

Law of the Republic of Kazakhstan No. 160-1 of July 15, 1997

On Environment Protection

Has (as amended through RK Laws of 24.12.98; N381-1 of 11.05.99;
N 488-1 of 29.11.99; N 205-II of 04.06.01; N276-II of 24.12.01; N 346-II of 09.08.02;
N 553-II of 25.05.04; N 8-III of 09.12.04; N 13-III of 20.12.04; N 45-III of 15.04.05)

Nature and its resources are the natural basis of life and activities of the people of the Republic of Kazakhstan, of their sustainable social and economic development and improvement of the well-being.

This Law determines the legal, economic and social fundamentals of the environment protection in the interests of the present and future generations, and is aimed at the provision of the ecological safety, prevention of harmful influence of economic and other activities upon the natural ecological systems, preservation of biological diversity and organization of efficient use of natural resources.

Chapter 1. General provisions

Article 1. Basic terms and definitions

The following basic terms and definitions shall be used in this Law:

environment – the totality of objects of nature including atmospheric air, the ozone layer of the Earth, water, soil, subsurface, fauna and flora as well as the climate in their interaction;

environment protection – a system of state and social measures aimed at harmonious interaction between the nature and human being, improving the quality of the environment, efficient use and reproduction of natural resources;

objects of the environment protection – components of the environment protected by the legislation;

natural resources – components of the environment used in the course of economic and other activities for satisfying material, cultural and other needs of the society;

use of natural resources – use of natural resources in economic and other human activities;

quality of the environment – a characteristic of composition and properties of the environment;

monitoring of the environment – monitoring of condition of human being natural environment and prevention of arising critical situations, harmful or dangerous for health of people and other living organisms;

ecological norm-setting – a system of rules (norms) and contained therein quantitative and qualitative indices (normatives) of evaluation of the environment condition and degree of influence upon it, that is determining and providing for favorable environment for the human beings existence and preservation of biological diversity;

environmental pollution – entering into environment of potentially dangerous chemical and biological substances, radioactive materials, industrial and consumption wastes as well as influence of noise, vibrations, magnetic fields and other harmful physical impacts upon the environment;

ecological requirements – the binding restrictions and prohibitions of the economic and other activities negatively influencing on the environment, which are contained in legislative and other statutory legal acts and regulatory technical documents of the Republic of Kazakhstan;

ecological safety – the condition when the vital interests and rights of an individual and the society are protected from threats which arise as a result of anthropogenic and natural impacts upon the environment;

ecological system – an interrelated unified functional totality of organisms and their inorganic habitat;

favorable environment – environment the condition of which objects provides for ecological safety and protection of population health, prevention of pollution, stable functioning of ecological systems, reproduction and efficient use of natural resources;

damage (harm) to the environment and human health – an environmental pollution or extraction of natural resources in excess of established normatives that has caused or is causing diseases, degradation or death of living organisms and humans, exhaustion of natural resources;

limits for environmental pollution – limits of entry of polluting substances total volume, of industrial and consumption wastes, as well as limits of noise, vibrations, magnetic fields and other harmful physical impacts influence upon the environment at levels within which the favorable environment is reserved;

limits of natural resources extraction – limits of possible quantitative use of natural resources within which the natural reproduction of biological resources is not disturbed, and efficient use of mineral resources is guaranteed;

pollution quota – a part of pollution limit to be allocated for a specific user of natural resources for a definite period of time;

quota for natural resources extraction – a part of extraction limit to be allocated for a specific user of natural resources for a definite period of time;

specific normative of discharges, emissions – a normative of maximum mass of discharges, emissions of a hazardous (polluting) substance into atmosphere, water objects calculated per one unit of production, capacity, mileage of transport vehicles or other mobile facilities, that is established for mobile, stationary sources of discharges, emissions, technological processes and equipment;

industrial wastes – remnants of raw materials, materials, chemical compounds which were generated in the course of products manufacture or execution of other technological works and which have completely or partially lost their initial consuming qualities that are required for their use in the relevant manufacture including man-caused (technogenic) mineral formations and agricultural production wastes;

municipal-household wastes - wastes generated as a result of human vital activity;

waste type – a range of wastes having common features;

wastes hazard class – an indicator of wastes harmfulness to be determined based on the extent of possible hazardous impact upon human health and the environment;

low-waste technology – a production process when less waste is generated per one unit of a product manufactured, as compared with existing methods of manufacturing this product;

normatives of wastes treatment – quantitative and qualitative restrictions associated with generation, collection, storage, use, utilization, transportation and disposal of wastes taking into consideration their impact upon the environment;

waste treatment – any types of activities related to generation, collection, storage, use, utilization, transportation and disposal of waste;

waste placement facility – landfills, sludge storage, tailing dumps, dump pits and other specially equipped places for waste storage and disposal;

hazardous waste – waste containing harmful substances and having hazardous properties (toxicity, explosion risk, fire risk, high reactivity), or waste that may represent danger to health of human being and the environment independently or in contact with other substances;

consumption waste – articles, materials and substances which have completely or partially lost their consuming properties as a result of the physical or moral depreciation;

waste certificate – a document that certifies quantitative and qualitative characteristics of waste;

authorized body in the field of the environment protection – the central executive body of the Republic of Kazakhstan carrying out the implementation of the state policy in the sphere of the environment protection, and its territorial agencies;

norms of maximum allowed impact on the environment - maximum possible anthropogenic load upon the environment not resulting in infringement of the stability of ecological systems;

norms of maximum allowed discharges and emissions of pollutants – volume of pollutants containing in discharges and emissions into the atmosphere, water objects, soil, physical impact upon the environment under which the ecological norms of the allowed load on the environment are maintained;

norms of maximum allowed concentrations of pollutants and levels of impact – values of the allowed contents of pollutants in the atmospheric air, water objects, soil, and impact of physical factors upon the environment, established for the purposes of protection of human health and prevention of harmful impact upon flora and fauna;

ecological danger – a condition characterized by actual or possible destruction, change of the environment condition under the influence of anthropogenic and natural impacts including those resulting from disasters and catastrophes, natural calamities, and in this connection threatening vital interests of an individual and the society;

strategic object – an examination object, the realization of which is directly associated with activities in the field of exploration, extraction, transportation, processing, use of natural resources, infrastructure of the republican importance, space and military communication facilities, power system of the republican importance;

transboundary object – an examination object, the realization of which exerts or may exert harmful influence upon the environment and health of people of two and more oblasts (the city of the republican importance, the capital) and (or) territories of a contiguous state;

ecologically dangerous object – an examination object, the realization of which exerts or may exert harmful influence upon the environment, significant by its scale and duration, and which represents a particular danger for lives and health of the population;

environment protection measures – a range of technological, technical, organizational, social and economic measures aimed at the environment protection and improvement of its quality.

Article 2. The legislation of the Republic of Kazakhstan in the field of the environment protection

1. Regulation of relations in the sphere of interaction of the society with the nature for purposes of improving quality of the environment, efficient use and reproduction of natural resources, strengthening the law and order shall be the objectives of the legislation of the Republic of Kazakhstan in the field of the environment protection.

2. The legislation of the Republic of Kazakhstan on the environment protection shall be based upon the Constitution of the Republic of Kazakhstan and shall consist of this Law, the laws on protection, reproduction and use of natural resources as well as other legislative and statutory legal acts.

In case of contradiction between this Law and other act containing norms regulating relations associated with the environment protection, the latter may be applied only after the introduction of appropriate amendments into this Law.

Issues on protection and use of the land, subsurface, water, atmospheric air, forests and other vegetation, fauna, environmental objects of special ecological, scientific and

cultural value, of the specially protected natural territories in the part which is not regulated by this Law, shall be regulated by the relevant legislative and other statutory legal acts of the Republic of Kazakhstan.

Article 3. Basic principles of the environment protection

The environment protection shall be carried out on the basis of the observance of the following basic principles:

priority of human life and health protection, preservation and restoration of the environment favorable for life, work and recreation of the population;

well-balanced solution of social and economic tasks and problems of the environment for the purposes of transition of the Republic of Kazakhstan to sustainable development in market economy conditions and satisfaction of needs of the present and future generations of people in healthy and friendly environment;

ensuring ecological safety and restoration of disturbed natural ecological systems in the territories with unfavorable ecological conditions;

efficient use and reproduction of natural resources, stage-by-stage introduction of payments for use of natural resources and introduction of economic incentives with regard to the environment protection;

ensuring preservation of biological diversity and environmental objects of special ecological, scientific and cultural significance;

state regulation and state control, inevitability of liability for violation of the legislation on the environment protection;

prevention of damage to the environment, assessment of possible influence upon the environment;

active and democratic participation of the population, public associations and the bodies of local self-governance in the field of the environment protection;

international cooperation in the field of the environment protection on the basis of the international law.

Article 4. Objects of the environment protection

The following objects shall be protected from the destruction, degradation, damage, exhaustion, pollution, inefficient use and other harmful impact:

land, subsurface, water, atmospheric air, forests and other flora, fauna;

natural ecological systems, climate and the ozone layer of the Earth.

Objects of the environment that have special ecological, scientific and cultural value as well as specially protected natural territories shall be subject to special protection.

