established by the Government of the Republic of Kazakhstan.

3. A nature user shall receive a quota on the amount of greenhouse gas emissions for each installation, operating during the reporting period.

4. The quota for greenhouse gas emissions shall be determined on the basis of the passport data and settings, stored in the certificate on greenhouse gas emissions, issued by the authorized body in the scope of environment protection.

5. The nature users shall not exceed the quota, determined by the certificate on greenhouse gas emissions in the same period, except the cases, provided for in paragraph 7 of this Article.

6. The nature users must submit report on the actual volume of emissions and removals of greenhouse gases over the reporting period, as well as information about the acquisition and disposition of quotas units, received and transmitted as a result of projects of carbon units to the authorized body in the scope of environment protection by 1 April of the year, following the reporting period.

7. The nature user has a right to compensate his obligations to reduce greenhouse gas emissions by quotas units, acquired from another nature user, who has a reserve of fixed quota volume for greenhouse gas emissions, and (or) carbon credits, obtained as a result of project implementation in the case of exceeding the volume of quotas for greenhouse gas emissions.

8. If the nature user has a reserve of quotas for greenhouse gas emissions, compared with the fixed quota volume for greenhouse gas emissions and the commitments to reduce greenhouse gas emissions, he can sell his quota units to other nature users.

A quotas reserve in comparison with the fixed volume, resulting from reduced production, is not the subject of trade.

9. The nature users must submit to the authorized body in the scope of environment protection the following documents, confirmed by an independent accredited organization to obtain quotas on greenhouse gas emissions and trade carbon units:

- 1) greenhouse gas inventory report for the reporting year;
- 2) passport;
- 3) program to reduce greenhouse gas emissions;
- 4) plan of action to implement projects to reduce greenhouse gas emissions.

Footnote. Article 94-2, as amended by the Law of the Republic of Kazakhstan No. 505 dated 03.12.2011-IV (the order of enforcement see Article 2).

Article 94-3. Certificate of greenhouse gas emissions

1. Certificate on greenhouse gases emissions is the document, established the amount of authorized greenhouse gas emission, issued to the nature user in order to meet his obligations to reduce the greenhouse gas emissions and to trade carbon units.

2. The authorized body in the scope of the environment protection shall issue a certificate, granting the right to greenhouse gas emissions from the installment (s), or parts of it, within one month from the date of receipt of the documents, specified in paragraph 9 of Article 94-2 of this Code.

The certificate on greenhouse gas emissions may be issued for one or more installations on the same industrial site, operated by one operator.

3. The certificate shall contain the following information:

- 1) the name and address of the operator of the installation;
- 2) a description of the activities and the volume of quotas for greenhouse gas emissions;
- 3) monitoring requirements, specifying standard of monitoring, applied to the installment;
- 4) reporting requirements, and delivery dates for the certificate and report on the actual volume of greenhouse gas emissions of the installation in the reporting year, confirmed by an independent accredited organization.

4. On issuing of the certificate for greenhouse gas emissions shall be recorded a note in the state register of carbon units.

Article 94-4. Quotas change on greenhouse gas emission and reissuance of the certificate on the greenhouse gas emissions

1. The nature user shall apply to the authorized body in the scope of environment protection for the revision of the amount of greenhouse gas emission quotas in cases of changes, planned in the nature or functioning, or the introduction of new sources of greenhouse gases during the reporting period.

2. The authorized body in the scope of environment protection, within one month from the date of the applicant's request on the basis of supporting documents shall reissue a certificate, indicating the name and address of the new operator in cases of operator's changes (alienation, reorganization, change of legal form, name of legal entity). The obligations, established in the certificate must be transferred to the new operator.

3. The quota for greenhouse gas emissions of the liquidated legal entity shall be transferred to the reserve of the national quota allocation plan for greenhouse gas emissions.

4. The order of quotas change for greenhouse gas emissions and reissuing certificate on greenhouse gas emissions shall be determined by the Government of the Republic of Kazakhstan.

Article 94-5. National allocation plan for greenhouse gas emissions quotes

1. A national allocation plan for greenhouse gas emissions quotes shall be developed by the notified body in the scope of environment protection and approved by the Government of the Republic of Kazakhstan for the corresponding period.

2. At the national allocation plan for greenhouse gas emissions shall be established the total quotas volume for greenhouse gas emissions by economic sectors and quotas volumes for nature users.

3. The national allocation plan for greenhouse gas emissions shall be developed in accordance with the rules of distribution of greenhouse gas emission quotas, approved by the Government of the Republic of Kazakhstan, and shall be based on data from installation passports of nature users.

4. The national allocation plan for greenhouse gas emissions quotes has a reserve on quota volume, necessary for allocation of greenhouse gas emission quotas in the case of introduction of new installations in priority sectors, identified by the Government of the Republic of Kazakhstan.

The reserve volume of quotas shall be passed under the control of the authorized body in the scope of environment protection for sale on the terms of the option.

Article 94-6. Administrative subjects of nature users

1. The administrative subjects of nature users (further - the administrative subjects) are legal entities, performing activities, related to emissions of greenhouse gases, the amount of which does not exceed the equivalent of 20,000 tons of carbon dioxide per year, in the following sectors: oil and gas, energy, mining and metallurgical, chemical, agriculture, transport and housing and communal services.

2. The rules of this Code in the procedures, carried out by allocating quotas on greenhouse gas emissions, shall be not extended on the administrative subjects, except the cases, provided in paragraph 4 of this Article.

3. The authorized body in the scope of environment protection shall carry out the control of greenhouse gas emissions by administrative subjects.

4. A procedure of participation of administrative subjects in realization of project-based mechanisms in the scope of emission and adsorbing regulation of greenhouse gases shall be established by the Government of the Republic of Kazakhstan.

Article 94-7. The market mechanism of reducing emissions and adsorbing of greenhouse gases

1. The market mechanism of reducing emissions and adsorbing of greenhouse gases shall include:

- 1) quota trading of greenhouse gases emissions;
- 2) trading of adsorbing units of greenhouse gas, certified emission reductions, emission reduction, domestic emission reductions;
- 3) international trade of assigned amount units between countries with restrictions and/or reduce emissions of greenhouse gases and their legal entities.

2. The legal entities are the subjects of greenhouse gas emissions market, participating in the project-based mechanisms in the regulation of emission and adsorbing of greenhouse gases, as well as the Exchange trade in accordance with the legislation of the Republic of Kazakhstan.

3. Carbon unit is a subject of sale.

4. The sale of adsorbing units of greenhouse gases emission, certified emission reductions, emission reductions, quotas, domestic emission reductions in the secondary circulation shall be made on the organized commodity markets (stock exchanges), determined in accordance with the Laws of the Republic of Kazakhstan.

Article 94-8. An independent provider of information

The main objective of an independent provider of information is to provide advisory services and assistance to the management of natural resources in greenhouse gas emissions, including the implementation of project-based mechanisms in the regulation of emissions and removals of greenhouse gases.

Article 94-9. Requirements for carbon units trade

1. Quota units, involved in the trading scheme for greenhouse gases, shall apply only to domestic trade market without the right to transfer to the accounting system set number of other countries. The quota units can be used on other international exchanges for their quotes.

Carbon units of the Republic of Kazakhstan may be alienated from the accounting system, established in the case of the adoption of international agreements on a bilateral basis, the amount of which cannot exceed the annual emissions of greenhouse gases.

2. Certified reduction units and emission reductions can be used for domestic and international trade and provide a transition from the state system of assigned amount in the accounting system of other countries.

Article 94-10. Internal projects on emission reduction of greenhouse gases

1. Internal projects on emission reduction of greenhouse gases shall be carried out by legal entities on the territory of the Republic of Kazakhstan only in relation to installations that are not owned by them or under

their Lawful use, and aimed at reducing greenhouse gas emissions.

2. Internal projects on emission reduction of greenhouse gases can be implemented in the following sectors of the economy:

- 1) mining and metallurgy (in terms of utilization of coal mine methane projects);
- 2) agriculture;
- 3) housing and utilities;
- 4) the planting of forest and grassland areas;
- 5) prevention of land degradation;
- 6) renewable energy;
- 7) processing municipal and industrial waste;
- 8) transport;
- 9) energy-efficient construction.

3. Rules for the preparation for review and approval, registration, reporting and monitoring of internal projects on emission reduction of greenhouse gases shall be approved by the authorized body in the scope of environment protection.

Article 94-11. The monitoring procedure

1. The subjects of the allocation of quotas for greenhouse gas emissions are required to develop monitoring plans, based on the techniques, approved by the authorized body in the scope of environment protection, and shall execute these plans.

2. The development and implementation of monitoring plans are required for projects that reduce emissions and adsorbings of greenhouse gases to be implemented in the framework of project-based mechanisms in the regulation of emissions and removals of greenhouse gases.

3. Surveillance over the accuracy of monitoring, reporting on greenhouse gas inventory is an independent accredited organization in accordance with the criteria, approved by the authorized body and techniques.

Article 94-12. Environmental (Green) Investments

1. The reserve of established amount units, formation of which is determined by the Government of the Republic of Kazakhstan, shall be produced from total amount of greenhouse gases.

2. The reserve shall be transferred to the management of the organization under the jurisdiction of the authorized body in the scope of environment protection.

3. Investment projects under environmental (green) investments shall be made in the amount of funds, received from the sale or use of assigned amount units from the reserve.

SECTION 3. ECONOMIC REGULATION OF ENVIRONMENT PROTECTION AND NATURAL MANAGEMENT

Chapter 10. ECONOMIC REGULATION MECHANISMS OF THE ENVIRONMENT PROTECTION AND NATURAL MANAGEMENT

Article 95. Types of economic regulation mechanisms of the environment protection and natural management

The types of economic regulation mechanisms of the environment protection and natural management shall be:

- 1) planning and financing for environment protection;
- 2) the fee for emissions into the environment;
- 3) the fee for the use of certain types of natural resources;
- 4) economic incentives for the protection of the environment;
- 5) market-based mechanisms for managing emissions to the environment;
- 5-1) market-based mechanisms to reduce emissions and adsorbings of greenhouse gases;
- 6) environmental insurance;
- 7) economic assessment of the damage, caused to the environment.

Footnote. Article 95, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 96. Arrangement on environment protection

1. An arrangement on environment protection is a complex of technological, technical, institutional, social and economic measures, aimed at environment protection and improving its quality.

2. The arrangement on environment protection shall include the following arrangement:

- 1) focused on environmental safety;
- 2) improving the state of the environmental components by improving the quality characteristics of the environment;
- 3) instrumental to the stabilization and improvement of the ecological systems, conservation of biological diversity, sustainable use and restoration of natural resources;

- 4) the warning and preventing damage to the environment and human health;
 - 4-1) focused on the safe management of hazardous chemicals, including persistent organic pollutants;
 - 5) improving techniques and technologies, aimed at the environment protection, environmental management and implementation of international standards for environmental management;
 - 6) developing self-monitoring;
 - 7) forming the information systems for the protection of the environment and instrumental to the provision of environmental information;
 - 8) instrumental to the extension of environmental awareness, environmental education and education for sustainable development;
 - 9) focused on reducing greenhouse gas emissions, and (or) increase the adsorbings of greenhouse gases.
3. Among the activities for the protection of the environment can be classified as environmental investment projects, including actions, provided for in paragraph 2 of this Article.
4. The typical list of actions to protect the environment shall be approved by the authorized body in the scope of environment protection.

Footnote. Article 96, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 97. Arrangement financing on the environment protection

The arrangement on protection of environment protection shall be carried out due to:

- 1) the budget;
- 2) the own funds of natural resources;
- 3) other sources, not prohibited by the Laws of the Republic of Kazakhstan.

Article 98. Arrangement planning on the environment protection, financing due to the budget

1. The arrangements on environment protection, financed from the budgets of different levels, determined in accordance with the guidelines, established by the state, industrial (sectoral) and regional programs, as well as the decisions of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan and local representative bodies.

2. Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

3. Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

4. Plans and development programs of the territories, strategic plans, local executive bodies of oblasts, cities of republican status, capital before their approval shall be agreed with the authorized body in the scope of environment protection in the order, specified by them.

5. Local executive bodies of oblasts (city of republican status, capital) shall develop and submit to the authorized body in the scope of environment protection environmental investment projects (programs) in accordance with the budget legislation of the Republic of Kazakhstan.

6. Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 98, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced after ten calendar days after its first official publication).

Article 99. Arrangement planning on environment protection, financed due to own means of nature users.

1. The arrangements on the environment protection, financed due to own means of nature user, shall be planned by the nature user himself.

2. The arrangement on environment protection shall be included in the action plan for the environment protection, developed by the nature user to obtain environmental permits.

Article 100. Action plan on environment protection, financed due to other sources, not prohibited by the Laws of the Republic of Kazakhstan

Action plan on environment protection, financed due to other sources, shall be carried out according to the procedure, established by the legislation of the Republic of Kazakhstan.

Article 101. Payment for emissions into the environment.

1. Payment for emissions into the environment shall be established by the tax legislation of the Republic of Kazakhstan.

2. Payment for emissions into the environment, shall be carried out by nature users within the standards, determined in the environmental permit, shall be charged in accordance with the Laws of the Republic of Kazakhstan.

3. Method of fee calculating for emissions into the environment shall be approved by the authorized body in

the scope of environment protection.

4. Is excluded by the Law of the Republic of Kazakhstan dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009).

5. The fulfillment of tax obligations on payments for emissions into the environment shall not confer immunity the nature user from indemnity, brought to the environment.

Footnote. Article 101, as amended by the Law of the Republic of Kazakhstan dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009).

Article 102. Obligatory payments to the budget for the use of individual types of natural resources

Obligatory payments to the budget for the use of individual types of natural resources shall be established by the tax legislation of the Republic of Kazakhstan.

Article 103. Economic incentive of the environment protection

(Footnote. Article 103 is excluded by the Law of the Republic of Kazakhstan dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009).

Article 104. Granting of a state guarantee on non-government loans

The Government of the Republic of Kazakhstan may grant a state guarantee on non-government loans on the arrangement implementation on the environment protection in accordance with the budget legislation of the Republic of Kazakhstan.

Article 105. Market-based mechanisms for management of emissions into the environment

1. The Government of the Republic of Kazakhstan may enforce market mechanisms by means of limit and quotas settings on emissions into the environment and the approval of the order of trading and commitments to reduce emissions into the environment in order to reduce emissions into the environment.

2. The nature user has a right on annual quota of emissions into the environment in the case of the establishment of such quotas.

Article 106. Quota trading on the international level

Footnote. Article 106 is excluded by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 107. An environmental insurance

1. The purpose of insurance is to compensate the damage to life, health or property of third parties and (or) the environment as a result of its accidental pollution.

2. Compulsive environmental insurance shall be carried out in accordance with the Law of the Republic of Kazakhstan on mandatory environmental insurance. Environmentally hazardous economic and other activities, determined by this Code and the Government of the Republic of Kazakhstan.

3. Voluntary environmental insurance shall be carried out by individuals and legal entities by virtue of their expression of will. Types, conditions and procedure for voluntary environmental insurance shall be determined by agreements between insurers and insureds.

Chapter 11. ECONOMIC ASSESSMENT OF DAMAGE, CAUSED TO THE ENVIRONMENT

Article 108. The order of the economic assessment of damage, caused to the environment

1. The economic assessment of the damage, caused to the environment - monetary value of the expenditure, required to restore the environment and consumer properties of natural resources.

2. Officials of the authorized body in the scope of environment protection in a month's time from the date of establishment of the fact of damage to the environment shall collect and analyze the necessary materials and establish an economic assessment of the damage.

3. Economic assessment of damage from air pollution and water and land resources in excess of the standards, as well as the disposal of production and consumption, including radioactive waste, in excess of the standards shall be determined by the direct or indirect methods according to regulations, approved by the Government of the Republic of Kazakhstan.

Footnote. Article 108, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 109. A direct method of the economic damage assessment

1. The direct method of economic damage assessment is to determine the actual costs, required to restore

the environment, filling degraded natural resources and the improvement of living organisms through the most effective engineering, organizational, technical and technological measures.

2. Officials of the authorized body in the scope of environment protection in the first place shall consider the possibility of implementing measures to restore the environment the person, causing the damage to the environment.

The corresponding obligations for implementation the measures to restore the environment are described in the letter of guarantee of the person, who caused damage to the environment, with concrete arrangement and deadlines for its implementation.

3. The cost of measures to eliminate the consequences of the damage shall be determined by their market value.

4. The officials of the authorized body in the scope of environment protection may involve independent experts on the economic assessment of damages by the direct method. Environmental auditors, experts of design, engineering and scientific organizations can act as experts.

5. The obligation to pay for the independent experts shall be assigned on the person, who caused the damage to the environment.

Article 110. The indirect method of economic damage assessment

1. The indirect method of economic damage assessment is used in cases, when the direct method of economic damage assessment cannot be applied.

2. Economic damage assessment shall be determined by the types of impact on the environment by adding the damage for each ingredient by an indirect method.

SECTION 4. ENVIRONMENTAL CONTROL

Chapter 12. STATE CONTROL IN THE FIELD OF ENVIRONMENT PROTECTION, USE AND REPRODUCTION OF NATURAL RESOURCES

Article 111. Purpose and types of state control

1. The purpose of state control in the scope of environment protection, reproduction and use of natural resources is to ensure environmental safety, saving natural resources and energy, sustainable use of biological resources, increase the competitiveness of its products.

2. The following types of government control shall act in the scope of environment protection, reproduction and use of natural resources:

- 1) environmental control;
- 2) control over the use and protection of land;
- 3) control of the use and protection of water resources;
- 4) control in the study and use of mineral resources;
- 5) control of the forest legislation of the Republic of Kazakhstan;
- 6) control in the scope of protection, reproduction and use of wildlife;
- 7) control in the scope of protected natural areas.

Article 112. Bodies, exercising state control in the scope of environment protection, protection, reproduction and use of natural resources

Bodies, exercising state control in the scope of environment protection, protection, reproduction and use of natural resources are:

- 1) the authorized body in the scope of environment protection;
- 2) the authorized government body in the scope of use and protection of water resources;
- 3) the central authorized body for land management;
- 4) the authorized government body in the scope of forestry;
- 5) the authorized government body in the scope of protection, reproduction and use of wildlife;
- 6) the authorized government body in the scope of protected areas;
- 7) the authorized government body for the study and utilization of mineral resources;
- 8) the authorized government body in the scope of industrial safety;
- 9) the authorized government body in the scope of sanitary and epidemiological welfare of the population;
- 10) the authorized government body in the scope of veterinary medicine;
- 11) the authorized government body in the scope of protection and plant quarantine;
- 12) the authorized government body in the scope of nuclear energy;
- 13) traffic control authorities.

Footnote. Article 112 as amended by the Law of the Republic of Kazakhstan, dated 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 113. The objects of state environmental control

The state environmental control shall have the following objects:

- 1) the formation of responsible attitude of nature users to the environment;
- 2) prevention of violations of environmental Laws of the Republic of Kazakhstan.

Article 114. Directions of the state environmental control

The state environmental control shall be carried out for:

- 1) compliance with the environmental legislation of the Republic of Kazakhstan;
- 2) implementing of measures to eliminate the consequences of environmental pollution;
- 3) Is excluded by the Law of the Republic of Kazakhstan, dated 10.07.2012 No 36-V (shall be enforced after ten calendar days after its first official publication);
- 4) Is excluded by the Law of the Republic of Kazakhstan, dated 10.07.2012 No 36-V (shall be enforced after ten calendar days after its first official publication);
- 5) implementation of measures complex to improve the land, prevention and mitigation processes, that cause land degradation, restoration and conservation of soil fertility;
- 6) compliance with environmental requirements during the construction and reconstruction of enterprises, buildings and other facilities to ensure the adoption of measures for melioration;
- 7) compliance with environmental requirements for the commissioning and operation of enterprises, buildings and other objects in the part of the projected work on reclamation of land;
- 8) removal, conservation and use of topsoil in the works related to the violation of land;
- 9) bringing the land, released in process of development of industrial mineral reserves or other infringing processes and works in a condition, suitable for further use in accordance with the purpose;
- 10) compliance with license and contract conditions, relating to the protection of the environment;
- 11) safety the bowels from pollution, irrigation and industrial processes that lead to damage the deposit and other objects of the environment;
- 12) conservation and the elimination of subsoil objects;
- 13) compliance with environmental rules and regulations for the use of mineral resources and mineral processing;
- 14) compliance with the design decisions for the protection of the environment in the extraction and processing of minerals;
- 15) the implementation of measures to prevent accidents or other hazards during subsoil use operations;
- 16) disposal of hazardous substances, radioactive waste and discharge of waste water into the subsoil;
- 17) compliance with the rules of dumping of wastes and other materials, preservation and removal of wells and equipment on the continental shelf of the Republic of Kazakhstan;
- 18) compliance with water quality standards;
- 19) compliance with technical regulations, standards, regulations and other requirements of atmospheric air, including the issuance and operation of vehicles and other mobile equipment;
- 20) compliance with the requirements for the protection of open air during startup companies, storage and incineration of waste;
- 20-1) compliance with the requirements for the implementation of greenhouse gas emissions;
- 21) Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No 36-V (shall be enforced after ten calendar days after its first official publication);
- 22) compliance with environmental requirements during the construction, reconstruction, commissioning and operation of enterprises, buildings and other facilities;
- 23) compliance with the rules of use, storage, transportation, disposal, recycling or other treatment of radioactive and other hazardous materials in terms of environmental regulations to prevent pollution of the environment;
- 24) compliance with established rules and regulations for use, storage, transportation, chemical and biological agents;
- 25) compliance with the terms of natural resources, the establishment of environmental permits;
- 26) compliance with established rules and regulations of accounting, recovery and disposal of waste production and consumption;
- 27) compliance with environmental requirements for sanitary protection zones of objects with stationary sources of emissions of hazardous substances and placing waste production and consumption;
- 28) radiation situation on the territory of the Republic of Kazakhstan, the implementation of design solutions for the prevention of pollution of the environment by radioactive substances;
- 29) compliance with technical regulations of wastewater treatment systems;
- 30) compliance with the rules and regulations of self-control;
- 31) compliance with the legislation of the Republic of Kazakhstan on mandatory environmental insurance;
- 32) compliance with the qualification requirements and rules of the licensed activities in the scope of environment protection;
- 33) compliance with the requirements of the mandatory environmental impact assessment and the implementation of its terms;
- 34) compliance with the requirement that the mandatory environmental audit and the provision of reliable information on the protection of the environment;
- 35) compliance with environmental requirements for the conduct of marine scientific research on the continental shelf of the Republic of Kazakhstan;
- 36) compliance with the rules of cross-border transport of hazardous waste;

37) compliance with environmental requirements to technology, techniques and equipment.

38) compliance with the requirements of data presentation on actually imported, exported and the implemented amount of ozone-depleting substances to the authorized body in the scope of environment protection.

Footnote. Article 114, as amended by the Laws of the Republic of Kazakhstan dated 23.06.2009 No 164-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication), dated 10.07.2012 No 36-V (shall be enforced after ten calendar days after its first official publication); dated 21.06.2013 No 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication);

Article 115. The organization of state environmental control

1. The state environmental control shall be carried out by means of:

1) analysis of statistical information on accounting emissions into the environment and natural resources, as well as data on environment protection of natural resources;

2) organizing and conducting of inspections for compliance with and enforcement of environmental legislation of natural resources of the Republic of Kazakhstan;

3) the use of legal instruments to ensure compliance with the environmental legislation of the Republic of Kazakhstan.

2. State environmental control shall include a range of measures, particularly:

1) the determination of control priorities;

2) the use of existing monitoring tools;

3) the development and implementation of future plans of action, specific activities and the necessary human and material resources, as well as qualitative and quantitative indicators;

4) the development and implementation of annual operational plans and activities of the objects being scanned;

5) conducting of inspections;

6) the collection, analysis and use of analytical control, and other information, necessary for the implementation of state environmental control;

7) accounting, documenting and analysis of the future, and annual operational plans of subdivisions of the state environmental control;

8) provision of transparency and accountability of the state environmental control units.

Footnote. Article 115, as amended by the Law of the Republic of Kazakhstan, dated 19.03.2010 No 258-IV.

Article 116. Officials, realizing state environmental control

1. The officials, exercising the state environmental control shall be:

Chief State Environmental Inspector of the Republic of Kazakhstan;

Deputy Chief State Environmental Inspector of the Republic of Kazakhstan;

Senior state environmental inspectors of the Republic of Kazakhstan;

State environmental inspectors of the Republic of Kazakhstan;

Chief state environmental inspectors of regions, cities of republican status, capital;

Senior state environmental inspectors of regions, cities of republican status, capital;

State environmental inspectors of regions, cities of republican status, capital.

1-1. The officers, mentioned in paragraph 1 of this Article shall be appointed by the authorized body in the scope of environment protection.

Order of reference of government employees of state environmental control units of the authorized body in the scope of environment protection to the officials, mentioned in paragraph 1 of this Article shall be determined by the authorized body in the scope of environment protection.

2. State environmental inspectors shall be provided in the prescribed manner with uniform (without shoulder straps), certificates of employment, breast signs, seals and seal press of standard pattern.

The list of posts of officials, entitled to wear uniform (without shoulder straps), the samples of uniform (without shoulder straps), the order of wear shall be determined by the authorized body in the scope of environment protection.

3. No interference in the activities of official, exercising state ecological control.

4. Individuals, who impede the implementation of state environmental control, applying the threat of violence or acts of violence against the officials, exercising the state environmental control, shall account according to the Laws of the Republic of Kazakhstan.

5. Decisions of state environmental inspectors, adopted within their powers, are mandatory for all individuals and legal entities and may be appealed to a higher official government body, exercising state ecological control, or to the court.

6. Chief State Environmental Inspector of the Republic of Kazakhstan, the main state environmental inspectors of regions, cities of republican status, capital shall have forms of documents with the State Emblem of the Republic of Kazakhstan and its name.

Footnote. Article 116, as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 No 379-IV (shall be enforced after ten calendar days after its first official publication), dated 10.01.2011 No 383-IV (shall be enforced after ten calendar days after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its official publication.)

Article 117. Rights of officials, exercising state environmental control

1. Officials, exercising state environmental control shall have the right to:
 - 1) interact with the nature users, individuals and voluntary associations;
 - 2) have free access to audited organizations, including military and defense, in accordance with the Laws of the Republic of Kazakhstan;
 - 3) enter the territory of individuals and entities with measuring and sampling equipment and, if necessary, make the necessary measurements, take samples (including samples of goods and materials) and analyze them with the assistance of professionals and members of the public;
 - 4) request and receive documents, test results and other materials, necessary for the implementation of state environmental control;
 - 5) make proposals for the suspension or revocation of the license, and (or) the termination of the agreement (contract) for the use and removal of natural resources, suspension or deprivation of environmental and other permits for nature management in cases of violations of environmental regulations and the nature user requirements, environmental conditions, stipulated in the permits, causing especially large damage to the environment and (or) human health in accordance with the Laws of the Republic of Kazakhstan;
 - 6) make regulations to individuals and legal entities to eliminate violations of environmental Laws of the Republic of Kazakhstan;
 - 7) bring cases before a court about the restriction, suspension and prohibition of economic and other activities, carried out in violation of the Laws of the Republic of Kazakhstan;
 - 8) consider cases on administrative violations in the scope of environment protection, refer materials to the appropriate agencies about bringing persons to administrative or criminal liability;
 - 9) determine or take part in determining the extent of damage, caused to the environment as a result of violations of environmental legislation of the Republic of Kazakhstan, make provisions for damages and bring cases before a court;
 - 10) apply to the prosecutor's office and Law enforcement agencies for the provision of assistance to prevent or stop Law breakers of the environmental legislation of the Republic of Kazakhstan;
 - 11) submit proposals to the authorized body to terminate the contract for carrying out subsoil use operations in cases of failure the contractor to remedy the reasons behind the decision to suspend the exploration, production, combined exploration and extracting or construction and (or) the operation of underground facilities, not related to exploration and (or) extracting, or when to eliminate such causes a period of time sufficient to resolve them; failure subsoil measures under environmental Laws of the Republic of Kazakhstan, inability to eliminate the causes of the suspension of subsoil use operations; material breach of contractor obligations, established by contract or work program in within its jurisdiction.
 2. Officials, exercising state environmental control, in the cases, provided by the legislation of the Republic of Kazakhstan have a right to keep, carry and use special tools (specialized communications equipment, photos, video equipment, measurement).
- Footnote. Article 117, as amended by the Laws of the Republic of Kazakhstan dated 10.01.2011 No 383-IV (shall be enforced after ten calendar days after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication).

Article 118. Obligations of officials, exercising state environmental control

- Officials, exercising state environmental control must:
- 1) monitor compliance with the requirements of the environmental legislation of the Republic of Kazakhstan;
 - 2) comply with the requirements of the legislation of the Republic of Kazakhstan;
 - 3) inform Law enforcement authorities of any violations of the environmental legislation of the Republic of Kazakhstan, which contain signs of a penal offense;
 - 4) work with other government bodies, as well as individual and (or) legal entities on the enforcement of the environmental legislation of the Republic of Kazakhstan;
 - 5) maintain the confidentiality of inspection information;
 - 6) observe the rules of professional ethics.

Chapter 13. INSPECTOR'S INVERONMENTAL AUDITS**Article 119. Inspector's environmental audits**

1. Inspector's environmental audit - a set of measures by which the officials, exercising state ecological control, collect and analyze information about the no breach of environmental legislation of the Republic of Kazakhstan by nature users.
 - 1-1. Only officials, exercising state environmental control, shall conduct environmental audits.
 2. Inspector's environmental audit conducting should not suspend an activity of nature user, except the cases, established by the Laws of the Republic of Kazakhstan.
 3. State control in the scope of environment protection shall be carried out in the form of checks and other forms.
- Verification shall be carried out in accordance with the Law of the Republic of Kazakhstan "On State Control and Supervision of the Republic of Kazakhstan." Other forms of state control shall be carried out in

accordance with this Code.

Footnote. Article 119 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 N 188-IV (the order of enforcement see Article 2), as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 No 378-IV (shall be enforced after ten calendar days after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 120. Periodicity and time schedule of inspector's environmental audits

Footnote. Article 120 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 N 188-IV (the order of enforcement see Article 2).

Article 121. The order of inspector's environmental audits

Footnote. Article 121 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 N 188-IV (the order of enforcement see Article 2).

Article 122. Access of state environmental inspectors to the territory or the premise for conducting of inspector's environmental audit

Footnote. Article 122 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 N 188-IV (the order of enforcement see Article 2).

Article 123. The results of the inspector's environmental audit

Footnote. Article 123 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No 188-IV (the order of enforcement see Article 2).

Article 124. Procedure for formalizing the results of inspector's environmental audits

Footnote. Article 124 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No 188-IV (the order of enforcement see Article 2).

Article 125. Other forms of state environmental control

1. In order to ensure control by the laboratory, which is part of the authorized body in the scope of environment protection shall be carried out directly analytical control on the natural objects and sources of pollution.

2. Sample collection for analytical control, conducting outside of the sanitary protection zone of natural resources shall be carried out at any time without registration.

3. The results of the analytical control shall determine the compliance of environmental quality standards by nature users and shall use to justify non-compliance with the environmental Laws of the Republic of Kazakhstan and the basis for providing inspection act on the facts of exceeding of the environmental quality standards.

4. Cameral control shall be carried out on the study and analysis of the nature user submitted statements and other documents directly to the location of the authorized body in the scope of environment protection.

5. Errors and inconsistencies, checking between the information, contained in the reports and other documents of a nature user is the basis for the registration of the certificate of the audit assignment.

Footnote. Article 125 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 No 188-IV (the order of enforcement see Article 2).

Article 126. Procedure for appealing the actions (or inaction) of officials, exercising state environmental control

Actions (inaction) of officials, exercising state environmental control shall be appealed to a higher state authority and (or) the officer or the court in the manner, prescribed by the legislative acts of the Republic of Kazakhstan.

Article 127. Ensuring the confidentiality of the information on conducting of inspector's environmental audit

1. Confidential information, relating to a nature user, cannot be given to another person without the written permission of the nature user. Confidentiality of information shall be determined by legislative acts of the Republic of Kazakhstan and international treaties.

2. State environmental inspector shall not disclose information that constitutes state secrets, commercial or any other legally protected secrets and confidential information, obtained in the course of environmental audit, except the transmission of confidential information, provided by the legislative acts of the Republic of Kazakhstan.

Chapter 14. INDUSTRIAL ENVIRONMENTAL CONTROL

Article 128. The assignment and purposes of the industrial environmental control

1. Individuals and legal entities, engaged in special nature, are obliged to carry out industrial environmental control.
2. The purposes of industrial environmental control are:
 - 1) obtaining of information for decision-making on environmental policy of the nature user, quality targets and environmental management instruments of industrial processes, potentially affecting the environment;
 - 2) ensuring compliance with the environmental legislation of the Republic of Kazakhstan;
 - 3) minimizing the impact of industrial processes of a nature user on the environment and human health;
 - 4) efficient use of natural resources and energy;
 - 5) operational proactive response to emergency situations;
 - 6) the formation of a higher level of environmental awareness and responsibility of leaders and workers of nature users;
 - 7) public information about the environmental performance of businesses and the public health risks;
 - 8) increasing the level of compliance with the environmental requirements;
 - 9) increasing the occupational and environmental effectiveness of the system of environmental management;
 - 10) integration of environmental risks of investing and credit activities.

