

Annex 11

ON INTRODUCTION OF AMENDMENTS AND ADDENDA TO CERTAIN LEGISLATIVE ACTS OF THE REPUBLIC OF KAZAKHSTAN CONCERNING THE ISSUES OF TECHNICAL REGULATION

LAW OF THE REPUBLIC OF KAZAKHSTAN No. 209 of 29 DECEMBER 2006

Article 1. The following amendments and addenda shall be introduced to the following legislative acts of the Republic of Kazakhstan:

1. To the Law of 21st September 1994 of the Republic of Kazakhstan «Concerning Transport in the Republic of Kazakhstan» (Bulletin of the Supreme Court of the Republic of Kazakhstan, 1994, No. 15, i.201; Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No. 2, i.186; 1998, No. 24, i. 447; 2001, No. 23, i. 309, 321; No. 24, i. 338; 2003, No. 10, i. 54; 2004, No. 18, i. 110; No. 23, i. 142; 2005, No. 15, i. 63; 2006, No. 3, i. 22; No. 14, i. 89):

1) Article 1 shall be replaced with the following:

“Article 1. The Fundamental Definitions Used in This Law

Client (freight shipper, freight receiver, passenger, freighter) – a natural or a juridical person or a country (represented by the executive authorities), which uses transport in accordance with an agreement concluded with a carrier.

Transport enterprise – a juridical person, which is engaged in business and commercial activities associated with carriage of freights, passengers, baggage, storage, technical servicing and repair of transport vehicles, acting in accordance with the legislation of the Republic of Kazakhstan.

Transport of the Republic of Kazakhstan – a railway, motor, sea, internal water, air, municipal electric, including underground, transport registered in its territory, as well as main pipeline transport situated in the territory of the Republic of Kazakhstan.

Governmental transport supervision (henceforth - transport supervision) – a range of measures, which are carried out by the authorized body and other state authorities for the purposes of reviewing compliance by natural and juridical persons with the legislation of the Republic of Kazakhstan regulating the functioning of the transport service market, quality of the services, ensuring safety of lives and health of natural persons, transport procedures.

Carrier – a juridical or a natural person having a transport vehicle on the basis of the ownership right or other legal grounds, rendering services associated with carriage of passengers, baggage, freights and postal parcels for a fee or in accordance with a hire agreement, and having a license or an appropriate permit therefore issued in accordance with the established procedure.

Inspection – activity of the state authorities carrying out the supervisory functions, which is carried out for the purposes of reviewing compliance of business entities with the legislation of the Republic of Kazakhstan concerning transport.

Direct mixed communication – a transportation of freights, passengers and baggage by different types of transport in accordance with one transport document.

Authorized state body – the central executive body carrying out the

implementation of the national policy in the sphere of transport, coordination and regulation of activities of the transport sector of the Republic of Kazakhstan.”;

2) in the fourth part of Article 2 the words “traffic safety, compliance with the rules for work safety, fire safety, technical-technological and sanitary standards” shall be replaced with the words “safety in the sphere of technical regulation (henceforth – safety) of transport vehicles and procedures of their life cycle with regard to lives and health of humans and environment”;

3) the first part of Article 5 after the word “licensing,” shall be amended after the words “technical regulating.”;

4) in the forth paragraph of the first part of Article 11 the word “certificate” shall be replaced with the words “documents in the sphere of conformity assessment”;

5) Article 15 shall be replaced with the following:

“Article 15. Requirements to Transport Vehicles

Transport vehicles must be in compliance with safety requirements with regard to lives and health of humans, environment, as established by the technical regulations in the sphere of transport, must have a document in the sphere of confirmation of compliance, as well as be registered in accordance with the procedure established with the legislation of the Republic of Kazakhstan.

The procedure for conformity assessment of transport vehicles shall be determined by the legislation of the Republic of Kazakhstan.

Transport vehicles that do not comply with the safety requirements as established in accordance with the legislation of the Republic of Kazakhstan concerning technical regulating shall not be subject to import, marketing and operation.”;

6) in Article 23:

in the second part the word “legislation” shall be replaced with the word “laws”;

in the fifth part the words “quality standards for the environment to guarantee ecological safety and health protection of population, to ensure prevention of pollution of the environment, recover and rational use of natural resources” shall be replaced with the words “established by the legislation of the Republic of Kazakhstan requirements to ensure safety with regard to lives and health of humans and environment”;

in the eighth part:

the words “carry out all appropriate measures” shall be replaced with the words “provide for the compliance with the established standards”;

the word “legislation” shall be replaced with the word “laws”.

2. To the Law of 28th June 1995 of the Republic of Kazakhstan «Concerning Petroleum» (The Bulletin of the Supreme Soviet of the Republic of Kazakhstan, 1995, No. 11, i. 76; The Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 11, i. 150; 1999, No. 21, i. 787; 2003, No. 6, i. 34; No. 11, i. 56; 2004, No. 22, i. 131; No. 23, i. 142; 2005, No. 16, i. 70; 2006, No. 16, i. 99):

1) Article 1. shall be replaced with the following:

«Article 1. The Fundamental Definitions Used in this Law

The following fundamental definitions have been used in this Law:

«1) affiliated persons — subsidiary organisations of a subsurface user and organisations holding a block of shares or unit shares in the authorised capital of an organisation which is a contractor in the performance of petroleum operations in the Republic of Kazakhstan;

2) exploration — any operations which are associated with the exploration and prospecting for petroleum and which comprise the following;

geological and geophysical studies;
structural drilling;
drilling of exploration and prospecting wells as well as test development of a field which is being explored;

3) block — subsurface section which is intended for granting to a contractor for the performance of petroleum operations and which is marked as a block in a special-purpose map of blocks;

4) coast line — shore-line of a water item which is formed by the maximum tide (full tide);

5) seaboard states — the states of the Caspian and Aral Seas (lakes) basin, both those adjacent and those situated on the opposite coast;

6) authorised body for studies and use of subsurface — the state body exercising regulation in the sphere of geological studies, rational and integrated use of subsurface;

7) contract — agreement between the contractor and the competent authority for the performance of petroleum operations;

8) contractual territory — a territory which is defined by a geological allotment and (or) mining allotment in which the contractor has the right to carry out petroleum operations defined by the contract;

9) field — one or several natural accumulations of hydrocarbons in a geological reservoir of any type;

10) good petroleum deposit development practice — generally acceptable world practice usually employed in conducting petroleum operations, which is recognised as reasonable, safe, efficient, and necessary for conducting petroleum operations.

11) test development of a field — operations associated with updating available information and obtaining additional information concerning geophysical parameters of deposits, conditions of hydrocarbon deposits, productivity of wells, testing new or traditional technologies for the production of oil and gas;

12) commercial discovery — a discovery in a contract territory of one or several fields which are worth of development;

13) competent body — a state body appointed by the Government of the Republic of Kazakhstan which acts on behalf of the Republic of Kazakhstan in the exercise of the rights associated with the state regulation in the performance of petroleum operations, conclusion and implementation of contracts;

14) main pipeline — an engineering facility consisting of the linear part and associated overland facilities, communications, telecontrol and liaison facilities intended for transport of petroleum from the pipeline of the contractor to the place of transshipment to other types of transport, a place of processing or utilisation. A pipeline which operates in a regime of a storage collector shall not be recognised as a main pipeline;

15) contractor — a natural or a juridical person that concluded with the competent body a contract for the performance of petroleum operations;

16) petroleum — crude oil, natural gas liquids and natural gas, and also the hydrocarbons which are extracted after refining crude oil, natural gas, and after processing of oil shale or tar sand;

17) oil and gas pipelines — pipelines intended for transportation of petroleum,

including main pipelines, pipelines which operate in a regime as storage collectors, as well as equipment and devices for refining, reparation and liquefying substances to be transporting through a system of pipelines or of its certain sections, monitoring and isolation systems, systems for electrochemical protection and other equipment intended for servicing such pipelines;

18) construction and (or) operation of petroleum pipelines — any operations (work) which are carried out for the purpose of the construction, laying and operation of petroleum pipelines overland, in rivers, lakes, seas and other internal water bodies;

19) petroleum associated compounds — various types of useful minerals and various compounds contained in petroleum and in the formation waters, which technologically require their extraction;

20) construction and (or) operation of underground storage facilities and reservoirs for oil and gas — any operations associated with the construction and (or) operation of underground oil and gas storage facilities and reservoirs;

21) petroleum operations — operations associated with exploration, production, construction and (or) maintenance of underground storage facilities and reservoirs of petroleum as carried out on-shore, in rivers, lakes and other internal water bodies as well as off-shore petroleum operations;

22) national company for the performance of petroleum operations (henceforth — national company) — a joint-stock company formed pursuant to a decision of the Government, whose sole shareholder is the national holding company which carries out petroleum operations on the terms established by this Law;

23) operator — a juridical person which is formed or appointed in accordance with the Republic of Kazakhstan legislation by contractors pursuant to a written notice of the competent authority, to carry out operative management of activities and accounting and reporting transactions associated with the implementation of a contract, for whose activities the contractor is materially liable to the state;

24) production — any operations associated with the lifting of petroleum to the surface and it shall include among other things:

construction and operation of underground and surface industrial equipment and installations, including among other things from the pipeline of the contractor, for the transportation of petroleum from the place of production to the place of transshipment into the main pipeline and (or) into another type of transport;

lifting of petroleum to the surface, organisation and maintenance of the working process in operational wells;

processing and refining of petroleum from mechanical admixtures and formation water;

extraction of components associated with petroleum and also utilisation of natural and associated gas;

utilisation of drilling sludge into underground deposits;

25) safety zone — an inland area extending from the sea coastline to a distance of five kilometres into the Republic of Kazakhstan territory;

26) strategic partner — a Kazakhstani or foreign juridical person (their associations) which is selected or appointed by the national company in co-ordination with the competent authority on the basis of the criteria specified in the Law of the Republic of Kazakhstan «Concerning Subsurface and Its Utilisation» for the selection of contractors for the implementation of projects under the contracts concluded on the basis of direct negotiations between the national company and the competent body, or in

accordance with the international agreements ratified by the Republic of Kazakhstan;

27) natural gas — hydrocarbons which are in a gaseous condition under normal atmospheric temperature and pressure, including enriched gas, dry gas, associated gas, and residual gas which remains after the extraction or separation of liquid hydrocarbons from the enriched gas, and non-hydrocarbon gas produced together with liquid and gaseous hydrocarbons;

28) utilisation of natural and associated gas — organising commercial collection of natural and associated gas at a field for the purpose of its utilisation for technological needs and (or) for its processing into a commercial product;

29) sea — the surface and layer of water as well as the bottom of the Caspian and Aral Seas within the boundaries of the Kazakhstan sector of the Caspian and Aral seas (lakes);

30) best environmental protection practice off-shore — generally acceptable international practice of conducting off-shore petroleum operations, which creates a lowest sea contamination level or entirely excludes sea contamination;

31) off-shore petroleum operations — exploration, production which are carried out off-shore;

32) sea contamination — discharge into marine environment of materials, substances, energy, noise, vibrations as well as formation of various types of radiation and fields which cause or may cause harm to human health, bioresources of the sea and marine ecosystems or creating interference or cause or capable of causing harm or losses to natural and juridical persons which carry out activities off-shore or on-shore;

33) marine scientific research — scientific research operations associated with studies in consequences of conducting off-shore petroleum operations;

34) marine security zones or safety zones — areas which are defined by the Government of the Republic of Kazakhstan, which are established around off-shore facilities for the purpose of ensuring human safety, safety of marine biological resources, environment, navigation, fishing and other activities of natural and juridical persons off-shore in accordance with the Republic of Kazakhstan legislation;

35) off-shore facilities — artificial facilities situated off-shore, including artificial islands, dams, installations, fixed and floating equipment for conducting off-shore petroleum operations;

36) frontier field — a field situated within the boundaries of the Republic of Kazakhstan territory or sea, of which a portion is also situated in the territory or at sea in the jurisdiction of another adjacent or opposite coast state;

37) crude oil — any hydrocarbons, irrespective of their unit weight, which are extracted from the subsurface in a liquid state under normal atmospheric temperature and pressure, including liquid hydrocarbons, known under the names of distillate or condensate which are formed of Natural gas through the process of natural condensation;

38) internal water bodies — lakes, artificial water reservoirs and other surface water bodies.»;

2) paragraph 1 of Article 2 shall be appended with the words «, and also establish general safety requirements in the sphere of technical regulation (henceforth — safety) to petroleum and processes of its life cycle in relation to lives and health of humans and the environment»;

3) Article 5 shall be appended with subparagraph 13) as follows:

«13) approve technical regulations concerning petroleum and processes of its life cycle.»;

4) paragraph 1 of Article 6 shall be appended with subparagraphs 12), 13), 14) as follows:

«12) performance of the analysis and assessment of risks of causing harm to lives and health of humans and the environment in the sphere of conducting petroleum operations and petroleum transportation;

13) elaboration of technical regulations concerning petroleum and processes of life cycle;

14) performance of the state supervision of the compliance with the safety requirements concerning petroleum and its life cycle processes as established by technical regulations.»;

5) paragraph 1 of Article 30-2 shall be replaced with the following:

«1. The contractor who carries out petroleum operations in accordance with this Law shall be obliged to ensure the compliance with current rules and take all appropriate steps for the purposes of preventing accidents and other risk situations that create a threat to lives and health of people and environment as well as a threat of destruction of property in the course of conducting petroleum operations, guided by the good practice of deposit development and the Republic of Kazakhstan legislation.»;

6) Article 30-4 shall be appended with paragraph 4 as follows:

«4. In the production of natural gas, the requirements and rules which ensure the safety of human life and health and the environment should be complied with, equipment and measurement devices should be used which comply with the Republic of Kazakhstan legislation.»;

7) Article 31-1 shall be introduced as follows:

«Article 31-1. Safety Requirements in Conducting Petroleum Operations and Petroleum Transportation

1. Safety of performing petroleum operations and petroleum transportation shall be ensured by the compliance with the established rules, compliance with a range of organisational and technical measures aimed at protection of lives and health of humans and the environment by creating conditions for safe construction and operation of surface and underground facilities and equipment as well as by elimination of potential accidents.