Chapter 2. Rights and obligations of citizens and public associations in the field of the environment protection

Article 5. Rights and obligations of citizens in the field of the environment protection

1. Each citizen and stateless persons as well as foreigners being in the territory of the Republic of Kazakhstan shall have the right to an environment favorable for their lives and health, reliable information on the condition of the environment and measures for its improving, compensation of the harm caused to their health and property as a result of violation of the legislation on the environment protection.

2. Citizens shall have the following rights:

to use, in accordance with the established procedure, the natural resources, to carry out measures on their protection and reproduction, to participate in the protection and improving sanitary conditions of the environment;

to create public associations and public foundations of the environment protection;
to participate in meetings, manifestations, pickets, processions and demonstrations, referendums on the environment protection;

to apply to the state bodies and organizations with letters, complains, petitions and proposals on the issues of the environment protection and to require their consideration;

to submit proposals on conducting public ecological examination and to take part in the examination;

to require abolition, in accordance with the administrative or judicial procedure, of decisions on placement, construction, reconstruction and putting into operation of enterprises, installations and other ecologically harmful objects, as well as on restriction, suspension and termination of economic and other activities of legal and natural persons, exerting negative influence upon the environment and health of people;

to raise questions on making guilty organizations, officials and citizens responsible, to file a claims to the court on compensation of a damage caused to their health and property owing to the violation of the legislation on the environment protection;

to exercise in accordance with the established procedure, their other rights as provided for by the legislative and other statutory legal acts.

3. Each citizen shall be obliged to protect the environment and to carefully treat natural resources, to observe the legislation on the environment protection, to enhance level of the ecological knowledge and to assist ecological education of the rising generations.

Article 6. Rights and obligations of public associations in the field of the environment protection

1. The public associations when carrying out their activities in the field of the environment protection shall have the following rights:

to elaborate, approve and promote their environmental programs, to protect the rights and interests of citizens, to engage them on voluntary basis into active participation in the activities in the field of the environment protection;

to perform works on protection and enhancement of the environment, efficient use and reproduction of natural resources, to participate in protection of the environmental objects having special ecological, scientific and cultural value, organization and activities of specially protected natural territories;

to perform, in accordance with the established procedure, works on environmental education and training, scientific research in the field of the environment protection;

to require conducting of state ecological examination and to carry out public ecological examination;

to conduct public control in the field of the environment protection;

to receive from the state bodies and organizations the timely, complete and reliable information on the condition of the environment and measures on improving its sanitary condition;

to cooperate and interact in the field of the environment protection with the state bodies and international organizations, entering into agreements with them, to perform certain works for them under the contracts as stipulated by the legislation;

to participate in considerations of the draft laws on the environment protection;

to require abolition in accordance with the administrative or judicial procedure of decisions on placement, construction, reconstruction and putting into operation of enterprises, installations and other ecologically harmful objects, as well as of restriction, suspension and termination of economic and other activities of legal and natural persons, exerting negative impact upon the environment and people's health;

to raise questions on making guilty organizations, officials and citizens responsible, to file a claims to the court on compensation of a damage caused to their health and property owing to the violation of the legislation on the environment protection to exercise in accordance with the established procedure, their other rights as provided for by the legislative and other statutory legal acts.

2. The public associations are to carry out their activities in accordance with the legislation on the environment protection and on the public associations.

Chapter 3. Competence of state authority and local self-governance bodies in the field of the environment protection

Article 7. Competence of the Government of the Republic of Kazakhstan in the field of the environment protection

The Government of the Republic of Kazakhstan in the field of the environment protection, shall:

- elaborate main directions of state policy, strategic measures for its implementation;

- elaborate state ecological programs and programs for various areas of use of natural resources, submit them to the President of the Republic of Kazakhstan for the approval;

- elaborate main directions of the state policy in the field of the waste treatment;

- carry out administering of activities of the ministries, central executive bodies not included into the Government and local executive authorities, control implementation of the Laws, acts of the President and the Government of the Republic of Kazakhstan;

- manage state property, work out and carry out measures on use as entrusted to the Government;

- determine the procedure of elaboration and approval of the environment quality normatives and ecological requirements to the economic and other activities;

- in cases, stipulated by the legislation of the Republic of Kazakhstan, take decisions on assignment of natural resources for the use by oblasts (the city of the republican importance, the capital), conclude agreements (contracts) for use of natural resources;

- approve the procedure of issue, denial of issue, suspension and termination of the licenses for use of natural resources;

- approve concepts on various types of use of natural resources, establish the procedure of state arrangement of use of natural resources, of the approval and implementation of comprehensive use schemes, reproduction and protection of natural resources, maintaining the state accounting and state cadastres of natural resources as well as of the areas and sources of the environmental pollution;

- establish the structure, contents and procedure of maintaining of the state monitoring of the environment and natural resources and approve the rules of organization and maintenance of the Unified national system of environment and natural resources monitoring;

- approve the list of ecologically dangerous types of the economic activities and the procedure of their mandatory state licensing;

- approve the list of the environment protection objects which have special ecological, scientific and cultural value, organize national reserves, state national and natural parks, other specially protected natural territories within the range of its authority;

- determine the procedure of submitting information and keeping the state statistics in the field of the environment protection;

- approve the provisions on specially authorized state bodies executing functions of the environment protection, management of the use of natural resources and the state

control in these fields, determine the procedure of their activities as well as establish the procedure of licensing and maintaining of the ecological auditing;
approve the rules of declaration of the ecological emergency situation;
carry out the international cooperation;
establish the procedure of organization and execution of the state environmental control;
determine the procedure of referring the measures to those of protection of natural resources;
establish for the oblasts (the city of the republican importance, the capital) the limits and quotas of the environmental pollution;
approve the rules of referring the measures to those on the environment protection.

Article 8. Competence of the authorized body in the field of the environment protection

The authorized body in the field of the environment protection shall:

- 1) coordinate activities of other central executive bodies and local executive bodies of oblasts (the city of the republican importance, the capital) implementing functions of the environment protection and administering of natural resources use;
- 2) carry out the unified public policy in the field of the environment protection and organizes execution of national ecological programs to implement strategic tasks on ensuring the ecological safety;
- 3) approve within the range of its competence or coordinate the ecological norms and ecological requirements to the economic and other activities;
- 4) issue licenses for ecologically dangerous types of economic activities, ecological auditing, environmental design, norm-setting and works in the field of ecological examination in accordance with the procedure established by the Government of the Republic of Kazakhstan, determine estimated rates of payment for the environmental pollution;
- 5) elaborates for oblasts (the city of the republican importance, the capital) the limits and quotas for the environmental pollution;
- 6) carry out works on national monitoring of the environment as well as administer the Unified system of environment and natural resources monitoring, approve the standard procedure of maintaining the industrial monitoring;
- 7) organize and conduct the state ecological examination of the strategic, transboundary and ecologically dangerous objects;
- 8) carry out, within the range of its competence, the state control in the field of the environment protection and natural resources;
- 9) participate through its territorial agencies in coordination of plans of efficient use and protection of water objects, in monitoring of water objects, execution of the state control in the field of use and protection of water resources within the range of its competence, preparation of the basin agreements and control over their implementation, elaboration of provisions for national (regional and basin) programs on use, reproduction and protection of water objects as well as in the implementation of the basin principle in the water resource management;
- 10) carry out, within the range of its competence, the state control over the use and protection of the land;
- 11) coordinate programs and plans of measures on the environment protection on the local level;
- 12) carry out state control of the compliance with ecological requirements in the field of protection, reproduction and use of natural resources and objects of the state natural reserves fund;
- 13) elaborate and approve the list of measures on the environment protection;

- 14) coordinate and carry out general management of the protection of the objects of the state natural reserves fund;
- 15) maintain state accounting and state cadastres of natural resources;
- 16) elaborate and approve the list of measures on the environment protection.

Article 9. Competence of specially authorized state bodies of the Republic of Kazakhstan executing the functions of the environment protection and management of natural resources use

The legal status and the competence of the specially authorized state bodies of the Republic of Kazakhstan executing the functions of the environment protection and management of the natural resources use, shall be established by the Government of the Republic of Kazakhstan on the basis of legislative acts.

Article 10. Competence of the local representative and executive authorities of oblasts (cities of the republican importance, the capital)

1. The local representative authorities of oblasts (the city of the republican importance, the capital) shall:

approve programs and lists of measures on the environment protection and use of natural resources in the respective territories for solving tactical tasks of ensuring ecological safety;

hear reports of heads of local executive authorities of oblasts (the city of the republican importance, the capital) and organizations on the condition of the environment protection and use of natural resources;

adopt, within the range of their competence, the mandatory rules, violation of which entails the administrative responsibility, on the issues of the environment enhancement, protection, reproduction and efficient use of natural resources, protection of environmental objects having special ecological, scientific and cultural value. The rules shall enter into force within at least two weeks after their publication.

approve, on the annual basis, the rates of the payment for the environmental pollution, but not below the estimates made by the authorized body in the field of the environment protection.

determine the limits of the environmental pollution (in the context of the districts and cities).