Article 129. The order of conducting the environmental control

1. Industrial environmental control shall be carried out by nature-user on the basis of the program of industrial environmental control, developed by nature user.
2. A mandatory list of parameters, monitored in the process of industrial environmental control, the criteria for determining its frequency, duration, and frequency of measurement, used tools or computational methods shall be established in the program of industrial environmental control.
3. Environmental assessment of the efficiency of the industrial process in the framework of industrial environmental control shall be carried out on the basis of measurements, and (or) on the basis of calculations of the level of emissions into the environment, harmful production factors, as well as the actual consumption of natural, energy and other resources.

Footnote. Article 129, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Article 130. The rights and obligations of a nature user on conducting of industrial environmental control

1. On conducting of industrial environmental control the nature user has a right to:
 - 1) carry out the industrial environmental control in the volume, minimally necessary to monitor compliance with the environmental legislation of the Republic of Kazakhstan;
 - 2) develop a program of industrial environmental control in accordance with the accepted requirements, taking into account their technical and financial possibilities;
 - 3) determine the organizational structure of industrial environmental control service and the staff responsibility for its conducting;
 - 4) carry out advanced industrial environmental control on a voluntary basis.
2. On conducting of industrial environmental control the nature user must:
 - 1) develop a program of industrial environmental control and submit to the authority, issuing the permit on emissions into the environment, in the framework of obtaining a permit on emissions into the environment;
 - 2) implement the requirements of the industrial environmental control program and document the results;
 - 3) follow the procedural requirements and ensure the quality of the data;
 - 4) systematically evaluate the results of industrial environmental control and take the necessary measures on removal of the identified inconformity with the requirements of the environmental legislation of the Republic of Kazakhstan;
 - 5) submit reports in the established order on the results of industrial environmental control to the authorized body in the scope of environment protection;
 - 6) report without delay to the authorized body in the scope of environment protection on violations of the environmental legislation of the Republic of Kazakhstan, established in the process of industrial environmental control;
 - 7) comply the prevention of accidents;
 - 8) provide access of the state environmental inspectors to the initial information for confirming the quality and objectivity of conducted environmental control;
 - 9) ensure public access to programs of industrial environmental control and reporting data on industrial environmental control;
 - 10) provide documentation of test results and other materials of industrial environmental control, necessary for the implementation of state environmental control on the request of state environmental inspectors.

Footnote. Article 130, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Article 131. Requirements for the development of the industrial environmental audit program

1. The program of the industrial environmental control shall be developed by nature user.
2. The program of the industrial environmental control must contain the following information:
 - 1) compulsory list of parameters, monitored during industrial audit;
 - 2) the period, the duration and frequency of the industrial environmental control and measurement;
 - 3) information about the methods of the industrial environmental audit;
 - 4) the sampling point and the measurement location;
 - 5) the methods and frequency of accounting, analysis and reporting;
 - 6) a schedule of internal checks and procedures to eliminate violations of the environmental legislation of the Republic of Kazakhstan, including internal tools of responding on its non-compliance;
 - 7) mechanisms of instrumental measurements quality assurance;
 - 8) the report of actions in emergency situations;
 - 9) organizational and functional structure of the internal responsibility for the industrial environmental control conducting;
 - 10) other information, reflecting the issues of organization and industrial environmental control conducting.

Article 132. Types and organization of operational monitoring

1. An operational monitoring is an element of industrial environmental audit, performed for obtaining objective data with the specified intervals.
 2. An operational monitoring is performed in the framework of the industrial environmental control conducting, the monitoring of emissions into the environment and impact monitoring.
 3. An operational monitoring (monitoring of the industrial process) shall involve monitoring of technical process parameters in order to confirm that the performance indicator of a nature user are in the range that is considered appropriate for its proper project exploitation and compliance of process procedure conditions of this production. The content of operational monitoring shall be determined by the nature user.
 4. Monitoring of emissions into the environment shall include monitoring of emissions at source for monitoring the loss of production, quality and quantity of emissions and their changes.
 5. The conducting of impact monitoring shall be included in the program of industrial environmental control in those cases, where it is necessary to monitor compliance with the environmental legislation of the Republic of Kazakhstan and environmental quality standards.
 6. The impact monitoring is mandatory in the following cases:
 - 1) when the activities of a nature user affects sensitive ecosystems and the health of the population;
 - 2) on the stage of the placement into service of production facilities;
 - 3) after the accidental emissions to the environment.
 7. The impact monitoring can be carried out by the nature user individually and jointly with other nature users in coordination with the authorized body in the scope of environment protection.
 8. Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon the expiry of six months after its first official publication).
 9. The operational environment monitoring shall be carried out by industrial or independent laboratories, accredited in accordance with the Laws of the Republic of Kazakhstan on technical regulation.
 10. The data of operational monitoring are used for environment appraisal of the environment condition in the framework of the Unified state monitoring system of environment and natural resources.
- Footnote. Article 132, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon the expiry of six months after its first official publication).

Article 133. Accounting and reporting on the industrial environmental audit

A nature user shall keep an internal accounting, form and submit periodic reports on the results of industrial environmental control in accordance with the requirements, established by the authorized body in the scope of the environment protection.

Article 134. An organization of internal audits by the nature user

1. The nature user shall take measures on regular internal audits of compliance with the environment legislation of the Republic of Kazakhstan and the comparison of results of industrial environmental control with the environmental conditions and other permits.
2. Internal audits shall be carried out by employee (employees), whose work duties include functions on issues of the environment protection and the implementation of industrial environment audit.
3. In the course of internal audits shall be monitored:
 - 1) realization of the arrangements under the program of the industrial environmental control;
 - 2) following industrial regulations and rules, related to the environment protection;
 - 3) fulfillment of conditions of environmental and other permits;
 - 4) the correctness of accounting and reporting of the industrial environmental control results;
 - 5) other information, reflecting the organization and industrial environmental control conducting.

4. The employee (employees) performing an internal audit shall:
 - 1) consider report of the previous internal audit;
 - 2) examine each object, which performs emissions into the environment;
 - 3) prepare a written report to the head, if necessary, including the requirement on conducting of the remedial actions on correction of discrepancies, identified during the audit, the timing and order of its elimination.

Chapter 15. PUBLIC ECOLOGICAL CONTROL

Article 135. Purposes and procedure of public ecological control

1. Public ecological control shall be carried out in order to attract the public to the environmental problems of the state.
2. The procedure of the public ecological control shall be determined by public associations in accordance with their charters.

Article 136. Informational and other interaction

1. Individuals and legal entities shall have access to information about the work of government bodies, exercising state control in the scope of environment protection, protection, reproduction and use of natural resources and about its results.
2. State bodies, exercising state control in the scope of environment protection, conservation, reproduction and use of natural resources, shall provide the publication of the results of the individual audits and annual reporting.
3. The authorized body in the scope of the environment protection for collaboration and interaction shall make a list of public associations, whose charts include functions of public ecological control.
4. State bodies can attract individuals and entities on a voluntary basis, to work on the identification of violations of environmental Laws of the Republic of Kazakhstan.

SECTION 5. ENVIRONMENTAL MONITORING AND CADASTERS

Chapter 16. MONITORING OF ENVIRONMENT AND NATURAL RESOURCES

Article 137. State environmental monitoring

1. State environmental monitoring (monitoring of the environment and natural resources) - a complex system of observation of the environment, natural resources, in order to assess, forecast and monitor changes in their status under the influence of natural and anthropogenic factors.
2. Objects of the state environmental monitoring are open air, soil, surface and ground water, minerals, flora and fauna, as well as the climate and the ozone layer of the Earth, environmental systems, impacts of the environment on human health.

Article 138. Unified state monitoring system of the environment and natural resources and its targets

1. Unified state monitoring system of environment and natural resources - a multi-purpose information system, which includes monitoring of the condition of the environment and natural resources, as well as an analysis of data on their actual condition for the adoption of administrative and economic decisions in order to ensure environmental safety, protection, reproduction and rational use of natural resources, as well as sanitary and epidemiological welfare of the population.
2. Unified state monitoring system of the environment and natural resources shall be organized by the authorized body in the scope of environment protection together with the specially authorized government bodies.
3. The principles of the Unified state monitoring system of the environment and natural resources are:
 - 1) operation on the basis of a single organizational, methodological, and metrological information approach;
 - 2) maximum use of possibilities of existing state and other monitoring systems.
4. The Unified state system monitoring of the environment and natural resources shall have the following objectives:
 - 1) obtaining of reliable and comparable information on the environment state, biodiversity and ecosystems, sources of human impact, the environmental factors that affect the health of the population;
 - 2) evaluation and forecast of the environment state, the levels of human impact, indicators of the biosphere, the functional integrity of ecosystems;
 - 3) providing data for the analysis of the effectiveness of management decisions and the activities undertaken to ensure environmental safety.
5. Unified state monitoring system of the environment and natural resources is formed on the basis of operating monitoring systems and subsystems in the Republic of Kazakhstan, covering environmental issues directly or indirectly, including the environment and public health.
6. Specially authorized government bodies in accordance with their competence must carry out the study of

natural objects, and organize types (sub) of monitoring.

Article 139. Unified Information System of the Unified State monitoring system of the environment and natural resources

1. Information support of the Unified state monitoring system of the environment and natural resources is based on transmitted to the consolidated database of the results of state monitoring of the environment and natural resources, carried out by specially authorized government bodies, as well as industrial monitoring of natural resources, carried out in the framework of industrial environmental control.

2. Software system should allow to carry out the accumulation, processing and storage of information on a single methodological basis, providing information sharing between the various levels, as well as the banks of the systems and subsystems of the Unified monitoring system of the environment and natural resources.

3. Information sharing in the framework of a Unified state monitoring system of the environment and natural resources on a grant basis is in accordance with the lists, forms and timelines, approved by the authorized body in the scope of environment protection in coordination with the specially authorized government bodies that monitor the types of natural resources.

Article 140. The content of the Unified State Monitoring System of the environment and natural resources

1. The content of the Unified state monitoring system of the environment and natural resources shall consist the following monitoring subsystems:

- 1) monitoring of the environment state;
- 2) monitoring of natural resources;
- 3) special types of monitoring.

2. In the process of functioning a subsystem of the Unified monitoring system of the environment and natural resources may include other types of monitoring.

Article 141. Environmental Monitoring

1. Environmental monitoring shall include the following types:

- 1) monitoring of open air state;
- 2) monitoring of atmospherical condensations state;
- 3) monitoring of the quality state of water resources;
- 4) soil monitoring;
- 5) meteorological monitoring;
- 6) radiation monitoring;
- 7) monitoring of transboundary pollution;
- 8) background monitoring.

2. Environmental monitoring shall be organized by the authorized body in the scope of the environment protection.

3. Monitoring of ambient air condition - a system of observations of the state of air pollution in the areas of the Republic of Kazakhstan. The number of state observation stations and their placement in a particular locality determined by the authorized body in the scope of environmental protection within its jurisdiction, taking into account population size, the terrain, the actual level of contamination.

4. Monitoring of precipitation condition - the observation system of the chemical composition of precipitation, which is a measure of air pollution, as well as monitoring the content of substances in the snowpack for assessment of regional air pollution in winter, and to identify the distribution range of pollutants from human settlements and industrial facilities.

5. Monitoring of the quality condition of water resources - the observation system of the quality of surface water and groundwater.

6. Soil monitoring - system of observations on anthropogenic pollution of soils in land settlements, irrigated areas and agricultural lands.

7. Weather monitoring - a system of complex meteorological observations, including solar radiation, water balanced, ozonometric, upper-air, with the physical parameters of the atmosphere and land surface in order to ensure government bodies, individuals and legal entities by the information of weather, making short-term, long-term meteorological, agro-meteorological forecasts and warnings the possibility of occurrence of meteorological phenomena. On the basis of meteorological monitoring shall be carried out a monitoring of climate and the ozone layer.

8. Radiation Monitoring - an observation system of anthropogenic and natural contamination of the environment and territory.

9. Monitoring of transboundary pollution - an observation system, carried out in the framework of international co-operation with neighboring countries over the status of transboundary waters and transboundary air pollution, and the effectiveness of measures, taken to prevent, control and reduce transboundary impact on the environment.

10. Baseline monitoring - an observation system the atmosphere and other media in their interactions with the biosphere on a specialized network of stations of integrated background environmental monitoring.

Article 142. Monitoring of natural resources

1. Monitoring of natural resources shall include the following:

- 1) monitoring of land;
- 2) monitoring of water bodies and their use;
- 3) monitoring of mineral resources;
- 4) monitoring of protected areas;
- 5) monitoring of mountain ecosystems and desertification;
- 6) monitoring of forests;
- 7) monitoring of wildlife;
- 8) monitoring of the plant world.

2. The monitoring of natural resource shall be carried out by specially authorized government bodies in accordance with the legislative acts of the Republic of Kazakhstan.

3. Land monitoring is a system baseline (reference), operational, periodic observations of the qualitative and quantitative state land fund, conducted for the timely detection of change, evaluation, forecasting of further development and making recommendations for the prevention and elimination of consequences of negative processes.

Monitoring data shall be summarized in the State Land Cadastre.

4. Monitoring of water bodies is a system of regular monitoring of hydrological, hydro-geological, hydro-geochemical, sanitary-chemical, microbiological, parasitological, radiological and toxicological indicators of their condition, collection, processing and transmission of the information to ensure timely identification of negative processes, assessment and forecast of their development, making recommendations for the prevention of harmful consequences and determining the degree of effectiveness of existing water management activities.

5. Monitoring of the subsoil is a system of observation of the subsoil to ensure the rational use of state fund of mineral resources and the timely detection of changes, assessment, prevention and elimination of consequences of negative processes. Monitoring data are summarized in the bowels of the State cadastre of mineral resources.

6. Monitoring of specially protected natural areas - an observation system for the study of the natural course of natural processes and the impact of environmental change on ecological systems of specially protected areas. Monitoring data of protected areas shall be summarized in the State cadastre of protected areas.

7. Monitoring of mountain ecosystems and desertification - monitoring over desertification and its consequences, and the state of mountain ecosystems.

8. Forest monitoring is a system of observation, assessment and forecast of the state and dynamics of the forest for the government in the scope of protection of the forest fund and reproduction of forests, use of forest resources, and the conservation of biological diversity and ecological functions of forests. Forest monitoring data shall be summarized in the State Forest cadastre.

9. Monitoring of wildlife is a system of observation, assessment and prediction of the state and dynamics of wildlife for public administration in the scope of protection, reproduction and use of wildlife and biodiversity. These fauna monitoring shall be summarized in the State cadastre of wildlife.

10. Monitoring of the plant world is a system of observation assessment of flora for the purpose of the study, protection, regeneration and sustainable use.

Article 143. Special types of monitoring

1. Special types of monitoring are:

- 1) monitoring of military test sites;
- 2) monitoring of "Baikonur" space-rocket complex;
- 3) monitoring of greenhouse gases and ozone-depleting substances;
- 4) sanitary and epidemiological monitoring;
- 5) monitoring of the climate and the ozone layer of the Earth;
- 6) monitoring of environmental emergency areas and environmental disasters;
- 7) space monitoring

2. Monitoring of military test sites - an observation system of pollution, caused by the test of military equipment, including missiles, nuclear explosions for peaceful purposes in the abandoned and active sites.

3. Monitoring of "Baikonur" space-rocket complex - an observation system of the environment in the areas, exposed to the influence of "Baikonur" space-rocket complex.

4. Monitoring of greenhouse gases and ozone-depleting substances - a system of observation and accounting of greenhouse gas emissions and consumption of ozone-depleting substances and their sources.

5. Sanitary-epidemiological monitoring - a state system of observations on human health and the environment, analysis, evaluation and forecasting, as well as the determination of cause-and-effect relationship between health outcomes and exposure to environmental factors. The monitoring shall be carried out by the authorized government body in the scope of sanitary and epidemiological welfare of the population.

6. Monitoring of climate and the ozone layer of the Earth - an observation of the dynamics of climate change and the ozone layer of the Earth, a comprehensive assessment and their condition forecasting.

7. Monitoring of environmental emergency areas and environmental disasters - an observation system of the environment in the areas of environmental emergency zones and environmental disaster.

8. Space monitoring - an observation system of the environment with the use of space-based observation and

remote sensing, the organization functioning by the authorized government body in the scope of aerospace activities.

9. The organization of monitoring activities conducting, referred to in paragraphs 2-4, 6 and 7 of this Article, shall be carried out by the authorized body in the scope of environment protection.

Article 144. Levels and observation networks of the Unified State monitoring system of the environment and natural resources

1. Recording of the Unified state monitoring system of the environment and natural resources shall be managed on three levels:

- 1) local (industrial monitoring and monitoring of site-specific communities, ponds and rivers, protected areas);
- 2) regional (monitoring within the administrative-territorial units, taking into account physical and geographical and economic characteristics of the regions, the availability of environmentally loaded areas and a complex of natural and anthropogenic factors that have an impact on the environment and use of natural resources);
- 3) republican (monitoring, covering the entire territory of the Republic of Kazakhstan, with the release, if necessary, of large regions and individual objects of national importance).

2. Monitoring of the environment state, as well as samples for analysis in the Unified state monitoring system of the environment and natural resources shall be carried out on a specially created points of the state, territorial and private observation networks. The analysis of content of pollutants, collected in samples shall be carried out by accredited analytical laboratories.

3. Creating of observation networks in the framework of the Unified state monitoring system of the environment and natural resources is agreed with the authorized body in the scope of environment protection.

Article 145. Fundamentals of the Unified State monitoring system of the environment and natural resources

The Unified state monitoring system of the environment and natural resource shall function on the basis of:

- 1) the organization and conducting of research, methodological framework, necessary and sufficient for the functioning of the Unified state monitoring system of the environment and natural resources;
- 2) the development and establishment of specifications that define the environment state, norms of human impact on it, environmental safety standards, which are the basis for work on the assessment and prediction of environmental conditions, the development and management decisions in environmental activities;
- 3) the adoption and enforcement of regulatory legal acts, governing the requirements, rules and procedures, necessary for the creation and organization of the Unified state monitoring system of the environment and natural resources, departments and components;
- 4) the organization of the development and implementation of guidance documents, that provide a comparable observations;
- 5) the development of information system structures, database systems, classifiers, data dictionaries and standardized forms of documents;
- 6) technical support;
- 7) the organization of accreditation of analytical laboratories and other units that provide monitoring maintenance.

Article 145-1. Protection of state observation network

1. A state observation network, including allotted for it land plots and water areas, as well as the property shall be applied only to state-owned property and protected by the state and is not subject of privatization.

2. An activity organization of stationary and mobile observation points, the detection of their location (dislocations) shall be carried out in accordance with the decision of the authorized body in the scope of the environment protection in coordination with the local authorities. Discontinuation of activities of these mobile observation points shall be carried out only in accordance with the decision of the authorized body in the scope of the environment protection.

3. In order to obtain reliable information about the environment state and its pollution around a stationary observation points shall be created buffer zones, which set restrictions on economic activity. The position of the stationary monitoring points, established by the Government of the Republic of Kazakhstan.

4. Easements can be established in the order, specified by the land legislation of the Republic of Kazakhstan on land plots, through which shall be carried out a passage or drive to the stationary points of observation within the national monitoring network.

Footnote. The Code is supplemented by Article 145-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 145-2. An activity of national hydro meteorological services

1. A national hydro meteorological services shall provide an environmental monitoring, meteorological and

hydrological monitoring, using national monitoring network. The national hydro meteorological services shall be created and operated at the expense of budget funds.

Activity on keeping of meteorological and hydrological monitoring and environmental monitoring shall be referred to the state monopoly and carried out by national hydro meteorological services - republican state enterprise on the right of the operating control, established by the decision of the Government of the Republic of Kazakhstan.

Prices of goods (works, services), produced and (or) sold by the subject of state monopoly shall be established by the Government of the Republic of Kazakhstan.

2. Hydro meteorological activity shall be carried out in accordance with this Code, the Laws of the Republic of Kazakhstan on technical regulation and legislation of the Republic of Kazakhstan on ensuring the uniformity of measurements.

3. The National hydro meteorological service is a part of a unified state system of prevention and liquidation of emergency situations of natural and anthropogenic disasters and shall conduct its activities in emergency situations, in accordance with the Laws of the Republic of Kazakhstan in the scope of natural and anthropogenic disasters.

4. The National hydro meteorological service shall provide information to the Armed Forces of the Republic of Kazakhstan in accordance with this Code and the Law of the Republic of Kazakhstan "On mobilization preparation and mobilization".

Footnote. The Code is supplemented by Article 145-2 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication), as amended by the Law dated 10.07.2012 No 34-V (shall be enforced from the day of its first official publication.)

Article 146. Financing of the Unified state monitoring system of the environment and natural resources

1. The Unified state monitoring system of the environment and natural resources shall be financed at the expense of by the budget funds and other sources, not prohibited by the Laws of the Republic of Kazakhstan.

2. Financing of the United State monitoring system of the environment and natural resources shall be provided for:

1) the establishment and maintenance of a republican-level monitoring;

2) the creation of scientific and technical products for the operation and development of monitoring and its subsystems of the target monitoring programs across the republic (government and industry) target scientific and technical programs;

3) the establishment and maintenance of a territorial level monitoring, the creation of scientific and technical products for the benefit of its development.

Footnote. Article 146 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 17. STATE RECORDING OF CONTAMINATED AREAS OF THE ENVIRONMENT

Article 147. Recording objectives and principles of contaminated areas of the environment

1. State recording of contaminated areas of the environment is a systematic identification and fixing of quantitative and qualitative indicators, characterized land plots and objects of the environment, contaminated with hazardous substances, including naturally occurring over standards, established in accordance with the Laws of the Republic of Kazakhstan.

2. The data of state recording of contaminated areas of the environment shall characterize the degree of industrial and environmental safety for human life and health, study, use and reclamation.

3. State recording of contaminated areas of the environment shall be carried out by the authorized body in the scope of the environment protection on the basis of data, provided by nature users and organizations that monitor the environment and natural resources on order of specially authorized government bodies.

Article 148. Order of Recording of contaminated areas of the environment and its registers

1. State register of contaminated areas of the environment is a data bank that collects data on the types and origin of the contaminated areas, volumes and concentrations of pollutants on them, membership sites of pollution and measures for their elimination.

2. State register of contaminated areas consists of the central and regional registries. The organization of the state register shall be carried out by the authorized body in the scope of environment protection.

3. State register of contaminated areas shall be carried out at the expense of budget funds.

Chapter 18. STATE CADASTRES OF NATURAL RESOURCES

Article 149. Unified system of state cadasters of natural resources.

1. Unified system of state cadasters of natural resources of the Republic of Kazakhstan (hereinafter - the Unified System of cadasters) shall be created and maintained as a cross-sectorial information system that integrates all types of state cadasters of natural resources of the Republic of Kazakhstan in order to provide a

single national integrated recording and assessment of natural and economic potential of the Republic of Kazakhstan.

2. The state cadasters of natural resources are systematized collection of information on the quantity and quality of natural resources in the order, prescribed by this Code and other legislative acts of the Republic of Kazakhstan.

3. The subjects of Unified cadaster system is an integral part of the environment: land, water, forest, soil, minerals, flora and fauna in their interaction.

4. The Unified cadaster system is the authorized body in the scope of environment protection together with the specially authorized government bodies that monitor the species of natural resources, on the basis of accounting data and the status of natural resources.

5. The system of state cadaster of natural resources shall contain documentary information about his condition indicating the geographic location and legal form on each recording cadaster digitally.

6. The main principles of the Unified System of cadasters are:

- 1) unity of tooling method and provision of cadaster information;
- 2) the use of automated information technology;
- 3) The objectivity of replenishment and renewal information.

Article 150. The structure and content of the Unified cadaster system

The structure of the Unified cadaster system shall consist of the following objects of recording, which monitoring shall be carried out by the following specially authorized government bodies:

- 1) on the state land cadaster - by the central authorized body in the scope of land management - in the republic totally and by its territorial bodies - within the administrative-territorial units;
- 2) on the state water cadaster (surface and underground water sources, water resources) - by the authorized government bodies in the scope of the environment protection, use and protection of water resources, the study and use of mineral resources - the republic totally, and their territorial bodies - within river basins and administrative -territorial units;
- 3) on the state forest cadaster - by the authorized government body in the scope of forestry - the republic totally and its territorial bodies - within the administrative-territorial units;
- 4) on the state cadaster of deposits and manifestations of minerals, anthropogenic mineral formations by the authorized government body for the study and utilization of minerals - the republic totally and its territorial bodies - within the administrative-territorial units;
- 5) on the state cadaster of protected areas - by the authorized government body in the scope of protected areas - the republic totally and its territorial bodies - within the administrative-territorial units;
- 6) on the state cadaster of wildlife - by the authorized government body in the scope of protection, reproduction and use of wildlife - the republic totally and its territorial bodies - within the administrative-territorial units.

Article 151. Reporting of data

1. The results of recording and registration of objects, obtained in the framework of natural resource cadaster, transmitted by specially authorized government bodies to the authorized body in the scope of environment protection without compensation.

2. Data on the object, carried in the Unified cadaster system must include:

- 1) record, passport of the object, approved by the specially authorized government bodies and statistical information;
- 2) map document of the spatial position of objects and other data, necessary for a comprehensive area assessment.

3. The authorized body in the scope of the environment protection must provide access to the information, contained in the cadaster, to the specially authorized government bodies, responsible for monitoring the species of natural resources.

Footnote. Article 151, as amended by the Law of the Republic of Kazakhstan dated 19.03.2010 No 258-IV.

Chapter 19. NATIONAL CADASTRE OF MANAGEMENT OF WASTE PRODUCT AND CONSUMPTION

Article 152. State cadaster of waste product and consumption

1. State cadaster of waste product and consumption (hereinafter - the State cadaster of waste) is a systematic, based on geographic information systems, replenished and adjusted periodically set of uniform data for each object of waste disposal (including their spatial location), and the types of waste, its origin and physic-chemical properties (including the risk to people and the environment), the component composition, qualitative and quantitative, technical, hydrogeological and environmental conditions, storage, disposal and discharge, technology use and processing.

2. All kinds of waste and objects of waste disposal shall be registered in the State waste inventory.

Article 153. Purpose and objectives of the State waste cadaster

1. State waste cadaster shall be carried out in order to ensure government bodies, interested individuals and legal entities with information for the assessment, forecasting, development of technological, economic, legal and other solutions for environment protection and management of national integrated waste recording.

2. The main target of the State waste cadaster is the ensuring of national, regional and sectoral information and expert systems and data banks of information on waste characteristics and technology of their processing.

Article 154. Keeping of the State waste cadaster

1. The nature users shall submit to the authorized body in the scope of environment protection the following documentation:

1) The passport of hazardous waste;

2) an inventory materials of waste;

3) the reports on hazardous waste, the form of which is approved by the authorized body in the scope of environment protection;

4) the cadastral proceedings on waste disposal object, including: the decision of the local executive body area (city of republican status, capital) on the allocation of a land plot on storage and disposal of waste;

the certificate on demarcation of the land plot and the issuance of a title document on the land plot, certified by the local executive bodies of the areas (cities of republican status, capital) regions (cities of regional importance), akims of cities of regional importance, towns, villages (villages), aul (rural) districts within their jurisdiction at the location of the land;

a feasibility study on the development of waste disposal facilities;

positive opinions of the state environmental, sanitary and epidemiological examinations and examination, conducted in accordance with the Laws of the Republic of Kazakhstan on subsoil and subsoil use to create waste disposal objects.

2. The documentation referred to in subparagraphs 2) and 3) of paragraph 1 of this Article shall be submitted annually as of 1 January to 1 March of the year following the reporting year, in electronic and paper formats.

The documentation referred to in subparagraphs 1) and 4) of paragraph 1 of this Article shall be submitted again in the case of its change.

Footnote. Article 154 as amended by the Constitutional Law of the Republic of Kazakhstan, dated 03.07.2013 No 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 155. Information about the results of keeping the State waste cadaster

1. An annual informative review shall be drawn up according to the results of keeping the State waste cadaster by the authorized body in the scope of environment protection.

2. The state waste cadaster shall be published on paper medium in the form of a separate illustrated book on the state and Russian languages once for every five years.

Chapter 20. NATIONAL INVENTORY OF HAZARDOUS SUBSTANCES DISPOSAL, RADIOACTIVE WASTE AND WASTE WATER INTO SUBSOIL

Article 156. State recording of burials of hazardous substances, radioactive waste and discharge of wastes into the subsoil

1. The keeping of State cadaster of burials of hazardous substances, radioactive waste and discharge of wastes into the subsoil (hereinafter - the State cadaster of burials) is a mandatory for nature users, who have objects of burials of hazardous substances, radioactive waste and discharge of wastes into the subsoil in the territory of the Republic of Kazakhstan.

2. State cadaster of disposals shall organize the authorized body in the scope of environment protection in order to provide timely information, decision-making in the scope of environment protection, routine monitoring of burials of hazardous substances, radioactive waste and discharge of wastes into the subsoil.

3. Data of the State cadaster of burials shall be introduced into a unified system of digital information on subsoil and is a part of the state monitoring of subsoil.

4. The objects of hazardous substances, radioactive waste and discharge of wastes into the subsoil shall be subject to the recording of state cadastre of burials.

Article 157. The content of the State Cadaster of burials

1. The State cadaster of burials shall contain information, describing the type and kind of buried materials and discharged water with their quantitative and qualitative indicators, mining, special geotechnical, hydrogeological and environmental conditions of burial and discharge, and shall include:

1) a general description of objects of hazardous substances disposal, radioactive waste and points of discharge wastes: location, period of operation, maintenance costs, the availability and location of the observation network of environmental monitoring and monitoring of subsoil;

2) the physical specification of hazardous substances disposal, radioactive waste and points of discharge

wastes: characterization of insulation, type of rock, the depth and the effective capacity of the reservoir, its size, porosity, the characterization of the underlying and overlying confining layer, the rate of natural groundwater flow, storage and discharge other quantitative and qualitative indicators;

3) characterization of hazardous substances, radioactive waste, waste water: the name of the product, anthropogenic production or process, in the result of which produces a product, physical characteristic (complete chemical composition, content of toxic components, fire and explosion hazard, solubility, compatibility with other substances during the storage, the main radionuclides pollutants, their activity and other characteristics), characteristics of the transport system.

2. The state cadaster of burial shall be kept separately for hazardous substances, radioactive waste and discharge of wastes into the subsoil, in accordance with the regulatory legal acts, approved by the authorized body in the scope of environment protection.

Article 158. Keeping of the state cadaster of burial

1. The nature users shall represent the information, specified in paragraph 1 of Article 157 of this Code to the authorized body in the scope of environment protection in duplicate as of 1 January, during the first quarter of the year following the reporting year in 2 copies per year.

2. The authorized body in the scope of environment protection on the basis of data, received from the nature users shall make the State cadaster of burials.

3. The authorized body in the scope of environment protection in the keeping of the State cadaster of burials shall provide:

- 1) control of timely data receipt from the nature users;
- 2) the collection, recording, classification and storage of materials;
- 3) the establishment and operation of an automated data processing system, using computer technology in order to provide reference and information services for nature users;
- 4) the satisfactory form of the State cadaster of burials.

Chapter 20-1. STATE ASSESSMENT SYSTEM OF GREENHOUSE GASES EMISSIONS AND ADSORBINGS

Footnote. The Code is supplemented by Chapter 20-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 158-1. National Inventory System of greenhouse gases emissions and adsorbings

1. The state inventory system of greenhouse gases emissions and adsorbings is a set of institutional arrangements for the collection, processing, storage and analysis of data necessary to determine the actual emissions and adsorbings of greenhouse gases for the period.

2. Gathering information for the state inventory of greenhouse gas emissions based on the statistical reports, as well as on the data submitted in the passports of installations in accordance with the Laws of the Republic of Kazakhstan.

3. Organizing and coordinating of the operation of the state inventory system of greenhouse gases emissions and adsorbings shall be carried out by the authorized body in the scope of the environment protection.

4. Control of completeness, transparency and credibility of the state inventory of greenhouse gases emissions and adsorbings shall be held in the order prescribed by the Government of the Republic of Kazakhstan per year.

Article 158-2. National cadaster of emissions and adsorbings sources of greenhouse gases.

1. The authorized body in the scope of environment protection shall organize the development and maintenance of the state cadaster of greenhouse gases emissions and adsorbings.

2. National cadaster of sources of greenhouse gases emissions and adsorbings shall contain information on sources of greenhouse gas emissions, facility operators, the number of emissions and adsorbings of greenhouse gases.

3. The procedure and maintenance of the state cadaster of greenhouse gases emissions and adsorbings shall be determined by the Government of the Republic of Kazakhstan.

4. On the basis of the state cadaster of greenhouse gases emissions and adsorbings the authorized body in the scope of environment protection shall analyze and predict emissions and adsorbings of greenhouse gases, shall provide the organization of the system of state control over the volume of emissions and adsorbings of greenhouse gases, the obligations of the Republic of Kazakhstan on the annual reports in accordance with the international treaties of the Republic of Kazakhstan.

Article 158-3. State register of carbon units

1. The main functions of state register of carbon units are the ensuring of accurate accounting of carbon units that have been put into practice, are in safekeeping, transferred, purchased, canceled, withdrawn from circulation, and exchange data with other national registers.