2. Petroleum as well as its life cycle processes shall be recognised as items of technical regulation.

3. Equipment and other assets which are used by contractors in petroleum operations and petroleum transportation must comply with safety requirements as established by technical regulations.

4. Regime of discharge and filling of petroleum, design and conditions of operation and storage and transportation facilities must be in compliance with the fire safety standards as established for petroleum and its life cycle processes by technical regulations.

5. Petroleum which is supplied for processing to refineries, must be in compliance with the safety rules established by this Law and other regulatory legal acts.

6. Transportation of petroleum must be carried out in accordance with the rules which are applied to air, railway, pipeline, sea, river and automobile transport, and ensure safety of the petroleum.»;

8) Article 36-6 shall be appended with paragraph 3 as follows:

«3. In the construction and operation of off-shore petroleum pipelines the compliance with the requirements and rules for ensuring safety of conducted operations for lives and healths of humans and environment must be ensured.»;

9) in Article 41:

subparagraph 3) shall be replaced with the following:

«3) carry out petroleum operations in accordance with the Republic of Kazakhstan legislation and comply with the requirements ensuring the safety of petroleum life cycle processes;»;

in subparagraph 6) the words «national and (or) international standards» shall be replaced with the words «technical regulation»;

in subparagraph 7) the words «provided those services are in compliance with national and (or) international standards» shall be replaced with the words «provided the requirements established by the Republic of Kazakhstan legislation are complied with»;

10) in Article 45 the words «by safety and environmental protection rules in the construction, laying and operation of underwater pipelines and cables to be approved by the Republic of Kazakhstan government» shall be replaced with the words «technical regulations in the sphere of petroleum handling».

3. To the Law of 20th December 1995 of the Republic of Kazakhstan «Concerning the Use of Air Space and the Activity of Aviation of the Republic of Kazakhstan» (Bulletin of the Supreme Soviet of the Republic of Kazakhstan, 1995, No. 23, i. 148; Bulletin of the Parliament of the Republic of Kazakhstan, 2001, No. 23, i. 321; No. 24, i. 338; 2002, No. 15, i.147; 2003, No. 10, i. 54; 2004, No. 23, i. 142; 2005, No. 7-8, i. 23):

1) Article 1 shall be stated as follows:

«Article 1. The Basic Concepts Used in this Law

Emergency and rescue work shall mean a set of measures aimed at timely rendering of help to the injured persons.

Airline shall mean a juridical person which has a certificate of operator of civil aircraft and a license for the performance of air conveyance of passengers, luggage, cargo, and mail and/or aerial work;

Aviation safety shall mean normal and safe operations of aircraft, provided for by prevention of acts of illegal interference into its operation.

Illegal interference into the operation of aircraft shall mean an unlawful action or failure to act that encroach on the normal and safe operation of aircraft, which entailed accidents with people, material damage, seizure or hijacking of aircraft or creates the threat of such consequences.

Aerial work shall mean the specialized operations performed by the means of aviation in some sectors of the economy for the purpose of providing for technological and production processes of customers (in agriculture, construction, servicing of expeditions, etc.) and also for the performance of experimental and research work, sanitary and environmental measures, rendering of medical aid to the population, liquidation of consequences of natural disasters, accidents, and catastrophes.

Aviation accident shall mean an event that occurred in the use of an aircraft for the flight purposes related to malfunction of this aircraft, its crew, other aviation personnel or related to the impact of external conditions and resulted in the death of people, considerable damage, destruction or loss of the aircraft.

Aviation incident shall mean an event that occurred in the use of an aircraft for the flight purposes related to malfunction of this aircraft, its crew, other aviation personnel or related to the impact of external conditions, but not resulted in an aviation accident.

Aviation as a sector shall mean all the types of organizations which activities are directed towards the creation of conditions and the use of air space by man with the assistance of aircraft.

Aviation of the Republic of Kazakhstan shall be subdivided into experimental, state, and civil aviation.

Civil aviation shall mean aviation which is not in the composition of the experimental and state aviation, and is used for the following purposes:

- a) conveyance of passengers, luggage, cargo and mail (air conveyance);
- b) performance of aerial work;
- c) performance of educational, sport, social activities, and development of technical creative work;
- d) satisfaction of personal demands of the operator of an aircraft;
- e) performance of search and rescue work, and salvage and rescue operations, rendering of assistance in case of natural disasters.

Civil aviation used for the indicated purposes for a charge or under hiring shall be recognized to be commercial aviation.

Civil aviation which is in the ownership of natural or juridical persons and used for the indicated purpose free of charge and not under hiring shall be recognized to be aviation of general designation.

A certificate of the operator of civil aircraft shall mean a document issued by the authorized body and certifying the compliance of the operator with the requirements as established by the rules of certification of operators of civil aircraft.

Aircraft that suffer distress shall mean an aircraft to which or to the people on-board of which immediate danger is threatened or with which wireless communication is lost, and the location of this aircraft is unknown.

Microlight aviation shall mean civil aviation which uses Microlight flight vehicles, other airborne vehicles of sport designation and amateur construction, aerostatic vehicles and auxiliary installations with the maximum mass not over two thousand seven hundred kilograms.

Aerodrome shall mean a land or water area specially prepared and equipped for providing for takeoff, landing, taxiing, staying, and servicing of aircraft.

Certificate of airport acceptability shall mean a document to be issued by the authorized body and certifying the conformity of the airport to the standards of acceptability to the operation of aerodromes.

Air navigation organization shall mean an organization which carries out servicing of air traffic and provides aeronautical and meteorological information.

Airport shall mean a complex of installations designed for the reception and departure of aircraft, servicing of air conveyance and having for these purpose the aerodrome, passenger terminal, other structures and also the required equipment.

Controlled zone of airport shall mean a working area of the airport, aerodrome, facilities of aeronautical support to flights and adjacent territory, service buildings, structures, warehouses access to which is controlled by the service of aviation security.

Airport activity shall mean the activity carried out by natural and juridical persons and related to support of air conveyance, aviation safety, and safety of flights at airports;

Air route shall mean air space in the form of a corridor intended for flights of aircraft and controlled by aeronautical facilities of the system of air traffic control.

Aircraft shall mean a flight vehicle supported in the atmosphere at the expense of its interaction with air, different from the interaction with air reflected from the land (water) surface.

Freighter shall mean an air carrier which transfers for payment to the other party (freighteree) all or part of holding capacity of one or several aircraft for one or several flights for conveyance of passengers, luggage, cargo, mail or for other purposes.

Freighteree shall mean a natural or juridical person that executed a contract with the air carrier on the transfer to its use all or part of holding capacity of one or several aircraft for one or several flights for conveyance of passengers, luggage, cargo, mail or for other purposes.

Flight of aircraft shall mean movement of an aircraft on the land (water) surface and in air space from the beginning of takeoff run (lift-off the land or water surface in vertical take-off) until the end of run (freeing of take-off runway without stopping) or touching the land (water) surface in vertical take-off.

Air navigation shall mean applied science on piloting an aircraft along the programmed trajectory.

Air carrier shall mean a natural or juridical person which possesses a transport vehicle under the right of ownership or under other legal basis and provides services on conveyance of passengers, luggage, cargo, and mail for a charge or under hiring and has for it a relevant permit or license issued in the established procedure.

The unified aviation search and rescue service (UASRS) shall mean aviation services of search and rescue, emergency rescue, and parachute services of ministries, agencies, and airlines to which aircraft belong.

Passenger shall mean any person who uses air transport in accordance with a contract executed with the carrier.

Air space of the Republic of Kazakhstan shall mean air space over the land and water territories of the Republic of Kazakhstan, including over its territorial waters.

Distressed aircraft shall mean an aircraft which is seriously damaged in the take-off, landing or fall or is fully damaged, and also an aircraft that crash-landed outside the aerodrome.

State aviation shall mean the aviation that is in the possession of the Ministry of Defense, internal troops of the Ministry of Internal Affairs, Frontier Service of the Committee of the National Security of the Republic of Kazakhstan and also pursuant to a decision of the Government – in the possession of other state agencies.

Navigation systems shall mean navigation facilities which represent a complex of several on-board devices with various principles of action, and also facilities based on the joint use of aircraft avionics and ground-based air navigation equipment.

Navigation facilities shall mean special technical installations which allow obtaining the required information for the purposes of aircraft pilotage.

Operator shall mean a natural or juridical person which is engaged in operation of aircraft or offers its services in this area.

Investigation shall mean a process carried out for the purposes of prevention of aviation accidents, which includes collection and analysis of information, preparation of

conclusions, including the establishment of reasons and development of recommendations for ensuring the safety.

Authorized body shall mean a body of state management which carries out, within its competence, the implementation of state policy in the sphere of civil aviation, state control and supervision, coordination and regulation of the activity of civil and experimental aviation, and the use of air space of the Republic of Kazakhstan.

Standards of airworthiness shall mean the requirements to the construction, parameters, and flying characteristics of aircraft and their components, aimed at providing for flights safety.

Certificate of airworthiness shall mean a document issued by the authorized body on the basis of the certificate of type certifying the compliance of a civil aircraft with standards of airworthiness.

Certificate of type shall mean a document issued by the authorized body confirming the compliance with standards of airworthiness of a type of aircraft, aircraft engine, and aircraft propellers of new types.

International airport shall mean an airport which provides for international air conveyance where the customs, frontier, and sanitary and quarantine control is organized.

International air conveyance shall mean an air conveyance in which implementation the points of departure and destination irrespective of whether there is an interruption in conveyance or reloading are located:

- a) in the territory of two or more states;
- b) in the territory of one state if the staying in the territory of other state is stipulated.

International flight shall mean a flight of an aircraft in which the aircraft crosses the boundary of a foreign state.

Charter contract shall mean a chartering contract of an aircraft executed between the freighter and the freightee;

Experimental aviation shall mean an aviation intended for the performance of experimental development, experimental, research work, and tests in the sphere of aviation and other technique.»;

2) in part one of Article 5 the words «interests of citizens of the Republic of Kazakhstan» shall be replaced with the words «life and health of individuals, environment, interests»;

3) in part five of Article 16 the words «in accordance with the legislation» shall be replaced with the words «in accordance with the laws»;

4) Article 31-1 shall be deleted;

5) Article 31-3 shall be appended as follows:

«Article 31-3. Technical Regulation in the sphere of Providing for Safety of Aircraft and their Equipment

The following shall be objects of technical regulation:

- 1) aircraft and its equipment;
- 2) process of designing of an aircraft and its equipment;
- 3) process of manufacturing an aircraft and its equipment;
- 4) process of operation of an aircraft and its equipment;
- 5) process of transportation and warehousing of an aircraft and its equipment;
- 6) process of sale of an aircraft and its equipment;
- 7) process of utilization and destruction of an aircraft and its equipment.