2. The local executive authorities of the oblasts (the city of the republican importance, the capital) shall:

1) regulate the use of natural resources with regard to the following issues: providing for the construction and reconstruction of the environment protection objects;

protection of small rivers and water reservoirs, prevention and liquidation of their pollution, floods, underflooding, destruction of shores and other water impact;

traffic streams for the purpose of reducing atmospheric air pollution;

pollution of the territories of cities and villages;

protection of lands from exhaustion, desertification, water and wind erosion, mudflows, swamping, secondary settlement, drying up, compaction, pollution with household and hazardous industrial and consumption waste;

identification of cases of unauthorized occupation of land, illegal felling of trees;

protection from forest and steppe fires, carrying out of works using methods and techniques that provide for the preservation of milieu-forming and milieu-protecting functions of the forest as well as conditions for the timely recovery of plantation, medicinal, food and technical vegetable raw materials;

prevention of threats to biological diversity in carrying out of economic activities and taking measures for liquidation of its negative impact;
protection and recovery of atmospheric air;
reserving lands for specially protected natural territories;

2) organize elaboration and submission of programs and other documents providing for measures on the environment protection and use of natural resources, coordinated with the central executive body in the field of environment protection, for the approval of local representative authorities of oblasts (the city of the republican importance, the capital);

3) prepare decisions on prohibition of construction and reconstruction of enterprises, facilities and other objects, in respect of which the negative opinion of the ecological examination is available, suspend the economic and other activities in accordance with the judicial order in the case of violation of ecological requirements and take appropriate measures;

4) take decisions or submit proposals to higher authorities on protection of the environmental objects having special ecological, scientific and cultural value, and on the organization of specially protected natural territories;

5) organize and conduct the state ecological examination of the economic activities objects except for the strategic, transboundary and ecologically dangerous objects;

6) organize public hearings in the course of the national ecological examination;

7) carry out the environment protection measures;

8) carry out management of the use of natural resources by enterprises in accordance with the procedure established by the Government of the Republic of Kazakhstan;

9) determine quotas, within certain limits, on the environmental pollution (in the context of districts and cities).

3. The local self-governance bodies in the field of the environment protection shall provide for the participation of population in solving issues of local importance within the authorities established by the legislation.

Chapter 4. Natural resources and use of natural resources

Article 11. Natural resources

The form of ownership of natural resources shall be determined by the Constitution of the Republic of Kazakhstan.

Article 12. Users of natural resources

Users of natural resources shall be divided into legal and natural persons, state and non-state, national and foreign ones.

National users of natural resources shall include the citizens of the Republic of Kazakhstan and Kazakhstani legal persons as well as those with a foreign participation, and foreign users of natural resources shall include the foreign citizens, foreign legal persons, foreign states, international associations and organizations.

Users of natural resources may be:

permanent (the right to use natural resources is not limited in time) and temporary (the right for use of natural resources is restricted by a certain term);

primary (the right to use natural resources is received from the state or other primary users of natural resources in accordance with the procedure of alienation of this right) and secondary (the right to temporary use of natural resources is received on the basis of an agreement from a primary user of natural resources who reserves this status).

Article 13. General and special use of natural resources

Natural resources in the Republic of Kazakhstan shall be in general and special purpose use.

General use of natural resources shall be carried out free of charge for the satisfaction of vitally important demands of the population and without granting natural resources to citizens and organizations. General use of natural resources may be restricted if it is directly stipulated so by the legislation.

In case of special use of natural resources, they shall be granted to users of natural resources in accordance with the established procedure. The right to special use of natural resources may be permanent or temporary, alienable or non-alienable, to be acquired for a charge or free of charge, primary or secondary.

Special considerations of accrual of the right to special use of natural resources or the restricted use of natural resources (servitude) shall be determined by the legislation of the Republic of Kazakhstan.

Article 14. Basis for granting of natural resources for the use of natural resources

Natural resources shall be granted for their use on the basis of the following:

licenses for use of natural resources and carrying out of certain activities in the field of the environment protection;

decisions of local executive authorities of oblasts (the city of the republican importance, the capital) on granting of natural resources for the use of natural resources;

agreements (contracts) for use of natural resources.

Article 15. The limits and quotas for the environmental pollution and the extraction of natural resources

The limits and quotas for the environmental pollution shall be determined by the local representative and executive authorities of the oblasts (the city of the republican importance, the capital) within the limits and quotas established by the Government of the Republic of Kazakhstan for the oblasts (the city of the republican importance, the capital), and for the extraction of natural resources - by the authorized bodies on use and protection of those resources in accordance with current normatives and requirements to economic and other activities.

Article 16. Permits for the use of natural resources

Permits for the use of natural resources shall represent a document to be issued to the user of natural resources by the authorized body in the field of the environment protection, and certifying the right of the user of natural resources to use (extract) natural resources, discharges and emissions of pollutants into environment, the right to place the industrial and consumption waste with indication of specific terms and volumes, norms, conditions of the use of natural resources and technology to be used.

Article 17. State regulation of the use of natural resources

In order to provide for state regulation of the use of natural resources, its state system shall be fulfilled, schemes of comprehensive use, reproduction and preservation of natural resources shall be compiled, state accounting and state cadastres of natural resources shall be kept, national monitoring of the environment and natural resources shall be maintained.

Article 18. State system of the use of natural resources and schemes of the comprehensive use, reproduction and protection of natural resources

The state system of the use of natural resources shall represent a system of activities aimed at the organization of the efficient use, reproduction and protection of natural resources.

The schemes of the comprehensive use, reproduction and protection of natural resources shall be made up in the cases as stipulated by the legislation.

Article 19. State accounting and national cadastres of natural resources

For the purposes of determining quantity and quality of natural resources used for the needs of the population and economy branches, the state accounting and national cadastres of natural resources shall be kept thus representing the aggregated information on their conditions, use, reproduction and protection.

Article 20. Main obligations and protection of the rights of users of natural resources

1. Users of natural resources shall be obliged:

to use natural resources in accordance with their specific purpose designation and terms of granting them;

to comply with the established ecological normatives and ecological requirements with regard to economic and other activities, current standards, technical conditions;

to efficiently use the granted natural resources, cause no damage to the environment and not to allow the violation of the rights of other users of natural resources;

to carry out measures aimed at improving the quality of the environment, efficient use and reproduction of natural resources;

to timely pay the payments established by the Tax code of the Republic of Kazakhstan for the use of natural resources, pollution of the environment, protection and reproduction of natural resources;

to present appropriate information upon the request of the bodies conducting the state control in the field of the environment protection;

to conduct the industrial monitoring and environmental control when carrying out the ecologically dangerous types of economic activities;

2. The rights of users of natural resources shall be protected by the law. Nobody may be deprived of the right to use of natural resources or restricted to this right otherwise than on the basis provided for by the law.

Violated rights of the users of natural resources shall be subject to restoration in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Chapter 5. Licensing of activities associated with the use of natural resources and the environment protection

Article 21. Types of activities in the field of the environment protection and use of natural resources which are subject to licensing

The following activities in the field of the environment protection and use of natural resources shall be subject to mandatory licensing:

1) ecologically dangerous types of economic activities according to the list approved by the Government of the Republic of Kazakhstan;

2) ecological audit activities;

3) environmental protection designing, norm-setting and works in the field of the ecological examination.

2. Ecologically dangerous types of economic activities shall be subject to the mandatory state licensing.

Article 22. Procedure of licensing of the activities associated with the use of natural resources and the environment protection

Licensing of activities associated with the use of natural resources and the environment protection shall be carried out by the specially authorized state bodies.

The terms and the procedure for issuing licenses shall be regulated by the legislation of the Republic of Kazakhstan on licensing.

Article 23. Agreement (contract) for the use of natural resources

The agreement (contract) for the use of natural resources shall be concluded between the user of natural resources and the executive authorities or the Government of the Republic of Kazakhstan in accordance with the procedure established by the legislation.

The agreement (contract) for the use of natural resources shall be invalid without prior receipt by the user of natural resources of a license, if the use of natural resources and carrying out of certain types of economic activity require mandatory licensing by the state.

The period of validity, terms and procedure of the agreement's (contract) termination shall be determined by the agreement of the parties in accordance with the legislation of the Republic of Kazakhstan or the license.

Terms of the agreement (contract) which contradict the license shall be invalid. The withdrawal of the license shall entail termination of the agreement (contract) validity.

The agreement (contract) for the use of natural resources prior to its signing shall be subject for coordination with the authorized body in the field of the environment protection.

Chapter 6. Monitoring of the environment and natural resources

Article 24. State monitoring of the environment and natural resources

1. State monitoring of the environment and natural resources shall be carried out by the authorized body in the field of the environment protection and shall include:

- 1) observations of the condition of the environment and natural resources as well as of the sources of man-caused impact upon them, conducted in accordance with specific program;
- 2) evaluation of condition of the said objects of observations;
- 3) forecast of their changes

2. Monitoring of the environment and natural resources shall be carried out with the aim to ensure making of the administrative and economic decisions in the field of the environment protection and the use of natural resources.

3. The Unified national system of environment and natural resources monitoring shall be established and function in the Republic of Kazakhstan, the rules of organization and maintaining of the above system shall be approved by the Government of the Republic of Kazakhstan.