2. The operator, that is subordinate organization of the authorized body in the scope of environment protection shall form and keep State register of carbon units.

Article 158-4. Verification and validation (determination), confirmation of greenhouse gas inventory report.

1. Accreditation of independent organizations, carried out a verification, validation (determination) and confirmation of the greenhouse gas inventory report shall conduct an authorized body in the scope of environment protection in the order approved by the Government of the Republic of Kazakhstan.

2. An independent accredited organization is responsible for the accuracy of the information about inventory, verification and validation (determination).

3. The annual report on inventory of nature users shall be subject to mandatory confirmation by an independent organization that is accredited by an authorized body in the scope of environment protection.

The inventory confirmation, verification and validation (determination) shall be carried out at the expense of nature users.

4. Verification and validation (determination) of the same project on reduction of emissions and adsorbing of greenhouse gases shall not be conducted by one and the same independent accredited organization.

Chapter 21. ECOLOGICAL INFORMATION

Article 159. Ecological information

1. Ecological information shall include information and data on:

- 1) The state of the environment and its objects;
- 2) the factors, impacting on the environment, including its pollution;
- 3) program, administrative and other measures which have or may have an impact on the environment;
- 4) environmental regulations and environmental requirements of economic and other activities;
- 5) planned and implemented measures to protect the environment and their financing;
- 6) activities, which have or may have an impact on the environment, the decision making process and the results of inspection of environmental inspections on it, including the discussed by this calculation, analysis, and other information relating to the environment;
- 7) the impact of the environment on health, safety and living conditions of the population, cultural facilities and buildings.

2. Ecological information can be expressed in written, electronic, audio-visual or other form.

Article 160. The activity of government bodies and other legal entities on formation and dissemination of ecological information

1. Collection, recording, storage, and dissemination of ecological information by government bodies and other entities shall be carried out for the purposes of the information ensuring of government bodies, planning and implementation of measures on the environment protection and enforcement of the citizens right for a healthy life and a healthy environment.

2. Ecological information is subjected to mandatory collection, recording and storage by the government bodies and other entities, established by the legislation of the Republic of Kazakhstan.

3. The information about proposed and existing activities which may have a significant impact on the environment, as well as any emergency situations of natural and anthropogenic disasters that pose a serious threat to the environment, life and health shall be subjected to the mandatory audit and recording by the specially authorized government bodies.

4. State bodies shall form and maintain electronic inventory of ecological information in order of ecological information systematization and improving access to it.

5. State bodies in accordance with their competence shall spread by posting in the Internet and the use of other publicly available information and communication tools following types of environmental information:

- 1) reports on the state of the environment;
- 2) projects and texts of legal acts and international agreements on the environment protection;
- 3) draft texts and documents, related to government policies, programs and plans in the scope of the environment protection;
- 4) reports on the results of monitoring and inspection and enforcement activities in the scope of the environment protection;
- 5) the information, referred to the list of basic e-government services in the scope of the environment protection.

6. For the dissemination of ecological information the government bodies shall attract individuals and legal entities in accordance with the Laws of the Republic of Kazakhstan on state procurement and state social order.

Footnote. Article 160 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 161. State Fund of the ecological information

1. Centralized data collection, recording and storage of information shall be carried out by the State Fund of ecological information.
2. Management of the State Fund of the ecological information shall be carried out by the organization under the jurisdiction of the authorized body in the scope of the environment protection.
3. Information resources of the State Fund of ecological information shall include materials and documents:
 - 1) filed in a mandatory order by the government bodies and legal entities;
 - 2) transferred by individuals and legal entities on a voluntary basis.
4. The structure of the State Fund of ecological information shall include the following types of ecological information:
 - 1) cadasters of natural resources;
 - 2) a register of emissions and transfer of the pollutants and other registers of the ecological information;
 - 3) a list of environmentally hazardous industries;
 - 4) an environmental monitoring data;
 - 5) the impact assessment of materials on the environment and the environmental impact assessment, with the consent of the proposed activity;
 - 6) regulatory legal acts and normative-technical documents in the scope of environment protection and natural resources;
 - 7) reports on the performance of research and developmental work, related to the protection of the environment;
 - 8) the scientific and technical literature in the scope of ecology and ecologically clean technologies;
 - 9) other materials and documents containing ecological information.

Article 162. National Ecological Atlas

1. In aid of system and visual providing of the ecological information shall be made comprehensive scientific reference collection of cartographic materials - the National Ecological Atlas.
2. The development and publication of the National Ecological Atlas shall be organized by the authorized body in the scope of environment protection.

Article 163. Access to the ecological information

1. The ecological information is available to the public, except in cases provided by the Laws of the Republic of Kazakhstan.
2. Access to certain information and data, composed a publicly available ecological information shall be carried out by their providing on the request of individuals and legal entities, the spread in the media, in special editions, available on the Internet, as well as with the use of other publicly available information and communication tools.
3. Access to the state information resources (information databases) of the environment information shall be carried out through the formation and maintenance of public registers and cadastres of ecological information.
4. Providing access to documents and information resources containing information and data with limited access, shall be carried out according to the procedure established by the legislation of the Republic of Kazakhstan.

Article 164. The rights and obligations of subjects concerning the access to the ecological information

1. Individuals and legal entities shall have the right of free access to publicly available government information resources of the ecological information.
2. State bodies and officials, performing public functions, or individuals and legal entities, providing to the public on the basis of a public contract services, related to the environment, must provide a public access to the ecological information, including the requests of individuals and legal entities.
3. Other individuals and legal entities, operating in the territory of the Republic of Kazakhstan should provide the ecological information, relating to the effects on the lives and health of citizens on request of persons.
4. Individuals and legal entities shall have the right to obtain the ecological information from the persons, referred to in paragraph 2 of this Article in the requested form, if there is no reason to file it in another form.

Article 165. The terms and procedure for providing of the ecological information

1. The terms and procedure for providing of the ecological information by government bodies shall be established by the legislation of the Republic of Kazakhstan on administrative procedures and on the order of consideration of citizens.
2. Individuals and legal entities, except those specified in paragraph 1 of this Article shall provide the ecological information, requested no later than one month from the date of receipt of the request.
3. Access to the ecological information, relating to the procedure for assessing the impact on the environment and the decision-making process on planned economic and other activities, provided by the procedure,

established by the authorized body in the scope of environment protection.

4. In cases, where a government body shall not hold the requested environment information, the received request shall be relayed to the competent government body within the time, prescribed by the legislation of the Republic of Kazakhstan.

Article 166. The fee for the provision of the ecological information

1. For the providing of the ecological information shall be applied a fee, not exceed the actual cost of copying, search, and preparing the information.

2. Fee, applied by the government body for providing of the ecological information, shall be transferred to the revenue code of the government body corresponding budget.

3. The provision of the ecological information by the government body through the state public electronic register and cadaster of ecological information shall be carried out free of charge.

Footnote. Article 166, as amended by the Law of the Republic of Kazakhstan dated 10.01.2011 No 383-IV (shall be enforced after ten calendar days after its first official publication.)

Article 167. A refusal in provision of the ecological information

1. In the provision of the ecological information to individuals and legal entities may be refused on the following reasons:

- 1) the request is formulated in general terms and does not allow to establish those facts and the data that is requested by the applicant;
- 2) the absence of the requested information;
- 3) the request relates to the information and data with restricted access in accordance with the Laws of the Republic of Kazakhstan.

2. The refusal in provision of the ecological information shall be referred to the applicant within one month from the date of its receipt.

3. The refusal shall be provided in writing form, stating the reasons and grounds for refusal of opportunities for its appeal by the applicant, as well as in the cases, provided for in paragraph 4 of Article 165 of this Code, shall include notification of forwarding the received request to the competent government body.

4. The refusal in provision, non-provision, provision of incomplete or misleading ecological information, and illegal attribution of publicly available ecological information with limited access may be appealed in a higher government body and (or) the officer or the court.

Chapter 22. NATURE USERS AND SOURCES OF POLLUTION ACCOUNTING

Article 168. State register of the nature users and sources of the environment pollution

State register of the nature users, carrying out emissions and sources of pollution to the environment of the Republic of Kazakhstan is a system of public accounting database of nature users and sources of environment pollution.

Article 169. State recording of the nature users and sources of the environment pollution

1. The State recording of nature users and sources of the environment pollution shall be carried out by the authorized body in the scope of environment protection on executing of ecological permissions by the nature user by adding and updating information about the nature users and the sources of environment pollution in the State Register of nature users and sources of the environment pollution, including about:

- 1) the location of a nature user;
- 2) the location of the sources of the environment pollution;
- 3) the deregistration.

2. Legal entities and individual entrepreneurs, who have the sources of environment pollution shall be subjected to the state recording as nature users:

- 1) legal persons, their subdivisions, including non-residents operating in the Republic of Kazakhstan with the formation of a permanent establishment - at the location;
- 2) legal persons-non-residents, doing business in the Republic of Kazakhstan without a permanent establishment - at the place of business;
- 3) individual entrepreneurs - at the place of business.

3. The recording number of a nature user must be specified:

- 1) by the nature user in the submitted reporting documents, as well as other documents, related to the performance of their obligations;
- 2) by the authorized body in the scope of environment protection of or the local executive bodies of the regions, the city of republican status, capital, allocated them to the nature user documents, related to his obligations.

4. The order of state recording of the nature users and the sources of environment pollution shall be established by the authorized body in the scope of environment protection.

Footnote. Article 169, as amended by the Law of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the

order of enforcement see Article 2).

Article 170. Exclusion from the State Register of nature users and sources of environment pollution

An exclusion of a nature user from the State Register of nature users and the sources of environment pollution shall be carried out in connection with the termination of activities, related to the impact on the environment.

Article 171. The interaction of government bodies of natural resource on recording implementation of the nature users and sources of environment pollution

In the field of environment protection on the implementing of the state recording of nature users shall interact with the following government bodies:

- 1) providing state recording and re-registration of legal persons;
- 2) in the scope of state statistics;
- 3) carrying out the recording and (or) state registration of taxation objects and objects related to taxation;
- 4) issuing licenses, certificates or other documents of the permissive and registration character;
- 5) specially authorized government bodies.

Footnote. Article 171, as amended by the Law of the Republic of Kazakhstan dated 19.03.2010 No 258-IV.

Article 172. The data provision about nature users, who have the sources of environment pollution

At the request of tax authorities the authorized body in the scope of environment protection at least once a year must submit the information on the location of nature users, who have the sources of the environment pollution.

SECTION 6. AREAS OF ENVIRONMENTAL EMERGENCY SITUATION AND ENVIRONMENTAL DISASTER

Chapter 23. CONCEPT AND DECLARATION ORDER OF SEPARATE AREAS AS AREAS OF ENVIRONMENTAL EMERGENCY SITUATION OR ENVIRONMENTAL DISASTER

Article 173. Environmental emergency situation and environmental disaster

1. Environmental emergency situation - the environmental situation, which arose in the area where as a result of economic and other activities or natural processes have place stable negative changes in the environment that threaten to the public health, the natural ecological systems, genetic foundations of plants and animals.

2. Environmental disaster - the environmental situation that arose in the area where as a result of economic and other activities or natural processes have taken places profound irreversible environmental changes that led to a significant deterioration of the population health, the destruction of natural ecosystems, degradation of flora and fauna.

3. Under the threat to public health means increasing the frequency of reversible health problems associated with environment pollution.

4. A significant deterioration of the population health means an increase of irreversible incompatible with the life of health problems, changes in the structure of causes of death and the appearance of specific diseases caused by the environment pollution, as well as a significant increase in the frequency of reversible health problems associated with environment pollution.

5. The assignment of territories to areas of environmental emergency situation and environmental disaster shall be carried out in order to determine the sources and factors of environmental degradation and developing of reasonable urgent measures to stabilize and reduce the degree of environmental distress, reduce the impact of economic and other activities on the environment, carry out prompt measures to restore the natural resources and minimize the impact on the health of the population.

Article 174. The declaration order of separate areas as areas of environmental emergency situation or environmental disaster

1. In aid of exploring the territory in which it is assumed the environmental emergency situation or environmental disaster, shall be created a commission.

2. A commission has a right to initiate local executive bodies and other government bodies within their competence on the basis of applications:

- 1) the residents living in the territory with the alleged unfavorable environmental conditions;
 - 2) the members of Parliament of the Republic of Kazakhstan and local representative bodies;
 - 3) the public associations.
3. The committee shall consist of members of local representative bodies, representatives of the competent

authorities in the scope of environment protection, education, science, and science and technology activities, health, industry and trade, energy and mineral resources, agriculture, labor and social protection of population, emergencies of natural and anthropogenic character, local executive authorities of the respective administrative-territorial unit, and other interested individuals and legal persons.

4. The Commission shall collect and analyze the materials in order to determine:

- 1) the ecological status of the territory;
- 2) the causes of unfavorable environmental conditions;
- 3) the boundaries of the territory subjected to varying degrees of degradation;
- 4) the damage, the possibility of degradation of alleged unfavorable environmental conditions;
- 5) the necessary measures to address the alleged unfavorable environmental conditions;

6) the means necessary for the elimination of the alleged unfavorable environmental conditions in order to address the factors contributing to its occurrence;

7) types of business and other activities contributing to the alleged unfavorable environmental conditions.

5. In case of insufficiency of available materials the commission shall make a proposal to the appropriate government body on the need for additional research.

6. The materials of terrain study with the conclusion of the authorized government bodies in the scope of health care, science and scientific and technological activities and education shall be transferred to the authority in the scope of environment protection for the environment impact assessment.

7. At the conclusion of the environment impact assessment shall be held withdrawal of recognition or non-recognition of the territory of the area of environmental emergency or environmental disaster.

8. Based on the positive conclusions of the environment impact assessment of the authorized body in the scope of environment protection, as well as the conclusions of the authorized government bodies in the scope of health care, science and scientific and technological activities and education area shall be declared:

- 1) by the area of environmental emergency situation - by the Government of the Republic of Kazakhstan;
- 2) by the area of environmental disaster - by the Law of the Republic of Kazakhstan.

9. In the regulatory legislative acts listed in the paragraph 8 of this Article shall be pointed:

- 1) the boundaries of the areas of environmental emergency situation or environmental disasters;
- 2) the timing of the declaration of the zone of ecological emergency or environmental disasters;
- 3) the legal regime of the areas of environmental emergency situation or environmental disasters;
- 4) measures to stabilize and reduce the degree of unfavorable environmental situation in the territory, or

a reference to the need to develop them;

5) The order of reference to the category of people affected by environmental emergency situation or environmental disasters, and measures of social protection.

10. The arrangement for the reproduction of natural resources, environmental health, and medical care shall be developed and implemented on a case-by-case basis according to the state target programs approved by the Government of the Republic of Kazakhstan.

Footnote. Article 174 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 175. Assessment of the environmental situation of the territories

1. Assessment of the environmental situation of territories is based on the main types of criteria by using additional or ancillary criteria.

2. Criteria for assessing environmental areas - a set of parameters, describing the deterioration of public health and the environment.

3. Defining the zone of environmental emergency situation or environmental disaster shall be carried out by one or more of the primary and secondary indicators, reflecting a higher degree of unfavorable environmental situation.

4. Criteria for assessing the environmental situation of the territories, established by the Government of the Republic of Kazakhstan.

Chapter 24. FEATURES OF LEGAL REGULATION IN THE AREAS OF ENVIRONMENTAL EMERGENCY SITUATION AND ENVIRONMENTAL DISASTER

Article 176. The legal regime in the areas of environmental emergency situation and environmental disaster

1. In the case of an establishment in a particular area of legal regimes and environmental emergencies and environmental disasters shall be enforced the following measures:

- 1) the termination or limitation of facilities contributing to the unfavorable environmental situation;
- 2) operational measures to restore (reproduction) natural resources and the environment;
- 3) compulsory evacuation of people from places dangerous for their living, with obligatory provision of premises for permanent or temporary residence;
- 4) quarantine and implementing of other mandatory sanitary and anti-epidemic measures;
- 5) the necessary work performance on assisting to animals in case of disease, the threat of death;
- 6) an establishment of a special regime of entry and exit, the restriction of movement of vehicles;
- 7) an establishment of temporary prohibition on the building of new settlements and the expansion of existing enterprises and other objects, which is not related to the liquidation of an environmental emergency

situation or life activity of the population.

8) the introduction of a special procedure for distribution of food to the injured persons due to unfavorable environmental situation;

9) a prohibition on the construction and operation of facilities that make up the increased environmental hazard;

10) an establishment of a temporary prohibition on the use in business and other activities of particularly dangerous substances (chemical, radioactive, toxic, explosive, flammable, biological), plant protection products, which set of properties and (or) the characteristics of their condition can worsen the environmental situation in that area;

11) the prohibition on the operation of recreational, resort destination facilities;

12) the prohibition or limitation the exercise of any other activity that is enhanced environmental hazard to humans, flora, fauna, and other natural objects.

2. The government bodies of the Republic of Kazakhstan shall provide a legal regime in the environmental emergency areas and environmental disasters and the implementation of activities under the environmental legislation of the Republic of Kazakhstan.

Article 177. Compensation for harm to victims as a result of the environmental emergency situation or environmental disaster

Individuals, who have suffered as a result of an environmental emergency situation or environmental disaster, shall have a right on compensation, caused for the harm, as well as on social protection in accordance with the legislative acts of the Republic of Kazakhstan.

Article 178. A monitoring for the environmental situation in the areas of the environmental emergency and environmental disaster

1. On the territory of the environmental emergency areas and environmental disasters, as well as the surrounding areas in the framework of state programs shall be carried out special observation and study of the environment and population health.

2. The objects of observation and study are:

1) the factors that led to the environmental emergency situation or environmental disasters;

2) adverse changes in the environment and the population health in the area of environmental emergency situation and environmental disaster.

Footnote. Article 178 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 179. The termination of the legal regime of the environmental emergency situation areas and environmental disaster

Based on the positive opinion of the environmental impact assessment and survey data showing the normalization of the environmental situation, the effect of the legal regime of the environmental emergency situation areas may be terminated by the Government of the Republic of Kazakhstan and the action of the legal regime of the environmental disaster area - by the Law of the Republic of Kazakhstan.

Article 180. Responsibility for the violation of the legal regime in the environmental emergency situation areas and environmental disasters

Individuals and legal entities, who are guilty of violating the legal regime in the environmental emergency situation area and environmental disasters, shall respond in accordance with the Laws of the Republic of Kazakhstan.

SECTION 7. ENVIRONMENTAL EDUCATION AND AWARENESS, RESEARCH AND INTERNATIONAL COOPERATION IN THE FIELD OF THE ENVIRONMENT PROTECTION

Chapter 25. ENVIRONMENTAL EDUCATION AND AWARENESS, RESEARCH AND SKILLS DEVELOPMENT OF THE SPECIALISTS.

Article 181. A purpose and objectives of the environmental education and awareness, skills development of the specialists

1. The purpose of the environmental education is the formation of an active life position of citizens and environmental culture in the society based on the principles of sustainable development.

2. The environmental education, environmental awareness and skills development of specialists in the scope of the environment protection in the Republic of Kazakhstan shall be developed as a part of the education system for sustainable development.

3. The main targets in the scope of the environmental education and environmental awareness, skills

development of the specialists shall include:

- 1) improvement in quality of the environmental education through the mainstreaming of its content, provision of the educational organizations by modern teaching materials, skills development of teaching personnel;
- 2) the development of institutional frameworks, programs and activities for the environmental awareness in the community and family;
- 3) the training of professional personnel for the implementation of targets in the scope of the environment protection.

Article 182. The institutional framework for environmental education and awareness, expertise

1. An organizational activity base in the scope of the environmental education and awareness, skills development of the specialists shall be organized and carried out by the government bodies, educational organizations, culture and science, environmental agencies, users of nature, public associations, separate leading educators and scientists.

2. In order to cross-sectoral cooperation and interdepartmental interaction of training-methodical and scientific support of the environmental education in the community and family, training and retraining shall be created regional councils (centers) for educational institutions, scientific and public organizations. The structure of regional councils (centers) may include representatives listed in paragraph 1 of this Article of organizations and individuals.

Article 183. An environmental education in educational institutions

1. The system of continuous and comprehensive environmental education shall cover all levels of education.
2. The environmental education in educational institutions shall be carried out through the implementation of specialized and interdisciplinary educational programs, as well as the integration of environmental aspects into existing disciplines.
3. Education of active citizenship to the conservation of nature and respect for the natural resources shall be recognized as one of the priority targets of education in educational institutions.
4. State educational standards and typical academic programs of professional education in the scope of the environment protection and natural resources shall be approved by the authorized body in the scope of education in consultation with the competent authority in the scope of environment protection.

Footnote. Article 183 as amended by the Law of the Republic of Kazakhstan, dated 27 July 2007 No 320 (the order of enforcement, see Article 2).

Article 184. State support for environmental education and awareness

1. The state shall carry out support for environmental education and awareness in the following priority areas:

- 1) The definition of a long-term plan of action in the scope of education for the transition of the Republic of Kazakhstan to sustainable development;
- 2) the improvement of instructional and methodological foundations of environmental education and awareness;
- 3) the preparation of qualified specialists in the scope of environment protection;
- 4) the ensuring of learning and teaching materials availability for the environmental education and awareness;

5) the promotion of the organizations, providing programs and activities for environmental education in the community and family.

2. State support measures shall include:

- 1) the financing of environmental education in educational institutions (educational works and activities for environmental education and awareness, skills development of the specialists) under various state, regional and sectoral programs;
- 2) the active participation of government bodies in the formation of state order for training of specialists;
- 3) the provision of state order for research in the scope of education for sustainable development;
- 4) the provision of state social voluntary organizations operating in the scope of environmental education and awareness;
- 5) the provision of necessary measures for the environmental education and awareness, skills development and retraining of personnel in the framework of environment protection programs.

Footnote. Article 184 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 26. ENVIRONMENTAL RESEARCH

Article 185. The purposes and objectives of the environmental science research

1. An environmental research shall be carried out in the purpose of scientific ensuring of the environment, the development of evidence-based measures on improvement, restoration, ensuring the sustainability of natural

ecosystems, sustainable use and restoration of natural resources, environmental safety and social, economic and environmentally balanced development of the Republic of Kazakhstan.

2. The objectives of the environmental research are:

- 1) the scientific assessment and forecast of the environment state;
- 2) the development of science-based environmental regulations, standards and requirements;
- 3) the basing of the integrated and rationale use of natural resources;
- 4) development of scientific recommendations for ensuring of government regulation and control in the scope of the environment protection and management of natural resources;
- 5) the scientific basing, development and implementation of eco-efficient resource-saving technologies.

Article 186. The main directions of environmental science research

1. The following research can be carried out for solving the objectives of scientific support for the environment protection:

- 1) the development of integrated state, regional, local scientific basis for sustainable socio-economic development of the territories;
- 2) the study the steadiness of ecosystems to human impacts and the development of scientific bases of identifying environmental risks;
- 3) the evaluation of the level of anthropogenic pressure on the environment and the degree of disturbance of ecosystems and landscapes;
- 4) the development of science-based regulations in the scope of environment protection;
- 5) the determination of the zonal threshold levels of anthropogenous impact on ecosystems and landscapes;
- 6) the identification of the impact of environmental factors on population health;
- 7) the dividing into districts and ranking of the republican territory according to the degree of environmental stress;
- 8) the research, related to the development of programs of target values of the environmental quality;
- 9) the research related to the development of methods and technologies to clean up emissions into the environment;
- 10) the research on the integrated use of raw materials, processing and disposal of waste;
- 11) the research on searching, scientific and technical reason and implementation of new eco-efficient and resource-saving technologies;
- 12) the development and scientific support of the environmental assessment and prediction of its changes under the influence of natural and anthropogenic factors;
- 13) the scientific substantiation methods to prevent or mitigate the negative effects of anthropogenic or natural threats to the environment;
- 14) the systematic study and generalization of the environmental monitoring results of quantitative and qualitative indicators of the state of ecosystems and on the basis of long-term supervision and operational control;
- 15) the scientific support for environmental monitoring;
- 16) the development and scientific justification of limits (quotas) on the emissions to the environment, the use of natural resources;
- 17) the integrated climate change research and assessment of its impact on the economy and the natural resources of the Republic of Kazakhstan;
- 18) the research of the ozone layer, the process of its destruction and restoration, the development of measures to prevent the impact of human activities on the ozone layer;
- 19) the research of the economic mechanisms problems of natural resources management, the development of cost-effectiveness analysis methods and costs on environment protection measures and scientific support for these measures;
- 20) the participation in the development and scientific basis of environmental indicators of socio-economic development of the country;
- 21) the conducting of research, related to the implementation of the obligations of the Republic of Kazakhstan under international treaties for the protection of the environment and natural resources;
- 22) an international scientific cooperation in the scope of the environment protection and natural resources.

2. Financing for basic and applied scientific environmental research shall be carried out at the expense of budget funds and other funding sources not prohibited by the Laws of the Republic of Kazakhstan.

Footnote. Article 186 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 187. The requirements for environmental research

1. Scientific environmental research shall be carried out by scientific organizations in accordance with this Code and the Law of the Republic of Kazakhstan on science.

2. The scientific research in the scope of the environment protection in the Republic of Kazakhstan can be carried out by Kazakh and foreign individuals and legal persons, as well as international organizations with the necessary performance requirements of the legislation of the Republic of Kazakhstan.

Chapter 27. INTERNATIONAL COOPERATION OF THE REPUBLIC OF KAZAKHSTAN IN THE FIELD OF THE ENVIRONMENT PROTECTION AND NATURAL RESOURCES MANAGEMENT

Article 188. Priorities and levels of the international cooperation

1. The participation of the Republic of Kazakhstan in the international cooperation in the scope of the environment protection and natural resource management shall be based on the following priorities:

- 1) protection of the environment, favorable for human life and health;
- 2) an achievement of sustainable development;
- 3) protection of the interests of the Republic of Kazakhstan in the scope of environment protection and natural resources management;
- 4) prevention, reduction and control of transboundary pollution;
- 5) development and support of free international trade and investment on the basis of compliance with the environmental standards and requirements;
- 6) provision of international assistance in the case of environmental emergencies;
- 7) the application of the rules and principles of international Law to deal with cross-border and regional environmental issues;
- 8) participation in international initiatives in the scope of environment protection and sustainable development.

2. The priority objectives for international cooperation of the Republic of Kazakhstan in the scope of the environment protection and natural resources management shall be dealt with on a global, cross-border, regional and bilateral basis.

Article 189. The principles of international cooperation

An international cooperation of the Republic of Kazakhstan in the scope of the environment protection and natural resources management shall be based on the following principles:

- 1) fulfillment in good faith of international commitments;
- 2) respect for the sovereign right of States to develop their own natural resources;
- 3) the integration of the environment protection and economic development in order to achieve sustainable development;
- 4) the responsibility of the state on ensuring of measures to prevent damage to the environment of other States or of areas beyond the jurisdiction of the Republic of Kazakhstan;
- 5) The precaution and acceptance of preventive measures;
- 6) the peaceful settlement of the international disputes;
- 7) an advance notice and mutual consult on activities with potentially significant transboundary impact on the environment;
- 8) the complementarity of the efforts made at the global, regional, national and local levels;
- 9) responsibility of the polluter for the expenses, connected with the environment pollution.

Article 190. The economic basis of the international cooperation

The economic basis of the international cooperation of the Republic of Kazakhstan in the scope of environment protection and natural resources are:

- 1) compulsory and voluntary contributions to international organizations;
- 2) participation in the financing of international programs, forums and other international events;
- 3) liability for damage resulting from transboundary impact;
- 4) a compensation cost for the operation of facilities designed to sharing of natural resources, on the principle of equity in the use of natural resources;
- 5) an assignation on the compensatory basis by one State to another of its share (part thereof) of natural resources, established on the basis of international treaties, ratified by the Republic of Kazakhstan.

Article 191. International responsibility for the environmental offenses

Measures of international responsibility for the environmental offenses, the damage, caused to the environment and natural resources of neighboring countries, non-compliance of international treaties shall be applied in accordance with the provisions of the international treaties of the Republic of Kazakhstan.

Article 192. The mechanism of interstate cooperation in the scope of the environment protection and natural resources management

1. The mechanism of interstate cooperation in the scope of the environment protection and natural resources management shall forecast the participation of the Republic of Kazakhstan in accordance with the international treaty obligations in the following international and cross-border procedures:

- 1) an exchange of environmental information;
- 2) a joint environmental monitoring conducting, based on agreed standards and requirements;

- 3) an identification and preservation of species and natural objects, having an international importance;
- 4) the obtaining of preliminary informed consent on certain activities implementation that are the subject of international regulation in the scope of the environment protection;
- 5) the issuance of special permits for certain types concerning the specific activities that pose a potential threat to the environment and human health;
- 6) co-regulation of environmental impacts and assessment of their practice;
- 7) cross-border assessment of the impact on the environment;
- 8) information sharing on emergency situations in the presence of the potential threat of transboundary impacts;
- 9) assistance on request of other countries in emergency situations with the threat of cross-border effects, including the development of joint action plans;
- 10) preparation and submission of national reports on the implementation of international commitments;
- 11) assessment of compliance with international treaty obligations undertaken by specially authorized international bodies;
- 12) the exercise of responsible measures for damage to the environment of other States or areas beyond the limits of the Republic of Kazakhstan.

2. In cases, stipulated by international treaties the Republic of Kazakhstan shall develop the necessary procedures, referred to in paragraph 1 of this Article, on the basis of bilateral and multilateral cooperation.

3. In order to ensure the effective operation of the mechanism of international cooperation and implementation of the procedures, referred to in paragraph 1 of this Article, the Government of the Republic of Kazakhstan and government bodies, in accordance with their competence shall have the right to initiate the establishment of interstate bodies.

Article 193. International treaties

1. The legal form of interstate cooperation in the scope of environment protection and natural resources management shall be international treaties.

2. The order of conclusion, execution, amendment and termination of international agreements in the scope of the environment protection and nature resources management shall be governed by the Laws of the Republic of Kazakhstan on international treaties.

3. The implementation of the international agreements in the scope of the environment protection may include:

- 1) the development and approval of a plan of action, necessary to ensure their implementation;
- 2) the determination of a government body, responsible for ensuring fulfillment of the international treaty in the scope of the environment protection;
- 3) the conducting of permanent analysis of the effectiveness of the participation of the Republic of Kazakhstan in the international treaties in the scope of the environment protection and natural resources management.

SPECIAL PART SECTION 8. ENVIRONMENTAL REQUIREMENTS ON IMPLEMENTING OF ECONOMIC AND OTHER ACTIVITIES

Chapter 28. GENERAL PROVISIONS OF ENVIRONMENTAL REQUIREMENTS

Article 194. Environmental requirements for economic and other activity and their types

1. Environmental requirements shall be established to economic and other activities carried out in the territory of the Republic of Kazakhstan.

2. Environmental requirements are divided into the following types:

- 1) General environmental requirements for economic and other activity;
- 2) environmental requirements on using natural resources;
- 3) environmental requirements on especially protected natural areas;
- 4) environmental requirements for economic and other activity in a State conservation area in the northern part of the Caspian Sea;
- 5) environmental requirements for the use of radioactive materials, nuclear energy and ensuring of radiation safety;
- 6) environmental requirements in the production and use of potentially hazardous chemical and biological substances, genetically modified foods and organisms;
- 7) environmental requirements on handling wastes of production and consumption;
- 8) environmental requirements to military and defense installations, military activity.

3. The environmental legislation of the Republic of Kazakhstan may establish other kinds of environmental requirements.

Article 195. The order of development and confirmation of the environmental requirements

1. The environmental requirements shall be established by this Code and other regulatory legal acts of the Republic of Kazakhstan and can be taken as separate documents or specific sections in the rules of the respective

types of business and other activities.

2. The authorized body in the scope of the environment protection in the development of environmental requirements could attract specialized research, design institutes and other organizations, as well as nature users.

3. The environmental requirements on using of land resources, subsoil and mineral resources, groundwater and surface water, forest and other resources, flora, fauna resources shall be established in agreement respectively with the central competent authority for land management, authorized bodies of the study and utilization of mineral resources, in the scope of use and protection of water resources, in the scope of forestry, in field of protection, reproduction and use of wildlife, as well as with the government body in the scope of sanitary and epidemiological welfare of the population.

4. The environmental requirements for protected areas shall be established in consultation with the authorized government body in the scope of protected areas.

5. The environmental requirements for the design and placement of enterprises, buildings and other objects in their construction and renovation, commissioning and operation, construction of cities and towns, the use of radioactive materials, the production and use of potentially hazardous chemical and biological substances, genetically modified foods and organisms, waste production and consumption, to military and defense facilities, military activities shall be established by this Code and other legislative acts of the Republic of Kazakhstan.

Article 196. Recording of the environmental requirements and obligations

1. The government body, authorized to carry out privatization shall ensure compliance with the environmental requirement on privatizing of state property.

2. The privatization of enterprises and other facilities shall be based on the test results of environmental conditions that must be provided for the privatization plan of the enterprise and any other object, and shall be carried out with the participation of the authorized body in the scope of the environment protection.

Article 197. The recording of the environmental requirements in bankruptcy, reorganization and liquidation of the legal entity-nature user, carrying out environmentally hazardous types of economic and other activities

1. At the initiation of bankruptcy proceeding of a nature of the legal entity- nature user, carrying out environmentally hazardous types of economic and other activities, shall be conducted a mandatory environmental audit.