Technical regulations shall establish the basic requirements in the sphere of technical regulation, which provide for the safety of aircraft and their equipment.»;

6) in part three of Article 46 the words «in accordance with the current legislation» shall be replaced with the words «in accordance with the laws of the Republic of Kazakhstan»;

7) in part 4 of Article 71 the words «by the legislation» shall be replaced with the words «by the laws»;

8) in part 2 of Article 89 the words «by the legislation» shall be replaced with the words «by the laws»;

9) in the first paragraph of part one of Article 90 the words «by the legislation» shall be replaced with the words «by the laws»;

10) in Article 99 the words «in accordance with the legislation» shall be replaced with the words «in accordance with the laws».

4. To the Law of 27th January 1996 «Concerning Subsurface and Its Utilisation» (The Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No. 2, i. 182; 1999, No. 11, i. 357; No. 21, i. 787; 2003, No. 11, i. 56; 2004, No. 22, i. 131; 23, i. 142; 2005, No. 16, i. 70; 2006, No. 3, i. 22; No. 16, i. 99):

1) Article 1 shall be replaced with the following:

«Article 1. The Fundamental Definition Used in this Law

The following fundamental definitions shall be used in this Law:

1) exploration — work (operations) associated with prospecting fields of useful minerals and their valuation;

2) construction and (or) operation of underground facilities not connected with exploration and (or) production, — work associated with the construction and (or) operation of underground facilities for the storage of oil and gas and also underground engineering facilities for burial of radioactive waste, harmful substances and effluents;

3) geological allotment — a supplement to an exploration, combined exploration and production contract, which is an integral part of such contract, outlining and describing a block of subsurface in which a given subsurface user has the right to carry out exploration;

4) coast line — shore-line of a water body, which is formed by the maximum tide (full tide);

5) underground water — useful mineral which is in the subsurface and which is used in accordance with this Law;

6) subsurface — portion of the earth's crust which underlies the soil layer and where there is no soil layer — underlies earth's surface and bottoms of seas, lakes, rivers and other water bodies, extending to depths which are accessible for conducting subsurface operations subject to science and technology progress;

7) authorised body for studies and use of subsurface — a governmental authority exercising regulation in the sphere of geological studies, reasonable and integrated utilisation of subsurface;

8) protection of the subsurface — a range of measures provided for by the Republic of Kazakhstan legislation concerning subsurface and its utilisation which are aimed at prevention of subsurface contamination and when conducting subsurface use operations and at reduction of harmful impacts of subsurface use operations upon the environment;

9) state-directed geological studies in subsurface — work (operations) associated with monitoring condition of the subsurface, studies in geological structure

of subsurface blocks, as well as of certain parts and of the entire territory of the Republic of Kazakhstan as a whole, with the assessment of prospects as to presence of useful minerals, by way of conducting prospecting and exploration and valuation operations, formulating national geological maps constituting the information foundations for subsurface utilisation;

10) safe utilisation of subsurface — ensuring technical, ecological and sanitary-epidemiological safety when conducting subsurface use operations;

11) subsurface use operations — operations which are recognised as state-directed geological studies in subsurface, exploration and production, in particular, operations associated with exploration and production of underground water, medicinal muds, exploration of subsurface for discharge of effluents, as well as work associated with the construction and (or) operation of underground facilities not associated with exploration and (or) production;

12) the national subsurface utilisation company (henceforth — national company) — a joint-stock company formed pursuant to a decision of the Government, whose sole shareholder is the state or a national holding company which carries out activities in certain subsurface use spheres on the terms established by the Republic of Kazakhstan legislation;

13) subsurface use rights — ownership and use rights relating to subsurface within certain contractual territory, which are granted to a subsurface user in accordance with this Law;

14) concentration of rights to conduct subsurface use operations — possession by one person or by a group of persons from one country of such share in contracts for conducting subsurface use operations in the territory of the Republic of Kazakhstan, or such equity share in the authorised capital of organisations which are subsurface users in the Republic of Kazakhstan, as may create or create a threat to economic interests of the Republic of Kazakhstan;

15) subsurface user — a natural or juridical person which in accordance with this Law has rights to carry out subsurface use operations;

16) subsurface block — a geometrical section of subsurface which is allotted within closed boundaries for the performance of subsurface use operations;

17) high technologies — new generally recognised achievements in technology and technological procedures, that have resulted in the form of new and upgraded products and maximum ecologically pure technology, which are used for purposes of integrating production manufactured in the Republic of Kazakhstan territory into world markets;

18) work program — plans of the subsurface user for the validity term of the contract as a whole, including measures for implementing provisions concerning competitive proposals in accordance with paragraph 5 of Article 41-5 of this Law;

19) work — performance on a chargeable basis of activities associated with creation (manufacture) of goods, assembly of equipment, construction of facilities and other installations, which are required both for direct use in conducting subsurface use operations, and for activities specified in the contract as incidental;

20) annual work program — plan of work of the subsurface user for a calendar year, comprising volumes and areas of developing mining operations associated with exploration, production and financial costs;

21) contract — agreement between the competent body and a natural or

juridical person for the performance of exploration, production, combined exploration and production or construction and (or) operation of underground facilities not connected with exploration and (or) production, compiled in accordance with the Republic of Kazakhstan legislative acts effective at the time of concluding such contract;

22) contractual territory — territory which is determined by a geological or mining allotment in which the subsurface user has the right to carry out subsurface use operations in accordance with the contract;

23) concentration of rights within a contract — the size of the share of one participant of a consortium in a contract concluded with the Republic of Kazakhstan, which allows a given participant independently to take decisions on activities of the subsurface user in accordance with the contract;

24) field — portion of subsurface containing natural accumulation of a useful mineral (useful minerals);

25) good deposit development practice — generally acceptable international practice used in conducting subsurface use operations, which is reasonable, safe, necessary and economically efficient;

26) commonly occurring useful minerals — useful (sand, clay, gravel and other) which are used in their natural condition or with insignificant processing and refining for satisfying basic local economic needs;

27) production of commonly occurring useful minerals — any production of commonly occurring useful minerals not relating to production of commonly occurring useful minerals for own needs;

28) production of commonly occurring useful minerals and underground water for own needs — production which is carried out in a land plot which is in the ownership of in accordance with permanent or temporary land use rights, without an intent of subsequent commission of transactions with regard to produced commonly occurring useful minerals or underground water;

29) commercial discovery — discovery in a contractual territory of one or several fields economically suitable for production;

30) Kazakhstan content — percentage contents with a possibility of annual redistribution of volumes of the following:

Kazakhstan personnel engaged in the implementation of the contract with a break down by category of the personnel by mentioning separate percentage content for each category in proportion to foreign personnel whose number must be reduced by year as obligatory programs for education and enhancing qualifications of Kazakhstan personnel are implemented;

goods, work and services of Kazakhstan origin which are purchased directly or by means of concluding subcontract agreements;

31) Kazakhstan manufacturers — natural and juridical persons of the Republic of Kazakhstan who manufacture goods, perform work and render services of Kazakhstan origin;

32) Kazakhstan origin (goods, work, services of Kazakhstan origin) — direct manufacture (performance) in the territory of the Republic of Kazakhstan of goods, work, services;

33) the authorised body in the sphere of environmental protection — the central executive body of the Republic of Kazakhstan which carries out the implementation of

the national policies in the sphere of environmental protection and its territorial bodies;

34) competent body — a state body appointed by the Republic of Kazakhstan government and operating on behalf of the Republic of Kazakhstan in the exercise of rights associated with the conclusion and implementation of contracts;

35) services — performance on a chargeable basis of activities needed both for direct use in conducting subsurface use operations and for activities which are specified in the contract as incidental not aimed at the creation (manufacture) of goods or other material items;

36) contractor — a natural or juridical person which concluded with the competent body a contract for the performance of subsurface use operations;

37) mineral raw materials — lifted to surface portion of subsurface (rocks, ore raw materials etc) containing a useful mineral (useful minerals);

38) primary processing (enrichment) of mineral raw materials — type of mining industry activities which comprises collection at site, crushing or fragmentation, categorization (sorting), briquetting, agglomeration and enrichment by natural and chemical techniques (without substantial changes of mineral forms of useful minerals, their aggregate state, crystal and chemistry structure), and also may include processing technologies which are recognised as special types of operations in production of useful minerals (underground gasification and melting, chemical and bacteriological leaching, dragging and hydraulic development of placer fields);

39) processing of mineral raw materials — operations associated with extraction of a useful mineral (useful minerals) from mineral raw materials;

40) model contract — standard contract approved by the Government of the Republic of Kazakhstan, which provides special features of individual types of contracts, performance of certain subsurface use operations and which is used as a sample when compiling contracts;

41) production — the entire range of work (operations) associated with the lifting of useful minerals from the subsurface to the surface and also from technogenic mineral formations, including temporary storage of mineral raw materials;

42) useful mineral — natural mineral formations contained in subsurface in a solid, liquid or gaseous state (including medicinal muds) which are useful for use in material production;

43) reasonable and integrated utilisation of useful minerals — economically efficient development of all types of subsurface resources on the basis of using advanced technologies and good practice of field development;

44) safety zone — a zone which extends from the coastline to a distance of five kilometres towards the land of the Republic of Kazakhstan territory;

45) easement — the right of natural and juridical persons to limited purposeful use of a portion of subsurface which is granted to other persons for conducting exploration, production, combined exploration and production or construction and (or) operation of underground facilities not connected with exploration and (or) production in the cases provided for by this Law;

46) liquidation fund — fund which is formed by a subsurface user for the elimination of consequences of subsurface use operations in the Republic of Kazakhstan;

47) historic costs — total former costs incurred by the state for geological studies of a contractual territory, prospecting, exploration of fields;

48) goods — equipment, finished product and other material and technical assets which are purchased both for direct use in conducting subsurface use operations and for activities which are specified in the contract as incidental;

49) annual program of purchase of goods, work and services — nomenclature and quantities of goods, work, and services, including those of Kazakhstan origin, methods and timing of their purchase, which are planned by a given subsurface user;

50) mining allotment — document which graphically and descriptively defines a block of subsurface where a subsurface user has the right to carry out production, construction and (or) operation of underground facilities not connected to exploration and (or) production, which is an integral part of the contract for the production, combined exploration and production, construction and (or) operation of underground facilities not connected with the exploration and (or) production, production of commonly occurring useful minerals or an independent document in the case of formulating an easement;

51) sea contamination — discharge into marine environment of materials, substances, energy, noise, vibration and also formation of various types of radiation and fields leading or capable of causing harm to human health, biotic resources of the sea and marine ecosystems or creating interference or causing or capable of causing losses to natural or juridical persons carrying out legitimate activities at sea or on its coast;

52) technogenic mineral formations — accumulations of mineral formations, rock masses, liquids and mixtures containing useful compounds which are waste of mining and concentration, metallurgical and other types of subsurface use facilities;

53) technogenic water — water of which the removal is required for conducting technogenic processes when conducting subsurface use transactions, of which the subsurface user has the right to dispose at the subsurface user's discretion in accordance with the Republic of Kazakhstan legislation;

54) exploration and valuation operations — a stage in geological prospecting operations for the purpose of establishing total resources of a found item, valuation of their commercial significance and feasibility study of their development expediency;

55) exploration operations — a stage in geological prospecting operations for the purpose of discovery and contouring prospective areas and ore occurrences of useful minerals, valuation of predicted resource, their preliminary geological and economic assessment and motivation of further geological prospecting operations;

56) ecological safety — protection status of vital interests and rights of individuals, society and state from threats resulting from anthropogenic and other impact upon the environment.»;

2) Article 3 shall be appended with subparagraph 8) as follows:

«8) ensuring in the sphere of subsurface use or production safety, its life cycle processes safety for human lives, health and environment in accordance with the Republic of Kazakhstan legislation concerning technical regulation.»;

3) Article 7 shall be appended with subparagraph 16) as follows:

«16) approve technical regulations in the subsurface use sphere.»;

4) in paragraph 1 of Article 8:

subparagraph 11) after the words «regulatory legal acts» shall be appended with the words «, except for technical regulations,»;

subparagraphs 12), 13) shall be introduced as follows:

«12) elaboration of technical parameters in the sphere of subsurface use;

13) performance of an analysis and risk assessment with regard to causing harm

to human lives, health and environment in conducting subsurface use operations.»;

5) in paragraph 1 of Article 8-3 the words «national and (or) international standards» shall be replaced with the words «the Republic of Kazakhstan legislation»;

6) Article 45-1 shall be excluded;

7) in subparagraph 3) of paragraph 1 of Article 45-2 the words «, in accordance with paragraph 4 of Article 45-1 of this Law shall be excluded»;

8) in paragraph 1 of Article 63:

subparagraph 1-1) shall be added as follows:

«1-1) ensure the safety of human lives, health, and the environment in conducting subsurface use operations;»;

in subparagraph 7) the words «national and (or) international standards» shall be replaced with the words «requirements of the Republic of Kazakhstan legislation concerning technical regulation»;

9) in Article 63-2:

in paragraph 1 the words «national and (or) international standards» shall be replaced with the words «requirements of the Republic of Kazakhstan legislation concerning technical regulation»;

in paragraph 3 the words «established standards» shall be replaced with the words «the Republic of Kazakhstan legislation concerning technical regulation».