4. *Has been eliminated under RK Law N 205-II dated June 4, 2001.*

5. The information to be received within the framework of the Unified national system of environment and natural resources monitoring shall be the state property and shall be used by executive authorities for elaboration and adoption of administrative and economic decisions and for control of their use, as well as for informing the population.

6. All the state bodies shall present free of charge to the authorized body in the field of the environment protection the required information concerning the carrying out of the state monitoring of the environment in accordance with the forms and within the terms established by the legislation.

Article 25. Industrial monitoring of the environment

1. Legal persons being the users of natural resources shall be obliged to carry out the industrial monitoring of the environment, keep accounting and reporting on the ecological impact caused by their economic activities.

2. The measurement tools used for the industrial monitoring of the environment shall comply with the standardization and metrology requirements.

3. The data of the industrial monitoring and the reports on the ecological impact of the strategic, transboundary and ecologically dangerous objects shall be communicated to the authorized body in the field of the environment protection, and of the economic activities subjects shall be communicated to the local executive authorities of the oblasts (the city of the republican importance, the capital) within the terms established by the legislation of the Republic of Kazakhstan.

4. In the case of emission (discharge) into the environment of pollutants in excess of normatives, occurrence of accidents and emergency situations, the enterprises using natural resources shall be obliged to promptly communicate on that to the authorized body in the field of the environment protection and to the local executive authority of the oblast (the city of the republican importance, the capital) within the terms established by the legislation.

Chapter 7. Economic mechanism of the environment protection

Article 26. Economic methods for the environment protection

The economic methods of the environment protection shall include:

- planning and financing of the environment protection measures;
- payments for the use of natural resources, established by the Tax code of the Republic of Kazakhstan;
- payment for the environmental pollution;
- payments for the protection and reproduction of natural resources, established by the Tax code of the Republic of Kazakhstan;
- economic incentives of the environment protection;
- ecological insurance;
- economic assessment and compensation for the harm caused by the environmental pollution.

Article 27. Planning and financing of the environment protection measures

1. Environment protection measures shall be taken into account in forecasting and program-specific documents and materials, shall be included into the projects of indicative planning of social and economic development of the Republic of Kazakhstan, the national programs and concepts in different directions of the use of natural resources.

The procedure for elaboration of ecological programs and concepts in different directions of the use of natural resources shall be determined by the legislation of the Republic of Kazakhstan.

2. The ecological programs and environment protection measures shall be financed out from the following sources:

- 1) budget funds;
- 2) ecological insurance funds;
- 3) owned funds of the users of natural resources;

- 4) voluntary donations and charity of natural and legal persons.

Article 28. Payments for the use of natural resources

Payments for the use of natural resources shall be levied on the users of natural resources in the form of taxes, duties and payments, established by the Tax code of the Republic of Kazakhstan.

Article 29. Payment for the environmental pollution

Payment for the environmental pollution shall be collected from the organizations and citizens for discharges and emissions of pollutants, placement of industrial and consumption waste.

Payment for the environmental pollution over the established limits shall be collected in the increased rates established by the Tax code of the Republic of Kazakhstan.

The procedure for calculation and payment into the budget of amounts of payment for the environmental pollution shall be determined in accordance with the Tax Code of the Republic of Kazakhstan.

Article 30. Payments for the protection and reproduction of natural resources

Payments from users of natural resources shall be collected in accordance with the Tax code of the Republic of Kazakhstan through the procedure of compensating the budgetary expenditures for the protection and reproduction of natural resources.

Article 31. Economic incentives of the environment protection

1. Economic incentives of the environment protection shall be carried out by means of granting the privileges and preferences to legal persons being the users of natural resources that carry out efficiently environment protection as well as by means of other incentive measures, as stipulated in the legislation of the Republic of Kazakhstan,.

2. Economic incentives for the environment protection may be carried out by means of the measures consistent with the legislation.

Article 32. Ecological insurance

1. Ecological insurance shall represent a complex of relations connected with the protection of property rights of a natural or legal person (insured) in the case of coming of the risk of liability for obligations arising out from the agreement as a result of damage caused to the environment, life, health or property of other persons.

2. Legal persons and citizens carrying out ecologically dangerous types of economic and other activities shall be subject to compulsory ecological insurance. Agreement on compulsory insurance may be concluded only with the insurer duly licensed for that type of insurance.

3. Voluntary ecological insurance shall be carried out by legal persons and citizens by virtue of their expression of their will. Types, terms and procedure for voluntary ecological insurance shall be determined by the agreements between the insurer and the insured.

4. The procedure for compulsory ecological insurance shall be determined by the legislative acts of the Republic of Kazakhstan.

Chapter 8. Ecological norm-setting

Article 35. Main objectives and requirements of the ecological norm-setting

Ecological norm-setting shall be aimed at the establishment of scientifically justified maximum allowed norms of impact upon the environment which guarantee the ecological safety and protection of the health of people, ensure prevention of the environmental pollution, reproduction and efficient use of natural resources.

The main objectives of the ecological norm-setting shall include:

establishment of ecological norms and determination of their influence upon the human health, protection, reproduction and efficient use of natural resources;

establishment of the maximum allowed values and levels of harmful influences upon the environment.

Overstatement of the established normatives of the environment quality or their replacement by the temporary and understated norms shall not be allowed.

Change of the normatives values towards their tightening, depending on the specific ecological conditions of the territories, shall be allowed.

The approved ecological norms shall be mandatory for all legal and natural persons and shall be subject to publication and free circulation.

Article 36. Main types of ecological norms

Main types of ecological norms shall include:

norms of maximum allowed concentrations of harmful substances in the environment;

norms of maximum allowed discharges and emissions of pollutants into the environment;

norms of maximum allowed levels of noise, vibration, magnetic fields and other harmful physical impacts;

norms of maximum allowed level of the radiation impact;

maximum allowed rates of the use of chemicals in the agriculture and forestry;

norms of the preserved, sanitary-protective and other protective areas;

specific normatives of discharges, emissions of the harmful substances (pollutants);

normatives of wastes treatment.

Legislation of the Republic of Kazakhstan may envisage the other kinds of the ecological norms as well.

Article 37. Norms of maximum allowed concentrations of harmful substances in the environment;

For the purpose of protecting health of the population, flora and fauna, preserving their genetic funds, the norms of maximum allowed concentrations of potentially dangerous chemical and biological substances which pollute the atmospheric air, water, soil and subsurface shall be established.

Article 38. Norms of maximum allowed discharges and emissions of pollutants into the environment;

For the purposes of prevention of the environmental pollution taking into account all sources and volumes of the pollution within the respective territory, of their comprehensive influence upon the health of the population, flora and fauna, the norms of the maximum allowed discharges and emissions of pollutants into the environment shall be established for each source of pollution.

Article 39. Norms of maximum allowed levels of noise, vibrations, magnetic fields and other harmful physical impacts

For the purposes of preserving health and working capacity of the population, protection of flora and fauna, vitally favorable environment, the norms of maximum allowed levels of noise, vibration, magnetic fields and other harmful physical impacts shall be established.

Article 40. Norms of the maximum allowed level of the radiation impact

For the purposes of prevention of the danger to the human health and genetic fund, protection of flora and fauna, the norms of maximum allowed level of radiation impact in the environment and food products shall be established.

Article 41. Maximum allowed rates of the use of agrochemicals in agriculture and forestry

For the purposes of protecting human health and genetic fund, protecting flora and fauna, the maximum allowed rates shall be established regarding the use of mineral fertilizers, pesticides, growth stimulants and other agrochemicals in the agriculture and forestry in quantities that provide for the observance of the maximum allowed residual quantities of chemical substances in food products, soils and waters.

Article 42. Preserving, sanitary-protective and other protective areas

For the purposes of preventing harmful impact upon the environment and preservation of objects which require the special protection, the preserving, sanitary-protective and other protective areas shall be established.

The sizes of the preserving, sanitary-protective and other protective areas and regimes of their use shall be established in accordance with the legislation.

Chapter 9. Standardization and certification in the field of the environment protection

Article 43. Objects of the standardization and certification in the field of the environment protection

Objects of the standardization and certification in the field of the environment protection shall include the products (works, services) produced in the Republic of Kazakhstan or imported products, which may entail danger for the ecological safety, for the life and health of people, for the reproduction and efficient use of natural resources.

Article 44. Standardization in the field of the environment protection

State standards of the Republic of Kazakhstan and technical conditions in the field of the environment protection shall be elaborated, approved and registered in accordance with the procedure established by the legislation.

Development, production, delivery (sale), storage, transportation, use (operation) and repair of the products (articles), performing of works (rendering of services) in violation of the requirements of the registered standards and technical conditions in the field of the environment protection shall be prohibited.

Article 45. Certification in the field of the environment protection

For the purposes of determination of the conformance with the standards and technical conditions in the field of the environment protection, the mandatory and voluntary certification shall be carried out in accordance with the procedure established by the legislation.

Sale of the products (works, services) which are subject to the mandatory certification in the field of the environment protection shall be prohibited in the absence of the certificate of conformance.