In the proceeding of the bankruptcy case of the legal entity-nature user shall be provided a recording of the results of mandatory environmental audit.

2. The reorganization of the legal entity - nature user, carrying out environmentally hazardous types of economic and other activities, shall be conducted taking into account the results of the mandatory environmental audit and their reflection in the separate balance (in case of reorganization in the form of separation and isolation) and the transmission balance (with reorganization in the form of a merger).

3. On the liquidating of the legal entity- nature user, carrying out environmentally hazardous types of economic and other activities, shall be appointed inspector's environmental audit with the mandatory reflection of its results in the liquidation balance.

Chapter 29. GENERAL ENVIRONMENTAL REQUIREMENTS FOR ECONOMIC AND OTHER ACTIVITIES

Article 198. The environmental requirements for the design of economic and other objects

1. In the designing of enterprises, buildings and structures, industrial and agricultural objects, water system, sewerage, waterworks, transportation and communications, manufacturing processes, products and equipment, other facilities must be provided for:

- 1) compliance with environmental quality standards;
- 2) neutralization and disposal of hazardous waste;
- 3) the use of low-waste and non-waste technology;
- 4) implementation of effective measures to prevent environmental pollution;
- 5) reproduction and rational use of natural resources.

2. The financing and implementation of projects for which there are no positive opinion of the environmental impact assessment and sanitary-epidemiological expertise shall be prohibited.

Article 199. General environmental requirements and responsibility of nature users on commissioning and operating of economic and other objects

1. Commissioning of enterprises, buildings and other objects shall be carried out on condition upon the full implementation of all environmental requirements, stipulated by the project, by the act of acceptance commission, created with the participation of the authorized body in the scope of the environment protection.

2. The operating of the enterprises, buildings and other objects without the facilities and equipment for cleaning, decontamination and disposal of hazardous waste, emissions, discharges, ensuring compliance of

environmental quality standards, and without completion of melioration, reproduction and rational use of natural resources, provided for the project shall be prohibited.

3. A nature user operating an economic and other objects, shall be responsible for:

- 1) work conducting in a designated territory with the requirements of the environmental safety;
- 2) maintenance of the installed documentation for the environment protection and the presentation of established reporting to the government bodies on all activities;
- 3) an assisting in the inspection of state regulatory agencies and the implementation of legal regulations in a timely manner.

4. On each object the nature user should:

- 1) create a special unit or assign a person responsible for the organization, self-monitoring conducting and the interaction with regulatory agencies;
 - 2) conduct all operations in the safest way and keep the equipment in a safe condition to protect the health and lives of workers, the environment and property;
 - 3) develop and confirm consistent with the territorial bodies of the authorized body in the scope of the environment protection and normative technical documents for the environment protection for all activities that must be reviewed at least every five years. Regulatory and technical documents should also be reviewed with the introduction of new model rules and regulations, new processes, plant, machinery and equipment;
 - 4) keep a check of the technical and environmental safety register in which responsible officials of the nature user must record detected gaps with the indication of the elimination terms, on the work sites (objects).
5. The procedure of organization and conducting operations on the environmentally hazardous objects should be set by a special provision designed by the nature user.

6. The nature user should have a plan of action to eliminate or locate the emergency situation, caused by the breach of environmental legislation of the Republic of Kazakhstan, natural disasters and natural calamities.

7. An employee who discovered the violation of the environmental requirements, norms, rules and regulations or danger threatening the lives and health of people, as well as the possibility of contamination of the environment, shall immediately take all dependent on him measures to eliminate or localize the situation and inform the dispatcher or managers.

8. The elimination of detected gaps in the designated period shall be controlled by the authorized body in the scope of the environment protection, as well as by the nature user operating an economic and other objects.

9. Accidents, not entailing production accidents and ecological consequences shall be investigated in accordance with the instructions for technical investigation and recording of accidents, not entailing production accidents and ecological consequences. In special cases for the investigation of major technological accidents and ecological consequences, as well as group accidents shall be appointed a commission.

10. The nature user is obliged to inform the competent authority in the scope of the environment protection of the accidents, occurred with the release and discharge of pollutants into the environment within two hours of their discovery.

Footnote. Article 199, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 199-1. The environmental requirements for technologies, technics and equipment

1. The use of technology, technics, equipment in the Republic of Kazakhstan, excluding vehicles and equipment shall be carried out present at a positive opinion of the environmental impact assessment on documentation justifying the use of such technologies, technics and equipment, with materials of assess the impact on the environment.

The composition of the documentation for the application of technology, technics and equipment, including those transferred (imported) to the Republic of Kazakhstan, represented by the environment impact assessment shall be determined by the authorized body in the scope of the environment protection.

2. Technology, technics and equipment, offered for use in the Republic of Kazakhstan recognized on the results of the environment impact assessment as environmentally hazardous shall not be applied in economic and other activities.

In this case, the displaced (imported) technics and equipment, recognized as environmentally hazardous, must be destroyed, disposed or recycled in compliance with the requirements of this Code, the Laws of the Republic of Kazakhstan in the scope of sanitary and epidemiological welfare of the population, industrial safety of hazardous production facilities and technical regulation or exported from the Republic of Kazakhstan.

3. Environmentally hazardous technologies are recognized:

- 1) the application of which does not accord with the environmental requirements of this Code or the international standards;
- 2) as a result of which the waste is generated, with no technology at their disposal or recycling in the Republic of Kazakhstan, or disposal of which is associated with high environmental risk or economically unfeasible.

4. Environmentally hazardous technics and equipment are recognized:

- 1) life-expired;
- 2) the application of which does not accord with the environmental requirements of this Code, the Technical Regulations of the Republic of Kazakhstan and international standards;
- 3) as a result of which waste is produced that do not have technology at their disposal or recycling in the Republic of Kazakhstan, or disposal which is associated with high environmental risk or economically unfeasible.

5. In the case of recognition the technologies, equipment and technics by the environmental impact assessment are environmentally dangerous, they are to be included in the register of environmentally dangerous technologies, technics and equipment.

The use of technologies, technics and equipment, including in the register of the environmentally dangerous technologies, technics and equipment, shall be prohibited in the territory of the Republic of Kazakhstan.

Footnote. The Code was supplemented by Article 199-1 in accordance with the Law of the Republic of Kazakhstan, dated 23.06.2009 No 164-IV (the order of enforcement See Art. 2).

Chapter 30. THE ENVIRONMENTAL REQUIREMENTS ON THE TYPES OF ECONOMIC AND OTHER ACTIVITIES

Article 200. The environmental requirements for the design and construction of communities.

1. A design, construction, reconstruction of cities and other communities shall ensure the most favorable conditions for life, work and rest of the population, taking into account environmental, sanitary and epidemiological requirements and environmental safety.

2. On the planning and building of cities and other communities shall be provided for and carried out their sanitation, safe management of waste production and consumption, shall be created forest-park, green and protection zones with restricted mode of natural resources management.

3. Buildings, structures, facilities, roads and other industrial objects must be located taking into account the requirements of technical regulations, sanitary and epidemiological rules and norms, urban planning and other requirements, ensuring a favorable environment.

Article 201. The environmental requirements for the placement of enterprises, facilities and other objects

1. A determining of placement of enterprises, facilities and other objects shall be carried out in compliance of the conditions and rules of the environment protection, taking into account the environmental impacts of the mentioned facilities.

2. During the placement of enterprises, facilities and other objects shall be installed security, health and safety and other protective zones.

Article 202. The environmental requirements for the construction and reconstruction of enterprises, facilities and other objects

1. Construction and reconstruction of enterprises, facilities and other objects shall be carried out at the presence of positive opinions of environmental impact assessment and sanitary-epidemiological expertise and in accordance with the standards of environmental quality. The changes of the approved design or cost of the work to the detriment of the environment shall not be allowed.

2. During the construction work should be taken measures on land recultivation, reproduction and rational use of natural resources, land improvement and enhancement of the environment.

3. The construction, reconstruction of objects prior to design approval and allotment of land plot in kind shall be prohibited.

Article 203. The environmental requirements on operating of industrial, energy, transport and communication, objects of agricultural assignment and melioration.

1. Operation of industrial, energy, transportation and communication objects, objects of agricultural assignment and melioration shall be carried out taking into account established environmental requirements and the use of environmentally sound technologies, necessary purification plants and sanitary protection zones, excluding pollution of the environment. Low-waste and non-waste technologies, ensuring environmental safety shall be implemented during the operation of mentioned objects.

2. Individuals and legal entities are obliged to carry out a complex of measures for the protection of soil, water, forests and other vegetation, wild animals from the adverse effect of agricultural activities.

Article 204. The environmental requirements on the production and operation of automobiles and other vehicle

Individuals and legal entities operating an automobile or other vehicles that have a negative impact on the environment, are obliged to comply with the standards of permissible emissions and take measures to reduce the level of noise and other negative impact on the environment.

Article 205. Environmental requirements for the placement of nuclear, thermal and hydroelectric power stations.

1. The location of a placement and construction of nuclear power plants shall be carried out at the presence of the design and the positive opinion of the environmental impact assessment and sanitary-epidemiological expertise. Designs of nuclear power plants should include solutions that ensure safe

decommissioning, as well as measures for disposal of waste.

The measures to ensure radiation safety in accordance with the Laws of the Republic of Kazakhstan shall be taken at the location, design and construction of nuclear power plants.

2. In order to limit the adverse effects of thermal power plants in the state of the air basin adjacent to the territory before placing them in the design shall be carried out a valuation of emissions into the environment by establishing for each energy organization (and for each pollution source) target values (grams per second) and annual standards (tons per year), ensuring environmental safety of the thermal power plants.

The calculation of the target values (grams per second) and the development of appropriate measures to reduce emissions to the environment shall be conducted on the basis of the planned maximum capacity of equipment for the thermal power plants (with scheduled repairs, the withdrawal of the reserve).

3. At the location, design and construction of hydropower plants should be fully taken into account the real needs of the electricity of corresponding regions, territory seismic and the land configuration for the object placement, the measures on conservation of forest and land resources, the effective protection of flora and fauna, in general, ensuring the prevention of significant adverse changes in the environment.

4. For designed and constructed power plants in compliance with the emission standards into the environment should be ensured at the time of acceptance into operation.

Article 206. The environmental requirements for military and defense objects, military activities

The environmental requirements, established by this Code shall apply to the military and defense installations and military activity, except in special situations, provided by the legislation of the Republic of Kazakhstan.

Article 207. The environmental requirements for the natural resources management

1. The environmental requirements for the use of land, subsoil, water, forests and other vegetation, animal life shall be determined by this Code and other regulatory legal acts of the Republic of Kazakhstan.

2. An economic and other activities, causing disturbance of natural ecosystems, destroying of the living organisms gene pool, other changes in the environment, dangerous to life and health shall be prohibited.

Chapter 31. THE ENVIRONMENTAL REQUIREMENTS OF THE USE OF LAND

Article 208. The environmental requirements on purposiveness changing and the convert of land from one category to another

Footnote. Article 208 is excluded by the Law of the Republic of Kazakhstan, dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Article 209. Environmental requirements on zoning and using of the land of agricultural use

1. On zoning and using the land of agricultural use should be provided environmental safety and quality condition of agricultural land.

2. Zoning of the land of agricultural use shall be based on indicators of the degree of environmental troubles, which are the criteria for physical degradation and chemical pollution.

3. Determining the level of chemical contamination of land shall be carried out using the maximum permissible concentrations of chemicals in the soil, approved by the authorized government bodies in the scope of environment protection and sanitary and epidemiological welfare of the population.

4. Ecological criteria for evaluating the land in order to determine the need for translation of the more valuable to the less valuable, conservation, as well as inclusion in the zone of ecological disaster or environmental emergency approved by the Government of the Republic of Kazakhstan (hereinafter - the ecological criteria for the assessment of the land.)

Article 210. The environmental requirements on zoning and the use of urban lands

1. The zoning of urban lands shall be carried out on the basis ecological criteria for the assessment of the land.

2. The possibility of transfer of polluting substances into the air and water of these areas and their direct influence on the health of the population shall be accounted during the conversion the urban lands in the lands of other categories.

3. For the zones of environmental emergency situation shall be established a special regime of use, not entailing the further deterioration of the environmental situation.

Article 211. The environmental requirements on zoning and using of land for industry, transport, communication, defense and other nonagricultural use

1. On zoning land for industry, transport, communication, defense and other non-agricultural use shall be ensured environmental safety and sustainable use of land.

2. In order to ensure the safety of the public and create the necessary conditions for the operation of industrial, transport and other objects shall be established zones with the creation of special conditions of use of these lands, contributing to a better environment condition.

3. Zones within which types of activities are limited or prohibited, that are incompatible with the objectives of establishing zones shall be accounted during the conversion the land for industry, transport, communication, defense and other non-agricultural use of land in the lands of other categories.

4. An additional environmental criteria on the transfer of land in industry, transport, communication, defense and other non-agricultural use in the other categories shall be their chemical contamination above the levels, required by the environmental criteria for the evaluation of land. Lands, referred to a higher level of pollution shall be subject to conservation and shall be converted to the structure of reserve lands.

Article 212. The environmental requirements for the use of protected areas lands and lands of recreational use

1. Land use regime of protected areas, governed by the Land Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On Specially Protecting Nature Areas."

2. In order to conserve favorable environmental and sanitary conditions in the land recreational use on their zoning shall be established sanitary protection zones.

Article 213. The environmental requirements for the use of forest fund lands

1. A regime of use of forest fund lands shall be regulated by the Land and Forest Codes of the Republic of Kazakhstan.

2. Environmental criteria in allocating land to the category of forest vegetation condition should be considered as an indicator of the environment condition of the territory.

3. Not used for forestry farmlands on the forest fund lands can be converted to the category of agricultural land in accordance with the forest legislation of the Republic of Kazakhstan.

4. Transfer of forest fund land to other land category may be allowed to a positive opinion of the environment impact assessment in accordance with the requirements of the forest legislation of the Republic of Kazakhstan on the basis of materials of forestry and land management in case of:

- 1) impossibility of usage in accordance with the previously established target designation;
- 2) changes in the lines of the settlements;
- 3) changes in boundaries (lines) of settlements;
- 4) referring to the lands of specially protected nature areas.

5. On transfer of forest fund lands to other categories should be taken into account the environmental indicators that reflect the impact of state land on the grass and woody vegetation in accordance with the ecological criteria for land assessment.

Article 214. The environmental requirements on zoning and using of water fund lands

1. On zoning of water fund lands shall be ensured protection of water fund and the rational use of water.

2. Plots of land from the structure of water fund lands can be made available for temporary use of land by local executive authorities in consultation with the authorized government body in the scope of use and protection of water fund and corporations for the needs of agriculture, forestry, fishing, hunting and other purposes not contrary to the basic purpose of the land, not entailing the pollution and land degradation and environmental degradation, respectively.

3. Conversion of water fund lands to another category of land shall be allowed with the Environment Impact Assessment and epidemiological examinations in accordance with the requirements of the water legislation of the Republic of Kazakhstan in case of:

- 1) the termination of a water body existence or a significant change in its environmental and health indicators;
- 2) referring to the lands of specially protected nature areas;
- 3) changes in boundaries (line) of settlements, entailing a change in the environmental situation.

4. Land allocated for water protection zones cannot be converted to the category of land settlements and industry, which shall be established a special regime of economic activity for the prevention of pollution and depletion of water.

Article 215. The environmental requirements on zoning and using of reserve land

1. On zoning land reserve shall be accounted an area of adverse changes and spatial heterogeneity of allocation of different degradation degrees in the study area.

2. The rate of ecosystems degradation shall be calculated by the fifty-year series of observations. Assessment of the degree of ecosystem degradation shall be carried out in accordance with the environmental criteria for land assessment.

3. Reserve land can be converted to other land categories depending on the purpose of further use only after the establishment of the lands on the ground, the category to which they shall be converted. On conversion the reserve land to another category of land the selection of land plot shall be carried out previously in

accordance with the environmental requirements of this category of land.

4. The transfer of disturbed land from the category of reserve land is possible after the implementation of rehabilitation and measures to improve the quality of the land and the environmental situation.

5. Land plots from the reserve lands construction, which were carried out nuclear tests, can be given to the ownership or use of land only after the completion of all activities on the liquidation of nuclear tests consequences and a comprehensive environmental study present at a positive opinion of the environment impact assessment and sanitary-epidemiological expertise.

Footnote. Article 215, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 216. The environmental requirements for optimal land use.

1. The basic environmental requirements of optimal land use are:

- 1) The scientific basis and forecasting the impact of proposing land reform and land redistribution;
 - 2) the basis and implementation of a unified state policy in the planning and organization of the management and protection of all land categories;
 - 3) ensuring of land proper use and conservation of valuable land in agricultural production;
 - 4) formation and placement of environmentally sound compact and optimal according the area land plots;
 - 5) development of a set of measures to improve agricultural land, improve soil fertility, maintaining sustainable landscapes and protection of land;
 - 6) development of measures for the rational use and protection of land;
 - 7) inventory and identification of unused land, used irrationally, not used for the intended purpose of land;
 - 8) the conservation and enhancement of habitat forming, water conservation, protection, sanitary and epidemiological, recreation and other beneficial natural properties, in order to improve land productivity and to protect human health;
 - 9) the conservation of biological diversity.
2. Provision of land plots for the placement and operation of enterprises, buildings and other facilities shall be subject to the conditions and regulations on environment protection, reproduction and rational use of natural resources, taking into account environmental, sanitary and epidemiological implications of these objects.
3. For the construction and erection of facilities that are not associated with agricultural production, must be disposed lands not suitable for agricultural purposes, with the lowest score of soil fertility.

Article 217. Environmental requirements for the use of land

1. The nature users on the land using must:

- 1) production engineering, appropriate to sanitary-epidemiological and environmental requirements, to prevent harm to human health and the environment, implement the best available technologies;
 - 2) allow the pollution, littering, degradation and deterioration of soil fertility, as well as the removal of topsoil for sale or transfer it to other parties, except the cases, when such removal is necessary to prevent irreparable loss of topsoil;
 - 3) produce storage and disposal of waste in a location, determined by the decision of the local executive bodies in coordination with the competent authority in the scope of environment protection, as well as a specially authorized government bodies within their competence.
2. The nature users on the mining, performance of geological survey, construction and other works are obliged to:
- 1) contain the occupied land plots in a condition, suitable for further use for their intended purpose;
 - 2) remove, store and use the fertile soil in the works, related to the violation of land;
 - 3) conduct reclamation of disturbed lands.
3. On selection of the direction of melioration should be taken into account:
- 1) the nature of the surface infringement of the land plot;
 - 2) natural and physical and geographical conditions of the facility area;
 - 3) the socio-economic characteristics of the location of the object from the perspectives of development of the area and environment protection requirements;
 - 4) the need to restore the main area of disturbed land to cropland in the zone of black soil and intensive farming;
 - 5) the need to restore damaged land in close proximity to populated areas for gardens, farms and recreational areas, including the creation of reservoirs in the hand-made area and ornamental garden and park complexes in the overburden dumps and tailings;
 - 6) performance of land planning, liquidation of unnecessary excavations and embankments, of construction waste and redevelopment of the land in the territory of the industrial facility;
 - 7) ravines and gullies on the used land plot which should be whelmed or flatted;
 - 8) a mandatory site landscaping.
4. In the case of land plots use for the placement, disposal, storage of industrial waste, it must meet the following requirements:
- 1) comply the sanitary and epidemiological rules and norms of design, construction and operation of landfills of unutilized industrial waste disposal;

- 2) have weak filtering soils on standing of ground water not exceeding two meters from the bottom of the tank with an emphasis on areas 1.5 per cent in the direction of the pond, farmland, forests, industries;
 - 3) be placed on the leeward side of the community and relatively lower in the direction of groundwater flow;
 - 4) be placed on the ground, not flooded by flood and storm water;
 - 5) have an engineering anti-filtering protection, fencing and landscaping around the perimeter, driveways paved;
 - 6) surface and groundwater runoff from the land must not be drawn into open water bodies.
5. The implementation of new technologies, the implementation of programs of melioration and soil enrichment shall be prohibited in the case of non-compliance with the environmental, sanitary and epidemiological rules and regulations and other requirements, stipulated by the legislation of the Republic of Kazakhstan.
6. The order of land use, affected by radioactive and chemical contamination, the establishment of protected areas, the conservation of residential buildings, industrial, commercial, social and cultural facilities on these lands, performance of melioration and technical work there shall be determined taking into account the standards of maximum permissible levels of radiation and chemical exposure.
7. In order to protect lands the owners of lands and nature users are obliged to carry out activities on:
- 1) protection of land from water and wind erosion, landslides, flooding, waterlogging, secondary salinity, dehydration, condensation, contamination by radioactive and chemical substances, littering waste production and consumption, pollution, including nutrient, as well as other negative impacts;
 - 2) protection of farmland and other lands from being infected by parasitic and bacterial-quarantine pests and plant diseases, overgrown weeds, trees and shrubs and other types of land degradation;
 - 3) elimination of the effects of pollution, including nutrient and littering the land up;
 - 4) conservation of progressing stage of melioration;
 - 5) melioration, restoration of soil fertility, early involvement in land circulation;
 - 6) removal and preservation of topsoil for later use during his rehabilitation.
8. On the community lands shall be prohibited the use of salt for taking the black ice away.
- Footnote. Article 217 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 32. ENVIRONMENTAL REQUIREMENTS FOR SUBSOIL USE

Article 218. The ecological basis for conducting of subsoil operations

1. Ecological basis for the conducting of subsoil operations shall be the positive opinion of the environmental impact assessment and sanitary-epidemiological expertise of subsoil use contracts, project documentation and environmental permitting.
2. Subsoil user is obliged to present to the environmental impact assessment and sanitary-epidemiological examination of all pre-project and project documentation, which should include an assessment of the impact of the proposed activity on the environment and contain the section "Environment Protection".

Article 219. General environmental requirements on using of subsoil resources

1. General environmental requirements for use of subsoil resources are:
 - 1) the use of subsoil resources in accordance with the requirements of the environmental legislation of the Republic of Kazakhstan;
 - 2) conservation of the earth's surface through the use of special methods of mining;
 - 3) prevention of anthropogenic desertification;
 - 4) the application of preventive measures against acts of dangerous anthropogenic processes in the exploration, mining, and construction and operation of underground facilities not related with exploration and production;
 - 5) protection of subsoil resources from flooding, fires and other natural factors complicating the operation and development activities;
 - 6) prevention of subsoil contamination, especially in the underground storage of oil, gas or other substances and materials, disposal of hazardous substances and wastes;
 - 7) compliance with the established order of suspension, termination of subsoil use operations, conservation and liquidation of mining;
 - 8) ensuring the environmental and sanitary requirements for the storage and disposal of waste;
 - 9) reduction of disturbed and alienated land areas by advancing to the start of construction work on the roads by rational scheme, and the use of other methods, including the bushed method of wells construction, the use of technology with internal discard dumps, use of waste production and processing of mineral resources;
 - 10) prevention of wind erosion of soil, overburden dumps and waste products of oxidation and spontaneous combustion;
 - 11) insulation of absorbing and fresh water horizons to avoid their contamination;
 - 12) prevention of depletion and contamination of groundwater, including the use of non-toxic chemicals in the preparation of flushing water;
 - 13) purification and reuse of the flushing water;
 - 14) elimination of drilling residues and lubricants by the environmentally safe manner;

15) purification and reuse of oilfield wastewater in the pore pressure maintaining system of the oil fields.

2. The discharge of wastes, not treated to standard indicators, into the subsoil shall be prohibited, except for pumping of wastes into underground water levels, which are highly mineralized, not used or can not be used for drinking, balneological, technical needs for irrigation and animal industry, and except for the discharge of preproduction mining quarry water into special storages, which do not require the establishment of standards for substances and normalized only volumes of water in cubic meters.

Discharge of waste water is not the reinjection of water, extracted simultaneously with minerals, as well as injection of technological solutions into the subsoil for subsoil use operations, provided by the projects and process procedure that have received a positive opinion of the environmental impact assessment and other examinations, stipulated by legislative acts of the Republic of Kazakhstan.

3. A subsoil user must:

1) select the most effective methods and technologies of the work, based on the standards of the international practice;

2) comply with the technological schemes and projects to carry out works to ensure the rational use of subsoil, the safety of workers, the population and the environment.

Footnote. Article 219, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 220. Environmental requirements on conducting of subsoil use operations

1. Subsoil use operations are environmentally hazardous economic activity and should be carried out under the following requirements:

1) well design and design of mining in a part of reliability, manufacturability, and environmental safety shall ensure the conditions of subsoil protection and the environment;

2) on drilling and other subsoil use operations with the use of installations with diesel generator and diesel driven release of untreated exhaust gas emissions from such installations must comply with their specifications and environmental requirements;

3) during the construction of buildings for subsoil use of the fertile lands and agricultural lands in the course of the preparatory work for the installation of the equipment shall be removed and separately stored topsoil for future reclamation area;

4) for exception of the toxic substances migration in the natural objects shall be provided an engineering system of organized waste collection and storage of subsoil wastes with the water-proofing technology platforms;

5) in the cases of well construction in protected areas it is necessary to use only pitless technology;

5-1) measures to reduce the amount of sulfur and reduce its adverse effect on the environment shall be provided during oil operations;

6) work on spent slurry disposal and neutralization of waste drilling mud, drilling, mining and mine waste water for reuse in the drilling process, return to the environment in accordance with the established requirements must be carried out for subsoil use operations;

7) measures to prevent gas contamination of the air environment must be taken on the application of drilling muds on the hydrocarbon basis (lime-bituminous, invert emulsion, etc.);

8) disposal of pyrophoric deposits, spent slurry and core in order to except the possibility of burning or poisoning people should be made according to the project, and in agreement with the competent authority in the scope of the environment protection, government body of sanitary-epidemiological service, and local executive agencies;

9) the commissioning of facilities for subsoil use shall be carried upon condition of full compliance of all environmental requirements, stipulated by the project;

10) the reconstruction (restoration) of the land in accordance with the design solutions shall be carried out after the end of subsoil use operations and the equipment removal;

11) drill holes, including flowing well, as well as unserviceable holes or which usage is shut down, shall be subjected to the equipment by the subsoil user of control devices, conservation or liquidation in order, established by the legislation of the Republic of Kazakhstan;

12) individual or legal entities whose activities have or may have an adverse impact on the groundwater bodies shall be obliged to take measures to prevent pollution and depletion of water bodies;

13) in the catchment basin of underground water bodies, which are used or could be used for drinking and domestic water supply, shall not be placed waste burial, cemeteries, animal burial site and other facilities affecting the condition of underground water;

14) Drilling of absorption wells shall be allowed present at positive opinions of the authorized government bodies in the scope of environment protection, use and protection of water resources, the study and use of subsoil, the government body of sanitary and epidemiological service, issued after the special survey in the drilling area of these wells;

15) a discharge of industrial, medicinal mineral water after use must be in accordance with the Water Code of the Republic of Kazakhstan;

16) preservation and liquidation of wells within the contract area shall be carried out in accordance with the Laws of the Republic of Kazakhstan on subsoil and subsoil use;

17) a systematic laboratory monitoring of water quality in nearby wells, springs, wells on the plan agreed with the state authorities in the scope of environment protection, use and protection of water fund and

government bodies in the scope of sanitary and epidemiological welfare of the population must be organized in the area where the pumping of waste water is carried out into disposal wells by the forces of water user.

2. On conducting of operations the subsoil users are obliged to:

1) comply with standards of maximum permissible impacts on groundwater bodies, established by the authorized government body in the use and protection of water resources in coordination with the state authorities in the scope of environment protection, the study and utilization of subsoil, the government body in the scope of sanitary and epidemiological welfare of the population;

2) ensure identification of the chemical composition of the discharge water to their own or other laboratories accredited in accordance with the Law of the Republic of Kazakhstan "On technical regulation";

3) transfer an extra information about emergency discharges of pollutants, as well as violations of the established regime of groundwater abstraction and discharge facility (injection) in their waters to the authorized government bodies in the scope of environment protection, use and protection of water resources and the sanitary-epidemiological service.

3. Shall be prohibited:

1) violation of vegetation and soil cover outside areas designated for construction;

2) subsoil waste discharge into the surface water and subsoil;

3) irrigation of lands by wastewater, if it affects or may affect the condition of groundwater bodies;

4) the admission of solutions and materials in layers containing household and drinking water;

5) drilling of absorption wells to discharge industrial, medical mineral and heat power waters in cases where these wells can be a source of contamination of the aquifer that is suitable or used for domestic water supply or for medicinal purposes;

6) device of absorption wells and wells in the protective sanitary zones of water sources;

7) discharge into the absorption wells and wells of discharged water containing radioactive substances.

4. In order to protect groundwater sources used for drinking water supply, as well as resources which possess natural curative properties of protective sanitary zones shall be established in accordance with the Water Code of the Republic of Kazakhstan

Footnote. Article 220, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication); dated 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 221. Environmental requirements for the exploration and (or) extraction of groundwater

1. The contract for the extraction of groundwater, as well as special use permit before signing it shall be agreed with the government bodies in the scope of environment protection and sanitary and epidemiological welfare of the population.

2. The project (technical plan), on the basis of which shall be carried out the development of the groundwater deposits, shall be subject to the environmental impact assessment.

3. The nature users on exploration are obliged to conduct for their own expense research and development effort on survey of new and improvement of existing methods and technical plans of development of ground water deposits, to improve manufacturing equipment, means of continuous and periodic monitoring, to ensure rational use and protection of groundwater depletion and pollution, protection of subsoil and the environment.

4. A development of the ground water deposit shall be prohibited for purposes, not provided for contract terms and permits for special water management or with violations of these terms.

5. Exploration and development of groundwater deposits shall be carried in accordance with the terms of the contract and permit for special water management, as well as in compliance with the standards and requirements, stipulated by the environmental legislation of the Republic of Kazakhstan.

6. The nature users, conducting exploration and (or) the extraction of underground water must ensure:

1) a rational exploration and development of groundwater deposits, which could provide the full comprehensive study and prevention of irreversible losses of water and its quality properties through gaps in the wells;

2) an elimination of the possibility of aquifers contamination;

3) an exclusion of the possibility of waters mixing of different horizons and flow from one horizon to the other, if it is not provided by the project;

4) non-admission of uncontrolled unregulated release of groundwater, and in emergency is an urgent taking actions on liquidation of water wastage;

5) an integrated use of groundwater containing useful components;

6) a protection of air, land surface, forests, waters and other natural objects, as well as buildings and structures from the harmful effects of work related to subsoil use;

7) a conducting of complex restoration work on the land plots, crippled in the process of exploration and (or) mining.

7. Water wells, including flowing and exploratory, as well as the wells, not suitable for use or which usage is shut down, shall be subjected to the equipment by the subsoil user of control devices, conservation or liquidation in order, established by the legislation of the Republic of Kazakhstan;

8. If the aquifers are uncovered on using of sub soils for exploration and extraction of other minerals, the nature user shall take measures to protect underground water bodies in accordance with the Laws of the Republic of Kazakhstan, and shall report it to the authorized government bodies in the scope of the environment

protection, use and protection of water Fund for the study and utilization of subsoil and the government body of sanitary and epidemiological service.

9. Uncovered aquifers should be provided with a reliable insulation that prevents contamination.

10. On the uncovering of the aquifers, which can be used as sources of drinking water, the chemical reagents used for the preparation of (processing) of drilling fluids and cement should have toxicological characteristics consistent with the authorized body in the scope of environment protection and state agencies of sanitary and epidemiological service.

11. The use of underground drinking water for the needs of non-drinking water supply should not be permitted, except the cases provided for by the Water Code of the Republic of Kazakhstan and the Laws of the Republic of Kazakhstan on subsoil and subsoil use.

12. A commissioning of groundwater intakes shall be prohibited without equipping them of water regulating devices, water measuring devices, and without the establishment of sanitary protection zones and the establishment of observation points for indicators of underground water bodies.

13. The nature users are obliged to comply with emission limit values of harmful effects on groundwater bodies, established by the authorized body in the use and protection of water resources in coordination with the competent authorities in the scope of the environment protection, the study and utilization of subsoil, the state of the sanitary-epidemiological service.

14. On the location, design, construction, commissioning and operation of water intakes, associated with the use of underground water bodies, shall be taken measures to prevent their harmful effects on surface water and the environment (flooding areas, desertification, waterlogging, landslides and subsidence).

15. The nature users in order to ensure the public records of groundwater, monitoring of their use and the environment protection shall:

1) keep primary accounting of removed from the groundwater bodies and dumped in it water in the order and terms, established by the authorized government body for the study and utilization of subsoil in coordination with the government bodies in the scope of the environment protection, use and protection of water resources;

2) equip intake and spillway flow by the means of water measurement, and set regulating devices on flowing wells;

3) keep monitoring for the ongoing development of ground water deposits, the operational control of wells performance and monitor the implementation of technological regime in accordance with the approved project of the development or technical plan. The control frequency shall be established by the project (technical plan) of the development;

4) represent the primary statistical data about the use of groundwater in accordance with the statistical methodology, approved by the authorized body in the scope of statistics.