5. To Law of 5th July 1996 of the Republic of Kazakhstan «Concerning Emergency Situations of Natural and Technogenic Origin» (The Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No. 11—12, i. 263; 1998, No. 23, i. 416; 1999, No. 4, i. 101; 2000, No. 6, i. 145; 2003, No. 14, i. 112; 2004, No. 11—12, i. 67; No. 23, i. 142; 2006, No. 1, i. 5):

1) Article 1 shall be stated as follows:

‘Article 1. General Definitions Used in This Law

The following general definitions are used in this Law:

accident — a failure of the technological process, damage of mechanisms, equipment and facilities;

catastrophe — a destructive phenomenon caused an emergency situation of the regional or global scale;

natural calamity — a calamity as a result of which an emergency situation has occurred;

calamity — a destructive phenomenon as a result of which an emergency situation has occurred;

industrial item safety declaration — a document informing of the nature and scales of probable emergency situations at the industrial item and announcing measures undertaken by the owner for their prevention and liquidation on stages of putting into operation, its functioning and putting out of operation;

emergency situation zone — a certain territory in which an emergency situation has occurred. According to the spreading scale and inflicted damage volume, emergency situations of the natural and technogenic pattern shall be divided in item, local, regional and global;

emergency situations of the natural pattern — emergency situations caused by natural calamities (earthquakes, mud-and-rock flows, avalanches, floods and others), natural fires, epidemics and epizootics, attacks of agricultural plants and forests by diseases and pests;

emergency situations of the technogenic pattern — emergency situations caused by industrial, transport and other accidents, fires (explosions), accidents with escapes (threat of escape) of potent toxic, radioactive and biological dangerous matters, sudden fall of buildings and facilities, failures of dams, accidents at electric power and communication life-support systems, purifying facilities;

emergency situation — a situation in a certain territory arisen as a result of an accident, calamity or catastrophe, which have caused or can cause death of people, damage to their health, environment and business items, considerable material losses and disturbance of living conditions of the population;

liquidation of emergency situations — rescue, restoration and other urgent operations to be performed in case of occurrence of emergency situations and directed to saving of life and preservation of health of people, reduction of extends of damage and material losses, as well as to localisation of emergency situation zones;

prevention of emergency situations — a complex of measures to be conducted in advance and to be directed to a maximal possible decrease in the risk of occurrence of emergency situations, preservation of health and life of people, reduction of extends of damage and material losses.’;

2) in Article 10:

the seventh paragraph shall be appended as follows:

‘approve technical regulations;’;

in the eleventh paragraph the words ‘state inspection’ shall be replaced by the words ‘state control’;

3) in the second part of Article 11:

in the third paragraph the words ‘regulations, standards and rules’ shall be replaced by the words ‘regulatory legal acts, except for technical regulations’;

in the tenth paragraph the words ‘and direct state inspection’ shall be repealed;

the paragraphs nineteenth and twentieth shall be appended as follows:

‘render urgent medical aid to suffered persons, in particular to personnel of rescue services, in the zone of emergency situations of the natural and technogenic pattern;

elaborate technical regulations in the field of emergency situations of the natural and technogenic pattern.’;

4) Article 12 shall be appended by the fourth paragraph as follows:

‘elaborate technical regulations and participate in their elaboration;’;

5) Article 14 shall be appended by the fourth paragraph as follows:

‘analysis of technical regulations in the field of emergency situations of the natural and technogenic pattern.’;

6) in the second paragraph of the second part of Article 25 the words ‘, pre-plan, pre-project’ shall be repealed;

7) in the second part of Article 26 the words ‘certain types of pre-project, as well as’ shall be repealed;

8) in Article 34:

the word ‘standards’ shall be replaced by the words ‘technical regulations’;

the word ‘legislation’ shall be replaced by the word ‘laws’.

6. To Law of 15th July 1996 of the Republic of Kazakhstan ‘Concerning Road Traffic Safety’ (The Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No. 14, i. 273; 2001, No. 24, i. 338; 2003, No. 10, i. 54; No. 12, i. 82; 2004, No. 23, i. 142; 2005, No. 7—8, i. 23; 2006, No. 1, i. 5):

1) Article 1 shall be stated as follows:

‘Article 1. General Definitions Used in This Law

The following general definitions are used in this Law:

road — a motor road of common use, business motor road, street in a city and inhabited locality which are liable to state records and constitute a complex of engineering facilities designated for movement of transport vehicles. The road shall comprise one or several trafficways, as well as tram ways, pavements, waysides and dividing strips, if any;

traffic — a totality of public relations arising in transfer of people and freights by roads with the use of transport vehicles or without them (pedestrians), as well as in the process of control of conditions of the said transfer;

traffic safety — traffic conditions which reflect a degree of protection of participants in it and of the state from traffic accidents and their consequences;

ensuring of traffic safety — activities directed to prevention of occurrence of traffic accidents, reduction of the heaviness of their consequences;

traffic participant — a person directly participating in the process of movement as a driver, pedestrian, passenger of a transport vehicle, driver of animals;

technical means of traffic control — traffic signs, road marking, traffic lights (including equipment determining the program of their operation), control facilities at railway crossings, as well as road fences and guide arrangements;

traffic arrangement — a complex of organisational-technical measures and regulating actions to control traffic on roads;

traffic accident — an event occurred in the course of movement of a transport vehicle on the road and with its participation whereby people were killed or injured, transport vehicles, installations, freights damaged, or other material damage done’;

transport vehicle – a device intended for carriage on roads of people, freights or equipment installed thereon;

mechanical transport vehicles – transport vehicle, except for a motobicycle, which is propelled by an engine. This definition shall also apply to tractors and self-propelled machines;

trailer – transport vehicle which is not equipped with an engine and is intended for movement in conjunction with a mechanical transport vehicle. This definition shall also apply to semi-trailers and timber drags.”;

2) the eleventh paragraph of Article 5 shall be replaced with the following:

«technical regulation in the sphere of providing for safety of road traffic»;

3) the third paragraph of Article 6 shall be stated as follows:

«approval of technical regulations.»;

4) Article 7 shall be appended with the twelfth paragraph as follows:

«development of technical regulations.»;

5) in paragraph 2 of Article 16 the words «by the legislation» shall be replaced with the words «by the laws»;

6) in Article 18:

the heading shall be worded as follows:

«Article 18. General Requirements Providing for the Safety of Road Traffic in the Operation of Transport Vehicles»;

in paragraph 1 the words «of standards and other regulatory documents» shall be replaced with the words «, established by technical regulations»;

in paragraph 2 the words «of mandatory certification in accordance with the rules and procedures to be approved by the authorized body in the sphere of technical regulation» shall be replaced with the words «confirmation of conformity in the procedure as established by the legislation of the Republic of Kazakhstan»;

part two of paragraph 3 shall be stated as follows:

«The state registration of a mechanical transport vehicle and a trailer shall be prohibited without a document in the sphere of confirmation of conformity to the requirements of safety as established by the technical regulations.»;

in paragraph 4 the words «of the repeated certification» shall be replaced with the words «of the repeated confirmation of conformity in the procedure as established by the legislation of the Republic of Kazakhstan on technical regulation»;

paragraph 5 shall be stated as follows:

«5. Construction, technical state, and equipment of transport vehicles participating in the road traffic shall meet the following basic requirements pertaining to providing for road traffic safety:

1) the availability in the transport vehicle of a brake system, steering system, rear-view mirrors, auto-alarm, chassis, light devices providing for the road traffic safety;

2) providing for satisfactory observability and visibility, allowing safe driving of a transport vehicle;

3) the existence of mechanisms, items of optional equipment and appliances of a transport vehicle, excluding a risk of infliction of damage on life and health of man and environment;

4) providing for the decrease of danger for passengers and other participants of the road traffic in case of a road traffic accident.»;

paragraph 6 shall be appended as follows:

«6. Emission to the environment made by transport vehicles in their operation shall not exceed the allowable limit as established by technical regulations in the sphere of environment protection.»;

7) in paragraph 2 of Article 20 the words «, of standards» shall be deleted;

8) in paragraph 1 of Article 21:

the second paragraph shall be stated as follows:

«incompliance of the construction of a transport vehicle with the requirements of this Law and technical regulations»;

in the sixth paragraph the words «requirements of standards» shall be replaced with the words «the established requirements»;

9) in paragraph 1 of Article 23 the words «standards effective in the Republic of Kazakhstan» shall be replaced with the words «technical regulations»;

10) in Article 24:

in part 1 of paragraph 1 the words «of standards and other regulatory legal acts pertaining to providing for the road traffic safety» shall be replaced with the words «requirements of safety, as established by technical regulations»;

in part one of paragraph 3 the words «of norms, rules, standards, and other regulatory acts pertaining to providing for the road traffic safety» shall be replaced with the words «, established by technical regulations»;

in paragraph 4 the words «standards, technical and other regulatory documents» shall be replaced with the words «technical regulations»;

11) in Article 27 the words «by the legislation» shall be replaced with the words «by the laws».

7. To Law of 22nd November 1996 of the Republic of Kazakhstan ‘Concerning Fire Safety’ (The Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No. 18, i. 368; 1998, No. 23, i. 416; 1999, No. 20, i. 728; No. 23, i. 931; 2000, No. 6, i. 142; 2002, No. 17, i. 155; 2003, No. 14, i. 112; No. 24, i. 177; 2004, No. 23, i. 142; 2006, No. 3, i. 22):

1) Article 1 shall be stated as follows:

‘Article 1. General Definitions Used in This Law

The following general definitions are used in this Law:

voluntary fireman — a citizen directly participating on a voluntary base (without conclusion of an individual labour agreement) in activities for prevention and (or) extinguishing of fires;

residential territory — a part of the territory of an inhabited locality which is designated for placement of housing stock, public buildings and facilities, as well as certain communal and industrial items;

state fire control — a type of activities which is performed by officials of fire authorities for the purposes of control over the compliance with the fire safety requirements and suppression of violations of them;

fire — an uncontrolled combustion which inflicts harm to life and health, material damage to people, interests of the society and the state;

voluntary fire formations — a form of participation of citizens in organisation of prevention and extinguishing of fires in inhabited localities and at organisations;

fire service — a totality of control bodies, forces and means organised in accordance with the established procedure of a fire fighting body and its branches in provinces (city of republic's importance, capital city), in particular fire formations which are designated to organise preventing fires and their extinguishing, to perform priority rescue operations related to them;

fire regime — the established rules of conduct of citizens, procedure for organisation of industrial and business activities, terms of maintenance of facilities, buildings, premises (territories), industrial and special equipment, which ensure prevention of violations of the fire safety requirements and extinguishing of fires;

fire safety — a state of protection of people, assets, property, society and the state from fires;

fire safety requirements — the special terms of the social and (or) technical nature established by the legislation of the Republic of Kazakhstan for the purposes of ensuring fire safety;

violation of the fire safety requirements — non-fulfilment or improper fulfilment of regulations, rules and instructions concerning ensuring of fire safety as established in accordance with the legislation of the Republic of Kazakhstan;

fire safety measures — actions for fulfilling the fire safety requirements;

fire technical products — special technical, scientific-technical and intellectual products which are designated to ensure fire safety, in particular fire machinery and equipment, fire outfit, fire fighting and fire resisting matters, special communication and control means, programs for electronic computing machines and databases, as well as other fire preventing and extinguishing means;

priority rescue operations related to extinguishing of fires — fighting actions for

rescuing and evacuation of people, assets, property, rendering of first pre-doctoral aid to persons suffered from fires;

authorised body — a state body performing state regulation in the field of fire safety (henceforth — the authorised body).’;

2) Article 5 shall be appended by the paragraphs twelfth, thirteenth and fourteenth as follows:

‘approve technical regulations in the field of fire safety;

establish a procedure for extinguishing fires in steppe, as well as fires in inhabited localities in which no state fire fighting establishments are organised;

establish a procedure for coordination of requirements not established by regulatory legal acts in the field of fire safety.’;

3) in Article 6:

subparagraph 5) shall be repealed;

subparagraphs 12), 13) shall be appended as follows:

‘12) elaborate technical regulations in the field of fire safety;

13) perform state supervision of fulfilment of requirements established by technical regulations in the field of fire safety.’;

4) subparagraph 2) of the first part of Article 9-1 shall be stated as follows:

‘2) elaborate and approve fire safety regulations and rules and other regulatory legal acts, which regulate fire safety issues, binding upon all the state bodies, as well as citizens, except for approval of technical regulations establishing the fire safety requirements;’;

5) Article 9-5 shall be appended by the second part as follows:

‘Officials performing state control shall comprise:

the Chief state inspector of the Republic of Kazakhstan for state control — chief executive of the authorised body;

Deputy senior state inspectors of the Republic of Kazakhstan for state control — deputy chief executives of the authorised body;

state inspectors of the Republic of Kazakhstan for state control — specialists of all the categories of the authorised body;

senior state inspectors of provinces (city of republic's importance, capital city) for state control — chief executives of territorial bodies of the authorised body;

deputy senior state inspectors of provinces (city of republic's importance, capital city) for state control — deputy chief executives of territorial bodies of the authorised body;

state inspectors of provinces (city of republic's importance, capital city) for state control — specialists of all the categories of territorial bodies of the authorised body.’;

6) Article 14 shall be stated as follows:

‘Article 14. Legal Regulation in the Field of Fire Safety

Legal regulation in the field of fire safety is the establishment of fire safety requirements, which are obligatory for fulfilment, in regulatory legal acts.