Chapter 10. Ecological requirements to the economic and other activities

Article 46. Obligingness of environmental impact evaluation

Environmental impact evaluation shall be carried out for the purpose of the evaluation of the ecological and other consequences of the versions of the administrative and economic decisions, elaboration of recommendations in respect of the enhancement of the environment, prevention of destruction, degradation, damage and exhaustion of the natural ecological systems and natural resources.

Results of the environmental impact evaluation shall be made up in the form of a document which shall be the integral part of the pre-project and project materials. Elaboration and implementation of projects influencing upon the environment shall be prohibited without the environmental impact evaluation.

Conversion, temporary closing, change of ownership and liquidation of enterprises, installations and other objects rendering negative impact upon the environment, may be carried out only by coordination with the authorized body in the field of the environment protection, or after inspections conducted by the authorized bodies in respect of the environmental impact evaluation, elimination of revealed violations and compensation of the caused damage in accordance with the established procedure.

The procedure of conducting the environmental impact evaluation shall be determined by the legislation on ecological examination.

Article 47. Ecological requirements upon the use of natural resources

Ecological requirements upon the use of land, subsurface, waters, atmospheric air, forests and other flora, fauna, objects of the environment protection of special ecological, scientific and cultural value, of especially protected natural territories and territories with unfavorable ecological situation shall be determined by the legislative and other statutory legal acts of the Republic of Kazakhstan.

The economic and other activities which cause the demolition of natural ecological systems, destruction of genetic funds of human, flora and fauna, environmental changes that are dangerous to the life and health of people, shall be prohibited.

Article 48. Ecological requirements to projecting

Upon projecting the inhabited localities, enterprises, buildings and installations, industry and agriculture objects, water supply and sewage systems, hydraulic engineering installations, transport and communication facilities, technological processes, articles and equipment, and other objects, the normatives of the environment quality shall be taken into account, neutralisation and utilisation of harmful waste, low-waste and waste-free technologies and production, efficient measures on prevention of the environmental pollution, reproduction and efficient use of natural resources shall be provided for.

Projects having no positive opinion of the state ecological examination shall not be approved, and financing of the implementation of such projects shall not be allowed.

Article 49. Ecological requirements to the location of enterprises, installations and other objects

Determining places for location of enterprises, installations and other objects shall be done under observance of conditions and regulations of the environment protection, reproduction and efficient use of natural resources taking into account ecological after-effects of the activities of the above-stated objects.

At location of the enterprises, installations and other objects the preserving, sanitary-protective and other protective areas shall be established.

Article 50. Ecological requirements to the construction and reconstruction of enterprises, installations and other objects

The construction and reconstruction of the enterprises, installations and other objects may be carried out in the presence of positive opinion of the state ecological examination and in accordance with the environment quality normatives. It shall not be allowed to change the approved project or the cost of works to the detriment of the environment protection.

At execution of construction works, measures shall be taken in respect of the rehabilitation of lands, reproduction and efficient use of natural resources, improvement of the territories and enhancement of the environment.

Article 51. Consideration of ecological requirements and obligations upon privatizing the state property

1. When privatizing the state property, the executive body authorized for execution of privatization shall ensure the observance of ecological requirements.

2. Privatization of enterprises and other objects shall be carried out taking into account the results of the ecological inspection. Ecological inspection of the enterprise or other object shall be provided for by the privatization plan of the enterprise and other object and shall be carried out with participation of the body of the state ecological control.

3. Financing of measures associated with purification and neutralization of the enterprise or other privatization object shall be made at the expense of the state and (or), with the consent of the new owner, out of the following sources:

1) funds reinvested by the new owner of the enterprise for construction, reconstruction and technical re-equipment of the environment protection objects;

2) funds received by the privatized enterprise and other object in the form of targeted loans, interest-free loans and targeted financing of the environment protection needs;

3) funds received by the enterprise through the system of ecological insurance;

Article 52. Consideration of ecological requirements and obligations in case of a bankruptcy

1. In case of filing a petition in bankruptcy with regard to a legal person being the user of natural resources, the inspection of ecological condition of the enterprise and other object shall be carried out.

2. The obligation to conduct the inspection of ecological condition of the enterprise and other object shall be placed on the body which carries out a sanation, or on external manager.

3. Results of the economic activities which led to the bankruptcy as well as observance of ecological requirements by the enterprise shall be subject for the inspection.

4. Upon the proceedings on the bankruptcy case of a legal person being the user of natural resources, consideration of interests of creditors shall be provided for with regard to ecological obligations

Article 53. Consideration of ecological requirements and obligations at liquidation and reorganization of legal person

1. Liquidation and reorganization of a legal person being the user of natural resources shall be carried out taking into account the ecological requirements on the basis of the inspection of the enterprise condition and (or) the ecological examination with mandatory recording of their results in the liquidation balance sheet to be made up according to the form of reorganization of the legal person.

2. Ecological inspection of the legal person to be liquidated or reorganized, shall be carried out with participation of the body of the state ecological examination.

3. At reorganization of the legal person, the succession of the new owner shall be ensured with regard to ecological obligations in accordance with the separating balance sheet.

4. Liquidation of the legal person shall be carried out taking into account the interests of creditors with regard to the ecological obligations.

Article 54. Ecological requirements upon putting into operation and operation of the enterprises, installations and other objects

Putting into operation of enterprises, installations and other objects shall be carried out provided that all ecological requirements are completely fulfilled as envisaged by the project, in accordance with the acts of acceptance commissions to be established with participation of the authorized body in the field of the environment protection, its territorial subdivisions at the local level and local executive authorities of the oblasts (the city of the republican importance, the capital).

It shall be prohibited to put into operation enterprises, installations and other objects which are not supplied with the units or equipment for purification, neutralization and utilization of harmful wastes, discharges of pollutants to the level of the maximum allowed norms, with the devices for environmental pollution control, without completion of the projected works on rehabilitation of lands, reproduction and efficient use of natural resources.

Article 55. Ecological requirements to operation of the objects of industry, power, transport and communication, objects of agricultural destination and melioration

The operation of the objects of industry, power, transport and communication, objects of agricultural destination and melioration shall be carried out taking into account the established ecological requirements and using the environmentally justified technologies, required purification facilities and sanitary-protective areas which prevent pollution of the environment. At the operation of the above-stated objects, low-wasted and waste-free technologies and productions shall be used, they must be equipped with efficient facilities for purification, neutralization and utilization of harmful wastes, pollutants discharges and emissions, utilize safe types of fuel, economically and rationally use natural resources, take measures with regard to the ecological safety.

It shall be prohibited to design, construct nuclear and hydroelectric power plants within the territories with high concentration of population, in seismically dangerous areas, traditional places of mass recreation and medical treatment of the population.

Article 56. Ecological requirements to construction of cities and other inhabited localities

Projecting, construction, reconstruction of cities and other inhabited localities must provide for the most favorable conditions for life, work and rest of the population taking into account the requirements of ecological safety and preservation of the environment.

At planning and building of cities and other inhabited localities, the sanitary purification, neutralization, utilization, storage, safe removal, recycling and disposal of the industrial and municipal-household wastes must be provided for and implemented. In large cities and industrial centers the forest parks, green and protective areas must be created with restricted regime of use of natural resources.

Article 57. Ecological requirements to the use of radioactive materials

Organizations and citizens shall be obliged to comply with the established rules for production, storage, transportation, use, utilization, removal and disposal of radioactive materials, to prevent violation of the norms of maximum allowed level of radioactive impact, take measures on the prevention and liquidation of radioactive pollution of the environment.

It shall be prohibited to import the radioactive waste and materials to the Republic of Kazakhstan from other states with the purpose of their storage or disposal. Disposal (placement) of radioactive wastes and materials on the land surface and in subsurface without taking measures on exclusion of penetration of radioactive substances into the environment, shall be also prohibited.

In case of detection of radioactive contamination of the environment, the organizations and citizens must immediately inform on that the supervising authorities.

Article 58. Ecological requirements to production and use of potentially dangerous chemical and biological substances

The production and use of potentially dangerous chemical and biological substances shall be allowed after carrying out required toxicology-hygienic and ecology-toxicological examinations, hygienic regulation of their treatment, establishing hygienic and ecological norms and making of state registration of these substances in the accordance with the procedure established by the Government of the Republic of Kazakhstan.

Cultivation and allocation in the environment of biological objects being not endemic of the local nature, as well as of those objects of artificial origin shall be allowed provided that the appropriate ecological justifications are available and by the permits of the authorized body in the field of the environment protection.

Article 59. Protection of the environment from harmful physical impacts

Organizations and citizens shall take necessary measures to prevent and eliminate harmful impact of noise, vibrations, magnetic fields and other harmful physical influences in industrial, public and residential premises, in the streets, courtyards, squares of cities and other inhabited localities, in recreation areas for the population and habitats of wild animals.

At planning and building of cities and other inhabited localities, projecting, construction, reconstruction and operation of industrial and other objects, creation, development and operation of new machinery, transport and communication facilities, the norms of maximum allowed levels of the of noise, vibrations, magnetic fields and other harmful physical influences must be taken into consideration.