Footnote. Article 221, as amended by the Laws of the Republic of Kazakhstan dated 19.03.2010 No 258-IV; dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Article 222. Environmental requirements for the design, laying and maintenance of underwater cables and pipelines

1. A selection of trace location, construction, equipment, technology and technique for the construction and operation of each specific object should be made on a competitive basis in order to reduce the negative impact on the environment.

2. The production of blasting seismic and pneumatic and other detonating excitation sources of elastic waves (seismic signals) shall be prohibited at a distance of less than five hundred meters from the pipeline or underwater cables.

3. A towing of seismic cables and trawling by fishing vessels with crossing routes of pipelines and submarine cables shall be prohibited.

4. A design of pipeline subject to construction and related engineering works must ensure:

1) a high degree of reliability, safety, security and control of their technical condition;

2) the ability of dynamic response on unforeseen situations;

3) the efficiency and quality of repair and renewal works;

4) minimal negative impact on the environment.

5. The project should contain in a mandatory manner a separate section "An environment protection" that meets the requirements of building, sanitary and epidemiological rules and regulations, and guidance documents of the authorized body in the scope of environment protection.

6. The customer and the developer of the project shall respond for the completeness and credibility of the design estimate documentation.

7. Amendments and deviations from the approved project, which increase the negative impact on the environment, shall require a re-transmission of the environmental impact assessment.

8. It is necessary to stipulate for measures on protection during construction and subsequent operation in projects for laying pipelines. On each stage of the construction and operation of pipelines, transporting hydrocarbons and derived products, should be taken measures to protect the environment, as well as pipelines belonging to high-risk sites.

9. The intersection places of pipelines with navigable rivers and canals shall be indicated on the banks of navigation marks. Navigational aids in the construction of the main pipeline shall be installed in accordance with the Laws of the Republic of Kazakhstan in the scope of inland waterway transport.

10. For exclusion the possibility of pipelines damage in any kind of laying shall be set exclusion zones:

1) along the submerged crossings - in the form of a water space area from the water surface to the bottom, made between parallel planes, spaced from the axes of the outer thread hits on hundred meters on each side;

2) around the processing plant of handling production for transportation, head and intermediate, transfer pulsor and tank pumping stations, tank battery, compressor and gas distribution stations, units of product measurement, loading racks and discharge jetties, preheat points of oil and petroleum products - in the form of land plot, bounded by a closed line that is separated from the border areas of these objects on hundred yards around and above.

11. Materials of the instantaneous position of pipelines with reference to protected zones, engaged in its constituent communications and objects should be transferred to the relevant local agencies to apply them to the regional land use map. Local executive authorities shall provide information about the location of pipelines to interested legal entities on their requests.

12. In the protected zones of pipelines do not perform actions that might impair their operation or damage:

1) move, cover and break identifying navigational aids, test items;

2) open the hatches, gates and doors unattended points of cable ties, fencing nodes linear valves, installation of cathodic protection and drainage, line and manholes and other linear devices, open and close valves and gate valves, enable or disable communications, power supply and remote control of pipelines;

3) arrange dump, pour solutions of acids, salts and alkalis;

4) destroy bank protection structures, culverts devices, ground and other structures (devices) that protect pipelines from destruction, and the neighborhood and the surrounding area - from accidental spillage of transported goods;

5) throw the anchor, go to drop anchors, chains, lots, drags and trawls, produce dredging and dredging;

6) make a fire, or place open or closed flames.

13. A performance of any work, including geological survey, geological prospecting, prospecting, surveying and other exploration work associated with wells device, pits and taking soil samples, as well as coring shall be prohibited in the protected zones of pipelines without a written permission of the pipeline owner. The written permission on the performance of blasting in the protected zones of pipelines shall be issued only after the submission of corresponding materials, provided by the Uniform Rules of safety during blasting by the organization that perform these works.

14. On accidental spills of oil and water, containing hydrogen sulfide, it should be immediately collected and neutralized on site or remove for disposal.

15. An appropriate safety markings and labels shall be exhibited in the places of intersections of gas-, oil- and condensate lines and waterways, roads, ravines and other natural barriers on the corners of turns at points of possible congestion of people, process nodes of gas, oil, condensate lines. For those places in the project must be provided additional activities, excluding or reducing the hazard of emissions.

Article 223. Environmental requirements during operations on subsoil use within safety zone

1. A subsoil user, carrying out operations on subsoil use within the safety zone are obliged to provide them in such a way as to exclude or minimize pollution of the sea in the case of water level rise.

2. The subsoil user, carrying out operations on subsoil use within the safety zone shall respond for any damage or loss, caused to the environment, natural or legal entities in the case of marine pollution from his contract territory, regardless of the guilt of the subsoil user.

Chapter 33. THE ENVIRONMENTAL REQUIREMENTS ON WATER USE

Article 224. The environmental requirements on use of water bodies

1. A general water use shall be carried out on water bodies in accordance with the water legislation of the Republic of Kazakhstan.

2. Individual and legal entities are obliged to follow regulations of general water use, established by the local representative bodies of the regions (cities of the republican status, capital).

3. A location of enterprises and other facilities affecting the condition of water bodies, shall be subject to the conditions and rules for the protection of the environment, protection of natural resources, epidemiological, safety, reproduction and rational use of water resources, as well as the environmental impacts of these facilities.

4. A construction, reconstruction, maintenance, preservation and liquidation of enterprises and other facilities, affecting the status of water bodies, shall be carried out in the presence of the positive conclusions of the authorized government bodies in the scope of environment protection, use and protection of water resources and government body of sanitary-epidemiological service.

Footnote. Article 224, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication).

Article 225. The environmental requirements for wastewater discharge

1. The use of natural water bodies for wastewater discharge shall be prohibited, except the cases, provided for in paragraph 2 of this Article.

2. Wastewater discharges into surface water and subsoil shall be allowed with the relevant environmental

permits for emissions into the environment.

In this case, wastewater discharge into surface water shall be allowed to resolve the authorized government body in the use and protection of water resources, waste water into the subsoil - with a positive opinion of examination carried out in accordance with the Laws of the Republic of Kazakhstan on subsoil and subsoil use.

3. The nature users that have sewage ponds are obliged to take necessary measures to prevent their impact on the environment, as well as to reclaim the land occupied by these ponds after the termination of their operation.

3-1. Creating of new (expansion of operating) pond-atmometers shall be allowed on permission of local executive bodies of oblasts, cities of republican status, and capitals on foundation of impossibility of other ways of recycling waste generated in the production or transfer into the waste-free.

The requirements for the projected (newly put into operation) pond-atmometers of industrial waste water are:

- 1) the presence of impervious screen;
- 2) the location of regulatory cleaned discharged according to the design decisions that have a positive opinion of the environmental impact assessment.

4. The nature user may not exceed the established limits of concentration of pollutants in the wastewater or enter into the wastewater composition new substances not covered in the environmental permit. In case of violation of these requirements the wastewater discharge should be discontinued. Discharged into surface reservoirs water should be transparent, with no color, odor, does not contain harmful bacteria and harmful to human health and animal substances in concentrations exceeding the hygienic standards. The temperature of the discharged water should not exceed 30 degrees Celsius.

5. Substances aggressively acting on the concrete and metal should not be in the discharged water.

6. The wastewater discharges shall be not allowed, regardless of their degree of purification in surface waters in zones of sanitary protection of sources of centralized drinking water supply, health resorts, in areas designated for swimming.

7. The nature users, carrying out the wastewater discharge into water bodies, subsoil, in sewage ponds, on the terrain or having a closed loop sanitation, shall use the instruments of account for the volumes of water and maintain a record of water use and disposal, in accordance with the water legislation of the Republic of Kazakhstan.

8. The wastewater discharge without preliminary cleaning into the water bodies shall be prohibited, on the land configuration and sewage ponds, with the exception of pit water discharge of mining and metals enterprises, as well as water, used for cooling water in the stores, located in a closed system (turning) water supply.

Footnote. Article 225, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Chapter 34. THE ENVIRONMENTAL REQUIREMENTS ON THE USE OF FOREST AND OTHER VEGETATION

Article 226. The environmental requirements on the implementation of intermediate cut

Cutting, relating to the reconstruction of low value and losing protective, water protection and other ecological functions of plantations in the forests of the state forest fund shall be carried out only with the permission of the authorized government body in the scope of forestry in the presence of positive opinion of the environmental impact assessment.

Article 227. The environmental requirements on the implementation of forest use in the areas of state forest fund

On the implementation of forest use in the areas of state forest fund the forest users are obliged to:

- 1) work in ways that prevent the occurrence of soil erosion, excluding or limiting the negative impact on the condition and regeneration of forests, as well as on water and other natural resources and ensure the preservation of wildlife and its habitat;
- 2) comply requirements on conservation of optimal conditions for natural reproduction of forests, using equipment and technology provided by projects that have passed the environmental impact assessment during wood provision;
- 3) take away the undercuts and cut timber in the places of cutting upon expiry of established period of its procurement and transportation;
- 4) clean wood-cutting areas from forest residues at the same time with the wood provision;
- 5) prohibit the illegal cutting of forest and other violations of environmental legislation of the Republic of Kazakhstan on designated for forest use areas of the state forest fund;
- 6) carry out the reproduction on the area greater than twice the size of harvested area, according to the forest management plans, including the renewal of the forest on final felling on the areas of state forest fund;
- 7) carry out reforestation at their own expense on cutting and areas, where as the result of their work was destroyed an undergrowth, died tree and shrub vegetation;
- 8) comply with the rules on the provision and improvement of forest health;
- 9) implement measures to protect the lands of the state forest fund from forest pests and diseases in long-term forest use;

10) inform the state forest owners about the appearance of pests and diseases on designated them for forest use areas of the state forest fund;

11) provide the information necessary for the maintenance of the state forest inventory, the state forest cadastre, state forest monitoring, determine the amount of payment for forest use, to the state authority in the scope of forestry and its regional bodies, local executive bodies of oblasts (city of republican status, capital) and the authorized body in the scope of statistics in accordance with the Laws of the Republic of Kazakhstan.

Footnote. The Article 227, as amended by the Law of the Republic of Kazakhstan dated 19.03.2010 No 258-IV.

Article 228. The environmental requirements on forestry organization in the areas of state forest fund

1. A forest management in the areas of state forest fund should ensure an increase of resource and environmental potential of forests.

2. Increase of resource and environmental potential of forests in the areas of state forest fund shall be carried out in the result of the implementation of scientifically-grounded system of cutting, reproduction of forests, improving of their species composition, creation and effective use of permanent seed on selected and genetic basis, hydroforest amelioration, tending of the forests, including cleaning and sanitary cutting, construction of forestry appropriation road, conducting of other forestry measures.

3. Measures on increasing the resource and environmental potential of forests in the areas of state forest fund shall be carried out by forest agencies and forest users in accordance with the forest management plans.

Article 229. The environmental requirements on reproduction of forests and reforestation

1. The purpose of the reproduction of forests is the timely restoration of forest on cutting, burnt areas and other areas previously occupied by the forest of the state forest fund, improvement of the species composition of forests, increasing their productivity, ensuring the rational use of state forest fund.

2. The purpose of reforestation is the creation of plantations in the areas previously occupied by forest.

3. Measures on reforestation in the areas of the state forest fund must be carried out in compliance with environmental and sanitary requirements by the ways, ensuring the creation in the shortest possible time of highly resistant and sustainable plantings taking into account conditions and economic feasibility.

4. The volumes of work in the state forest fund on reproduction of forests and reforestation shall be determined by the projects, passed the environment impact assessment.

Article 230. The environmental requirements during the provision, processing, storage, handling, sale and use of forest seeds and seedling material for reproduction of forests and reforestation

1. The determination of sowing qualities of seeds, subjected to sale and use for sowing, their compliance with national standards, specifications and other regulations on forest seed shall be carried out by specialized organizations of the authorized government body in the scope of forestry.

2. The sale and planting of forest seeds that have not been tested for compliance with the requirements, established in the paragraph 1 of this Article, shall be prohibited.

3. The formation of the objects of seed selection purposes, a regime establishment of their operation on the areas of the state forest shall be determined by the projects that have passed the environmental impact assessment.

Footnote. Article 230, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No 31-V (shall be enforced after ten calendar days after its first official publication.)

Article 231. The environmental requirements on the use of the state forest fund areas on reproduction of forests and reforestation in the protected areas

Use of the state forest fund areas on reproduction of forests and reforestation in the protected areas shall be carried out in accordance with the Laws of the Republic of Kazakhstan.

Article 232. The environmental requirements on forest use in city forests and forest parks

Forests, located within the boundaries of cities (city forests and forest parks) shall be subject for public recreation, conducting of cultural and health and sports activities, and for maintaining of a favorable environment. In the city forests and forest parks shall be prohibited a final feeling and other forest uses that are not compatible with the appointment of these forests.

Article 233. The environmental requirements for preservation, protection, reproduction and use of tree and shrub vegetation in the state forest fund areas, transferred to the use of the land owners or land users

1. A preservation, protection, reproduction and use of tree and shrub vegetation in the state forest fund areas, transferred in accordance with the Laws of the Republic of Kazakhstan, in the use of the land owners or land users for the integrated management of agriculture and forestry, shall be carried out in accordance with the requirements of the Forest Code of the Republic of Kazakhstan.

2. Land owners or land users, to whom use were transferred the state forest fund areas are obliged to

conduct there a forestry management and participate in the state records of the forest fund in the order, prescribed by the Forest Code of the Republic of Kazakhstan.

3. The control of the state, preservation, protection, reproduction and use of tree and shrub vegetation, referred to in paragraph 1 of this Article shall be carried out by the authorized government body in the scope of forestry.

Article 234. The environmental requirements on preservation, protection, use of the state forest fund areas, reproduction of forests on the state forest fund areas, located among the land plots of other owners or land users

1. For carrying out of preservation, protection and use of the state forest fund areas, reproduction of forests in the state forest fund areas, located among other land owners or land users, the government forest owners have the right of particular purposeful use of alien land plot (easement) in accordance with the Land Code of the Republic of Kazakhstan.

2. For protection of natural forests from unfavorable forcing along the border areas of the state forest fund, located among land plots of other land owners or land users, shall be established protective zones of twenty meters wide.

3. Within the protective zone shall be prohibited any activity that adversely affects the condition of forests in the state forest fund areas.

Article 235. The environmental requirements for conservation, protection and the use of protective plantings on the right-of-way of railways, roads, canals, main pipelines and other line facilities

1. Protective plantings, located on the right-of-way of railways, roads, canals, main pipelines and other line facilities shall be intended to protect these facilities from adverse natural events, pollution prevention of the environment, reduction of noise exposure.

2. In the protective plantings on the right-of-way of railways, roads, canals, main pipelines and other line facilities shall be allowed feeling to care for the forest, sanitary cuttings, related to the reconstruction of low-value plantations, as well as plantations, losing protective, water protection and other functions, and other cuttings in accordance with the projects of protective planting creation.

3. The preservation, protection and use of protective plantations referred to in paragraph 1 of this Article shall be carried out by land users in the lands which they are located, in accordance with the Forest Code of the Republic of Kazakhstan.

Chapter 35. THE ENVIRONMENTAL REQUIREMENTS ON THE USE OF WILDLIFE

Article 236. The environmental requirements on general usage of wildlife

1. The general use of wildlife shall be carried out without elimination of wildlife object from the habitat in accordance with the Laws of the Republic of Kazakhstan on protection, reproduction and use of wildlife.

2. As a general usage order of wildlife shall be carried out the use is the use of beneficial properties of animal activity, and the use of wildlife objects for scientific, cultural and educating, educational, aesthetic, and other purposes, not prohibited by the Laws of the Republic of Kazakhstan.

3. On the implementation of the general usage of wildlife shall be prohibited the elimination of animals, the destruction of their habitation and other facilities, an anxiety of animals in the breeding period, the violation of animal habitats and degradation of conditions of their reproduction.

Article 237. The environmental requirements for the location, design and construction of communities, enterprises, railways, roads, main pipelines, power lines and communication canals, dams, and other facilities and objects

1. Placements of enterprises, facilities and other objects, as well as the implementation of new equipment, technology, materials and substances that affect or may affect the condition of the wildlife, coordinated by the authorized government bodies in the scope of protection, reproduction and use of wildlife and the environment protection.

2. The placement into service of facilities and the use of technology without ensuring them of the protective means of animals and their habitats shall be prohibited.

3. At the placement, design and construction of settlements, enterprises, facilities and other objects, conducting of production processes and the exploitation of vehicles, the improvement of existing and the implementation of new technological processes, introduction in the economical turnover of unused, coastal, wetlands, occupied by shrubs territories, melioration, use of forest resources and water bodies, conducting of geological exploration, mining, determining the locations of pasturage and drift fence of live-stock animals, the development of tourist routes and organization of places of public recreation should be provided and carried out activities to preserve the habitat and breeding conditions of wildlife, migration paths of places of concentration of animals and also shall be ensured the integrity of areas of special value as wildlife habitat.

4. On the environmental impact assessment of construction projects and reconstruction of enterprises, facilities and other objects shall be taken into account their impact on wildlife, habitat, migration paths and

breeding conditions for the animals necessarily.

5. Individuals and legal entities on the exercise of any activity that affects or may affect the condition of the wildlife, are obliged to protect the environment, the conditions of reproduction and migration paths, and implement measures to prevent the death of the animals during the implementation of production processes, including the storage, transportation, use of dangerous drugs for animals, chemicals and compounds, storage, waste disposal, implementation of agricultural, forestry, logging and other work, as well as during the operation of the electrical network and vehicles.

6. On the design and construction of railways, roads, main pipelines, power lines and communication, as well as canals, dams and other hydraulic structures should be designed and implemented to ensure the preservation of animal migration paths.

7. Conducting of blasting and other works, which are a source of increased noise in the breeding sites of the animals shall be limited by the legislation of the Republic of Kazakhstan.

8. Operation of hydraulic and other structures on water bodies, the establishment of water hydrological regime and the regime of water use from them, as well as other activities which affect or may affect the status of wildlife habitat, should be taken into account the requirements of the protection of wildlife, fishing and hunting interests households.

Footnote. Article 237, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 238. The environmental requirements for mowing of cane and burning of dry vegetation

Mowing of cane and burning of dry vegetation or its residues shall be allowed only in the case of economic necessity for appropriate permits of the authorized government body in the scope of protection, reproduction and use of wildlife and fire service agencies to develop measures for preservation of wildlife.

Article 239. The environmental requirements during the transportation, storage and use of protection tools for plants, fertilizers and other drugs, used in the economic and other activities, the creation of new drugs

1. During transportation, storage and use of protection tools for plants, fertilizers and other products used in economic and other activities, the creation of new drugs the individuals and legal entities are obliged to comply with the rules of transportation, storage and use of these drugs and implement measures to ensure the prevention of illness and death of animals.

2. On creating of new drugs regulations for their use in the environment shall be developed.

3. In order to prevent the death of the animals and the deterioration of their habitat on the proposal of the authorized government body in the scope of protection, reproduction and use of wildlife the authorized body in the scope of environment protection can define separate areas in which shall be restricted or banned the use of pesticides (insecticides).

4. The pesticides (insecticides), which are included in the list of pesticides (insecticides), approved by the authorized government body in the scope of protection and quarantine of plants in coordination with the competent authority in the scope of environment protection and government bodies in the scope of sanitary and epidemiological welfare of the population shall be allowed to use.

4-1. The production and use of pesticides (insecticides), which have in their composition persistent organic pollutants, provided by the international treaties of the Republic of Kazakhstan shall be prohibited. Export and import of these substances shall be permitted only for the purpose of their destroying.

5. An inclusion in the list of pesticides (insecticides), specified in paragraph 4 of this Article shall be allowed after the toxicological studies, hygienic handling, establishment of safety and environmental regulations, and the state registration of pesticides (insecticides).

6. The state registration of pesticides (insecticides) shall be conducted in the order, prescribed by the authorized government body in the scope of protection and quarantine of plants, in agreement with the competent authority in the scope of environment protection and government bodies in the scope of sanitary and epidemiological welfare of the population.

7. In the presence of potentially dangerous chemical and biological substances in mineral fertilizers and other drugs the authorized government body in the scope of plant protection and quarantine on the proposal of the authorized government body in the scope of protection, reproduction and use of wildlife or the authorized body in the scope of environmental toxicology shall conduct research on basis of which shall be established the environmental standards these mineral fertilizers and other chemicals.

8. Shall be prohibited:

1) an extraction of wildlife objects with the use of pesticides, except for the use of chemicals in the extermination of field rodents, as well as in cases of massive epizootic of rabies and other animal diseases in coordination with the authorized government body in the scope of protection, reproduction and use of wildlife;

2) the use of pesticides (chemicals), mineral fertilizers and other chemicals:

in the zones of reservation conditions on protected areas;

in designated rest areas in the places of mass animals accumulation during migration and breeding, as well as in areas of particular value as a wildlife habitat;

in designated habitats and artificial breeding of rare and endangered species of animals;

3) leave treated seed not embedded in the soil and available for eating by wild animals in agricultural and other lands on the surface.

9. In order to protect fishery resources and other aquatic animals from pollution of their habitats by pesticides (insecticides) within two kilometers from the existing coasts of fisheries waters and (or) sites shall be prohibited:

- 1) the application of aerial dusting method in the fight against pests, plant diseases and weeds;
- 2) the construction of warehouses for storage of pesticides (chemicals), mineral fertilizers and petroleum products, the device runways for avia- chemical works, as well as sites for refueling ground equipment by pesticides (insecticides) and baths for bathing sheep.

Footnote. Article 239, as amended by the Laws of the Republic of Kazakhstan dated 21.01.2010 No 242-IV (the order of enforcement See Art. 2) dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after the first official publication), dated 25.01.2012 No 548-IV (shall be enforced after ten calendar days after its first official publication).

Article 240. The environmental requirements for re-migration of animals to new habitats, acclimatization of new animal species for the fauna of Kazakhstan, re-acclimatization and cross of animals, its import into the Republic of Kazakhstan and export outside.

1. Re-migration of wildlife objects to new habitats, acclimatization of new for Kazakhstan fauna species of wild animals, and activities on the cross of wild animals shall be allowed in the research and economic purposes with the permission of the authorized government body in the scope of protection, reproduction and use of wildlife after receipt of positive opinion of the environment impact assessment.

2. An arbitrary migration, acclimatization, re-acclimatization and cross of wild animals by individuals and legal entities shall be prohibited.

3. Individuals and legal entities who hold or crossbreed in semi-captive conditions or in bonds wild animals as well as pets that can cross with wild animals or inflict them harm, are obliged to carry out measures on prevention of these animals outlet to the natural environment.

4. In the event of a natural disaster or environmental emergencies that threaten the survival of animals, the users of wildlife are obliged to render assistance to wild animals and inform immediately the competent government bodies in the scope of protection, reproduction and use of wildlife and the environment.

5. An import of wildlife into the Republic of Kazakhstan and export outside shall be carried out according to the rules, established by the authorized government body in the scope of protection, reproduction and use of wildlife.

Article 241. The environmental requirements for hunting, fixation of the hunting areas, game management

The environmental requirements for hunting, fixation of hunting areas, and the conduct of game management shall be determined in accordance with the Laws of the Republic of Kazakhstan in the scope of protection, reproduction and use of wildlife.

Article 242. The environmental requirements for fishing

Footnote. The title, as amended by the Law of the Republic of Kazakhstan dated 21.01.2010 No 242-IV (the order of enforcement See Art. 2).

1. Fishing regulations, fishing facilities, the order of fixation of fisheries waters and (or) plots for fish and fishery products, the provision of fisheries and other aquatic animals shall be established by the legislation of the Republic of Kazakhstan in the scope of protection, reproduction and use of wildlife.

2. In the order of general usage of wildlife by individuals in cases provided for by the legislation of the Republic of Kazakhstan, shall allow free amateur (sports) fisheries in the reserve fund of fisheries waters and (or) areas up to five kilograms per one fisher per checkout. In this case the established rules, regulations, restrictions and prohibitions on protection, reproduction and use of wildlife should be complied.

3. Hydro land reclaiming works in the wetlands and the habitat and distribution of fish stocks and other aquatic animals shall be carried out by permission of the authorized government body in the scope of protection, reproduction and use of wildlife after the environmental impact assessment passage of such projects.

4. Fishing shall be carried out in accordance with the Laws of the Republic of Kazakhstan on protection, reproduction and use of wildlife.

Footnote. Article 242, as amended by the Law of the Republic of Kazakhstan dated 21.01.2010 No 242-IV (the order of enforcement See Art. 2).

Article 243. The environmental requirements for the use of useful properties and waste products of animals

1. The use of useful properties and waste products of animals shall be allowed without elimination and destruction of animals, deterioration of their habitats and infliction of harm to animals.

2. The use of wild animals in order to obtain products of their life shall be permitted without seizure and destruction of animals and without degradation of their environment.

3. The use of wild animals in order to obtain their waste products shall be carried out according to the rules, established by the authorized government body in the scope of protection, reproduction and use of wildlife.

Article 244. The environmental requirements for Zoological Collections

1. Development and recruitment of zoological collections (a collection of scarecrows, eggs, preparations and parts of wildlife objects, wildlife objects, including wild animals of zoos, zoological gardens, circuses, zoological nurseries, aquariums, oceanariums) by elimination of animals from their native habitat shall be carried out by individuals and legal entities on the basis of permits, issued by the authorized government body in the scope of protection, reproduction and use of wildlife.

2. The zoological collections, representing the scientific, cultural and educating, educational, educational and amenity value and having national-level importance shall be subject to state registration.

3. The creation, recruiting, reserving, use, disposition and state records of zoological collections, its trade and importation into the Republic of Kazakhstan, transfer and export them beyond shall be carried out according to the rules, established by the authorized government body in the scope of protection, reproduction and use of wildlife.

Article 245. The environmental requirements on the regulation of animal numbers

1. In the interest of public health and safety, the prevention of diseases of agricultural and domestic animals, the prevention of infliction of harm to the environment, economic and other activities shall be carried out activities, aimed at regulating the number of certain species of wild animals. These activities should be implemented in ways that ensure preservation of wildlife habitat and not allowed to inflict them harm.

2. The regulation order of the animal numbers shall be confirmed by the Government of the Republic of Kazakhstan.

Footnote. Article 245, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 246. The environmental requirements on the conducting of game husbandry and fishery.

On the conducting of game husbandry and fishery shall be placed the following environmental requirements:

1) to use objects of wildlife rationally, not to allow an environmental state degradation of animal habitats as a result of private activities, to apply environmental technologies during the implementation of the production processes;

2) to conduct the primary account of number and use of wild animals, learn their status and characteristics of the hunting areas, to provide this information to the authorized government body in the scope of protection, reproduction and use of wildlife;

3) to comply with the established rules, regulations, limits and terms of getting the animals;

4) to carry out the protection wildlife objects, including rare and endangered species of animals, on the designated area;

5) to carry out complex activities, aimed at breeding, including artificial, wildlife, conservation and improvement of their habitat;

6) to carry out activities on implementation of national-level, regional, national and other regional environmental programs for the protection, reproduction and use of wildlife;

7) to carry out complex activities on disease prophylaxis and control, immediately inform the government bodies in the scope of protection, reproduction and use of wildlife, animal health and government bodies of sanitary-epidemiological service of the detection of animal diseases, the deterioration of their environment, about the threat of cases of destruction and death of the animals;

8) to stop the use of wildlife objects all alone in cases of deterioration of their condition and habitat conditions, reduced reproductive capacity and a threat of destruction of animals, take immediate steps to remove the adverse effects on the animals and their habitat.

Footnote. Article 246 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 247. The environmental requirements on establishing of limits and quotas for the use of wildlife

In order to conserve and reproduce animals limits and quotas for the use of wildlife in accordance with the Laws of the Republic of Kazakhstan in the scope of protection, reproduction and use of wildlife shall be established.

Article 248. Wildlife protection from the ill effects of biotechnology products

The creation of new strains of microorganisms, biologically active substances, removal of genetically modified organisms, the production of other biotechnology products shall be carried out in the presence of positive opinions of environmental state assessment and sanitary-epidemiological expertise. The use of these organisms and substances in the absence of such opinions shall be prohibited.

Chapter 36. THE ENVIRONMENTAL REQUIREMENTS ON PROTECTION REPRODUCTION, CAPTIVE BREEDING AND SEMI-LIBERAL CONDITIONS, LIMITED ECONOMIC USE OF

RARE AND ENDANGERED SPECIES OF ANIMALS

Article 249. The list of rare and endangered animal species

1. The list of rare and endangered animal species shall be approved by the Government of the Republic of Kazakhstan and include rare and endangered species (subspecies, populations) of animals (vertebrates and invertebrates), living in a state of natural liberty permanently or temporarily on land, water, air and soil in the territory of the Republic of Kazakhstan, as well as the continental shelf and the exclusive economic zone of the Republic of Kazakhstan.

2. Animals, classified as rare and endangered species of animals, are of public property, and breed and kept in captivity or semi-free conditions can be both in public and in private ownership.

3. Individual and legal entities shall have the right to use animals that are rare and endangered species, within the ambit and order, established by the legislation of the Republic of Kazakhstan.

Article 250. Protection and reproduction of rare and endangered animal species that live in the condition of natural freedom

1. Actions that may lead to death, downsizing or disturbance of habitats of rare and endangered species of animals shall not be allowed.

2. Individual and legal entities are obliged to ensure the protection of animals within designated territory, to report to the authorized government body in the scope of protection, reproduction and use of wildlife on which they become known or identified cases of animal deaths, attributed to rare and endangered species. Procedures for investigating of such cases, determined by the authorized government body in the scope of protection, reproduction and use of wildlife.

3. Rare and endangered species of animals shall be rendered assistance in the cases of large-scale diseases, death threats from natural disasters and from other causes in accordance with the Laws of the Republic of Kazakhstan in the scope of protection, reproduction and use of wildlife.

4. In order to prevent the death of animals that are rare and endangered species of animals, shall be prohibited their elimination, besides the exceptional cases on the decision of the Government of the Republic of Kazakhstan.

5. In order to reproduce rare and endangered species of animals living in the condition of natural freedom, can be carried out:

- 1) an improvement of the conditions of natural reproduction;
- 2) a migration, acclimatization and re-acclimatization;
- 3) a release into the environment of artificially bred animals.

6. Activities, referred to in paragraph 5 of this Article, shall be carried out by permission of the authorized government body in the scope of protection, reproduction and use of wildlife on the basis of biological studies, having a positive opinion of the environmental impact assessment.

7. For the protection and reproduction of rare and endangered species of animals living in their natural condition, shall be created protected natural areas, and can also be installed around the prohibition of protected areas within these zones in any activity that has an adverse effect on the condition of the animal world.

8. On the design and implementation of economic and other activities shall be developed activities for the conservation of habitats and breeding conditions, migration routes and places of concentration of rare and endangered species of animals, and it shall be ensured the inviolability of allocated sites of special value as the habitat of these animals.

Article 251. The use of rare and endangered species of animals, affecting in the condition of natural liberty

1. If the use of rare and endangered species of animals, affecting in the condition of natural liberty, scientific, cultural and educating, educational and aesthetic purposes is carried out without elimination of animals from their habitats, the authorized government body in the scope of protection, reproduction and use of wildlife may introduce restrictions on access to certain places and at certain periods. Information about such restrictions shall be published in local and regional media, and in appropriate locations shall be installed cautionary screens.

2. Interested individuals and legal entities are obliged to release full animals, obtained through artificial breeding, into the environment instead of eliminated rare and endangered species in the established period. The release of animals shall be carried out at a ratio of two produced species instead of one caught under the act in the presence of officials of state control bodies in the scope of protection, reproduction and use of wildlife and the environment.

Article 252. Keeping and breeding in captivity or semi-free conditions of rare and endangered species

1. An artificial breeding of rare and endangered species of animals can be in captivity (cellular and aviary) or semi (content in parks and other areas with conditions similar to their natural habitat).

2. The keeping and breeding in captivity or semi-free conditions of rare and endangered species of animals

shall be allowed to specialized nurseries and citizens case by case when they comply with the following requirements:

- 1) an occurrence of conditions for keeping animals, including a duly designated area or premise, equipped with open-air cages, cells, and other facilities;
- 2) a performance in necessary amount of zoo cultural, veterinary and sanitary and epidemiological measures;
- 3) a presence of specialists of zoological, zoo cultural and veterinary profiles, and for citizens - skills for the keeping of animals in captivity or semi-free conditions;
- 4) an availability of permission of the authorized government body in the scope of protection, reproduction and use of wildlife.

3. The mandatory requirements, as well as the maximum number of animal units on the animals species shall be specified in the permission on keeping and breeding in captivity or semi-free conditions rare and endangered species of animals. If individual and legal entities shall not be fulfilling conditions of the permission, the permission may be withdrawn or revoked after three warnings for six months.

4. The keeping and breeding in captivity or semi-free conditions of rare and endangered species of animals in specialized zoological nurseries shall be carried out in accordance with the provisions of these nurseries.

5. The animal owners, referred to rare and endangered species, and captive or semi-free conditions, are obliged to conduct fixed ringing or marking of these animals and to have a passport for them.

6. Individuals and legal entities who keep in captivity or semi-free conditions animals that are rare and endangered species of animals, have the right to purchase, sale and exchange these animals within the Republic of Kazakhstan only by permission of the authorized government body in the scope of protection, reproduction and use of the animal world.

7. Individual and legal entities who own animals that are rare and endangered species of animals, kept in captive or semi-free conditions, can use them for the purposes of international trade in accordance with the Laws of the Republic of Kazakhstan.