Regulatory legal acts in the field of fire safety shall comprise fire safety regulations and rules, instructions, technical regulations and other regulatory legal acts containing fire safety requirements.

Fire safety requirements to products and processes of their life cycle shall be established in technical regulations.

Regulatory legal acts being elaborated by state bodies and establishing fire

safety requirements shall be obligatory co-ordinated with the authorised body.’;

7) Article 23 shall be stated as follows:

‘Article 23. Licensing and Confirmation of the Conformity in the Field of Fire Safety

Licensing and confirmation of the conformity in the field of fire safety shall be performed in accordance with the procedure established by the legislation of the Republic of Kazakhstan.’;

8) Chapter 4-1 shall be appended as follows:

‘Chapter 4-1. General Fire Safety Requirements

Article 23-1. Technical Regulation Items in the Field of Fire Safety

Technical regulation items in the field of fire safety shall be products and processes of their life cycle.

Article 23-2. Fire Safety Requirements in Projecting, Construction, Reconstruction and Manufacture

In projecting, construction, reconstruction and manufacture of technical regulation items requirements shall be observed in relation to:

- 1) placement of items;
- 2) application of items;
- 3) fire-technical classification of items;
- 4) provision of items with fire station buildings and facilities;
- 5) ensuring of safety to people;
- 6) prevention of fire spreading;
- 7) ensuring of a possibility to fight a fire;
- 8) performance of rescue operations in fighting a fire.

Article 23-3. Fire Safety Requirements in Operation, Storage, Transportation, Application and Selling

In operation, storage, transportation, application and selling of technical regulation items requirements shall be observed in relation to:

- 1) organisational and technical measures for ensuring of fire safety;
 - 2) people evacuation ways;
 - 3) ensuring of people safety to people and a sequence of actions in the event that a fire occurs;
 - 4) provision with and operating conditions of engineering systems;
 - 5) provision with and operating conditions of fire automatic systems, its maintenance and exits to places where servicing personnel always stays;
 - 6) provision with and operating conditions of fire machinery;
 - 7) prevention of fire spreading;
 - 8) ensuring of a possibility to fight a fire;
 - 9) maintenance of territories, buildings and facilities, premises of items;
 - 10) ensuring of performance of rescue operations in fighting a fire.’.
8. To the Law of 15th July 1997 of the Republic of Kazakhstan «Concerning the

Protection of the Environment» (....):

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....

9. To the Law of 24th March 1998 of the Republic of Kazakhstan «Concerning Regulatory Legal Acts» (Bulletin of the Parliament of the Republic of Kazakhstan, 1998, No. 2-3, i. 25; 2001, No. 20, i. 258; 2002, No. 5, i. 20; 2004, No. 5, i. 29; No. 13, i. 74; 2005, No. 17-18, i. 73; 2006, No. 3, i. 22):

1) Article 1 shall be replaced with the following:

“Article 1. The Fundamental Definitions Used in This Law

The following fundamental definitions have been used in this Law:

1) a law – a regulatory legal act, which regulates public relations, establishes fundamental principles and rules as provided by paragraph 3 of Article 61 of the Constitution of the Republic of Kazakhstan to be adopted by the Parliament of the Republic of Kazakhstan, and in the cases specified in subparagraph 4) of Article 53 of the Constitution of the Republic of Kazakhstan – by the President of the Republic of Kazakhstan;

2) a legislative act – a constitutional law, Edict of the President of the Republic of Kazakhstan having a force of a constitutional law, Code, Law, Edict of the President of the Republic of Kazakhstan having a force of a law, Decree of the Parliament of the Republic of Kazakhstan, Decrees of the Senate and Majilis;

3) subordinate regulatory legal acts – other regulatory legal acts, which are not recognized as legislative acts and are adopted on the basis of and in order to implement the Constitution and legislative acts of the Republic of Kazakhstan;

4) legislation – the totality of regulatory legal acts adopted in accordance with the established procedure;

5) code – a law, in which legal rules regulating similar public relations specified in Articles 3-1 of this Law are consolidated and systematized;

6) Constitutional Law – a law, which is called in the Constitution of the Republic of Kazakhstan as constitutional and adopted in accordance with procedure established by paragraph 4 of Article 62 of the Constitution of the Republic of Kazakhstan;

7) the State Register of Regulatory Legal Acts of the Republic of Kazakhstan – the integrated system of the governmental accounting for regulatory legal acts of the Republic of Kazakhstan containing details of regulatory legal acts and other data of information and reference nature concerning those acts;

8) model monitoring database of regulatory legal acts of the Republic of Kazakhstan – the totality of printed texts of regulatory legal acts (with amendments and additions), on which the information has been entered into the State Register of Regulatory Legal Acts of the Republic of Kazakhstan;

9) law introducing amendments and additions to the Constitutions of the Republic of Kazakhstan – a law, which is adopted in accordance with procedure established by paragraph 3 of Article 62 of the Constitution of the Republic of Kazakhstan;

10) rule of law (legal rule) – generally binding behavior rule formulated in a regulatory legal act, intended in multiple use and applicable to all persons within the framework of situation, which is regulated by the rule;

11) regulatory legal act – a written official document in accordance with the established format, which is adopted at a referendum either by the authorized body or

the official person of the state, which establishes legal rules, amends, terminates or suspends their validity;

12) subsequent official publication of texts of regulatory legal acts – publication in a periodical or regulatory legal act that passed an expert examination as to their compliance with the model monitoring database of regulatory legal acts of the Republic of Kazakhstan;

13) level of a regulatory legal act – a place of a regulatory legal act in relation to its legal force in the hierarchy of regulatory legal acts;

14) official publication of a regulatory legal act – publication for general use of the entire text of the regulatory legal act in official and periodical publications;

15) authorized body – governmental authorities and official persons of the Republic of Kazakhstan, who have the right to adopt regulatory legal acts in accordance with their authority as established by the Constitution of the Republic of Kazakhstan, this Law, as well as by the legislation defining the legal status of those authorities and official persons (the President of the Republic of Kazakhstan, the Parliament of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, the Constitutional Council of the Republic of Kazakhstan, the Supreme Court of the Republic of Kazakhstan, the Central Electoral Commission of the Republic of Kazakhstan, the central executive authorities, local representative and executive authorities, the National Bank of the Republic of Kazakhstan, other state authorities).”;

2) in subparagraph 3) of paragraph 4 of Article 2 the words ‘rules and’ shall be excluded;

3) paragraph 3 of Article 3 shall be added with subparagraph 1-1) as follows:

“1-1) technical regulations – a regulatory legal act, which establishes obligatory requirements to production and (or) processes associated with its life cycle and is elaborated and applied in accordance with the legislation of the Republic of Kazakhstan concerning the technical regulations;”.

10. To In the Law of 23rd April 1998 of the Republic of Kazakhstan «Concerning Radiation Safety of Population» (Proceedings of the Parliament of the Republic of Kazakhstan, 1998, No. 5-6, i. 48; 2004, No. 23, i. 142):

1) Article 1 shall be stated as follows:

«Article 1. Basic Concepts Used in this Law

The following basic concepts are used in this Law:

intervention level shall mean an amount of preventable dose in which attainment in case of arising of situations of protracted or accidental exposure, protective or remedial measures are taken;

effective dose shall mean an amount of absorbed energy of ionizing radiation used as a measure of arising of delayed radiation effects of organism exposure and some of his organs subject to their radiation sensitivity;

controlled zone shall mean a territory on which special rules for radiation control, access and residing of people are in effect;

ionization radiation shall mean a radiation consisting of charged, non-charged particles and photons, which form ions with different signs in the interaction with the environment;

personnel shall mean natural persons who permanently or temporarily operate directly with the sources of ionization radiation;

radiation accident shall mean violation of limits of safe operation of an object of the use of atomic energy under which there occurs escape of radioactive products and/or ionization radiation beyond the boundaries, stipulated by the project of normal operation, which could result or have resulted in exposure of people or radioactive contamination of the environment over the established norms;

radiation safety shall mean a state of radiation environment supported by a set of measures limiting the radiation effects on the personnel, population and environment in accordance with the established standards;

radiation protection shall mean a set of radiation-hygienic, design, technical and organizational measures directed towards the securing the radiation safety;

radiation monitoring shall mean systematic observations over the state of radiation environment both on the objects of the use of sources of ionization radiation and in the environment;

natural radiation background shall mean a dose of radiation created by cosmic radiation and radiation of natural radionuclides, naturally distributed in soil, water, air, and other elements of biosphere, foodstuffs, and human organism;

technogenically changed radiation background shall mean natural radiation background changed as a result of the man's activity;

technogenic radiation background shall mean levels of indicators which characterize the radiation environment less the levels of the same indicators, which characterize the natural radiation background of this locality;

2) Article 5 shall be appended with paragraph 1-2 as follows:

«1-2. The Government of the Republic of Kazakhstan shall approve technical regulations in the sphere of radiation safety.»;

3) in part one of Article 6:

in subparagraph 2) the words «and approval» shall be deleted;

subparagraph 8) in the following wording shall be appended:

«8) development of technical regulations in the sphere of radiation safety.»;

4) paragraphs 2 and 3 of Article 7 shall be stated as follows:

«2. The legislation of the Republic of Kazakhstan in the established procedure shall approve the sanitary and epidemiological rules and standards, technical regulations in the sphere of radiation safety.

3. Orders, instructive, methodological and other documents on the issues of radiation safety shall be approved and adopted by the authorized state bodies and operating organizations within their competence on the basis of technical regulations in the sphere of radiation safety.»;

5) paragraph 3 of Article 8 shall be stated as follows:

«Officials of organizations which carry out industrial control over providing for radiation protection, in the identification of violations of radiation safety requirements, standards, rules, and hygienic standards, rules of radiation safety, construction standards and rules, rules of labor protection, orders, instructive, methodological and other documents in the sphere of providing for radiation safety in the relevant organization, may apply the measures of influence as provided for by the laws of the Republic of Kazakhstan.»;

6) paragraph 1 of Article 9 after the words «of providing for the established» shall be appended with the words «requirements of radiation safety.»;

7) Article 11 shall be appended with paragraph 5 as follows:

«5. Doses of exposure of the population from natural sources of radiation shall not exceed the standards established for them by the authorized body in the sphere of health protection.»;

8) Article 13 shall be stated as follows:

«Article 13. Providing for Radiation Safety of Individuals in the Performance of Medical Procedures

1. In the performance of medical procedures with the use of radioactive isotopes or other sources of ionization radiation the relevant means of protection of individuals (patients) shall be used. The dose of exposure shall not exceed the level as established by regulatory legal acts in the sphere of radiation safety.

2. In the performance of medical procedures a patient shall be provided with complete information on the expected and/or received doses of exposure and on possible consequences of its impact. An individual (patient) may have a right to refuse from such medical procedures, except for preventive studies carried out for the purpose of disease intelligence, dangerous in the epidemiological relation.

3. A medical organization that carries out the procedures for the use of sources of ionization radiation shall bear responsibility provided for by the laws of the Republic of Kazakhstan for possible negative impact on the health or life of the patient if such causal relation is proved in a judicial procedure.

4. For all medical procedures with the use of radioactive isotopes or other sources of ionization radiation, the medical organization for the purpose of providing for radiation safety in the performance of such procedures shall develop and approve at the authorized body for the use of atomic energy the program for ensuring the quality of medical services.