Article 60. Ecological requirements to treatment of industrial and consumption waste

1. Storage, destruction and disposal of waste shall be carried out in places to be determined by decisions of the local executive authorities of the oblasts (the city of the republican importance, the capital) by coordination with the authorized body in the field of the environment protection and other executive authorities of the Republic of Kazakhstan conducting functions of the environment protection.

1-1. Discharges and emissions of pollutants into the environment, placement of industrial and consumption wastes without the permission of the authorized body in the field of the environment protection shall be prohibited.

2. Importation of wastes to the Republic of Kazakhstan with the purpose of recycling, disposal or storage, shall be executed only under special permission of the Government of the Republic of Kazakhstan.

3. Importation of products which have no technology for their after-use neutralization or utilization, shall be prohibited.

4. Ecological requirements to treatment of wastes, along with the present Law, shall be determined by the legislation on waste and other statutory legal acts.

5. Formation and use of industrial and municipal-household wastes shall be subject to state registration.

Article 60-1. Waste certificate

Natural and legal persons whose activities entail generation of waste, shall make the waste certificate the standard form of which shall be determined by the authorized body in the field of the environment protection.

Article 60-2. Requirements to waste disposal facilities

1. Place for the construction of waste disposal facilities shall be determined on the basis of special (geological, hydrological and other) research works provided that the positive opinions of the state ecological and sanitary-epidemiological examinations are available.

2. Within the territories of waste disposal facilities and within the boundaries of their environmental impact, natural and legal persons shall be obliged to conduct monitoring of the environment condition in accordance with the procedure established by the authorized bodies in the field of the environment protection, and of the sanitary-and-epidemiological safety of the population.

3. Natural and legal persons, after finishing the operation of the waste disposal facilities, shall be obliged to conduct control over their condition and environmental impact, as well as the works on recovery of the affected lands.

4. Disposal of wastes within the territories of inhabited localities, forest-parks, resort, medical treatment and health improving, recreational areas as well as water protection areas, on the water collection areas of the underground water objects being used for the purpose of drinking water and economic and household water supply, shall be prohibited. Disposal of wastes in the areas of mineral resources deposits and execution of mining works in the events of possible threat of pollution of places of mineral resources deposits and safety of mining works, shall be prohibited.

Article 60-3. Requirements to hazardous waste treatment

1. Natural and legal persons whose activities entail generation of hazardous waste shall be obliged to verify belonging of that waste to the specific class of hazard in accordance with the procedure established by the authorized body in the field of the environment protection.

2. Activities of natural and legal persons entailing generation of the hazardous waste may be:

1) restricted when waste treatment safe for human health and the environment is not ensured;

2) prohibited in case of repeated (more than two times) violations of ecological requirements upon treatment of waste entailed damage to the health of people and the environment.

Article 60-4. International waste transportation

International waste transportation shall be carried out in accordance with the procedure established by the Government of the Republic of Kazakhstan.

Control over the waste importation (exportation) in the Republic of Kazakhstan shall be provided by the state authorities carrying out a boundary, transport and customs control as well as by the authorized body in the field of the environment protection and by the state bodies of the sanitary-and-epidemiological services in accordance with the legislation of the Republic of Kazakhstan and international agreements ratified by the Republic of Kazakhstan.

Article 61. Ecological requirements to military and defense objects, military activities

Ecological requirements established by this Law shall be applied to the full extent to the military and defense objects and military activities except for special cases as stipulated by the legislation of the Republic of Kazakhstan.

Article 62. Preservation of climate and ozone layer of the Earth

Preservation of the climate and the ozone layer of the Earth shall be carried out in accordance with the legislation of the Republic of Kazakhstan and international agreements ratified by the Republic of Kazakhstan.

Chapter 10-1. Ecological requirements to waste treatment

Article 62-1. Requirements to designing, construction, reconstruction, temporary closing-down and liquidation of buildings, structures, installations and other objects

1. At designing, construction, reconstruction, temporary closing-down and liquidation of buildings, structures, installations and other objects the operation of which entail generation of waste, the natural and legal persons shall be obliged:

to comply with ecological, sanitary and epidemiological and other requirements established by the legislation of the Republic of Kazakhstan in the field of the environment protection and sanitary-epidemiological safety of the population;

to have regulatory technical documentation on use, neutralization, utilisation of generated wastes.

2. Construction, reconstruction, temporary closing-down and liquidation of buildings, structures, installations, and other objects the operation of which is associated with waste treatment shall be allowed in the case of the positive opinion of the state ecological, sanitary epidemiological examination and examination in the field of emergency situations of natural and technogenic character.

3. At designing buildings, structures, installations and other objects whose operation entails generation of wastes, it shall be necessary to provide places (areas) for their collection.

Article 62-2. The requirements in the maintenance of buildings, structures, installations and other objects

1. Natural and legal persons when using buildings, structures, installations and other objects associated with waste treatment shall be obliged:

to comply with ecological, sanitary epidemiological and other requirements established by the legislation of the Republic of Kazakhstan in the field of the environment protection and sanitary epidemiological safety of the population;

in accordance with the procedure established by the authorized body in the field of the environment protection, to elaborate and submit for the approval by the authorized body draft normatives of waste treatment;

to introduce low-waste technologies on the basis of the latest achievements of science and technology;

to conduct inventorying of wastes and of their placement facilities;

to carry out monitoring of the environmental condition in the territories of waste placement facilities;

to comply with the requirements for the prevention of accidents associated with waste treatment and take urgent steps for their liquidation;

in case of occurrence or threat of accidents connected with the waste treatment which cause or may cause damage to the environment, health or property of natural and (or) legal persons, immediately inform the authorized bodies in the field of the environment protection and sanitary and epidemiological safety of the population as well as the local executive authorities;

2. Operation of the buildings, structures, installations and other objects where the waste treatment entails the influence hazardous for human health and the environment, shall be prohibited.

Article 62-3. Requirements to the waste treatment in the territories of inhabited localities

1. Territories of inhabited localities shall be subject for regular cleaning of waste.

2. Control of the maintenance of inhabited localities shall provided by the local executive authorities together with the state bodies of sanitary and epidemiological service and the authorized body in the field of the environment protection.

Article 62-4. Waste transportation requirements

1. Waste transportation shall be allowed when the following items are available:

1) waste certificate;

2) transport vehicles specially equipped and marked with special signs complying with the safety requirements for transportation of hazardous waste;

3) shipping documents and documents for the transfer of hazardous waste with indication of quantity of hazardous waste being transported, purposes and destination of the transportation.

2. The procedure for the hazardous waste transportation including loading and unloading operations shall be determined by the authorized body implementing the public policy in the field of transport, coordination and regulation of the Republic of Kazakhstan transport complex activities, by agreement with the authorized body in the field of the environment protection and sanitary and epidemiological safety of the population.

Chapter 11. Ecological examination

Article 63. The ecological examination and its types

Ecological examination represents the determination of the conformity of economic and other activities with the environment quality norms and ecological requirements, determination of the permissibility of the implementation of the object

subject to examination with the purpose of prevention of possible negative influence of such activities upon the environment and the after-effects related thereto.

State ecological examination and public ecological examination shall be exercised in the Republic of Kazakhstan.

Article 64. State ecological examination

State ecological examination shall be carried out by the authorized body in the field of the environmental protection and local executive authorities of the oblasts (the city of the republican importance, the capital) within the range of the competence determined by the legislation of the Republic of Kazakhstan on the ecological examination.

The list of objects subject to the mandatory state ecological examination and the procedure for conducting the examination shall be determined by the legislation of the Republic of Kazakhstan.

Production or importation to the territory of the Republic of Kazakhstan of products (works, services) in the field of the environment protection if it is subject to the mandatory state ecological examination shall be prohibited without the positive opinion of the examination.

Opinion of ecological examination shall be the official document, which shall be subject for mandatory implementation and may be contested in the court.

Article 65. Public ecological examination

Public ecological examination may be conducted by the public associations or other groups of population.

Organizational forms of conducting public ecological examination and the powers of public associations in the field of ecological examination shall be determined by the legislation on ecological examination.

Reports of the public examination shall be of informative and advisory nature.

Chapter 12. The environment protection objects which have special ecological, scientific and cultural value

Article 66. State natural reserves fund

The state natural reserves fund represents the totality of the environment objects taken under special state protection which have special ecological, scientific and cultural value as natural models, unique objects and relics, genetic reserve, subject matter of scientific researches, education and recreation.

The protection of the state natural reserves fund shall be ensured by means of establishing bans and restrictions with regard to use of the environment objects which have special ecological, scientific and cultural value

Article 67. Specially protected natural territories

1. The specially protected natural territories represent areas of lands, waters, forests and subsurface with the legal regime of special protection or those with the regulated regime of economic activities ensuring the preservation and reproduction of the state natural reserves fund.

2. Types of specially protected natural territories shall be established by the legislation of the Republic of Kazakhstan on specially protected natural territories.

3. The procedure of formation, the regimes of protection and use, the conditions of activities of specially protected natural territories shall be established by the legislative and other statutory legal acts of the Republic of Kazakhstan.