8. If an international trade of rare and endangered species of animals, bred in captivity or semi-free conditions, can cause ecological and (or) economic damage, the Government of the Republic of Kazakhstan has the right to impose restrictions for this trade.

Chapter 37. THE ENVIRONMENTAL REQUIREMENTS ON PROTECTED AREAS

Article 253. The environmental requirements on use of protected areas

In order to conserve and improve the ecological state of protected areas that have a special value as the habitat of rare and endangered species of animals, the authorized government body in the scope of environment protection in coordination with the authorized government body in the scope of protected areas can introduce and develop these areas for more stringent environmental standards than those which were established for the whole territory of the Republic of Kazakhstan.

Article 254. The environmental requirements on placing of settlements, industrial, agricultural and melioration, energy, transport and communications facilities, military and defense objects and facilities not related to the purposes and operation of protected areas on the protected areas.

In order to improve the ecological state, as well as preventing damage to protected areas, the placement of settlements, industrial, agriculture and melioration, energy, transport and communications facilities, military and defense objects, not related to the purposes and operation of protected areas, shall be carried out in accordance with the Laws of the Republic of Kazakhstan, including environmental requirements for these areas.

Article 255. Special environmental requirements for geological survey, exploration and production of minerals in the territory of state preserved areas

1. For prevention of possible adverse effects of geological survey, exploration and production of minerals on the environment and the objects of the state nature reserve fund the nature user shall:

- 1) agree with the government bodies in the scope of protected areas, protection, reproduction and use of wildlife:
 - the number and location of sites needed for the repair of technological roads and power lines, and the need of vehicle ramp from the road in the process of nature user's activity;
 - the scheme of supportive technology roads in the contract area;
 - location and playground equipment for the storage of waste production and consumption, and the draining of fuel and lubricants and other pollutants;
 - cutting and uprooting of trees and shrubs in the contract area for the preparation of process pads, provided by the project;
- 2) in order to clearly define the boundaries of the contract area to determine the boundaries in kind by establishing of notices;
- 3) produce chemical and transportation of radioactive materials only in special containers, preventing their entering into the environment;
- 4) support the topping of technologic road in the condition that does not allow destruction of the bed, its high dusting, increasing the risk of diversion of chemical and radioactive substances during transportation;

5) make reclamation of spoil heaps, waste removal or disposal in designated areas of residues of building materials, used in the repair of the technologic road and power lines.

2. In the territory of the state preserved areas shall be prohibited:

1) the placement and construction of communities, permanent facilities of industry, agriculture and melioration, energy, transport and communications, military and defense facilities, sanatoriums, rest homes, food service areas, hotels and other objects and facilities not related to the objectives and functioning of the state preserved area;

2) carrying out of activities that may entail the change of natural shape of the natural landscape, the violation of the stability of ecological systems;

3) a waste disposal of production and consumption, as well as radioactive materials;

4) the use of land topographic low for the discharge of industrial and other waste water;

5) the use of potentially hazardous chemical and biological substances, the implementation of the hazardous physical effects on the environment;

6) the organization of sites, the installation of tents, starting of campfires outside of designated places;

7) the movement and parking of motor vehicles, a pass of pets out of public roads and is specifically designated places for it;

8) a plant introduction and acclimatization of animals that are alien to the local flora and fauna;

9) an industrial preparation of plants used in medicine and for other purposes;

10) an elimination of wildlife objects, cutting of trees and shrubs, harvesting of secondary forest products and haying without a special permission of the authorized government body in the scope of protection, reproduction and use of wildlife;

11) the exit of vehicles from technological road, except for the sites designated in consultation with the authorized government body in the scope of protection, reproduction and use of wildlife, as well as traffic on the contract area outside the road network;

12) the mining of popular minerals;

13) the storage of production and consumption wastes outside of the designated areas, preventing the transfer of waste (wind, precipitation) on the contract territory and State conservation area;

14) a discharge of fuel and lubricants and other polluting substances, except for the sites on the contract territory, designated in agreement with the authorized government body in the scope of protection, reproduction and use of wildlife.

3. In order to monitor the environment it is necessary to ensure the annual preparation and coordination of industrial environmental monitoring programme with the authorized government bodies in the scope of protected areas, conservation and protection, reproduction and use of wildlife, which should be provided for:

1) a quarterly monitoring of the chemical composition of the water in the artesian wells and wells within a radius of up to twenty kilometers from the contract territory;

2) a quarterly monitoring of radiation levels and the content of radioactive substances in the ground in the contract area and within a radius of ten kilometers outside;

3) a quarterly monitoring of concentrations of pollutants developed during activities in the environment;

4) exact dates and activity performers, form of completion and reporting.

Chapter 38. THE ENVIRONMENTAL REQUIREMENTS ON CONDUCTING OF ECONOMIC AND OTHER ACTIVITIES IN THE STATE PRESERVED AREA IN THE NORTHERN PART OF THE CASPIAN SEA

Article 256. Borders of the state preserved area in the northern part of the Caspian Sea

Borders of the state preserved area in the northern part of the Caspian Sea shall be established by the Government of the Republic of Kazakhstan.

Article 257. Limitations of use regime

1. Within the state preserved area in the northern part of the Caspian Sea on the basis of functional zoning shall be separated preserved areas with a total ban of economic and other activity and additional time limits for certain types of work in accordance with the Law of the Republic of Kazakhstan "On protected areas".

2. The following use regime in the preserved area shall be established:

1) in order to ensure a smooth progress of fish spawning and slope juvenile fish in the sea a construction and geophysical works, well testing and shipping in testing areas of the Ural and Volga rivers within a radius of 50 kilometers of the most extended seaward point of the Kazakhstani part of the terrain delta of the Volga River and most extended seaward

point of the terrain delta of the Ural River and in a strip with the width of 15 kilometers from the coastline on 1 January, 1994, between the borders of the above mentioned delta spaces and further East up to the Emba shall be prohibited during the period from 1 April to 15 July. In this case shall be allowed shipping industry of vessels carrying out fishing activities and its transporting, issuing, replacing, removing and checking of navigational tools, research and inspection activities in coordination with the authorized government body in the scope of protection, reproduction and use of wildlife;

2) during the period specified in subparagraph 1) of this paragraph, the oil extraction process must be

translated into an autonomous equipment, chemical reagents, combustible-lubricating materials, other materials and food. All measures must be taken to ensure the accumulation and storage of oil extraction waste for their following export at the end of the period of the ban;

3) in order to conserve birds in nesting places (reed beds, coastal sand spits and islands) the construction and well testing shall be prohibited in the period referred to in subparagraph 1) of this paragraph;

4) conducting of works in the terms distinguished from specified in subparagraph 1) of this paragraph, within Reed beds (a natural biological filter) on the border of the land-sea shall be governed by the decisions of state authorized bodies in the scope of environment protection and protected areas, taking into account what season is;

5) for conserving population of the Caspian seal the conducting of petroleum operations from October to May months should be at least 1852 meters (1 nautical mile) from the place of their concentration. Taken into account the shift of rookeries must be taken all possible measures to identify areas of seals concentration;

6) in order to avoid negative impacts on the birds and Caspian seals shall be prohibited the flying of aircraft over the established places of their habitat and breeding at altitudes below 1 km, except for research and rescue, with prior notification of the authorized government bodies for the protection of the environment and protected areas.

Footnote. Article 257 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced after 10 calendar days after the first official publication).

Article 258. The environmental requirements on the implementation of economic and other activities in the water conservation zone

1. The width of the water conservation zone along the shore of the Caspian Sea is equal to 2000 meters from the mark of average-longstanding sea level over the last decade, equal minus 27.0 meters.

Within the communities of water preserved zone boundaries shall be established on the basis of the specific conditions in their planning and development with the necessary engineering or forest improvement development of a coastal zone (parapets, chemical containment areas, forest and shrubs belts), which prevents contamination and pollution of the water body.

2. Within the water preserved area shall be prohibited:

1) design, construction and commissioning of new and renovated facilities, secured facilities and devices to prevent pollution and contamination of water bodies and water protection zones and belts;

2) accommodation and construction of settlements of warehouses for the storage of oil products, service points of special machinery, mechanical workshops, sinks, waste disposal sites, and other objects, which have a negative impact on water quality;

3) performance of construction, dredging and blasting works, mining, cables, pipelines and other utilities, drilling, agricultural and other works, except when agreed upon with the state authorities in the scope of the environment and the use and protection of water fund.

Article 259. The environmental requirements for the implementation of economic and other activities in the safety zone

1. Conducting of petroleum operations in the safety zone shall be carried out in accordance with the Law of the Republic of Kazakhstan "On Subsoil and Subsoil Use".

2. Within the safety zone shall be prohibited a construction of landfills for the disposal of waste.

Footnote. Article 259, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 260. Protection of coastal waters in the northern part of the Caspian Sea in the places of population water management

1. Areas of coastal waters in the northern part of the Caspian Sea in the places of population water management shall be established by local executive bodies within their competence, based on the actual and future water management. The width of the area to the sea should be at least 3.9 kilometers (2 miles) from the average-longstanding sea level for the last decade.

2. A coastland, selected in the structure of protection areas of coastal waters in the northern part of the Caspian Sea, in the places of population water management corresponds to the water conservation zone of the Caspian Sea as a part of the definition of boundaries and security arrangement.

Article 261. The environmental requirements for the implementation of economic and other activities within the influence zone of the wind-surges of sea level fluctuations

1. The influence zone of the wind-surges of sea level fluctuations do not have a clearly fixed boundaries and extends roughly from the absolute elevations of minus 29 meters within 26 meters of the waters of till minus on land.

2. Within the influence zone of the wind-surges of sea level fluctuations shall be prohibited:

1) the design, construction and commissioning of new and renovated objects that are not secured by facilities and devices preventing pollution and contamination of water bodies and water protection zones and

belts;

2) the placement and construction outside of communities of warehouses for storage of petroleum products and the technical servicing, machine shops, car washes, organization and construction of waste disposal sites, as well as other accommodation facilities, negatively affecting water quality;

3) the performance of construction, dredging and blasting, mining, laying of cables, pipelines and other utilities and drilling, agricultural and other works without the project passed the environmental impact assessment.

Article 262. General environmental requirements on implementation of economic and other activity in the state preserved area in the northern part of the Caspian Sea

1. Works associated with the groove and moving of soil shall be allowed with a special permit, issued by the authorized government body for the study and utilization of mineral resources.

2. Construction, installation and dismantling of facilities can be carried out only with technologies that ensure the collection of all types of pollutants.

3. On detection within the contract area of previously drilled wells the subsoil user is obliged to take them into balance and to conduct monitoring on them.

4. Emissions into the environment on all phases of petroleum operations shall not exceed the standards, established for them by the maximum permissible emissions and discharges of pollutants.

5. The burning of fluids on flames during the well exploitation, except the threat of an emergency shall be prohibited.

6. The burning of hydrocarbons on the flame during well test must be minimized. In the case that the results of the environmental impact assessment method specified in this paragraph, as the most environment-friendly for environment, it is necessary to use only when weather conditions are favorable, contributing to the dispersion plume, with the construction of flame devices should ensure the complete combustion of hydrocarbons. Organizational and technical measures to exclude the damage to avifauna must be taken in the case of well location on the migration routes of birds.

7. Air emissions shall be controlled in accordance with the Laws of the Republic of Kazakhstan, tested principles and practices, generally accepted in the international practice in the scope of environment protection on conducting of petroleum operations.

8. Within the state preserved area in the northern part of the Caspian Sea shall be prohibited discharge of sewage and waste, with the exception of a limited list of non-contaminated or treated wastewater, including water cooling systems and firefighting and ballast water, discharged with the permission of the authorized government bodies in the scope of environment protection use and protection of water resources, as well as the government body in the scope of sanitary and epidemiological welfare of the population. The water temperature in the result of discharge outside the control point should not be risen more than five degrees compared to the average temperature of the water in the discharge period for the last ten years.

9. Injection of drilling wastes into the subsoil shall be prohibited without prior operations of their processing and carried out according to the project passed the environmental impact assessment.

9-1. Injection into the subsoil of associated petroleum gas in the northern part of the Caspian Sea in excess of norm, ensuring the enhanced oil recovery by maintaining of formation pressure, provided by the confirmed project documents, as well as the jetting of associated petroleum gas in excess of design parameters shall be prohibited.

10. All operations for the processing and storage of drilling waste (sludge and solutions) shall not be involved in the turnover and not injected into the subsoil must be carried out on a special site outside the state preserved area in the northern part of the Caspian Sea. These operations must ensure the completion of the test site at the time of the start of drilling operations and shall be carried out in coordination with the authorized government body in the scope of environment protection.

11. The drilling platform (barge) and serving its vessels must be equipped with a water treatment plant and wastewater disinfection, or for the collection, storage and subsequent transfer of sewage on specialized ships or shore reception facilities. For garbage collection or processing (grinding or pressing) should be appropriate device. Incineration of the waste on the drilling platforms (barges) shall be prohibited.

12. On performing of any kind of construction and other work shall be prohibited the usage of blasting works in the water column and seabed. Blasting operations under the seabed may be carried out with the permission of the authorized government bodies in the scope of environment protection, use and protection of water resources and the study and utilization of subsoil.

13. The violation of nesting places of waterfowl and wading birds, as well as obstruction of access to spawning grounds of sturgeon shall be prohibited.

14. The water abstraction from the sea shall be permitted only provided of equipping of abstraction intakes by the fish protection structures. On the abstraction intakes should be installed technical equipment for the continuous monitoring of the effectiveness of fish protection structures.

15. Before starting the works on oil recovery at the expense of the financial assets of subsoil user shall provide comprehensive programs for environment protection, including measures for the protection of spawning grounds and reproduction of valuable food fish, as well as the habitat of seals in the state preserved area in the northern part of the Caspian Sea.

16. Routes for transport must be chosen in such way as to prevent or minimize their effects on marine mammals, fish and birds.

17. Laying of railways, highways, pipelines, not provided by the project in the area of the special requirements shall be prohibited.

18. Vehicles, ensuring the preservation of highly productive benthic communities and spawning grounds shall be used for work performance on the shallow water. In case of need for monitoring of the environment state shall be allowed the usage of special vehicles on expanded tracks, low-pressure tires, air cushion, minimally violating the integrity of the vegetative ground cover and existing biocenosis.

19. In the composition of drilling and backfill fluids should not be used substances not approved as part of the technical design. In the case of usage of other substances the subsoil user shall coordinate their application with the authorized government bodies in the scope of environment protection and the study and utilization of subsoil.

20. Drill rigs shall be made up by the IC engines that meet the requirements of the International Maritime Organization on limit values of unburned gases emissions.

21. Power plants must be completed by the IC engines or turbines of dual fuel (diesel fuel - gas).

22. A preparation of the project work, taking into account an international experience, including an environmental impact assessment in full shall be prefaced to the conducting of exploration on the sea. An analysis of the current state of the previously investigated area of planned economic activities should be based on the results of field studies, carried out no earlier than four years before the submission of assessing the impact on the environment.

23. The compulsory figure on the environmental impact assessment is the analysis of alternative options, including a refusal to carry out exploration on the most vulnerable areas of the waters of the sea and the coastal zone.

24. In the water conservation zone and on shallow coastal areas of the sea to a depth of 5-10 meters of drilling shall be carried out by means of drilling rigs on the drive from external networks. If the drilling rig is the generator with diesel fuel or diesel-engine drive, the release of untreated exhaust gas emissions from such facilities must be reduced to a minimum.

25. On conducting of petroleum operations on the sea, on each sea facility and each vessel on which shall be carried out the transportation of oil and oil-containing goods must be placed absorbents and materials necessary for the enclosure and collection of spills consequences.

Footnote. Article 262, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced upon expiry of six months after its first official publication), dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication).

Article 263. The environmental requirements on conducting of geophysical works

1. On conducting of geophysical works shall be prohibited to:

- 1) use the explosive sources of seismic waves and pneumosources with parameters, exerting adverse effects on the fish fauna and its habitat;
- 2) use equipment and practises, which safety has not been documented or based on advanced geophysical surveys;
- 3) leave seismic waves in the sea without monitoring in order to avoid their separation and ash, as well as towing them along the bed.

2. In order to conserve the population of Caspian seals the conducting of seismic surveys and other economic activities in the period from October to May shall be corrected by seismic outlet at a distance of not less than one nautical mile from the places of concentration of the seals on the island rookeries and ice. To identify the locations of high concentration of seals, taking into account the frequent changes of rookeries, must be provided preliminary aircraft overflights.

3. During the seismic surveys the usage of fish repellent from the area of operation can be provided.

Article 264. The environmental requirements for the exploration and recovery on the sea

1. Drilling of wells shall be carried out based on progressive approved principles and practices, accepted in the international practice in the scope of environment protection on conducting of petroleum operations.

2. Places for allocation of offshore drilling platforms within the contract area shall be selected based on the maximum possible preservation of marine areas that have advanced significance for fisheries, conservation and reproduction of fish and other water harvesting objects.

3. Drilling operations with the drilling barge or platform present at sheet ice on the water area, available for shipping, shall be carried out on the constant presence of icebreaking ship with the equipment necessary for the localization of a possible spill of hydrocarbons. The requirement referred to in this paragraph shall not apply to drilling, ongoing from the artificial islands.

4. The conducting in heavy ice conditions on the sea of producing horizon of pre-salt layer drill and the test wells with the alleged extreme pressure and high content of hydrogen sulphide shall be prohibited.

5. To ensure the sustainable existence of the state conservation area ecosystem in the northern part of the Caspian Sea in the design exploration and production in the sea shall be limited construction of drilling grounds, well testing and shipping maximally.

6. On conducting of petroleum operations the subsoil user must ensure measures for the prevention, limitation and liquidation of accidental spills.

7. On conducting of petroleum operations on extraction on the sea the subsoil user is obliged to monitor

the production process through observation and measurements at wellheads in the order, specified by the Government of the Republic of Kazakhstan.

Footnote. Article 264, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 265. The environmental requirements on the designing and constructing of oil and gas pipelines

1. Design and construction of oil and gas pipelines and accompanying facilities in the zone of influence of the wind-surges of sea level fluctuations shall be carried out taking into account of their maximum amplitudes.

2. Design of automatic shut-off gate valves on the oil and gas pipelines shall be carried out based on an assessment of risks associated with a possible violation of the integrity of oil and gas pipelines.

3. During the construction of oil and gas pipelines shall be used facilities and equipment to ensure the minimum amount of violations of the seabed, and use technologies and methods, localizing the spread of suspended substances in the water column.

4. The penetration of oil and gas pipelines, ensuring their protection by the moving ice, anchors of vessels and other anthropogenic influences, is a mandatory in the state preserved area in the northern part of the Caspian Sea.

5. Along the oil and gas pipelines shall be established protective zones in the form of sections of water area from the water surface to the bed, made between parallel planes spaced from the axis of the outer pipe thread five hundred meters on each side.

6. Water discharge on hydro test of oil and gas pipelines shall be carried out outside the boundaries of the state preserved area in the northern part of the Caspian Sea.

Article 266. The environmental requirements for supply coastal bases and objects of coastal infrastructure

1. Construction of coastal bases, including storage of fuels and lubricants, service station of vehicles, except for ports and berths, shall be stored outside the water protection zone of the Caspian Sea coast, using the existing infrastructure. The construction of facilities and performance of works in the water protection zone, provided by the legislation of the Republic of Kazakhstan, shall be allowed.

2. Areas of berths and supply bases shall be planned in such a way that the supply operation, maintenance and refueling were carried out in compliance with all the requirements, ensuring the safety of the environment and public health.

3. Upon completing the functioning of coastal infrastructure objects and their removal land reclamation in accordance with the design documentation, approved by the competent authority in the scope of environment protection should be carried out.

Article 267. The environmental requirements for shipping

1. Shall be prohibited the equipment and apparatus, as well as the court had previously worked in other water basins, without conducting of the environmental surveys and the state sanitary-epidemiological expertise in order to prevent the accidental introduction of flora and fauna objects to the Caspian Sea.

2. All kinds of water transport movements must be submitted as part of pre-project and project documentation. On the detailed design stage and on the organization of the work must be determined by seasons and indicated vessels itinerary of travel on the map document. On selecting of displacement route should be taken into account meteorological conditions, including ice, as well as periods and spawning grounds and migration of valuable fish species, seal rookery, nesting birds.

3. All vessels must be equipped with a closed bunker fuel tanks to collect contaminated water and domestic waste, equipped with devices that prevent discharges and spills into surface waters.

4. Transportation of bulk solids, chemicals and dangerous goods must be carried out in the closed containers and special capacities that exclude them from entering into the environment in accordance with the legislation of the Republic of Kazakhstan on the merchant shipping.

5. Ship hulls and other floating facilities, offshore rigs and platforms should be covered with modern certified anti-co ion materials.

6. Refueling of ships on the sea should be carried out with systems that exclude spills and leaks of fuel and lubricants.

7. Noise and vibration from ships must not exceed the maximum permissible noise levels, established by the sanitary and epidemiological rules and norms and hygienic standards.

8. Construction equipment of special purpose vessels should be equipped with devices to reduce noise and vibration.

9. For tanker transportation of hydrocarbons and other hazardous substances a transition to the exclusive use in the Caspian Sea aquatoriums of the double-hull tankers should be provided.

10. Vessels should be provided with equipment that prevents contamination of the decks of ships petroleum products, wastewater discharge into water bodies.

11. Navigation regime, established by agreement with the state authorized bodies in the scope of protection, reproduction and use of wildlife and the use and protection of water resources.

Footnote. Article 267, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 268. The environmental requirements for conservation and liquidation of petroleum operations

1. Conservation or liquidation of offshore petroleum operations, exploration, including solid minerals, mineral and (or) drinking water, in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use.
2. In the case of preservation of wells after testing the subsoil user is obliged to carry out the work on preservation, to ensure the safety of the drilling base and a reliable seal well to the resumption of operations.
3. On the liquidation of wells drilled from a bulk basis (underwater berms or island), the subsoil user must provide their sealing and monitoring of artificial grounds, with a preliminary clean it from possible contamination by hydrocarbons or other chemicals. In the case of wash of the island (berm) the subsoil user is obliged to designate it by a landmark or buoy before the final leveling of the base and give the coordinates of the government bodies for the study and utilization of mineral resources, inland water transport for application to the charts in order to ensure safety of navigation.
4. On the liquidation of wells drilled from platforms of any type, their design must be completely dismantled and removed, and the end walls of sealed wells shall be cut off at the level of bed to avoid interference with fishing and boating.
5. The decision on liquidation of bulk mining islands, that are decommissioned, shall be accepted on the basis of assessment of the environmental impact of the work on the liquidation.
6. Preservation and liquidation of flooded and waterlogged old wells shall be performed on projects that include impact assessment on the environment, which passed environmental impact assessment, examination in the scope of emergency of natural and anthropogenic kind in accordance with the Laws of the Republic of Kazakhstan, and examination carried out in accordance with the Laws of the Republic of Kazakhstan on subsoil and subsoil use. In this case must be developed and confirmed a plan for emergency response on oil spills. The performance of work without providing the necessary equipment, specialists, transport and other means to prevent and respond to emergency situations in accordance with the emergency response plan for oil spills shall not be allowed.

Footnote. Article 268, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 269. The environmental monitoring of state preserved area in the northern part of the Caspian sea

1. In the state preserved area in the northern part of the Caspian Sea shall be carried out the state environmental monitoring by the authorized body in the scope of environment protection mandatory.
2. The subsoil user, carrying out in business activities in the state preserved area in the northern part of the Caspian Sea, from the planning stage, and further to production activity, is obliged to maintain an annual (for four climatic seasons) a production environment monitoring on the contract area.
3. The materials of the impact assessment on the environment of each stage of petroleum operations (geophysical surveys, geological engineering, drilling, construction, improvement, operation, liquidation and otherwise) shall be provided for conducting of production monitoring, which includes:
 - 1) field studies of the environment on the production facilities of each of the stages of petroleum operations;
 - 2) monitoring of pollution sources;
 - 3) monitoring of the environment;
 - 4) monitoring of the accidental pollution consequences of the environment.
4. State environmental and simultaneous production monitoring shall include monitoring of the following parameters:
 - 1) the level of water pollution and bed silt on physical, chemical and hydro-biological parameters in different status (mode) regions of the Caspian Sea;
 - 2) balance and transformation of pollutants in certain areas of the Caspian Sea (control point of sampling drawings in the high seas, bays, estuarine areas in the rivers flowing into the sea, the areas of petroleum operations) at the interface between the atmosphere - water and their accumulation in bed silts (sediments);
 - 3) natural circulation processes, hydro-meteorological parameters (temperature of the water, currents, wind speed and direction, precipitation, atmospheric pressure, humidity).
5. In the case of necessity and at the request of the authorized body in the scope of environment protection the subsoil user must conduct additional studies of the environment state.
6. The subsoil user shall determine the types and methods of monitoring the state of the environment in the order, established by the authorized body in the scope of environment protection.
7. On conducting of simultaneous operations monitoring the subsoil user must take into account the observations of previous years and use evidence of already existing plants located in the areas of work (within the contract area and its surroundings), in order to continue the long-term series of observations.
8. In case of emergency monitoring of the effects of accidental pollution should be immediately organized.
9. The subsoil user shall transmit the results of simultaneous operations monitoring to the authorized body in the scope of environment protection.

Footnote. Article 269, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Chapter 39. THE ENVIRONMENTAL REQUIREMENTS FOR USE OF RADIOACTIVE MATERIALS, NUCLEAR ENERGY AND ENSURING OF RADIATION SAFETY

Article 270. Cross-border movement of radioactive waste and materials

1. The import into the Republic of Kazakhstan in aid of storage or disposal of radioactive waste from other states, with the exception of own radioactive waste of the Republic of Kazakhstan, exported for processing in other countries shall be prohibited. The disposal (placement) of radioactive wastes and materials on the surface of the earth and in the depths without taking measures that prevent the release of radioactive substances into the environment shall be also prohibited.

2. The import into the Republic of Kazakhstan of radioactive materials, semi-finished products, raw materials, components containing radioactive substances above the exemption level, established by the radiation safety standards, carried out on the basis of Government regulations of the Republic of Kazakhstan in accordance with the opinion of the environmental impact assessment.

3. On the cross-border movement of radioactive materials the nature user is obliged to take measures to ensure the movement with the standards of international Law. In this case:

1) the nature user is obliged to take measures to ensure the movement with the permission and the prior notification and consent of the State of destination;

2) the cross-border movement through States of transit shall be carried out in the case of execution of those international obligations that correspond to particular types of vehicles;

3) sending of spent fuel or radioactive waste for storage or disposal at their destination south of 60 degrees of south latitude shall be prohibited.

Footnote. Article 270, as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No 505-IV (shall be enforced after ten calendar days after its first official publication.)

Article 271. The environmental requirements for the use of radioactive materials

1. Individuals and legal entities must follow the rules for the production, storage, transportation, use, recycling and disposal of radioactive material, to prevent violations of standards of maximum permissible level of radiation exposure, take measures for the prevention and elimination of radioactive contamination of the environment.

2. In the case of radioactive contamination of the environment the individuals and legal entities shall inform without delay the authorized state authorities in the scope of nuclear energy and environment protection, as well as the government body of sanitary-epidemiological service.

3. When using of radioactive materials the nature users should ensure:

1) the assessment of all factors that may influence the radioactive materials during the period of their use;

2) evaluation of the effects of radioactive materials on human health and the environment;

3) the submission to the citizens and public associations of information on the characteristics of radioactive materials and the safety measures on using them, with the exception of information constituting a state or other secrets protected by the Laws of the Republic of Kazakhstan;

4) measures to limit radiation exposure on human health and the environment, including as a result of accidents, with the basic norms and rules of radiation safety in accordance with the Laws of the Republic of Kazakhstan in the scope of radiation safety of the population

5) the minimum formation level of radioactive waste.

Article 272. The environmental requirements for storage and disposal of radioactive materials and waste

1. Radioactive waste generated in the territory of the Republic of Kazakhstan shall be disposed in such a way as to ensure radiation protection of the population and the environment for the period of time during which they can be potentially hazardous.

2. The disposal of radioactive waste should be provided for the design and technical documentation as a mandatory item in any kind of activity, leading to the formation of radioactive waste. The order and organization of the collection, storage, transportation and disposal of radioactive waste shall be carried out in accordance with the Laws of the Republic of Kazakhstan on the use of nuclear energy, taking into account the environmental requirements of this Code.

3. During storage and disposal of radioactive materials and waste of natural resources should ensure:

1) the impossibility of spontaneous nuclear chain reactions, and protection from excessive heat;

2) the effective protection of the population and the environment through the use of appropriate methods of protection in accordance with the rules and regulations of radiation safety;

3) the risk assessment of biological, chemical or other risks that may be associated with the storage and disposal of radioactive materials;

4) the preservation of records relevant to the location, design and contents of the disposal;

5) control and limit of unauthorized access to radioactive materials, as well as the prevention of unplanned release of radioactive substances into the environment.

Article 273. The environmental requirements on transportation of radioactive materials and waste

1. Transportation of radioactive materials and waste shall be carried out in accordance with the rules, established by the legislation of the Republic of Kazakhstan and international treaties, ratified by the Republic

of Kazakhstan.

2. Rules of transportation of radioactive materials and waste shall provide the rights, duties and responsibilities of the shipper, carrier and consignee, security, physical protection, a system of agreed measures to prevent incidents and accidents and requirements for packaging, labeling and transport, measures to localize the effects of possible accidents.

Article 274. The environmental requirements for the placement and operation of nuclear installations and facilities, intended for the treatment with radioactive waste

1. Local governments, individuals and legal entities have the power to offer proposals to the Government of the Republic of Kazakhstan regarding the placement of nuclear installations and facilities for radioactive waste management.

To consider the placement of a nuclear installation or facility, intended for the management of radioactive waste, the applicant shall submit the materials prepared in accordance with the Laws of the Republic of Kazakhstan, which should contain the rationale for building such a plant or facility, as well as alternative sites for their accommodation.

The materials shall include:

- 1) description of the environment in the area of possible placement of a nuclear installation or facility, intended for the management of radioactive waste;
- 2) assessment of the impact on human health and the environment of the planned works for the construction, commissioning, operation, removal from service and the closure of facilities;
- 3) measures that reduce the negative impact on the environment;
- 4) the positive opinion of the state environmental, epidemiological and technical reviews with the obligatory account of the results of public hearings.

2. The decision on the construction of nuclear installations and facilities the Government of the Republic of Kazakhstan shall take with agreement of local representative bodies, in the territory of which the construction of a nuclear facility and (or) object is planned.

3. The provision of land and mineral resources for nuclear installations and facilities for radioactive waste management shall be carried out in accordance with the Land Code of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on subsoil and subsoil use and this Code.

4. On taking decisions relative to the placement of nuclear installations and facilities for radioactive waste shall be provided additional measures aimed on socio-economic development of the region. The scope and procedure of the arrangements in each case determined by the Government of the Republic of Kazakhstan in coordination with the local government on the basis of scientific and economic justification.

5. Taking into operation of a nuclear installation or facility, intended for the management of radioactive waste shall be carried out by the state acceptance commission.

6. Taking into operation of a nuclear installation or facility intended for the management of radioactive waste shall be carried out in conjunction with assumed in the design of industrial and domestic purposes.

7. The order of retirement from service of a nuclear installation or facility intended for the management of radioactive waste and the closure of a repository for radioactive waste disposal project shall be provided in accordance with the rules, regulations and standards in the scope of nuclear energy. Financing costs by the owner of the nuclear installation or facility intended for the management of radioactive waste.

8. The decision about pre-term retirement from service of a nuclear installation or facility intended for the management of radioactive waste and the closure of the repository for the disposal of radioactive waste shall be confirmed by the Government of the Republic of Kazakhstan and shall be brought to the attention of the operating organization or organizations specializing in this field, not later than two years before indicated actions.

9. In the placements of the nuclear installation or facility intended for the management of radioactive waste, shall be established the sanitary protection zone and the surveillance zone.

The size and boundaries of the zones shall be determined in the project in accordance with the rules and standards in the scope of nuclear energy. In the sanitary protection zone and the surveillance zone shall be carried out a control for radiation environment.

10. In the sanitary protection area, independent from its options and accessories cannot be allowed an accommodation (construction) of residential buildings, educational institutions, health care and recreation, sports and fitness facilities, including the placement of gardening and horticulture land, as well as the production of agricultural products.

11. The use of land for agricultural purposes and reservoirs, located in the sanitary protective area, is possible in the case of mandatory radiological control of products.

Footnote. Article 274, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No 34-V (shall be enforced from the date of first official publication).

Article 275. Permissible limits of radioactivity of building materials, mineral fertilizers, ameliorants and coal

1. Permissible limits of radioactivity of building materials, mineral fertilizers and ameliorants shall be established by radiation safety standards.

2. Coal can be used for any purpose in an unbreakable dose limits, established by radiation safety

standards. The coal with the radioactivity above the levels of the current standards of radiation safety standards and sanitary regulations, shall be subject to storage and disposal of domestic heap career in the case of compliance with radiation safety standards.

Article 276. Organization of control for radiation situation on the territories of communities, in the residential and public buildings, for radiation safety of construction materials, fertilizers, fuel and energy raw materials and petroleum operations

1. The organization of radiation control shall issue a challenge to prevent exceeding of established guideline values of radiation safety, and the development and implementation of measures to reduce radiation exposure to the population.