5. Qualification requirements to medical activity with the use of ionization radiation sources shall establish the requirements to the qualification of experts who are allowed to work, the procedure for their attestation and re-attestation, programs of training and re-training.

6. The use of radioactive substances and other sources of ionization radiation for diagnostics, prevention, and treatment of diseases shall be allowed only in compliance with the methods (methodologies), approved by the authorized body in the sphere of health protection, containing the requirements to providing for radiation safety of patients.»;

9) Article 14 after the words «and also stipulated» shall be appended with the words «technogenic»;

10) in the first paragraph of Article 16 the words «where occurring of radiation accidents is possible» shall be replaced with the words «performing the activity related to the use of atomic energy»;

11) paragraph 2 of Article 21 shall be excluded.

11. To the Law of 10th July 1998 of the Republic of Kazakhstan «Concerning Narcotic Drugs, Psychotropic Substances, Precursors and Measures of Counteracting Their Illegal Circulation and Abuse» (..):

....

....

12. To the Law of 30th December 1998 of the Republic of Kazakhstan «Concerning the State Supervision of Circulation of Certain Types of Arms» (...):

....

....

- 12) in Article 28:
in subparagraph 4) the words ‘and approve it’ shall be repealed;
subparagraphs 9), 10) shall be appended as follows:
‘9) approve technical regulations in the sphere of turnover of civil and service arms and cartridges to it;
10) approve criminalistic requirements to and testing techniques of civil and service arms and cartridges to it.’;
- 13) in paragraph 1 of Article 29:
subparagraph 6) shall be stated as follows:
‘6) elaborate and approve the Cadastre of Civil and Service Arms and Cartridges to It.’;
- subparagraphs 7), 8) shall be appended as follows:
‘7) elaborate technical regulations in the sphere of turnover of civil and service arms and cartridges to it;
8) elaborate criminalistic requirements to and testing techniques of civil and service arms and cartridges to it.’;
- 14) in Article 32 the word ‘legislation’ shall be replaced by the word ‘laws’.
13. To Law of 7th June 2000 of the Republic of Kazakhstan ‘Concerning Ensuring of the Uniformity of Measurements’ (The Bulletin of the Parliament of the Republic of Kazakhstan, 2000, No. 7, i. 165; 2004, No. 11—12, i. 62; No. 23, i. 142; 2006, No. 3, i. 22):
- 1) throughout the all text the words ‘for standardisation, metrology and certification’ shall be replaced by the words ‘for technical regulation and metrology’;
- 2) Article 1 shall be stated as follows:
‘Article 1. General Definitions Used in This Law

The following general definitions are used in this Law:

- 1) accreditation — the official recognition by the body for accreditation of the competence of a juridical person to perform concrete types of metrological work and services;
- 2) legislative metrology — a part of the metrology which is related to activities performed by the authorised body for technical regulation and metrology and which contains state requirements pertaining to units, techniques of measurement, means of measurements and metering laboratories;
- 3) state metrological supervision — activities of the authorised body for technical regulation and metrology and of its territorial subdivisions for supervision of production, conditions and application of means of measurements, application of measurement techniques, compliance with metrological rules and standards, of quantity of goods in a sale, as well as of quantity of goods in packs of any type and in their packing, selling and importation;
- 4) metrological control — activities performed by metrological services of state administration bodies, natural and juridical persons for the purposes of inspecting the compliance with the metrological rules and standards;
- 5) metrological service — a totality of entities whose activities are directed to ensuring of the uniformity of measurements;
- 6) measurement — the determination of the value of a physical quantity by an experimental way with the use of special technical means;
- 7) uniformity of measurements — a condition of measurements under which

their results are expressed in legal units of quantities, and inaccuracies of measurements are within established limits with a specified probability;

8) state system for ensuring of the uniformity of measurements — a totality of items, state administration bodies, natural and juridical persons performing work in the field of ensuring of the uniformity of measurements within their scope;

9) register of the state system of ensuring of the uniformity of measurements — a document for record keeping of the registration of items, participants in work and documents in the field of ensuring of the uniformity of measurements;

10) regulatory documents for ensuring of the uniformity of measurements — regulations, instructions and other regulatory and methodical documents determining requirements to and a procedure for performance of work for ensuring of the uniformity of measurements;

11) auditor expert in the field of ensuring of the uniformity of measurements — a natural person who is attested in accordance with the procedure established by the authorised body for technical regulation and metrology for the right of performance of work in the field of ensuring of the uniformity of measurements;

12) metrological attestation of means of measurements — the establishment (certification) of the conformity of means of measurements manufactured or imported in only copies with requirements of the regulatory documents for ensuring of the uniformity of measurements;

13) verification officer of means of measurements — a specialist of the state metrological service or metrological services of accredited juridical persons who is attested in accordance with the procedure established by the authorised body for technical regulation and metrology for the right of conducting of a verification of means of measurements;

14) testing of means of measurements — a totality of operations performed to determine a degree of the conformity of means of measurements with the established standards by application of various testing impacts to testing items;

15) technique for verification of means of measurements — a totality of operations and rules the fulfillment of which allows to determine and to certify the conformity of means of measurements with the established technical and metrological requirements;

16) mean of measurement — a technical mean which is designated for measurements and which has specified metrological characteristics;

17) graduation of the mean of measurement — a totality of operations establishing a ratio between the value, which is obtained by the said mean of measurement, and the appropriate value, which is determined by the standard, for the purposes of defining actual figures of metrological characteristics of the mean of measurement and (or) the usability of the mean of measurement which is not liable to state metrological supervision;

18) verification of the mean of measurement — a totality of operations performed by the state metrological service or other accredited juridical persons for the purposes of determining and certifying the conformity of a mean of measurement with the established technical and metrological requirements;

19) measurement technique — a totality of operations and rules, the fulfillment of which ensures the obtaining of results of measurements with the accuracy as established by the said measurement technique;

20) metrological attestation of the measurement technique — the establishment

(certification) of the conformity of a measurement technique with the metrological requirements made to it;

21) comparison — comparison of results of researches of metrological characteristics of standards and means of measurements;

22) authorised body for technical regulation and metrology — a state body performing control of work for technical regulation and metrology, and accreditation;

23) unit — a physical value of a fixed quantity which is conditionally given the numerical amount equal to 1;

24) state standard of unit — a standard of unit which is recognised by the decision of the authorised body for technical regulation and metrology as basic in the territory of the Republic of Kazakhstan;

25) standard of unit — a mean of measurement which is designated to reproduce and (or) to store a unit (multiple or fractional figures of a unit) for the purposes of transmission of its size to other means of measurements of the said unit as approved in accordance with the procedure established by the authorised body for technical regulation and metrology.’;

3) in Article 5:

in subparagraph 13) of paragraph 2 the words ‘accreditation and licensing’ shall be replaced by the words ‘licensing and organisation of work for accreditation’;

paragraph 3 shall be appended as follows:

‘3. The body for accreditation shall be determined by the Government of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan concerning technical regulation.’;

4) subparagraph 3) of Article 6 shall be stated as follows:

‘3) regulatory legal acts and regulatory documents regulating requirements to, organisation of and procedure for performance of work for ensuring of the uniformity of measurements.’;

5) Article 8 shall be stated as follows:

‘Article 8. Regulatory Documents for Ensuring of the Uniformity of Measurements

The regulatory documents shall be elaborated in accordance with the legislation of the Republic of Kazakhstan concerning technical regulation and concerning ensuring of the uniformity of measurements, and they shall be liable to obligatory application in the territory of the Republic of Kazakhstan by all the natural and juridical persons irrespective of forms of ownership.’;

6) in paragraph 6 of Article 17:

the second part after the word ‘operation’ shall be appended by the words ‘and storage’;

the words ‘and applied in the sphere of performance of state metrological supervision’ shall be excluded;

7) Article 22 shall be appended by subparagraph 6) as follows:

‘6) quantity of goods alienated in making of trading transactions.’.

14. To the Law of 19th January 2001 of the Republic of Kazakhstan «Concerning Grain» (Proceedings of the Parliament of the Republic of Kazakhstan, 2001, No. 2, i. 12; No. 15-16, i. 232; 2003, No. 19-20, i. 148; 2004, No. 23, i. 142; 2006, No. 1. i. 5):

1) Article 1 shall be stated as follows:

«Article 1. Basic Concepts Used in this Law

The following basic concepts are used in this Law:

- 1) agent shall mean an organization wholly owned by the state and established pursuant to a decision of the Government of the Republic of Kazakhstan and exercising, within its competence, the powers for management of state grain resources;
- 2) food grain shall mean grain used for nutritive purposes;
- 3) food security shall mean a state of economy, including its agro-industrial complex secured by relevant resources, potential, and guarantees irrespective of external and internal conditions, under which the need of the population in foodstuff in accordance with physiological standards of nutrition is satisfied;
- 4) grain shall mean fruit of grain, pulse plants, and oil-bearing crops used for food, seed, forage and technical purposes;
- 5) owner of grain shall mean a natural or juridical person that transferred grain to a grain-collecting station;
- 6) grain-collecting station shall mean a juridical person that has under the right of ownership grain storage (grain elevator, grain reception centre) where grain is stored;
- 7) grain storage (grain elevator, grain reception centre) shall mean a specialized technical installation for grain storage;
- 8) grain receipt shall mean a double warehouse certificate issued by a grain-collecting station as the confirmation of receipt of grain for storage from the grain owner;
- 9) system of guaranteeing of implementation of obligations under grain receipts shall mean a set of organizational and legal measures aimed at the protection of rights and legitimate interests of holders of grain receipts from non-performance by grain-collecting stations of obligations under the grain receipts issued by them;
- 10) fund of guaranteeing of implementation of obligations under grain receipts shall mean a juridical person established for the purpose of providing for the interests of the grain receipts holders from non-performance by grain-collecting stations of obligations under the grain receipts issued by them;
- 11) holder of grain receipt shall mean the owner of grain in the case of endorsement on a grain receipt – endorsee;
- 12) grain production shall mean a complex of agro-technical measures aimed at cultivation of grain;
- 13) participants of grain market shall mean natural and juridical persons which participate in production, storage, transportation, processing, and sales of grain;
- 14) life cycle of grain shall mean processes of production, storage, transportation, processing, sales, destruction and utilization of grain;
- 15) monitoring of grain market shall mean a set of permanent measures aimed at collection, processing, and analysis of information on grain transactions carried out by the participants of grain market, including production, storage, processing, and sales;
- 16) storage of grain shall mean a technological set of services carried out at grain storage (grain elevator, grain reception centre), including the receipt, weighing, drying, cleaning, storage, and shipment of grain;
- 17) quality of grain shall mean a set of consumer properties of grain which determine its compliance with the requirements of regulatory documents on standardization, sanitary, veterinary, and phytosanitary rules and norms, hygienic standards;

18) expert examination of grain quality shall mean a set of measures aimed at the establishment and confirmation of actual indicators of grain quality, including observance of a transport vehicle (warehouse), selection and sampling, execution of a grain quality passport;

19) grain quality passport shall mean a document certifying the actual indicators of grain quality and their compliance with the requirements of regulatory documents on standardization and/or terms of a contract;

20) fodder grain shall mean grain intended for feeding animals and poultry;

21) mobilization readiness shall mean the ability of state bodies to provide with grain resources the population of the country under difference crisis circumstances;

22) holder of a pledge certificate shall mean the person who is the pledgee of grain in the obligation certified by the pledge certificate;

23) holder of a warehouse certificate shall mean the owner of grain encumbered with pledge in the case of endorsement on a warehouse certificate - endorsee;

24) refreshing of state reserve of food grain shall mean the realization of its part and procurement of new harvest grain for the purpose of ensuring the maintenance of the established volume and the required quality of state reserve of food grain at the expense of the new harvest grain;

25) state grain resources shall mean state reserves of grain established for the purpose of ensuring food security and implementation of state obligations and also for the protection and regulation of grain market;

26) displacing of state grain resources shall mean the transportation of state grain resources from one grain-collecting station to another;

27) regulating authority shall mean a state body authorized in accordance with the legislation of the Republic of Kazakhstan to carry out state regulation of prices (tariffs);

28) seed grain (seed) shall mean grain used for cropping purposes and divided by grades and crop qualities;

29) authorized body shall mean a central executive body which, within its competence, implements the state policy in the sphere of grain market, coordination and regulation of the activities of its participants, and also management of state resources of grain.»;

2) in Article 3:

subparagraph 1) after the words «of safety» shall be appended with the words «, safety in the sphere of technical regulation (hereinafter – the safety)»;

subparagraph 9) shall be appended as follows:

«9) prevention of actions misleading the consumers with regard to safety and quality of grain.»;

3) subparagraph 2) of Article 4 shall be stated as follows:

«2) of technical regulation in accordance with the legislation of the Republic of Kazakhstan;»;

4) Article 5 shall be appended with subparagraph 9) in the following wording:

«9) approve technical regulations to grain and processes of its life cycle.»;

5) in Article 6:

subparagraph 6) after the word «control» shall be appended with the words «safety, and»;

in subparagraph 7) the words «of certificate» shall be replaced with the words «of passport»;

in subparagraph 10) the words «of certificate» shall be replaced with the words «of passport»;

subparagraph 11) shall be stated as follows:

«11) development of technical regulations to grain and processes of its life cycle;»;

6) in subparagraph 10) of Article 6-1 the words «of certification services by the manufacturer of grain» shall be replaced with the words «of services related to conformity assessment in the sphere of technical regulations»;

7) in Article 7:

the heading after the words «control» shall be appended with the words «safety and»;

paragraph 1 shall be stated as follows:

«1. Grain and processes of its life cycle in the territory of the Republic of Kazakhstan shall comply with the requirements of this Law, technical regulations, sanitary and phytosanitary rules and standards, and regulatory documents on standardization.»;

paragraph 2 after the word «control» shall be appended with the words «safety, and»

8) in Article 8:

in paragraph 1 the words «by the authorized body on standardization, metrology, and certification» shall be replaced with the words «by the legislation of the Republic of Kazakhstan»;

in paragraph 2 the words «of certificates» shall be replaced with the words «of passport»;

9) in Article 9:

paragraph 3 shall be stated as follows:

«3. A lot of grain subject to be transported by any type of transport in accordance with the rules for transportation of cargo on a given type of transport shall be accompanied with documents confirming their compliance with the requirements of technical regulations and regulatory documents on standardization.»;

10) chapter 2-1 shall be appended as follows:

«Chapter 2-1. General Requirements to Safety of Grain and Processes of its Life Cycle

Article 9-1. Objects of Technical Regulation

Grain and processes of its life cycle shall be objects of technical regulation.

Article 9-2. Confirmation of Compliance

Confirmation of grain's compliance with the requirements as established by technical regulations shall be carried out in the procedure established by the legislation of the Republic of Kazakhstan

Article 9-3. Requirements to Information on Safety and Quality of Grain

For the purpose of preventing the actions misleading the consumers as to the safety and quality of grain, the participants of grain market shall submit to buyers and/or consumers the full and reliable information on the indicators of safety and quality of grain.

Article 9-4. Requirements to Safety of Grain

1. Grain, depending on the purpose of the use, shall comply with a set of requirements which provide for safety.

2. The contents of potentially hazardous chemical compounds and biological objects, residual amounts of pesticides and agrochemicals, including fumigants, harmful substances and impurities in grain, and also of moisture, shall not exceed the maximum allowable levels as established by technical regulations.

Article 9-5. Requirements of Safety in Grain Production

The owners and users of land plots shall carry out the production of grain in the ways which provide for the reproduction of fertility of land of agricultural designation, and also excluding or restricting unfavorable influence of such activity on the environment.

Article 9-6. Requirements of Safety in Grain Storage

1. Grain shall be stored at grain storages which meet the ecological, construction, fire, sanitary-and-epidemiological and phytosanitary requirements that ensure the safety of grain.

2. Technical regulations shall establish the safety requirements by types of risks in the storage of grain.

Article 9-7. Requirements of Safety in Grain Transportation

1. Transportation of grain shall be carried out under conditions which provide for safety and security of its qualitative indicators.

2. Grain shall be transported in dry transport vehicles which do not have foreign smell and are not infected with harmful organisms.

Article 9-8. Requirements of Safety in Grain Utilization and Destruction

1. Grain recognized pursuant to the results of laboratory analysis as unsuitable for the use in accordance with the designation shall be subject to expert examination as to its further use (utilization) or destruction in the procedure as established by technical regulations.

2. Grain for the period required for the performance of expert examination and adoption of a decision on the possibility of its use (utilization) or destruction shall be subject to be stored in separate premises with the indication of the volume of a lot and in compliance with the terms, preventing access to grain.

3. Costs associated with the transportation, storage, expert examination, use (utilization) or destruction of grain unsuitable for the use under the designation, shall be paid by its owner.»;

11) in subparagraph 14) of Article 10 the words «of certification services to the corn-growers» shall be replaced with the words «of services for the conformity assessment in the sphere of technical regulation»;

12) subparagraph 1) of paragraph 2 of Article 24-1 after the word «control» shall be appended with the words «of safety and»;

13) subparagraph 2) of paragraph 1 of Article 26 shall be stated as follows:

«2. violation of phytosanitary rules and standards, requirements of safety in the storage of grain as established by technical regulations;»;

15. To Law of 16th July 2001 of the Republic of Kazakhstan ‘Concerning Architectural, Town Building and Constructing Activities in the Republic of Kazakhstan’ (The Bulletin of the Parliament of the Republic of Kazakhstan, 2001, No. 17—18, i. 243; 2004, No. 23, i. 142; 2005, No. 6, i. 10; No. 7—8, i. 19; 2006, No. 1, i. 5; No. 3, i. 22; No. 15, i. 95):

1) paragraph 2 of Article 3 shall be appended by subparagraph 11) as follows:

‘11) establishment of requirements which ensure safety in the sphere of architectural, town building and constructing activities.’;

- 2) Article 19 shall be appended by subparagraph 22) as follows:
'22) approve technical regulations.';
- 3) in Article 20:
in subparagraph 7) the words 'approval and entry in force' shall be repealed;
subparagraph 19) shall be appended as follows:
'19) elaboration of technical regulations;';
- 4) Chapter 4-1 shall be appended as follows:
'Chapter 4-1. General Safety Requirements in the Sphere of Architectural,
Town Building and Construction Activities

Article 27-1. Technical Regulation Items

The technical regulation items in the sphere of architectural, town building and constructing activities shall be buildings, facilities, processes of their projecting, construction, reconstruction, technical re-equipment, expansion, major repair and operation, as well as building materials and structures.

Article 27-2. Safety Requirements to Facilities

1. Projecting of items of architectural, town building and constructing activities must ensure safety of facilities to life and health of a man and the environment.

2. When facilities are under projecting, all the possible risks to life and health of a man and the environment must be identified and taken into consideration on all the life cycle stages, in particular in case of normal operation, emergency situations, expected infringements in performance of constructing-assembling operations and inadmissible construction.

3. When performing constructing-assembling operations the person constructing the facility shall be obliged to fulfill the all complex of measures for ensuring of safety as determined by the project documents, and ensure a possibility to supervise their fulfillment on various stages of construction of the facility.

4. Facilities under construction must be placed at a required distance of other items in accordance with the established standards.

5. When concluding a work agreement for construction, reconstruction and repair of facilities customers must indicate in them requirements of the technical regulations and other regulatory-technical documents, which ensure safety in the field of technical regulation.

6. At construction items being high danger zones the customer and the contractor shall be obliged to ensure safety of performance of constructing-assembling operations and to exclude a possibility to inflict harm to life and health of a man, environment.

7. In projecting and constructing of facilities one shall taken into account loads which can cause the following phenomena:

- 1) a fall of the all facility or its part;
 - 2) deformations of an inadmissible size;
 - 3) damages to other parts of the facility or sets and equipment placed within them, because of considerable deformations of bearing elements;
 - 4) damage caused by accidental events inadequate to the origin.
8. Facilities must be projected and constructed in such a way that in case of a

fire:

1) the strength of bearing elements is ensured within a certain period;
2) occurrence and spreading of the flame and smoke within the facility is limited;

3) immediate evacuation of people through emergency exits is ensured;

4) rescue groups have access to fire sources.

9. Facilities must be projected and constructed so they do not make danger to hygiene and health of a man, in particular because of:

1) escape of toxic gases and other harmful chemical matters;

2) availability of dangerous particles or gases in the air;

3) emission of dangerous radiation;

4) contamination or pollution of water or soil;

5) failures with escape of water, smokes, solid or liquid wastes;

6) availability of moisture on parts of the facility or interior surfaces of the facility.

10. Facilities must be projected and constructed so their operation does not constitute an inadmissible risk of such casualties as slip, falls, blows, burns, affect of electric current, wounds because of explosions.

11. The facility's noise insulation must be projected and constructed with respect to the absence of an inadmissible risk to life and health of a man.

12. The facility, as well as its heating, cooling and ventilation plants must be projected and constructed so that consumption of energy requested for the use by the facility is moderate with respect to local climatic conditions, but without damage to health of people.

Article 27-3. Safety Requirements to Building Materials

Building materials must be consistent with requirements of the regulatory legal acts establishing a complex of obligatory safety requirements, in particular radiation and chemical safety rates, allowing to build facilities, which are usable with respect to economic aspects, and the use of which ensures the compliance with the requirements established in Article 27-2 of this Law.’;

5) subparagraph 3) of paragraph 2 of Article 28 shall be stated as follows:

‘3) regulatory documents for standardisation in the sphere of architectural, town building and constructing activities;’;

6) in paragraph 1 of Article 58 the words ‘state standards’ shall be replaced by the words ‘technical regulations’;

7) the first part of paragraph 1 of Article 64 after the words ‘Expert examination of projects’ shall be appended by the words ‘for conformity with technical regulations’;

8) in paragraph 2 of Article 70:

in the first paragraph the word ‘Quality’ shall be replaced by the words ‘Safety and quality’;

subparagraph 1) shall be stated as follows:

‘1) compliance with safety requirements established by the technical regulations and present regulatory documents for standardisation to building products;’;

9) in Article 71:

the heading after the word ‘ensuring’ shall be appended by the words ‘safety and’;

the first paragraph after the word ‘ensuring’ shall be appended by the words ‘safety and’.

16. To Law of 17th July 2001 of the Republic of Kazakhstan ‘Concerning Motor Roads’ (The Bulletin of the Parliament of the Republic of Kazakhstan, 2001, No. 17—18, i. 246; 2004, No. 23, i. 142; 2006, No. 1, i. 5; No. 14, i. 89):

1) Article 1 shall be stated as follows:

‘Article 1. General Definitions Used in This Law

The following general definitions are used in this Law:

1) motor road — a complex of engineering facilities, which are designated for movement of cars, which ensure continuous, safe movement of cars and other transport vehicles with established speeds, loads, dimensions, as well as land plots allotted for placement of the said complex (transport lands) and the air space above them within the established dimensions;

2) managers of motor roads — natural and juridical persons owners of motor roads or carrying out activities for management of motor roads on the right of business authority or operative control;

3) users of motor roads — natural and juridical persons being participants in traffic or carrying out other activities within the right-of-way of motor roads and the wayside;

4) length of the motor road — an actual length of the road between items or inhabited localities as indicated in reality (on the surroundings) by kilometer marks;

5) paid motor roads — motor roads of high quality which ensure a high safe speed, for the use of which a payment is collected, with the obligatory availability of an alternative free-of-charge travel by another road, whose quality is consistent with requirements of the state standards established by regulatory legal acts;

6) heavy-weight transport vehicle — a transport vehicle with a cargo or without a cargo, the full mass or distribution of the load by whose axes exceeds the maximum allowable load values for the said category of roads and facilities on them;

7) waysides — land sections abutting the right-of-way of motor roads, within which limits special terms of land use are established to ensure safety of movement of transport and population;

8) right-of-way — transport land occupied by motor roads to place appropriate structural elements and engineering structures of the motor road, as well as buildings, facilities, protective and decorative forest plantations and arrangement of road communication, which are necessary for their operation;

9) road activities — activities for projecting, building, reconstruction and repair, as well as maintenance and use of motor roads and structures on them;

10) control of road activities — a complex of measures directed to organisation and ensuring of safety and ease of movement on roads, improvement of transport operating conditions of motor roads and structures, ensuring of the procedure for protection of them, organisation of projecting, building, reconstruction, repair, maintenance and use of motor roads on the base of state standards established by regulatory legal acts, and introduction of advanced technologies;

11) road authorities — the authorised state body for motor roads, its territorial bodies performing control of state motor roads of common use;

12) street (street trafficway) — a motor road within the limits of cities or other inhabited localities;

13) big-sized transport vehicle — a transport vehicle with a freight or without a freight, which has an excess of overall sizes established by regulatory legal acts.’;

2) in paragraph 5 of Article 3 the words ‘state standards approved by regulatory legal acts’ shall be replaced by the words ‘technical regulations in the sphere of motor roads’;

3) in paragraph 2 of Article 7 the words ‘standards and’ shall be repealed;

4) in paragraph 2 of Article 10 the words ‘rules and standards’ shall be replaced by the words ‘legislation of the Republic of Kazakhstan’;

5) Article 11 shall be appended by subparagraph 6-1) as follows:

‘6-1) approval of technical regulations in the sphere of motor roads.’;

6) paragraph 2 of Article 12 shall be appended by subparagraph 23) as follows:

‘23) elaboration of technical regulations in the sphere of motor roads.’;

7) in Article 15:

in paragraph 1 the words ‘on principles of the compliance with established rules and standards, application of certified’ shall be replaced by the words ‘in accordance with established standards and rules, with application of allowed for use’;

in paragraph 3 the words ‘and state regulations’ shall be repealed;

8) Chapter 3-1 shall be appended as follows:

‘Chapter 3-1. General Safety Requirements

Article 19-1. The Technical Regulation Items

The technical regulation items shall be motor roads, road building materials, processes of projecting, building (reconstruction, repair) and operation of motor roads.