Chapter 13. Emergency ecological situation and ecological calamity area

Article 68. Emergency ecological situation

Emergency ecological situation represents the unfavorable ecological situation emerged in particular territory as a result of the human activities or elemental forces of the nature, which is characterized by profound and stable negative changes of the environment, dangerous for people's life and health, preservation of flora and fauna.

Under the emergency ecological situation in particular territories of the Republic, certain types of economic activities and the use of natural resources may be prohibited or restricted, efficient measures on restoration (reproduction) of natural resources, rehabilitation of the environment, social protection of the population shall be carried out in accordance with the procedure established by the legislation.

Article 69. Ecological calamity areas

1. Territories of emergency ecological situation shall be declared as the ecological calamity areas if as a result of the unfavorable ecological situation the essential damage was caused to the health of the population and (or) the distractions of the natural ecological systems, degradation of the flora and fauna occurred.

2. The ecological calamity areas, in each particular case, in their turn shall be subdivided into sub-areas (of ecological disaster, ecological crisis, ecological pre-crisis condition etc.) depending on the complexity and gravity of the emergency ecological situation or the factors that caused it.

3. Measures on reproduction of natural resources, improvement of the surrounding natural environment, medical assistance to the population, shall be elaborated and carried out in different ways with the regard to particular sub-areas of the ecological calamity area in accordance with the republican targeted programs approved by the Government.

4. Within the ecological calamity area:

1) activities of economic objects which caused the occurrence of the unfavorable ecological situation shall be stopped;

2) activities of the organizations, workshops, units and equipment which exert harmful influence on the human health and the environment, may be suspended;

4) when necessary, actions on resettlement of people shall be carried out.

5. Citizens victims of the emergency ecological situation as well as those residing within the areas of the ecological calamity shall have the right to indemnification of the caused harm including compensations, privileges and other forms of the social protection.

The procedure for recognizing people as victims of the emergency ecological situation and the forms of their social protection shall be determined by the legislation.

Article 70. The procedure for declaration of emergency ecological situation and ecological calamity areas

The emergency ecological situation within either of the territories of the Republic of Kazakhstan shall be declared by the Government.

The ecological calamity areas shall be declared by the laws of the Republic of Kazakhstan.

Establishing of boundaries of ecological calamity areas shall be carried out by the Government in the presence of the positive resolution of the specially authorized executive bodies in the field of the environment protection, public health and science.

Chapter 14. Information and state statistics in the field of the environment protection

Article 71. Information in the field of the environment protection

Information in the field of the environment protection represents the information on the condition, pollution and enhancement of the environment, on financing (sources of financing), on expenditures for the measures on protection and rehabilitation of the environment, the condition, reproduction and use of natural resources, influences exerted on the environment, norm-setting of its quality and the ecological requirements in respect of the economic and other activities. It shall be open and transparent and subject to publication in mass media.

It shall not be allowed to conceal, to untimely present or to present wittingly false information in the field of the environment protection by the officials.

Article 72. State statistics in the field of the environment protection

State statistics in the field of the environment protection shall be kept by the specially authorized state bodies on the basis of objectivity of the statistical information and its compatibility with the international statistics.

The submission by legal and natural persons of the statistical information in determined volume and within the established terms shall be carried out in the form of the state statistical reporting at the expense of the sender of the information.

The minimum scope of the indices of the state statistical reporting and the procedure of keeping the state statistics in the field of the environment protection shall be determined by the legislative and other statutory legal acts.

Chapter 15. Ecological education and training, scientific research in the field of the environment protection

Article 73. Universality and continuity of ecological education and training

For the purposes of increasing the ecological culture of the society and vocational training of specialists, the system of universal and continuous ecological education and training shall be established, which shall involve the whole process of preschool, secondary school, vocational and technical, specialized secondary and higher education, re-training and upgrading qualification of specialists.

Dissemination of ecological knowledge among the population shall be carried out by the state bodies and public associations through mass media and in accordance with the other procedure consistent with the legislation.

Article 74. Ecological training

In educational institutions, irrespective of their profile and forms of ownership, teaching of ecological disciplines must be provided for.

The officials and specialists engaged in the activities that render harmful impact upon the environment shall be obliged to have the required ecological training and to have knowledge of the fundamentals of legislation on the environment protection. Vocational ecological training of the executives and specialists shall be taken into consideration at their appointment for the position, attestation and re-attestation.

Article 75. Scientific research in the field of the environment protection

For the purpose of development and creation of the scientific fundamentals of the environment protection, the scientific research shall be carried out in accordance with the procedure established by the legislation.

Scientific research, experimental and design, and introduction works in the field of the environment protection when they are included into the national (state) programs shall be financed at the expense of the budgetary funds.

Chapter 16. Control in the field of the environment protection

Article 76. Objectives and types of control in the field of the environment protection

1. Control in the field of the environment protection shall provide for monitoring of the condition of the environment and its changes under the influence of economic and other activities, inspection of implementation of plans and measures for the protection and rehabilitation of the environment, reproduction and efficient use of natural resources, compliance with the legislation on the environment protection, norms of its quality and ecological requirements.

2. In the Republic of Kazakhstan the state, industrial and public control shall be carried out in the field of the environment protection.

Article 77. State control in the field of the environment protection

1. State control in the field of the environment protection shall be carried out by the authorized body in the field of the environment protection and local executive authorities of the oblasts (the city of the republican importance, the capital).

2. Officials of the authorized body in the field of the environment protection and local executive authorities of the oblasts (the city of the republican importance, the capital), within the range of competence of their respective authorities, shall have the following rights:

to visit without hindrance (upon presentation of the service identification cards) the organizations and other objects irrespective of their form of ownership and subordination (including the military and defense objects in accordance with the established procedure), to request and receive free of charge the documentation and to look through it, the results of analysis and other materials which are required for execution of the state control;

to review the execution of plans and measures of the protection of rehabilitation of the environment, reproduction and use of natural resources, compliance with the legislation on the environment protection, norms of its quality and ecological requirements, functioning of purification facilities and other inactivating devices and the means of their control;

to review compliance with the conditions established by the licenses for the use of natural resources and carrying out of certain types of activities in the field of the environment protection, execution of agreements (contracts) and permits for the use of natural resources, to cancel them in accordance with the established procedure, to give instructions or submit proposals in respect of their cancellation.

to submit proposals on conducting the ecological audit, the state ecological examination and review the execution of their conclusions;

to issue orders on prohibition of import (export) to the territory of the Republic of Kazakhstan as well as of transit (further transportation) of ecologically hazardous goods (articles), waste and raw materials, that are carried out in violation of the norms of the environmental quality and ecological requirements;

to present requirements to legal and natural persons, to issue instructions on elimination of violations in the field of the environment protection;

to submit applications to the judicial authorities concerning restriction and suspension of economic and other activities that are carried out in violation of ecological requirements and the legislation in the field of the environment protection;

to consider, in accordance with the procedure established by the legislation, cases of administrative violations of law in the field of the environment protection, to communicate to the relevant authorities the documents of bringing of the guilty persons to administrative or criminal liability;

to determine (participate in determining) the extent of a damage including its cost, caused as a result of the violation of the legislation in the field of the environment protection, and on that basis to present claims to the guilty persons for voluntary compensation of that damage or to file a claim to the court;

to submit to the relevant finance and credit organizations orders on termination of financing of the construction and operation of the objects, economic and other activities that carried out in violation of ecological requirements or without positive opinion of the ecological examination;

to review compliance with the norms and rules of the industrial ecological control and monitoring;

to apply to the interior authorities, public prosecution and national security bodies for assistance and to receive the assistance for prevention or suppression of the actions of violators of the legislation in the field of the environment protection;

to enjoy other rights as provided by the current legislation.

3. The decisions of the officials of the authorized body in the field of the environment protection and local executive authorities of the oblasts (the city of the republican importance, the capital) made within the range of their competence shall be obligatory for all citizens, officials and legal persons, may be appealed against in accordance with the subordination procedure or in the court.

The prohibition or suspension of economic and other activities of the small business entity which are carried out in violation of the ecological requirements shall be effected on the basis of the court decision.

The statement of claim for the prohibition or suspension of the activities of the small business entity shall be directed by the officials of the local executive authorities of the oblasts (the city of the republican importance, the capital) to the court in accordance with the procedure and on the grounds established by legislative acts of the Republic of Kazakhstan.

The prohibition or suspension of the activities of a small business entity without the court's decision shall be allowed with the obligatory written notice to the public prosecutor within twenty-four hours, in exceptional cases for the period not longer than 3 days and with obligatory filing of a claim to the court within the specified period of time. At that, the act on prohibition or suspension of the activities shall be valid until the court's decision is made.

4. Upon receipt of the notification as provided by paragraphs 2 and 3 of this article, the public prosecutor shall verify the lawfulness of the actions taken, and in case of their illegality shall cancel or withdraw the prohibitive and restrictive measures by his resolution.