2. On the allotment of land plots for construction of communities, housing and welfare facilities, industrial plants, break areas and recreation, gardening companies in the scope of mandatory survey work should be included measurements of external exposure dose of gamma radiation in the exhaust area. The results shall be formalized in the protocol on the site selection committee for construction.

3. With the commissioning of residential properties the exposure dose rate of external gamma radiation shall be measured in each apartment, and the concentration of radon - in one of the apartments on the ground floor of each entrance. In identifying exceedances of radon studies shall be carried out in all apartments of the house.

4. Measuring the dose of external gamma radiation shall be carried out at a height of 1 meter above the ground or floor of the room.

5. The control over the content of the equivalent equilibrium radon shall be carried out according to the guidelines of state authority in the scope of sanitary and epidemiological surveillance and other techniques, certified in accordance with the Laws of the Republic of Kazakhstan.

6. The results of measurements on construction sites, putting into operation, shall be documented in the form of radiation survey acts, a copy of which is attached to the act of state acceptance commission on commissioning of the object. Responsibility for the measurement shall assign with the organization that carries out construction and produced an object to be commissioned.

7. The possibility, need, scope and timing of measures conducting to reduce the gamma background in the areas of radon content shall be determined by committee of the local government with the obligatory participation of representatives of government body in the scope of sanitary and epidemiological welfare of the population and the territorial body of the authorized body in the scope of environment protection.

8. A nature user must get the sanitary-epidemiological conclusion on the extent of radiological hazards and conditions of use before the development of the building materials deposit, mineral fertilizers, ameliorants and fuel-energy resources. The conclusion shall be issued by the government body of the sanitary and epidemiological welfare of the population on the basis of deposit development project, which includes the section of radiation-hygienic evaluation of the results of the mineral exploration.

9. The service of radiation control shall ensure a compliance with the requirements of the deposit development project, the results of radiation control shall be recorded in written form.

10. A radiation quality of products shall be guaranteed by the conclusion of state control on the basis of laboratory studies, performed by accredited laboratories. Procedure and frequency of quality assurance products shall be established on the examination of deposit development projects.

Article 277. Requirements for radiation monitoring of scrap metal

1. The production radiation monitoring of scrap metal includes:

- 1) radiation monitoring of all incoming scrap metal in the procurement organization to identify its radioactive contamination or existence of local gamma-ray sources in it;
- 2) power measurement of gamma radiation in finding out the excess of background radiation near the lot or a piece of scrap metal;
- 3) spot check of the availability of surface contamination of scrap alpha-and beta-active radionuclides;
- 4) carrying out of radioactive survey of the empty vehicle intended for the transportation of the scrap, and the power measurement of the dose rate of gamma radiation on the surface of the loaded vehicle.

2. Methods and procedure of the state production of radiation monitoring shall be determined by the sanitary and epidemiological rules and regulations.

Article 278. The order of carrying out of the measures in radiation accidents

1. In case of emergencies during transporting of radioactive materials, the requirements of the legislation of the Republic of Kazakhstan in the scope of use of nuclear energy, radiation safety and technical regulations shall be complied in order to provide protection of public health, their property and environment.

2. The emergency procedures shall consider formation of other hazardous substances as a result of the interaction of the cargo contents with environment in case of an accident.

Article 279. Supervision and control in the scope of radiation safety assurance

Supervision and control in the scope of radiation safety assurances shall be carried out in accordance with

the Laws of the Republic of Kazakhstan on the use of nuclear energy.

Chapter 40. ENVIRONMENTAL REQUIREMENTS IN PRODUCTION AND USE OF POTENTIALLY HAZARDOUS CHEMICAL AND BIOLOGICAL SUBSTANCES, GENETICALLY MODIFIED PRODUCTS AND ORGANISMS

Article 280. Environmental requirements in production and use of potentially hazardous chemical substances

1. In the course of operations on production and use of potentially hazardous chemical and biological substances shall be ensured:

- 1) fulfillment of established standards of the maximum allowed environmental impact in the process of production, storage, transporting and use;
- 2) carrying out of the measures to prevent the harmful consequences of their use for the health of population and environment.

2. The production and import of outputs, containing the persistent organic pollutants or in a result of use of which the persistent organic pollutants are generated, provided by the international agreements of the Republic of Kazakhstan shall be prohibited.

The production and use of chemical substances, determined by the international agreements of the Republic of Kazakhstan shall be restricted.

Footnote. Article 280 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 281. The environmental protection from the harmful and uncontrollable biological impact

1. In the course of operations on production and use of potentially hazardous biological substances, including the genetically modified organisms and products, should be ensured:

- 1) fulfillment of established standards of the maximum allowed impact on environment in the process of production, storage, transporting and use;
- 2) carrying out of the measures to prevent the harmful consequences of their use for the health of population and environment.
- 3) use of genetically modified products only within the frame of the list, permitted for use by the authorized body in the scope of environmental protection and government body in the scope of sanitary and epidemiological welfare of the population.

2. The production and import of outputs, containing the persistent organic pollutants or in a result of use of which, the persistent organic pollutants are generated, provided by international agreements of the Republic of Kazakhstan, shall be prohibited.

The production and use of chemical substances, determined by international agreements of the Republic of Kazakhstan shall be restricted.

Footnote. Article 281 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 282. The procedure for carrying out of genetically engineered activities

1. In the process of operations on production and use of genetically modified products and organisms, the following requirements shall be complied:

- 1) the users of nature shall have the systems and procedures of determination, where from and where to the genetically modified products shall be supplied;
- 2) for genetically modified organisms, intended for intentional release in environment, the users of nature shall deliver detailed information about their specificity to the authorized body in the scope of environmental protection and government body of sanitary and epidemiological service;
- 3) for genetically modified organisms, intended for human consumption, feeding stuff or processing, the users of nature shall deliver the declaration, that the product shall be used only as food, feeding stuff or for processing with specificities description of genetically modified organisms, which the product may contain to the authorized body in the scope of environment protection;
- 4) the users of nature shall inform the customers, that the product is made of genetically modified organisms, in respect of food products and feeding stuffs, made of genetically modified organisms;
- 5) the users of nature shall preserve information about production and use of genetically modified products and organisms within five years and provide it to the authorized body in the scope of environmental protection and government body in the scope of sanitary and epidemiological welfare of the population at their requests.

2. The agricultural users of nature shall inform a customer of their crop, via marking, that he acquires genetically modified product and keep register of the customers, to which they supply their outputs.

3. The government bodies shall extend existing provisions on marking to all genetically modified products and feeding stuff. All food products and feeding stuffs, containing or composed, or made of genetically modified organisms are subject to marking. The purpose of marking is informing the customers about factual characteristics of product or feeding stuff.

4. The marking system of genetically modified products is based on detection capability of genetically modified deoxyribonucleic or proteins in the final food product.

Chapter 41. ENVIRONMENTAL REQUIREMENTS IN DETERMINATION OF THE RIGHT OF OWNERSHIP TO THE WASTES OF PRODUCTION AND CONSUMPTION

Article 283. The right of ownership to the wastes of production and consumption

1. The individuals and legal entities, in a result of activity of which the wastes of production and consumption are generated, are their possessors and shall entail liability for safety waste management from the moment of their generation, unless otherwise provided by the legislation of the Republic of Kazakhstan or agreement, determining the conditions of waste management.

2. The right of ownership to the wastes may be acquired by other person on the basis of buy and sell agreement, trade, deed of gift or other transaction on alienation of wastes.

3. The state is the owner of wastes, which are generated on the objects of state ownership or recognized as received to the state ownership under the court decision, as well as in other cases, provided by the legislative acts of the Republic of Kazakhstan.

4. The owner of wastes shall use the centralized system of collection of wastes or services of the subjects, carrying out operations on collection, utilization, processing, storage, arrangement or discharge of wastes, or obliged to carry out the operations independently on arrangement and discharge of the wastes.

5. The transfer of the wastes to the subjects, carrying out operations on collection, utilization, processing, storage, arrangement or discharge of wastes by the owner of wastes shall be deemed as the transfer of the right of ownership to the wastes at the same time, unless the parties concluded agreement on the other conditions.

Footnote. Article 283 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 284. The ownerless wastes

1. The ownerless wastes are the wastes, which have no the owner or the owner of which is unknown.

2. In detection of ownerless wastes on the land plots of the owners of land plots or land users, they have the right to appropriate these wastes, proceeding to their use or performing the other acts, indicating about conversion of these wastes into the ownership.

The other ownerless wastes shall enter into ownership of the person, taking possession by them, if upon the application of this person they are recognized as ownerless by the court.

3. In the other cases, the persons, detecting the ownerless wastes are obliged to inform the relevant local executive body about them. The local executive body of the oblast (city of republican status, capital) in the territory of which the ownerless wastes are detected, is obliged to seize the court with request on recognition of these wastes as received to republican or communal property within one year from the moment of receiving information about existence of ownerless wastes.

In case of detection of the ownerless wastes, the authorized body in the scope of environmental protection also may seize the court with request on recognition of these wastes as received to republican or communal property.

4. The local executive bodies shall organize the carrying out of measures on conversion with ownerless wastes and prevention of their detrimental impact on environment and health of population.

5. The ownerless hazardous wastes shall enter into republican ownership under the court decision. The control procedure for ownerless hazardous wastes shall be confirmed by the Government of the Republic of Kazakhstan. The control of these wastes shall be carried out by lower organization of the authorized body in the scope of environmental protection.

6. The ownerless wastes, not recognized as received into republican or communal ownership under the court decision, may be received once again in possession, use and disposal by the owner, who left them or acquired into ownership by the virtue of acquisitive prescription in accordance with the civil legislation of the Republic of Kazakhstan.

7. The ownerless wastes, taken for processing by the legal entities shall not be considered as the wastes.

Footnote. Article 284 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 285. The transfer of the right of ownership to the wastes

1. In the change of the owner of land plot or land user, on the land plots of which the wastes are located, the issue about the right of ownership shall be decided in accordance with the legislation acts of the Republic of Kazakhstan.

2. In case of privatization of the objects of state ownership, the right of ownership to the wastes, as well as the obligations on safety waste management and discharge, reclamation and restoration of lands shall be transferred to new owner, unless otherwise provided by privatization conditions of these enterprises in accordance with the Law of the Republic of Kazakhstan "On state property".

Footnote. Article 285 as amended by the Law of the Republic of Kazakhstan dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication).

Chapter 42. ENVIRONMENTAL REQUIREMENTS IN DISPOSAL OF THE WASTES OF

PRODUCTION AND CONSUMPTION

Article 286. Wastes of production and consumption and their types

1. The wastes of production and consumption shall be divided into hazardous and non-hazardous on the danger level.

2. The force of this chapter shall not extend to technogenic mineral formations, on which the contracts for production of mineral resources from them are concluded, formed in the course of prospecting, production and processing of the mineral resources, the disposal with which shall be regulated by the legislation of the Republic of Kazakhstan on subsoil and subsoil use, as well as for surficial effusive and intrusive multiple-aged sedimentary rocks (overburden rocks), radioactive rocks.

Footnote. Article 286 is in the wording of the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 287. Hazardous waste classification

1. The hazardous wastes include the wastes, containing one or several following substances:

- 1) explosive substances;
- 2) highly inflammable liquids;
- 3) inflammable solid substances;
- 4) spontaneously inflammable substances and wastes;
- 5) oxidizing substances;
- 6) organic peroxides;
- 7) poisonous substances;
- 8) toxic substances, affecting long-term and chronic illnesses;
- 9) infecting substances;
- 10) corrosive substances;
- 11) ecotoxic substances;
- 12) substances or wastes, making the gases upon contact with water;
- 13) substances or wastes, which may make toxic gases upon contact with air or water;
- 14) substances and materials, able to form the other materials, possessing one among said properties.

2. For the purpose of transporting, utilization, storage and burial, the 3 danger levels shall be established in accordance with the Basel Convention on control of transboundary movement of hazardous wastes and their discharge:

- 1) Green - index G;
- 2) Amber - index A;
- 3) Red - index R.

3. The coding of wastes shall consider the oblast of generation, method of storage operation (burial), method of utilization or regeneration, potentially hazardous component elements, type of danger, branch of economy, on facilities of which, the wastes are generated.

4. The determination of the danger level and coding of the wastes shall be carried out on the basis of classifier of the wastes, confirmed by the authorized body in the scope of environmental protection. In case of absence of this type of wastes in the classifier, the danger level and coding shall be substantiated in each specific case and coordinated with the authorized body in the scope of environmental protection.

5. The determination of danger level and coding of wastes shall be carried out in the change of technology or conversion to other raw material resources, and also in other cases, when the hazardous properties of wastes may be changed.

6. The rating of waste to specific coding shall be carried out by the user of nature independently or with attraction of individuals and (or) legal entities, having a licence for performance of work and rendering of services in the scope of environmental protection.

Article 288. General environmental requirements in disposal of wastes of production and consumption

1. The individuals and legal entities, in the process of economic activity of which the wastes are generated, are obliged to provide the measures of safety disposal with them, comply with environmental and sanitary and epidemiological requirements and perform activities on their utilization, deactivation and safety discharge.

2. The arrangement and discharge of wastes shall be carried out in the places, determined by decisions of local executive bodies as may be agreed with the authorized body in the scope of environmental protection and government body of sanitary and epidemiological service and other specially authorized government bodies.

3. The sites of temporary storage of wastes are intended for safety storage of wastes within the period of no more than three years before their recovery or processing or no more than one year before their burial.

4. The import of wastes for processing, burial or storage in the Republic of Kazakhstan may be carried out only by decision of the Government of the Republic of Kazakhstan in existence of technical (technological) capacities for disposal with them.

5. In cases, provided by this Code, the owner of wastes is obliged to develop control program of the wastes for the purpose of gradual reduction of their volumes.

6. On choosing the method and place of deactivation or arrangement of the wastes, as well as on determining the individuals and legal entities, carrying out the processing, discharge or arrangement of the wastes, the owners of wastes shall ensure the minimum movement of the wastes from the source of their generation.

7. The import of disposable products may be restricted or utterly forbidden, if it generates the wastes, the utilization of which connected with high environmental risk or it economically is not expedient.

8. The import of production, in a result of use of which the hazardous wastes are generated, that not having the technologies on their deactivation or utilization in the Republic of Kazakhstan shall be prohibited.

9. The production and import of products, in a result of use of which the wastes are generated, containing the persistent organic pollutants, provided by international agreements of the Republic of Kazakhstan on persistent organic pollutants.

Footnote. Article 288 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 288-1. The control program of the wastes

1. The control program of the wastes shall be developed by individuals and legal entities, having the objects of I and II categories, in the manner prescribed by the Government of the Republic of Kazakhstan.

2. The development of the control program of wastes is mandatory for the persons, carrying out the utilization and processing of wastes or other methods of their volume reduction and hazardous properties, as well as carrying out activity, connected with arrangement of the wastes of production and consumption.

3. The control program of wastes shall contain information about the volume and composition of generated and disposed wastes, the methods of their storage, utilization, burial, reclamation or destruction.

4. The measures, indicating the volumes and terms of their implementation on securing the gradual reduction of the waste volumes shall be provided in the control program of wastes by:

- 1) improvement of production processes, as well as by adoption of low-waste technologies;
- 2) repeated use of wastes or their transfer to individuals and legal entities, interested in their use;
- 3) waste processing using the best available technologies.

5. The lists of the best available technologies on waste processing shall be developed by the authorized body in the scope of environmental protection with the participation of interested centralized executive bodies, other legal entities and shall be confirmed by the Government of the Republic of Kazakhstan.

6. In the absence of the best available technologies on waste processing in the control program of wastes, the actions on reclamation of the siting location of the wastes shall be provided.

7. In the absence of technological capability of reclamation of the wastes' siting location in the control program of wastes, the actions on reduction of their harmful environmental impact shall be provided.

8. The control program of wastes shall be developed for the period of no more than ten years and coordinated with the authorized body in the scope of environmental protection.

Footnote. The Code is supplemented by Article 288-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (the order of enforcement See Article 2).

Article 289. The passport of hazardous wastes

1. The passport of hazardous wastes shall be composed and confirmed by the individuals and legal entities, in the process of economic activity of which, the hazardous wastes are generated.

2. The passport of hazardous wastes shall be composed:

- 1) for the wastes, mentioned in the paragraph 1 of Article 287 of this Code;
- 2) for the wastes from Amber and Red list wastes.

3. The passport of hazardous wastes shall include the following mandatory sections:

- 1) the names of wastes;
- 2) the last name, first name, patronymic of individual, the place of residence, in existence of manufacturing area - its location, name and requisites of the enterprise-waste generator;
- 3) the origin of wastes;
- 4) the list of hazardous properties of wastes;
- 5) the chemical constitution of wastes and description of hazardous properties of their components;
- 6) the recommended method of waste processing;
- 7) the required precautionary measures in the waste management;
- 8) the requirements to the waste transport and performance of handling operations;
- 9) the measures on prevention and mitigation of emergencies of natural and technogenic character;
- 10) additional information.

4. The form of the passport of hazardous wastes shall be confirmed by the authorized body in the scope of environmental protection and shall be completed separately for every type of wastes.

5. The passport of hazardous wastes shall be subject to registration in the authorized body in the scope of environmental protection within three months from the moment of waste generation.

6. As far as additional information becomes available, increasing the completeness and adequacy of data, included into mandatory sections, the passport of hazardous wastes shall be subject to updating and reregistration.

7. The copy of registered passports of hazardous wastes shall be provided to the individual or enterprise, transporting this lot or its part, as well as to each of recipient of this waste lot (part of lot), in a

mandatory manner.

8. In the course of processing of received waste lot, including its confusion with other materials, the recipient is obliged to execute and register new passport of hazardous wastes on this lot (part of lot) in case of transporting outside of his (her) enterprise.

9. In case of changing of the hazardous properties of wastes, entailed by changing of process regulation in which these wastes are generated, the passport of hazardous wastes shall be terminated.

10. The chemical and blend composition of waste shall be indicated on the basis of analysis results, carried out by the accredited laboratory. For the wastes, presented by the products (production), that lost their application properties, the data on blend composition of basic product (production) shall be indicated, according to the technical regulations.

11. The name of production process, in a result of which the waste is generated, or process in a result of which, the product (production) lost its application properties shall be indicated in the passport of hazardous wastes with the name of basic product (production).

12. The required measures on prevention and mitigation of emergencies, connected with hazardous waste, as well as during the transporting and performance of handling operations shall be indicated in the passport of hazardous wastes.

13. The other information that the owner of wastes wishes to inform shall be indicated in section "Additional information".

Article 290. Environmental requirements in the course of projecting of activity, connected with waste management

1. In the course of projecting of the objects, in the process of operation of which the wastes are generated, it is necessary to:

- 1) develop the control program of wastes as the constituent part of design documentation;
- 2) consider the requirements of the sanitary and epidemiological and other requirements, determined by the environmental legislation of the Republic of Kazakhstan and legislation of the Republic of Kazakhstan in the scope of sanitary and epidemiological welfare of population;
- 3) develop the technical and technological documentation on waste management.

2. In the course of projecting of residence buildings, as well as industrial enterprises, buildings, constructions, installations and other objects, in the process of operation of which the wastes are generated, it is necessary to provide the places (areas) for collection of wastes in accordance with the rules, regulations and requirements in the scope of waste management, determined by the authorized body in the scope of environmental protection and government body in the scope of sanitary and epidemiological welfare of population.

Article 291. Environmental requirements in the course of construction and operation of enterprises, buildings, constructions, installations and other objects, connected with waste management

1. The individuals and legal entities in the course of operating the enterprises, buildings, constructions, installations and other objects, connected with the waste management are obliged to:

- 1) develop the drafts standards of waste disposal, providing the measures on their reduction by processing, utilization, deactivation and safety removal or transfer to individuals and legal entities, carrying out these actions;
- 2) introduce low-waste technologies and organizational measures on reduction of waste generation on the basis of innovative science and technology;
- 3) carry out the inventory of wastes and objects of their disposal;
- 4) carry out the environmental monitoring in the territories of the objects of waste disposal;
- 5) present information, connected with waste disposal in the manner, prescribed by the legislation of the Republic of Kazakhstan;
- 6) comply with requirements on prevention of damages, connected with waste management, and take prompt actions on their liquidation;
- 7) inform the authorized body in the scope of environmental protection and government body in the scope of sanitary and epidemiological welfare of the population and local executive bodies, in case of conditions or threat of the accidents, connected with waste management, which damage or may damage the environment, health or property of individuals or legal entities.

2. The determination of the building site of the object of waste disposal shall be carried out on the basis of special (engineering-geological, hydrogeological and another) investigations in existence of favourable conclusions of the state environmental, sanitary and epidemiological reviews and a review, carried out in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use.

3. The owners of the objects of waste disposal, as well as the persons, who own and possess the objects of waste disposal, on completion of operation of these objects are obliged to conduct the monitoring of their state and impact of environment and works on disturbed lands reclamation.

4. The burial of wastes on the territories of urban and other settlements, forest-park, resort, health-related, recreation zones, as well as water conservation zones, on the catchment basins of subterranean water bodies, which are used for the purpose of domestic and public water supply, shall be prohibited.

5. The burial of wastes in the final resting places of mineral resources and mining shall be prohibited in the cases, if this entails the threat of pollution of the final resting places of mineral resources and safe

conduct of the mining.

Footnote. Article 291 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 292. Environmental requirements in communal waste management

1. The local executive bodies shall answer for organization of rational and environmentally safe collection system of communal wastes, providing the separate collection of valuable components, temporary storage, regular removal and deactivation of communal wastes, as well as clearance of the territory of inhabited locality.

2. The monitoring of compliance with environmental requirements in the communal waste disposal shall be secured by the local executive bodies, authorized body in the scope of environmental protection and government body of sanitary and epidemiological service.

3. The local executive bodies shall provide the development and functioning of required infrastructure for the subjects of small and medium business on collection, transporting, sorting, secondary use, disposal of communal wastes on the landfills.

4. The transporting and collection of communal wastes to established place of their storage and processing shall be carried out by the organizations, specialized in this field, on account of the owners of wastes.

5. The local executive bodies shall secure the compliance of environmental requirements in communal waste disposal by:

- 1) organizations that carry out the separate collection and utilization of reused wastes factions;
- 2) organization of a regular waste transport to the sites of temporary storage and processing and their management on the landfills;
- 3) stimulation of the separate collection of organic wastes and their use;
- 4) organizations of mandatory separation of construction wastes from the other types of wastes, directly on construction site or in the special place, as well as non-admission of blending of the construction wastes with other wastes on the waste dumps and landfills;
- 5) establishment of prohibitions on blending of one type of the wastes with another types or special additives;
- 6) non-admission of non-approved burning of communal wastes;
- 7) arrangement of conditions for transfer of obligations on utilization of wastes to the owners of the objects, processing these wastes;
- 8) organizing the systems of the well-timed provision of true information on management with communal wastes to the authorized body in the scope of environmental protection.

6. The burial of communal wastes, development and operation of the waste landfills shall be carried out by the communal state enterprises and other organizations, specialized in this field.

Footnote. Article 292 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its first official publication).

Article 293. Environmental requirements in hazardous waste disposal

1. The individuals and legal entities, in the process of activity of which the hazardous wastes are generated, shall carry out the actions directed on termination or reduction of their generation and (or) reduction of danger level.

2. The activity of individuals and legal entities, in the process of which the hazardous wastes are generated, shall be restricted or prohibited in the absence of capacity of securing the hazardous waste disposal, safe for environment and health of human.

3. The owner of hazardous wastes shall secure the marking of packing with hazardous wastes, indicating the hazardous properties. On the transferring of these wastes to the other persons for a definite period, the owner of wastes is obliged to inform them in a written form about hazardous properties of these wastes as well as precautionary measures in waste management.

4. The blending of hazardous wastes with non-hazardous wastes, as well as with different types of hazardous wastes together in the process of their production, transporting and storage, shall be prohibited, except the cases of using the non-hazardous wastes for upfilling, strong compacting in the course of waste burial.

5. The hazardous waste disposal shall be allowed in the specially equipped places and carried out in accordance with conditions, provided by the environmental permits. The carrying out of other types of activity, not connected with hazardous waste management in the territory, designated for their disposal shall be prohibited.

The place of hazardous waste disposal shall be marked a field by well visible identification marks with indication of types of wastes, its danger level and date of burial.

6. The enterprises, which carry out the collection, utilization, transporting and disposal of hazardous wastes, shall develop the plans for emergency and accidental situations.

7. The civil responsibility of individuals and (or) legal entities, who are the owners of hazardous wastes or carrying out the management with such wastes, shall be subject to mandatory environmental insurance in accordance with the Law of the Republic of Kazakhstan "On mandatory environmental insurance".

Footnote. Article 293 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2011 No. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 293-1. Environmental requirements in the course of waste storage, containing the persistent organic pollutants

1. The storage facilities of wastes, containing persistent organic pollutants shall be equipped by the protective means, securing the prevention of impact of persistent organic pollutants on environment and public health.

2. The accounting of wastes, containing persistent organic pollutants shall be maintained in the registers of the strict accounting.

3. The change of the owner of wastes, containing the persistent organic pollutants without permit of the authorized body in the scope of environmental protection shall be prohibited.

4. The maintenance of cadastre of wastes, containing the persistent organic pollutants shall be maintained by specific section within the frame of State waste cadastre.

Footnote. The Code is supplemented by Article 293-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 294. Environmental requirements in transporting of hazardous wastes

1. The generation of hazardous wastes and their transporting shall be minimized.

2. The transporting of hazardous wastes shall be allowed upon the following conditions:

1) existence of the relevant packing and marking of the hazardous wastes for the purpose of transporting;
2) existence of the specially equipped and supplied special symbols of the transports;
3) existence of the passport of hazardous wastes and documentation for transporting and transfer of the hazardous wastes with the indication of quantity of the transferred hazardous wastes, purpose and place of destination of their transporting;

4) compliance with safety requirements in transporting of the hazardous wastes, as well as to the handling operations.

3. The procedure for packing and marking of the hazardous wastes for the purposes of transporting shall be determined by the legislation of the Republic of Kazakhstan on the transport.

4. The procedure for transporting of the wastes on the transports, the requirements to perform the handling operations and other requirements on securing the environmental and sanitary and epidemiological safety shall be determined by the rules and regulations, confirmed by the authorized government body in the scope of transport and communications and coordinated with the authorized body in the scope of environmental protection and government body in the scope of sanitary and epidemiological welfare of the population.

5. From the moment of shipping of the wastes on a transport and acceptance by individuals or legal entity, carrying out the transporting of the wastes, and till their discharge in established place from the transport, the liability for safety management with them shall be borne by transport organization or the person, who own this transport.

Article 295. Transboundary movement of wastes

1. For the purpose of transboundary movement of wastes, the hazardous wastes are the groups of wastes, in accordance with the exhibit 1 of Basel Convention on a control of the transboundary movement of hazardous wastes and their removal.

2. The import of hazardous wastes in the territory of the Republic of Kazakhstan for the purpose of their use (utilization, processing, recycling) and burial shall be carried out by decision of the Government of the Republic of Kazakhstan in existence of favourable conclusions of the state environmental and sanitary and epidemiological reviews.

3. The export of hazardous wastes shall be prohibited to the states - parties of Basel Convention on control of the transboundary movement of hazardous wastes and their removal to developing countries, which prohibited the import of hazardous wastes within their legislation, or if there are the grounds to suppose, that use of these wastes shall not be carried out by environmentally sound manner, as well as the districts to the south of 60 degrees of southern latitude.

4. In the transboundary movement of hazardous wastes, the users of nature are obliged to provide information for interested states, in respect of proposed waste transport, indicating on consequences of proposed movement for the health of human being and environment.

5. In the transboundary movement of hazardous wastes, they shall be packed, marked and transported in accordance with the generally accepted international rules and regulations in the scope of packing, marking and transporting.

Article 296. Accounting in the scope of waste management

1. The owner of wastes is obliged to keep their records (type, quantity and origin) as well as collect and store information about properties of the wastes, which are dangerous for environment and (or) health of human being.

2. The persons, carrying out the waste management, as well as producers of hazardous wastes are obliged to keep the regular records (type, quantity, properties) of the generated, collected, transported, utilized or

disposed wastes in the process of their activity.

3. The owners of wastes shall store documentation on accounting of the wastes within five years.

4. The owners of wastes shall present the annual report on their activity in the scope of waste management for their introduction into the State waste cadastre to the authorized body in the scope of environmental protection.

5. The authorized body in the scope of environmental protection has the right to demand information on produced products by them and generated wastes in this process from the individuals and legal entities.

6. The primary statistical data in the scope of wastes shall be presented in accordance with the legislation of the Republic of Kazakhstan in the scope of the state statistics.

Footnote. Article 296 as amended by the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV.

Article 297. Stimulation of the actions on utilization of wastes and reduction of the volumes of their generation

1. The stimulation of actions shall be carried out on utilization of wastes and reduction of the volumes of their generation and reduction of the danger level of the subjects of economic activity, which introduced by technologies, directed on reduction of the volumes of the waste generation, the wastes in the process of production of outputs (performance of works, rendering of services) shall be utilized, their collection and processing, construction of enterprises and production facilities shall be carried out, as well as the manufacturing of equipment for the waste utilization shall be organized, the equity participation in financing of the actions on waste utilization and reduction of the volumes of their generation shall be taken.

2. The local executive bodies shall determine the actions on stimulation of waste utilization and reduction of the volumes of their generation.

Footnote. Article 297 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 43. ENVIRONMENTAL REQUIREMENTS TO THE WASTE LANDFILLS AND LONG-TERMED WASTE STORAGE

Article 298. The sites of waste storage and burial

1. The waste storage shall be carried out in the specially equipped places (grounds, stores, storage facilities) for the period, determined for every type of wastes for the purpose of the following utilization, processing or ultimate burial.

2. The waste burial site is the place of their permanent disposal without intention of retirement. The waste burial shall be carried out on the specially equipped landfills.

3. The site of the long-termed waste storage are the place of their permanent disposal with potential following movement and (or) with necessity of permanent monitoring of their environmental impact. The environmental requirements, which shall be determined for the landfills shall be applied to the long-termed waste storages, and by this the technical capability for their extraction, transporting, following utilization or ultimate burial shall be secured.

4. The projects of disposal and construction of the waste landfills shall be subject to the state environmental and sanitary and epidemiological impact assessments in the manner, prescribed by this Code and other regulatory legal acts of the Republic of Kazakhstan.

5. The storage and burial of hazardous wastes shall be qualified as environmental hazardous types of economic activity. The sites of storage and burial of the hazardous wastes are environmental hazardous objects.

6. The waste burial, contained the persistent organic pollutants, provided by international agreements of the Republic of Kazakhstan on persistent organic pollutants shall be prohibited. The export and import of these wastes shall be allowed only for the purposes of their destruction.

Footnote. Article 298 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 299. The classes of the waste disposal landfills

1. Every waste disposal landfill shall be referred to the one of the following classes:

- 1) 1 class - the landfill for disposal of hazardous wastes;
- 2) 2 class - the landfill for disposal of non-hazardous wastes;
- 3) 3 class - the landfill for disposal of solid municipal wastes.

2. The lists of the wastes for disposal on the landfills of different classes shall be determined by the authorized body in the scope of environmental protection.

Footnote. Article 299 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 300. Environmental requirements to the waste disposal landfills

1. Only non-hazardous wastes may be subject to burial without pre-treatment.

2. The hazardous wastes shall be subject to deactivation, stabilization and other methods of impact,

reducing the hazardous properties of wastes.

3. The disposal of hazardous wastes on the landfills of non-hazardous wastes shall be prohibited.

4. The criteria for receiving the wastes on the landfill of certain class shall be determined as follows:

1) environmental protection (particularly underground and surface waters) and public health;

2) securing of the stabilization processes of the wastes within the landfill;

3) qualitative composition of received wastes;

4) requirements or restrictions on a quantity of received wastes and properties of their organic components to biodegradation;

5) limits on a quantity of potentially hazardous components in accordance with criteria of protection;

6) ecotoxic properties of the wastes and generated filtered material.

5. The storage operations of wastes in the unestablished places and generation of natural dumping places shall be prohibited.

6. Every landfill shall be equipped by the monitoring system of atmosphere emissions (landfill gas) filtered material and waste waters, generated in the lodged wastes, for prevention of their negative impact on the environment.

7. The quantity and hazardous properties of wastes, intended for burial on the landfill should be reduced.

8. The owner of landfill shall take measures on reduction of methane formation on the landfill by reducing the volumes of burial of biodegradable wastes and introduction of the systems of monitoring and landfill gas utilization.

9. For prevention of environmental pollution, the owner of landfill shall implement the unitized procedure for receipt on the basis of waste classifying.

10. The activity of the landfills of waste burial shall be carried out on the basis of plan to bring the plot into compliance with environmental requirements on the date, coordinated with the authorized body in the scope of environmental protection.

11. The owner of landfill shall establish the abandonment fund for carrying out of measures on reclamation of land and environmental impact monitoring after closing of the landfill.

The operation of the landfill without abandonment fund shall be prohibited.

12. The procedure for receipt and waste classifying, received for burial, shall be determined by the owner of landfill and coordinated with the authorized body in the scope of environmental protection.