Article 77-1. Officials conducting state control in the field of the environment protection

1. The following persons shall be recognized as the officials conducting the state control in the field of the environment protection:

1) the Chief State Inspector of the Republic of Kazakhstan for the environment protection who, according to his position, shall be the head of the state control department of the authorized body in the field of the environment protection;

2) the Deputy Chief State Inspector of the Republic of Kazakhstan for the environment protection who, according to his positions, shall be the deputy head of the state control department of the authorized body in the field of the environment protection;

3) the Senior State Inspectors of the Republic of Kazakhstan for the environment protection who, according to their positions, shall be the heads and deputy heads of the divisions and sections of the state control department of the authorized body in the field of the environment protection;

4) the state inspectors of the Republic of Kazakhstan for the environment protection, who, according to their positions, shall be chief and leading specialists of the state control department of the authorized body in the field of the environment protection;

5) the chief state inspectors of the oblasts (the city of the republican importance, the capital) for the environment protection holding the positions of the deputy heads of the territorial authorities of the environment protection of the oblasts (the city of the republican importance, the capital);

6) the senior state inspectors of the oblasts (the city of the republican importance, the capital) for the environment protection holding the positions of heads and deputy heads of the state control divisions of the territorial authorities on the environment protection of the oblasts (the city of the republican importance, the capital);

7) the state inspectors of the oblasts (the city of the republican importance, the capital) for the environment protection holding the positions of the chief and leading specialists of the state control divisions of the territorial authorities on the environment protection of the oblasts (the city of the republican importance, the capital).

2. The Chief State Inspectors of the Republic of Kazakhstan of the authorized body in the field of the environment protection shall have the letterheads with the picture of the State Emblem of the Republic of Kazakhstan.

3. The chief, deputy chief state inspector and the senior state inspectors and the state inspectors for the environment protection shall be given the seal, identification cards of the unified standard and the uniform in accordance with the established procedure.

Article 77-2. The officials of the oblasts (the city of the republican importance, the capital) conducting control in the field of the environment protection

Servants of the relevant units of akimates (local administrations) of the oblasts (the city of the republican importance, the capital) shall be recognized as the officials of local executive authorities of the oblasts (the city of the republican importance, the capital) conducting control in the field of the environment protection

Article 78. Industrial control in the field of the environment protection

The industrial control shall be conducted on the basis of the provisions concerning it, to be approved by the central executive authorities or organizations by coordination with the authorized body in the field of the environment protection.

Article 79. Public control in the field of the environment protection

The public control shall be conducted by public associations upon their initiative, by agreements with the users of natural resources and the authorized body in the field of the environment protection or the local executive authorities of the oblasts (the city of the republican importance, the capital).

The procedure of conducting the public control shall be determined by the public associations in accordance with their charters.

Article 80. Measures for protection of the persons conducting control in the field of the environment protection

The persons conducting control in the field of the environment protection shall be subject to compulsory insurance, shall have the rights for the compensation of a damage in accordance with the established procedure in case of their death or severe injury.

In cases as stipulated in the legislation of the Republic of Kazakhstan, the persons conducting control in the field of the environment protection shall have the right to keep, carry and use special items, fire-arms and uniform.

Chapter16-1. Waste treatment control

Article 80-1. State control of the waste treatment

1. State control of the waste treatment shall be conducted by the authorized body in the field of the environment protection, the state bodies of the sanitary and epidemiological services and by other state bodies within the range of their competence.

2. State control of the waste treatment shall include:

control of compliance with the ecological, sanitary and epidemiological and other requirements in the field of the waste treatment;

control of compliance with the requirements to international transportation of waste;

control of compliance with the requirements to the activities associated with treatment of the hazardous waste;

control of compliance with the requirements in respect of the prevention and liquidation of the emergency situations arising in the course of the waste treatment;

control of compliance with the requirements and rules of the waste transportation;

control of execution of measures for reducing quantities of waste and involving of wastes into economic circulation as additional sources of raw materials;

control of reliability of the submitted information in the field of waste treatment and reporting on wastes;

control of taking measures on the elimination of violations of the legislation of the Republic of Kazakhstan in the field of the waste treatment.

3. Decisions of the bodies conducting state control of activities in the field of waste treatment may be appealed against in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 80-2. Industrial control of the waste treatment

1. Persons carrying out activity in the field of the waste treatment shall organize and conduct in the course of their activities the industrial control of compliance with the requirements of the legislation of the Republic of Kazakhstan.

2. The procedure of conducting the industrial control in the field of the waste treatment shall be independently elaborated and approved by the persons carrying out activity in the field of the waste treatment and shall be coordinated with the authorized body in the field of the environment protection and the state bodies of the sanitary and epidemiological services.

Article 80-3. Accounting and reporting in the field of the waste treatment

1. Natural and legal persons carrying out activities in the field of the waste treatment shall be obliged to keep accounting of the wastes that have been generated, used, neutralized, transferred to other persons or received from other persons as well as of the wastes placed in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

2. The procedure of accounting in the field of the waste treatment shall be established by the authorized body in the field of the environment protection by coordination with the authorized body in the field of the sanitary and epidemiological safety of the population.

3. Natural and legal persons carrying out activities in the field of the waste treatment shall be obliged to submit the reports in accordance with the procedure and within the terms to be determined by the authorized body in the field of the environment protection upon coordination with the authorized bodies in the field of the sanitary and epidemiological safety of the population and statistics.

4. Natural and legal persons carrying out activities in the field of the waste treatment shall provide for the storage of the accounting materials during the period of time as determined by the authorized state body of the archives and documentation administration of the Republic of Kazakhstan.

Article 80-4. State cadastre of wastes

1. The state cadastre of wastes shall be kept for the purposes of accounting of the system of information upon wastes treatment .

2. The state cadastre of wastes shall be kept by the authorized body in the field of the environment protection in accordance with the procedure established by the Government of the Republic of Kazakhstan.

Chapter 17. Ecological audit

Article 81. Ecological audit

Ecological audit represents the independent inspection of the economic and other activities of organizations and citizens for the purpose of the observance of the environment protection norms and rules, compliance with the ecological requirements including the correctness of reporting on the use and reproduction of natural resources.

Article 82. Ecological audit activities

Ecological audit shall be conducted by independent persons (ecological auditors) and auditing organizations on the basis of the agreement with the customer. The ecological audit shall be mandatory in certain cases as established by the legislation.

Foreign auditors and auditing organizations may be engaged in conducting the ecological audit.

Ecological auditing shall be subject to state licensing, and natural or legal person certified by the board of experts and given the qualification certificate (identification card) for the right to conduct audit activities within the territory of the Republic of Kazakhstan, may be an ecological auditor.

Article 83. Procedure of conducting the ecological audit

The procedure and conditions of the ecological auditing, certification of auditors, conducting of the ecological audit, the rights and obligations, responsibility of ecological auditors and auditing organizations shall be established by the legislation.

Chapter 18. Settlement of disputes in the field of the environment protection and liability for violation of the legislation on the environment protection

Article 84. Settlement of disputes in the field of the environment protection

Disputes in the field of the environment protection shall be settled by courts or in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 85. Liability for violation of the legislation on the environment protection
Natural and legal persons guilty of committing violations of the legislation on the environment protection shall incur liability in accordance with the legislation of the Republic of Kazakhstan.

Article 86. Compensation of damage caused by the violation of the legislation on the environment protection

1. Legal and natural persons who caused damage to the environment, health of citizens, property of organizations, citizens and the state as a result of the violation of the legislation on the environment protection, shall compensate the damage in accordance with the current legislation.

Compensation of damage caused as a result of the violation of the legislation on the environment protection shall be made voluntarily or, by the court's decision in accordance with the established economic evaluation of the damage from the environmental pollution in accordance with the procedure determined by the Government of the Republic of Kazakhstan.

Collected damage compensation amounts shall be transferred into the budget, and in certain cases as established by the legislation - to the victim legal or natural person.

2. Legal and natural persons whose activities are associated with the high danger for the environment protection shall compensate the damage caused by them unless they prove that the damage was caused as a result of the force-majeure or the intent of the victim.

3. The damage caused to the health and property of citizens as a result of the violation of the legislation on the environment protection shall be subject to compensation to the full extent, taking into account the victim's disability grade, expenses for his medical treatment and the health recovery, expenses for nursing, other expenses and losses.

The extent of the damage caused to the health and property of the citizens shall be determined in accordance with the current legislation, and the compensation of the damage shall be made on the grounds of the court's decision.

The moral damage caused as a result of the violation of the legislation on the environment protection shall be subject to compensation in accordance with the procedure established by the Civil code of the Republic of Kazakhstan.

Chapter 19. International cooperation in the field of the environment protection

Article 87. International cooperation in the field of the environment protection

The Republic of Kazakhstan shall carry out the international cooperation in the field of the environment protection following the principles of the universal ecological safety priority observance.

Article 88. Activities of the foreign organizations and citizens in the field of the environment protection within the territory of the Republic of Kazakhstan

The activities of foreign organizations and citizens within the territory of the Republic of Kazakhstan shall be allowed provided that such activities are consistent with the legislation of the Republic of Kazakhstan or regulated by the international agreements ratified by the Republic of Kazakhstan.

Article 89. International agreements of the Republic of Kazakhstan in the field of the environment protection

In case when the international agreement ratified by the Republic of Kazakhstan stipulates for other rules than those contained in the legislation of the Republic of Kazakhstan, the rules of the international agreement shall prevail.

President
of the Republic of Kazakhstan

N.Nazarbayev