13. The monitoring of compliance with requirements to waste disposal on the landfills and maintenance of the landfills shall be carried out by the authorized body in the scope of environment protection.

Footnote. Article 300 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 301. The wastes, not acceptable for the landfills

1. The receipt of the following wastes for the burial on the landfills shall be prohibited:

1) liquid wastes;

2) hazardous wastes, which are explosive, corrosive, acidize, highly flammable or flammable;

3) wastes that enter into reaction with water;

4) infected wastes from medical or veterinary institutions;

5) intact used tires and their parts, with the exception of their use in the capacity of stabilizing material in the course of reclamation;

6) wastes, containing the persistent organic pollutants;

7) pesticides;

8) wastes, which fail to meet the criteria of receipt.

2. The blending of the wastes in order to fulfill the criteria of receipt shall be prohibited.

3. The local executive bodies shall organize the development of the programs on reducing the burial of biodegradable wastes, including the measures on their recycling, composting, production of biogas and (or) use for the purpose of production of outputs or energy.

Footnote. Article 301 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 302. The solid and slimy industrial wastes, the disposal of which shall be prohibited on the landfills intended for communal waste disposal

Footnote. The title of Article 302 as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No. 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

On the landfills, intended for communal waste disposal, the disposal of the following solid and slimy industrial wastes shall be prohibited:

1) wastes of chemical industry on the chlorine production:

the graphitic spent slurry of production of the synthetic rubber, chlorine, caustic, containing mercury and mercury compounds;

the methanol, wastes of the organic glass production, containing the methanol;

the spent slurries of the salts production of chloracetic acid, containing hexachloranum, methanol, phenyl trichloride;

the paper bags, used for transporting of aavero, aminoform, aaphytora, copper trichlorophenolate, thiuram disulfide;

the spent slurries of copper trichlorophenolate production, containing the chlorophenisisic acid;

the dead catalyst of plastopolymers production, containing phenyl hydride and dichloroethane;

the coagulum and omega polymers, containing the chlorobutadiene;

the wastes of phenyl trichloride, manufacturing of fertilizers, containing the hexachloranum, phenyl trichloride;

2) wastes of chemical industry on production of chromic compounds:

spent slurry of the monochromat and sodium chloride production, wastes of potassium bichromate production, containing the hexavalent chromium;

3) wastes of zinc ash of the natron production industry, containing the zinc;

4) wastes of the synthetic fiber production:

the spent slurries, containing dimethyl terephthalate, benzene dicarboxylic acid, zinc, copper;

the wastes from filtration of aminocaproic lactam, containing the aminocaproic lactam;

the wastes of methanolysis, containing the methanol;

5) wastes of paint and coatings industry:

the film of lacquer varnishes and enamels, wastes in the course of clearing of equipment, containing the zinc, chrome, solvents, oxidative oils;

the spent slurries, containing the zinc and magnesium;

6) wastes of chemical photographic industry:

the wastes of hyposulphite and anhydrous sulfite production, containing the phenol;

the wastes of magnetic lacquer varnishe, collodium, paints, containing the butyl acetate, toluene, dichloroethane, methanol;

7) wastes of plastics industry, containing the phenol;

8) wastes of nitrogen and nitrogen compound making industry:

spent slurry (resins) from the installation of coke gas cleaning and used oils of the production facilities of synthesis and compression, containing the carcinogenic substances;

the distillation residue from distilling of monoethanolamine, containing the monoethanolamine;

9) wastes of oil-refining and hydrocarbon processing industry:

the aluminosilicate adsorbing material from the oils, paraffin clearance, containing the chrome and cobalt;

the acid sludge with the content of dipping acid, in excess of thirty percent;

the sludge and sludge resinous residues of receiving the coke and gasification of the semicoke, containing the phenol;

the dead catalyzers, containing chrome;

the used clay, containing the oils;

the wastes of the filtration process from the installations of alkylphenole additives, containing zinc;

10) wastes of machinery-producing industry:

the sludge of chromic flows, containing cyanogen;

the sludge of cyanide flows, containing cyanogen;

the core sand mixtures on the organic binder, containing chrome;

the sludge after vacuum filters, deacidification station of galvanizing plants, containing the zinc, chrome, nickel, cadmium, lead, copper, chlorophos, thiocol;

11) wastes of medical industry:

the wastes of synthomyc in production, containing bromine, dichloroethane, methanol;

the wastes of beneficiating and spent slurry, containing the salt of heavy metals.

Footnote. Article 302 as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No. 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 303. The general requirements for the landfills of hazardous wastes

1. The location of the landfill of hazardous waste disposal shall consider the requirements, concerning:

1) distance from the boundary of landfill to residential and recreation areas, water bodies, agricultural lands and inhabited localities;

2) existence of underground waters or conservation areas;

3) geological and hydrogeological environments;

4) flood hazard, degradation, earth flows or landslide on the plot;

5) protection of the objects of state nature reserve fund.

2. Depending on characteristics of the landfill and meteorological conditions, it shall be provided:

1) the control of unexpected income of water into the landfill body;

2) the prevention of income of the surface and (or) underground waters in the waste burial site;

3) collection and treatment of contaminated water and filtrate to the standards, determined for the waste waters.

3. The collection, treatment and use of landfill gas shall be carried out by the method, which will minimize the damage and environmental deterioration and public health risk.

4. The measures for minimizing the consequences of the functioning of the waste dumping ground shall be taken:

1) emissions of odor thresholds and dust;

- 2) materials, compounds and stack ashes, disseminated by wind;
- 3) noise and motion;
- 4) birds, parasites and insects;
- 5) fire accidents.

5. The landfill of waste disposal shall be equipped in such a way, that pollution from the plot wasn't on the municipal roads and surrounding grounds.

6. The landfill shall be protected from free access of unauthorized persons to the plot. The monitoring and access system to every technique shall contain the program of measures to detect and prevent the illegal use of facilities.

7. The administration of the waste disposal landfill shall be carried out by individuals or legal entities, having techniques for operation of the landfill and securing the professional and technical education and training of landfill employees.

8. The level of admissible assessments shall be determined in the environmental permit, considering the specific hydrogeological conditions in location area of the landfill on the basis of the project of waste dumping ground.

9. The landfill shall be assigned by individual registration number, included into State waste cadastre of the Republic of Kazakhstan. The owner of the landfill shall develop the system of document control, intended for keeping records of the wastes, received by the landfill.

10. The project of waste disposal landfill shall provide the establishment of abandonment fund for closing, reclamation and monitoring and control of pollution after its closing. The procedure for formation of abandonment funds shall be determined by the Government of the Republic of Kazakhstan.

11. The owner of landfill is obliged to inform the authorized body in the scope of environmental protection about all types and quantity of disposed wastes and about results of scheduled inspection.

Article 304. Procedures for acceptance of waste

1. The owners of wastes that rent the wastes to the landfill are obliged to provide true information to the owner of the landfill on their qualitative and quantitative characteristics, confirming the reference of wastes to the certain type, and accompanying copy of the hazardous waste certificate for hazardous wastes.

2. The owners of landfills have the right to accept only the types of wastes on the landfill, which are permitted for disposal on this landfill and the right to dispose of which is confirmed by environmental permit.

3. The owner of landfill shall comply with the following procedures for receiving of wastes:

- 1) paper works on the wastes, including the hazardous waste certificate;
- 2) visual examination of the wastes at entrance and siting location;
- 3) verification of the contents with description in documentation, presented by the owner of the wastes;
- 4) maintaining of records of the quantity and characteristics of disposed wastes with indication of origin, delivery date, identification of the generator or collector of wastes, and in existence of hazardous wastes - their precise siting location in the landfill;

5) for exclusion of ingress of radioactive substance on the landfill it is necessary to conduct the dosimetric control of each of waste lots.

4. The owner of landfill is obliged to constantly provide written acknowledgment of receipt of the each of waste lots, received on the lots and ensure the storage of this documentation within five years.

5. The measurement units shall be established for weighing of received wastes on receiving points.

Article 305. The control and monitoring at the stage of landfill operation

1. The owner of landfill shall annually present the report on conducting the monitoring of environment impact to the authorized body in the scope of environmental protection.

2. The owner of landfill shall notify the authorized body in the scope of environmental protection about adverse environmental impact, detected in a result of control and monitoring, as well as coordinate the character and terms of corrective actions, which will be taken, with the authorized body in the scope of environmental protection.

3. The control, monitoring and (or) analysis shall be executed by the accredited laboratories.

4. The specimen of filtrate waters and surface waters shall be collected in the representational items. The carrying out of collection and measurements of the volume and composition of filtrate water shall be executed separately in each item of the lot, in which the filtrate water is formed.

5. The gas monitoring shall be conducted for each disposal sell of hard domestic wastes in accordance with methods, confirmed by the authorized body in the scope of environmental protection.

6. The periodicity of carrying out of collection and analysis shall be justified in the monitoring program, attached to the permit for environmental emission.

7. The parameters which will be measured and substances which will be analyzed shall be corrected depending on the composition of disposed wastes.

8. The parameters which will be analyzed in the specimens, taken from the ground waters shall be specified by expected composition of filtrate waters and quality of the ground waters in this place. The ground water flow and direction shall be determined in the process of parameters selection for analytical accounting. The parameters may include the indicative indices to warrant the early detection of changes in the water quality.

Footnote. Article 305 as amended by the Law of the Republic of Kazakhstan dated 01.12.2011 No. 505-IV

(shall be enforced upon expiry of ten calendar days after its first official publication).

Article 306. The procedures of closure, reclamation and monitoring of the landfill (part of the landfill)

1. The closure of landfill (part of landfill) on waste burial shall be allowed only after the procurement of environmental permit.

2. The landfill (part of landfill) on waste burial may be considered as closed only after the carrying out of termination examination afield, assessment of information, provided by the owner of landfill, and provision of information to him (her) on approval of closure of the landfill (part of landfill) by the civil servants of the authorized body in the scope of environmental protection and government body in the scope of sanitary and epidemiological service. By this, the owner of landfill shall not be excused from the fulfillment of conditions of environmental permit.

3. After the closure of landfill (part of landfill), the owner of landfill shall carry out the reclamation of territory and conduct the monitoring of emissions of the landfill gas and filtrate within thirty years for the landfills of the first class, twenty years for the landfills of second class. The means for conducting the reclamation of disturbed lands and following monitoring shall be received from the abandonment fund of the landfill.

4. After the carrying out of the landfill (part of landfill) reclamation in accordance with the project conditions by the owner of landfill and the acceptance of performed works by the act of acceptance commission with participation of the authorized body in the scope of environmental protection and government body in the scope of sanitary and epidemiological service, the owner shall terminate environmental monitoring.

Chapter 44. ENVIRONMENTAL REQUIREMENTS TO THE STORAGE AND BURIAL FACILITIES OF RADIOACTIVE WASTES

Article 307. The radioactive wastes and their classification

1. The following substances which are not subject to further use in any state of aggregation shall relate to the radioactive wastes:

- 1) biologically sourced materials, products, equipment, objects in which the content of radioactive nuclides exceeds the levels, determined by the legislation of the Republic of Kazakhstan;
- 2) spent nuclear fuel which is not subject to reprocessing;
- 3) exhausted their resource or impaired radioactive source;
- 4) massive materials, ore materials and wastes, got out from the subsoil and stored in the dumps and tailings ponds, in which the content of radioactive nuclides exceeds the levels, determined by the legislation of the Republic of Kazakhstan.

2. The state of aggregation, origin, radioactivity level, half-life of the radioactive nuclides are the base of radioactive wastes classifying.

3. On the state of aggregation, the radioactive wastes shall be divided into liquid and solid. The solutions of inorganic substances, pulp of filter-materials, organic liquids shall be related to liquid radioactive wastes. The products, vehicle and mechanism components, materials, biological objects, exhausted radioactive sources shall be related to the solid wastes.

4. The wastes shall relate to radioactive, if the volume activity of the radioactive nuclides contained in them is more than the values, regulated by the safety radiation levels for radioactive materials, which are subject to the control, and under unknown radionuclide composition, the volume activity is more than:

- 1) one hundred kilobecquerels per kilogram - for the beta-emitting radioactive nuclides;
- 2) ten kilobecquerels per kilogram - for the alpha-emitting radioactive nuclides (excluding the transuranic);
- 3) one kilobecquerel per kilogram - for the transuranic radioactive nuclides.

5. On the sources of radioactive wastes shall be classified as follows:

- 1) ore mining wastes;
- 2) wastes of nuclear research and nuclear-power installations;
- 3) wastes of the nuclear bursts;
- 4) unoccupied radioactive emitting sources and sources with expired term of life cycle.

6. On the radioactivity level, the solid radioactive wastes shall be classified as follows:

- 1) low-level radioactive wastes - the wastes, the volume activity of which (kilobecquerels per kilogram) are: less than one thousand - for the beta-emitting radioactive nuclides; less than one hundred - for the alpha-emitting radioactive nuclides (excluding the transuranic); less than ten - for the transuranic radioactive nuclides;

2) medium-active radioactive wastes - the wastes, the volume activity of which (kilobecquerels per kilogram) are: from one thousand to ten millions - for the beta-emitting radioactive nuclides; from one hundred to one million - for the alpha-emitting radioactive nuclides (excluding the transuranic); from ten to one hundred thousand - for the transuranic radioactive nuclides;

3) high-level radioactive wastes - the wastes, the volume activity of which (kilobecquerels per kilogram) are: more than ten millions - for the beta-emitting radioactive nuclides; more than one million - for the alpha-emitting radioactive nuclides (excluding the transuranic); more than one hundred thousand - for the transuranic radioactive nuclides.

Article 308. The classification of the storage and (or) burial facilities of radioactive wastes

1. The original (natural) or artificial grounds, capacities or premises shall be related to the storage and (or) burial facilities of radioactive wastes, used for storage and (or) burial of radioactive wastes.

2. The facilities in which the wastes are located without intention of their further withdrawal shall be related to the storage facilities of radioactive wastes.

3. The storage facilities of radioactive wastes shall be divided upon receiving the radioactive wastes from:

1) the geological survey, mining, mining-processing activities, containing primarily the natural radioactive nuclides;

2) nuclear power industry, nuclear bursts and nuclear-type production, primarily containing the artificial radioactive nuclides.

4. On the scale of the radioactive wastes catchment area, the storage and (or) burial facilities of radioactive wastes shall be divided into local and regional facilities. The facilities, intended for the waste disposal of one object or one district shall be related to the local facilities, and two and more objects and (or) districts - to regional facilities.

Article 309. Environmental requirements to the storage and (or) burial facilities of radioactive wastes

1. All projects of the storage and (or) burial facilities of radioactive wastes are subject to state environmental impact, sanitary and epidemiological assessments and expert review, carried out in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use. The projection shall be carried out in accordance with construction standards and rules, confirmed in accordance with the legislation of the Republic of Kazakhstan.

2. The project shall include:

1) the sources of radioactive wastes, other sources of radioactive effects on environmental within a radius of forecasting activity of the storage and (or) burial facilities of radioactive wastes, their quantitative and qualitative characteristics;

2) the organized structure, volume and procedure for conducting the industrial radiological monitoring;

3) calculation of radiation dose on the population, acceptable and controlled levels and impact assessment of all radiation sources within a radius of forecasting activity of radioactive wastes on environmental.

3. The choice of building site of the storage and (or) burial facilities shall be substantiated from the set of alternative choices on the basis of special investigations and economic assessments in recognition of environmental impact, including the estimates of the radiation doses on the critical population groups

4. The engineering investigations, including the geodetic, geological, hydrogeological and hydrometeorological investigations shall provide the substantiations:

1) choice of building site of the facility and its engineering protection from adverse impact of natural and technogenic factors;

2) environment protection measures.

5. The reclamation of disturbed lands after decontamination or another activity shall be provided in the projects of the storage and (or) burial facilities of radioactive wastes.

6. The sanitary protection zone, the boundaries of which shall be established in accordance with the legislation of the Republic of Kazakhstan on the sanitary and epidemiological safety of population, shall be established around the burial facilities of radioactive wastes.

7. The disposal of burial facilities of radioactive wastes shall not be allowed:

1) in the territory of residential construction;

2) on occurrence area of the mineral resources without securing approval of the authorized government body on the study and use of subsoil;

3) in the zones of active karst;

4) in the zones of earth slides, earth flows and snow slides and other geological hazards;

5) in the wetlands;

6) in the feed zones of domestic water of underground sources;

7) in the zones of sanitary protection of resorts;

8) in the territory of urban green belts;

9) on the conservation areas;

10) in the territory of the I, II, III belt of the protective sanitary zone of underground and surface sources of domestic water supply, purification plants of water supply systems, water mains;

11) in the territory of watershed;

12) on the lands, occupied or intended for foresting, forest parks and other green plantings, fulfilling the protective and sanitary and hygienic functions, which are the holiday resort of population.

8. When choosing the land plot for construction is it necessary to observe the following conditions:

1) existence of subsoil waters, which are inadequate for domestic and technical water supply on mineralization;

2) high sorption-capacitance properties of subsurface environment;

3) significant depth to underground waters (sixty and more metres);

4) level of subsoil waters which are no closer than four metres from the floor of the storage and (or) burial facilities of radioactive wastes;

- 5) geologic horizons, which are not the water beds and have no the hydraulic connection with underlying water bed;
- 6) absence of fault tectonics and intensive fissuring, the distance to earthquake-prone fault is more than forty kilometers;
- 7) slow response to faulting, subsidence, downwarping;
- 8) lack of erosion;
- 9) geomorphological stability;
- 10) solid and very firm soils and fundamental rocks;
- 11) impenetrable fundamental rocks with thickness of more than ten metres;
- 12) gently rolling country with the sides of no more than five percent;
- 13) distance to the nearest water abstraction of underground and subsoil waters or from the surface water source which are no closer than four kilometers;
- 14) actual land use shall not produce prominent economic effect, the potential land use also has no recognized assessment;
- 15) cultural and national-significant values are absent at the distance of four kilometers;
- 16) area is not of tourist value and rarely visited by the people from the nearest inhabited localities.

9. In case of non-conformity of one of conditions, mentioned in the paragraph 8 of this Article, the environment protection measures from the adverse effect of the storage and (or) burial facilities of radioactive wastes or on its protection from adverse effect of natural and technogenic factors shall be developed by:

- 1) establishment of engineered barriers of low permeability and sorption of capacitive materials (polyethylene, concrete, ceramics, clay, zeolite);
- 2) implementation of drainage systems, ensuring the passage of surface, subsoil and underground waters around the facilities.

10. For the low-level radioactive wastes of uranium and non-uranium mining and reprocessing enterprises, the earlier excavated mine openings with disposal of radioactive wastes may be used below the unsaturated zone and among the other subsurface rocks with higher sorption-capacitance properties (excluding the possibility of radioactive nuclides migration beyond the boundaries of facility).

11. For the medium-active radioactive wastes of uranium and non-uranium mining and reprocessing enterprises, the excavated mine openings with the auxiliary device of technical barriers made of clay, zeolite and other sorbing radioactive nuclides of materials may be used.

12. The natural topographic low may be used for the long termed disposal of low-level solid and liquid radioactive wastes in existence of natural or artificial substrate from impermeable rock or other material.

13. The burial of liquid wastes is prohibited. The liquid wastes shall be dehydrated till humidity of unconsolidated rock in environmental or solidified.

14. For the storage and (or) burial facilities of medium-active radioactive wastes, the protection measures and alarm shall be obligatory provided, for the storage and (or) burial facilities of low-level radioactive wastes - the protection measures without alarm.

15. The calculation of radiation doses and development of efficient measures on radiation shield of population shall be carried out on the basis of dose calculation on critical population groups. The critical population group shall be determined on the basis of analysis and detection of critical pathway, through which the radioactive substances reach this population group.

16. The calculation of the spread of radioactive contamination of surface water, ground water and groundwater shall be performed on the basis of specific hydrological and hydrogeological studies carried out to determine the rate of filtration solutions and pollution filtrations, their migration facilities and sorption properties of water-bearing materials.

17. The damage inflicted by impact of emergency nuclear pollution of environment shall be estimated on the costs of measures on carrying out of protection measures on reclamation works performance.

Chapter 45. STATE REGULATION OF ACTIVITY IN THE SPHERE OF GREENHOUSE GAS EMISSIONS AND OZONE DEPLETERS

Footnote. The title is in the wording of the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 310. The basic principles of climate and the Earth's ozone layer protection

The climate and the Earth's ozone layer protection shall be based on the following basic principles:

- 1) prevention, mitigation of climate change (including global climate change) and degradation of the Earth's ozone layer;
- 2) obligatoriness of state regulation of the greenhouse gas emissions and ozone depleters to the atmosphere;
- 3) publicity, completeness and adequacy of information about climate change and degradation of the Earth's ozone layer;
- 4) science justification, systemacity and complexity of approach to the climate and the Earth's ozone layer protection.

Article 311. The state administration in the scope of climate and the Earth's ozone layer protection

The authorized body in the scope of environmental protection shall carry out the state administration in the scope of climate and the Earth's ozone layer protection.

Article 312. The climate and the Earth's ozone layer protection programs

Footnote. Article 312 is excluded by the Law of the republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

2. The project of the climate and the Earth's ozone layer protection programs may be proposed for consideration of the citizens and public association for the purposes of consideration of their proposals in the planning and carrying out of the measures on prevention and mitigation of climate change (including global climate change) and degradation of the Earth's ozone layer.

Article 313. The regulation of ozone depleter consumption

1. The limits (quotas) of maximum allowed emissions and consumption of ozone depleters shall be established for the purpose of the state regulation of ozone depleters consumption.

The limits (quotas) of ozone depleters consumption shall be established by the authorized body in the scope of environmental protection in accordance with the international agreements of the Republic of Kazakhstan on substances, depleting the ozone layer.

2. The export and import of ozone depleters shall be carried out on the basis of permits, issued by the authorized body in the scope of environmental protection.

Footnote. Article 313 is in the wording of the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 314. General requirements to economic and other activity, allowing the emissions of greenhouse gas and ozone depleters

1. The import, export of ozone depleters and production contained by them, performance of works using the ozone depleters, repair, assembly, maintenance of equipment, containing the ozone depleters are the ecologically destructive types of economic activity and shall be carried out on the basis of permission, issued by the authorized body in the scope of environmental protection in the manner, prescribed by the Government of the Republic of Kazakhstan.

2. On developing the urban and other localities, the projection, allocation, construction, reconstruction and operation of the objects of economic and other activity shall be carried out in recognition of decrease of the greenhouse gas emissions and maintenance of the absorption level by their absorbents.

3. The legal persons and individual entrepreneurs producing, importing and (or) exporting the ozone depleters and (or) production, containing ozone depleters are obliged to:

- 1) make an inscription "deplets the ozone layer" on production and clearly mark the packing by the similar inscription, in which the ozone depleters or production, containing the ozone depleters are stored or transferred;
- 2) ensure the safe storage and transporting;
- 3) indicate the title and quantity of ozone depleters, including the substances, contained in production in the transportation documentation;
- 4) develop and carry out the measures on collecting of ozone depleters and their storage in the sealed containers for the purpose of utilization and (or) deactivation.

4. The projection, reconstruction, technical retooling, extension, new construction of the objects using the technologies, equipment, substances and materials, providing the handling with ozone depleters, including into the list of ozone depleters, restricted or prohibited for consumption in the Republic of Kazakhstan, with the exception of objects, intended for utilization and (or) deactivation of these ozone depleters.

Footnote. Article 314 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 314-1. Installation requirements

1. The operator of installation is obliged to present the annual report on the greenhouse gases inventory, confirmed by the independent accredited organization, on the basis of which the installation passport shall be developed in the form, determined by the authorized body in the scope of environmental protection.

2. The authorized body in the scope of environmental protection shall confirm the installation passport.

3. The installation passport data is the integral part of the state cadastre of the emission sources and greenhouse gasses absorption.

Footnote. The Code is supplemented by Article 314-1 in accordance with the Law of the Republic of Kazakhstan dated 13.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 315. The state recording of the ozone depleters consumption

Footnote. The title as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

The legal entities, carrying out the ozone depleters consumption are the subject to state recording in the manner prescribed by the Government of the Republic of Kazakhstan.

Footnote. Article 315 is in the wording of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV; as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 316. The state recording and state cadastre of the ozone depleters consumption

1. The authorized body in the scope of environmental protection shall organize development of the state cadastre of ozone depleters consumption, regulated in accordance with the international agreements of the Republic of Kazakhstan.

2. For development of the state cadastre of ozone depleters consumption, the individual and legal persons, carrying out the import and consumption of ozone depleters, shall present data about annual consumption of ozone depleters to the authorized body in the scope of environmental protection, annually, on or prior to the second quarter, next to accounting month.

3. The data of the state cadastre of ozone depleters consumption is available for public and subject to publication.

Article 317. The state inventory and state cadastre of the greenhouse gases

Footnote. Article 317 is excluded by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 318. Industrial control of ozone depleters

Footnote. The title as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The legal person, having the sources of ozone depleter emissions to the atmosphere shall carry out the industrial control by annual taking inventory of the ozone deplete emissions in the manner, prescribed by the authorized body in the scope of environmental protection.

2. Information about organizing the environmental services and persons, responsible for carrying out of the industrial control of ozone depleters, and also inventory results of ozone depleters shall be presented to the authorized body in the scope of environmental protection.

Footnote. Article 318 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

SECTION 9. LIABILITY FOR ENVIRONMENTAL OFFENCES AND SETTLEMENT OF ECOLOGICAL DISPUTES

Chapter 46. LIABILITY FOR ENVIRONMENTAL OFFENCES AND SETTLEMENT OF ECOLOGICAL DISPUTES

Article 319. Types of environmental offences

The types of environmental offenses are:

- 1) the breach of environmental legislation of the Republic of Kazakhstan, entailing the property liability;
- 2) the administrative infractions in the scope of environmental protection, use of natural resources;
- 3) the ecological crimes.

Article 320. The liability for the breach of environmental legislation of the Republic of Kazakhstan

The breach of environmental legislation of the Republic of Kazakhstan shall entail the liability in accordance with the Laws of the Republic of Kazakhstan.

Article 321. The obligatoriness of compensation for damage, inflicted by the breach of environmental legislation of the Republic of Kazakhstan

1. The persons, committed ecological infractions, are obliged to compensate for inflicted damage by them, in accordance with this Code and other legislative acts of the Republic of Kazakhstan.

2. The damage, inflicted to environment, civil health, property of individual and legal persons is subject to compensation by virtue of:

- 1) destruction and damaging of the natural resources;

- 2) unwarranted and irrational use of natural resources;
 - 3) unwarranted environmental pollution, including the accidental, uncoordinated peak emissions and discharge, dumping of production and consumption wastes;
 - 4) above-level environmental pollution.
3. The compensation of harm to health of individual persons, damage to the property of individuals and legal entities, state by the persons, committed environmental offences shall be carried out voluntarily or by the court decision in accordance with the legislation of the Republic of Kazakhstan. The harm is subject to compensation in the full measure in recognition of the loss rate of the injured person's labour capacity, his (her) treatment expense and health resumption, expenses on care for sick person, other expenses and losses.
4. The compensation for damage, inflicted to environment by the virtue of breach of environmental legislation of the Republic of Kazakhstan shall be carried out voluntarily or by the court decision on the basis of economic assessment of the damage, the procedure of conduct of which shall be determined in accordance with this Code.
5. The individuals and legal entities, the activity of which is connected with heightened danger for environment, are obliged to compensate the harm, inflicted by the source of heightened danger, if they prove, that the harm occurred by the virtue of irresistible nature or criminal intent of injured person.
6. The moral damage, inflicted in a result of breach of environmental legislation of the Republic of Kazakhstan is subject to compensation in the manner prescribed by the civil legislation of the Republic of Kazakhstan.
7. The cases of above-level waste disposal and cases of above-level pollutants discharge to the objects, equipped and intended for waste disposal and sewage discharge, preventing the pollution of ground surface, subsoil and underground waters shall not be considered in the capacity of damage to environment.
8. The cases of ingress of chemical substances or sewage water run on production areas, restricted by protective shelters, preventing their ingress on the ground surface, in subsoil and underground waters shall not be considered in the capacity of damage to environment.
- Footnote. Article 321 as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its official publication).

Article 322. The procedure for compensation of harm, inflicted by the breach of environmental legislation of the Republic of Kazakhstan

1. The person, inflicted the harm to environment has the right to voluntarily remove inflicted damage or compensate it by the other method. The obligations of the person on removal or compensation of damage shall be presented in the letter of guaranty.
2. The compensation of harm may be carried out in the cost form on account of own funds of the person, inflicted harm to environment, or insurance payments.
3. The monetary funds for environmental reclamation to the state, which was by the time of infliction of the harm, fulfillment of the measures on restoration of natural resources, compensation of other losses to demandant, including expectation loss shall relate to the cost forms of compensation of harm.
4. On the basis of court decision, with the consent of the parties, the harm may be compensated in the natural form by imposing the obligation on restoration of environment on the respondent.
5. The measures on restoration of environment to the state, which was by the time of infliction of the harm, provision of equal natural resource instead of destroyed or damaged natural resource shall relate to the natural forms of the compensation of harm. The compensation of harm in the natural form shall be carried out by conclusion of contract and (or) agreement, regulating the procedures, conditions, terms and volumes of the compensation of inflicted harm.
6. The recovered amount of compensation of harm shall be transferred to the state budget, and in the established cases by the legislation of the Republic of Kazakhstan - to injured person.
7. The compensation of harm shall not release the person, inflicted the harm to environment from administrative and criminal responsibility.

Article 323. The procedures for settlement of ecological disputes

1. The ecological disputes shall be resolved by the courts in the manner prescribed by the legislative acts of the Republic of Kazakhstan.
2. The ecological disputes between the subjects of environment legal relations may be resolved by negotiations, as well as with involvement of expert members, or in accordance with the previously coordinated procedure of settlement of the disputes by the parties.

Chapter 47. FINAL AND TRANSITIONAL PROVISIONS

Article 324. Transitional provisions

1. The permit for natural management, received by users of natural resources before enforcement of this Code shall be in force within the terms, on which they were issued.
2. The individual and legal persons of the Republic of Kazakhstan are obliged to receive the environmental permits, upon expiry of permits for natural management.

3. The owners of waste landfills and long-term waste storages must prepare and coordinate the plans of conformation with the authorized body in the scope of environmental protection in accordance with environmental requirements, provided by the chapter 43 of this Code for up to 31 December 2007.

4. Within the year from the date of enforcement of this Code, the individual and legal persons, having a license for environmental design, norming and works in the scope of environment impact assessment, for environmental audit activity are obliged to reissue the licenses in the authorized body in the scope of environmental protection in the manner, prescribed by the legislation of the Republic of Kazakhstan. These licenses shall be considered as void upon expiry of stated period.

5. The validity of a license on environmentally hazardous types of economic activities on the list, confirmed by the Government of the Republic of Kazakhstan which are not subject to licensing in accordance with this Code shall be terminated from the date of enforcement of this Code.

Within six months from the date of enforcement of this Code, the individual and legal persons, having the licences on environmentally hazardous types of activity on the list, confirmed by the Government of the Republic of Kazakhstan are obliged to return them to the authorized body in the scope of environmental protection.

6. The permits for environmental emissions for the objects of categories II, III and IV on materials, presented by the users of natural resources to the local body in the scope of environmental protection before 1 January 2009 shall be considered and issued by the local body of the authorized body in the scope of environmental protection, upon condition of completeness of presented materials and conformance to requirements of this Code, and shall be valid within the terms, on which they were issued.

7. The First National distribution plan of quotas on the greenhouse gas emissions shall be confirmed for 2013.

8. The owners and possessors of the wastes, containing the persistent organic pollutants, shall develop the program on their destruction before 2025 with determination of source of finance and present it to the authorized body in the scope of environmental protection within three months from the date of enforcement of this paragraph or acquisition of these wastes into ownership or possession.

Footnote. Article 324 as amended by the Laws of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Article 2); dated 03.12.2011 No. 505-IV (the order of enforcement see Article 2).

Article 325. The order of appliance of this Code

This Code shall be applied to the infractions, arisen after its enforcement.

The regulatory legal acts adopted before enforcement of this Code, regulating the relations in the scope of environmental protection, reproduction and use of natural resources shall be applied in the part, which is not inconsistent with this Code.

Article 326. The order of enforcement of this Code

1. This Code enters into force upon expiry of ten calendar days from the date of its official publication.

2. The following Laws of the Republic of Kazakhstan shall be declared to be no longer in force:

1) The Law of the Republic of Kazakhstan dated 18 March 1997 "On environment review" (The Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 6, Article 67; 1998, No. 24, Article 443; 1999, No. 11, Article 357; 2003 No. 14, Article 112; 2004, No. 23, Article 142);

2) The Law of the Republic of Kazakhstan dated 15 June 1997, "On environmental protection" (The Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 17-18, Article 213; 1998, No. 24, Article 443; 1999, No. 11, Article 357; No. 23, Article 137, 142; 2005, No. 7-8, Article 23; No. 14, Article 57; 2006, No. 1, Article 5; No. 3, Article 22);

3) The Law of the Republic of Kazakhstan dated 11 March 2002, "On protection of the atmosphere" (The Bulletin of the Parliament of the Republic of Kazakhstan, 2002, No. 5, Article 54; 2004, No. 23, Article 142; 2006, No.1, Article 5; No. 3, Article 22).

*The President
of the Republic of Kazakhstan*