Article 19-2. Safety Requirements in Projecting of Motor Roads

1. Projecting of motor roads must be performed with respect to terms of the least limitation and change of the speed, ensuring of traffic safety and probable reconstruction of the road beyond the limits of the prospective period.

2. Project solutions of motor roads must ensure:

1) organised, safe movement of transport vehicles with design speeds;

2) compliance with terms of visual orientation of drivers;

3) safe location of abutments and crossings;
4) required adhesion of car tires with the trafficway surface;
5) required equipment of motor roads, in particular with protective road structures;

6) required buildings and structures of road and motor transport services.

3. When projecting industrial bases, buildings and structures of road and motor transport services one shall elaborate and implement measures, which ensure the observance with the maximal allowable concentrations of pollutants in the free air, water items and soil.

4. When elaborating project-estimate documents one shall evaluate direct and indirect influences of roads and traffic upon:

- 1) people and environment;
- 2) landscape, items on the road and historic-cultural legacy.

Arrangement of forest plantations (along the road) must favour enhancement of visual orientation and disturbance of visual monotony of the road providing for exclusion of an occurrence of any other hazards.

5. When projecting roads one shall elaborate traffic signs placement schemes with indications of places and methods of their installation and road marking scheme.

6. Safety requirements in projecting of motor roads shall be established by technical regulations.

Article 19-3. Safety Requirements in Building, Reconstruction and Repair of Motor Roads

1. In building, reconstruction and repair of motor roads it shall be necessary to ensure the compliance with requirements of the project-estimate documents, this Law and technical regulations in the sphere of motor roads.

2. In construction, reconstruction and repair one shall undertake measures for safety and protection of the environment. When selecting methods for performance of operations and mechanization facilities one shall take into consideration the necessity of compliance with appropriate sanitary standards, standards of maximally allowable emission of pollutants in the free air.

In building, reconstruction and repair of motor roads preservation of green plantations or their restoration must be ensured.

3. Safety to road workers and participants in traffic must be ensured by undertaking of measures for organisation of traffic and fencing of places where operations are performed, which must be stipulated in the course of work planning and

be regularly checked in performance of it.

4. Where roads are under building, reconstruction and repair in difficult engineering-geological conditions, where the subgrade settlement term considerably exceeds established periods of building, it shall be allowed to stipulate arrangement of the road paving by stages with ensuring of water drainage and traffic safety at each stage.

5. Safety requirements in building, reconstruction and repair of motor roads shall be established by technical regulations.

Article 19-4. Safety Requirements in Operation of Motor Roads

1. Conditions of roads must ensure traffic safety and protection of the environment, and it must meet the transport operating load level.

The width of the wayside must be not less than the established standards for the said type of roads.

Information indicators and signs must ensure traffic safety and meet requirements of regulatory documents.

The composition of roads must ensure their safety in operation with respect to climatic specificity of the region and transport operating load.

2. The trafficway of motor roads and streets of cities and inhabited localities, paving of foot and bicycle ways, boarding grounds, stop points, as well as the surface of dividing strips, road shoulders and ground fill slopes must be in conditions ensuring traffic safety.

The road paving must have a surface necessary to ensure design speeds and traffic safety.

The paving of the trafficway must have no settlements, corrugations, other damages hampering movement of transport vehicles.

In winter conditions shall be necessary to ensure traffic safety to the maximum and its organisation through undertaking of appropriate measures.

3. To prevent transport accidents and holdups of transport vehicles in places of conducting of road operations it shall be necessary to stipulate installation of fencing structures, signs and marking, as well as to ensure visibility of the places of performance of operations at any time of the day.

The applied traffic organisation technical means (fencing, signs, marking, directing structures, light networks, traffic lights, automatic traffic control systems) must be well visible, distinguished at any time of the day.

4. The noise, vibration level and air and water pollution as a result of traffic,

servicing and maintenance of roads shall be limited by appropriate measures on the basis of requirements established by technical regulations in the sphere of motor roads.

Article 19-5. Safety Requirements to Road Building Materials

Road building materials must be environment-resistant, and the contents of harmful components and admixtures in them must not exceed the allowable rates.’.

17. To the Law of 8th December 2001 of the Republic of Kazakhstan «Concerning the Railway Transport» (Bulletin of the Parliament of the Republic of Kazakhstan, 2001, No. 23, i. 315; 2003, No.10, i. 54; 2004, No. 18, i. 110; No. 23, i. 142; 2006, No. 3, i. 22; No. 14, i. 89; No. 16, i.99):

1) Article 1 shall be replaced with the following:

“Article 1. The Fundamental Definitions Used in This Law

The following fundamental definitions shall be used in this Law:

1) receiver – a person, who receives baggage, freight baggage or postal parcels and that is specified in the way documents;

2) special-purpose transportations – transportations of special freights for governmental and defense needs;

3) socially significant messages – messages, of which the social significance is defined by the following:

interr-province – by the Government of the Republic of Kazakhstan;

inter-district (intercity) and internal – be local representative and executive authorities;

4) baggage – property with a weight not more than 200 kilograms accepted for conveyance in a passenger and postal-baggage train;

5) carriage – non-self-propelled trailer transportation vehicle intended for carriage on railways;

6) carriage (container) operator – a person, who owns carriages (containers) on the right of ownership or other legal bases and (or) participates on the basis of an agreement with the carrier in the performance of conveyance procedures by using those carriages (containers), and specified in way documents;

7) passenger – a natural person, who has a travel document (ticket) and performs traveling by train;

8) sender – a person, who sends baggage, freight baggage or postal parcels and that is specified in way documents;

9) freight – a property accepted for conveyance by freight train;

10) freight receiver – a person specified in way documents and that receives freights;

11) freight baggage – a property with its weight more than 200 kilograms accepted for conveyance in a passenger or postal-baggage train;

12) freight shipper - a person specified in way documents and who ships a freight;

13) freight shipment – a batch of a freight, which is proposed for carriage in accordance with one railway way invoice;

14) rolling-stock – traction transportation vehicles (locomotives), carriages,

self-propelled and other transport vehicles intended for transportation of passengers, baggage, freight, freight baggage and postal parcels by railway;

15) client – a person, who uses carrier's services in accordance with the concluded agreement;

16) container – a universal transportation equipment for multiple use, which is intended for carriage of freight;

17) counter-party – a person holding in accordance with the ownership rights of on other legal bases near-railway warehouses, areas for storage of freights, loading-unloading devices and (or) approaching ways adjacent to approaching ways of another railway owner;

18) approaching ways – railways intended for servicing freight shippers, freight receivers, and which directly or through other approaching ways contact main and (or) station railway;

19) approaching ways services – services associated with providing approaching ways into use;

20) dangerous freights – freights, which due to their properties may cause death, injuries or diseases of people, animals, explosion, fires, damage or destruction of property, and also to cause harm to the natural environment;

21) hand luggage – personal belongings, which are carried by passengers on themselves in a carriage without payment for, by their weight and dimensions not to exceed the established sides;

22) locomotion operator – an owner of a traction transportation vehicle (locomotive) providing for its maintenance and operation, and who has a certificate for rendering locomotion services;

23) locomotion services – services associated with displacement of rolling-stock by traction transport vehicle (locomotive) on railways;

24) main railway – railway connecting railway stations, intended for the functioning of a railway transport of common use in the entire territory of the Republic of Kazakhstan and for ensuring railway communication with other countries;

25) main railway network – main railway infrastructure including main and station ways, as well as facilities of electricity supply, alarm systems, communication systems, devices, equipment, buildings, installations, facilities and other items, which are technologically required for its functioning;

26) main railway network services – services associated with providing into use of main railway network and with the organization of throughput rolling-stock through it;

27) main railway network operator – an organization, which is created by the government for rendering services associated with a main railway network and for managing the transportation procedures;

28) governmental transportation supervision (hereinafter – transport supervision) – a range of measures, which are carried out by the authorized body for the purposes of inspecting compliance by natural and juridical persons with the requirements of the legislation of the Republic of Kazakhstan in the sphere of the railway transport'

29) approaching ways of common use – railways, which are specifically dedicated both in the territory of a railway station and beyond its boundaries, which are owned by the participants of the carriage process and used for the performance associated with loading (unloading), sorting, storing of baggage, freights, freight

baggage in accordance with the conveyance standards;

30) maintenance documentation – documentation, which specifies the procedure for the operation of the railway transport and equipment;

31) station railways – railways within the boundaries of a railway station, except for the approaching ways;

32) railway owner – a person, who owns approaching railways in accordance with the ownership rights or other legal bases;

33) transportability period – maximum allowed based on the information specified in a certificate (quality certificate) period for the presence of quickly perishable baggage, freights, freight baggage en route;

34) transportation – a range of interconnected activities of the carrier, main railway network operator, locomotion operator, which are carried out for the purposes of displacement of baggage, freights, freight baggage from starting point to destination one;

35) conveyance rules – regulatory legal act that regulate activities and mutual relations of all the participants of the transportation procedure;

36) way documents – documents, by formulation of which an agreement is concluded for carriage (way document (ticket), baggage and freight ticket, railway way bill);

37) transportation procedures – a range of activities and operations, which are performed in the course of performing conveyance and interrelated with regard to organization and technology;

38) transportation procedure participant – a person, who carries out entrepreneurial activities in the sphere of the railway transport, in particular railway owner, counter-party and client;

39) quickly perishable baggage, freight, freight baggage – baggage, freight, freight baggage, which has a limited period of useful life and requires special conditions in transportation and storage;

40) inspection – activity of governmental authorities that carry out supervisory functions, which is performed for the purposes of establishing the compliance by business entities with requirements of the legislation of the Republic of Kazakhstan in the sphere of the railway transport;

41) railways – real estate items (main, station, approaching ways of narrow and wide railway), on which travel of a rolling-stock is carried out;

42) railway transport – a type of transport, which provides for carriage on railways;

43) carrier on railway transport (hereinafter – carrier) – a carrier, who carries out carriages by rolling-stock and that is specified in the way document;

44) land for the needs of the railway transport – land plots, which are occupied by railways, facilities, line-and-road and other buildings, railway stations, protective forest plantations, railway devices;

45) protection zones of the railway transport – land plots, which are required for ensuring safety of transportation, security, strength and stability of installations, devices and other units of the railway transport;

46) railway communication – conveyance of passengers, baggage, freights, freight baggage and postal parcels by the railway transport between starting and destination points, including the following types:

international – conveyance between the Republic of Kazakhstan and foreign

countries and (or) by transit through the Republic of Kazakhstan;

inter-province – conveyance between starting and destination points, which are in different provinces of the Republic of Kazakhstan;

inter-district (intercity) – conveyance between populated areas within one province;

internal – conveyance within a city (district) limits and suburban areas;

47) railway station – a point, which divides main railway into sections, has railway development, provides the traffic regulation and throughput capacity, and allows to carry out operations associated with receipt, shipment, junction, by-passing of trains, those associated with passenger servicing, receipt, delivery of baggage, freight baggage, postal parcels and (or) freights;

48) authorized body – the central executive authority appointed by the Government of the Republic of Kazakhstan that within the bounds of its authority carries out the implementation of the national policies in the sphere of the railway transport, coordination, regulation and monitoring of the transport sector activities in the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

49) National Railway Company – a joint-stock company created pursuant to a decision of the Government, of which the sole shareholder is the national holding carrying out the maintenance and operation of main railway network, as well as rendering services associated with the main railway network;

50) National Carrier – a carrier, whose status is determined by the Government of the Republic of Kazakhstan, which carries out special-purpose and military carriages and renders services associated with carriage of passengers, baggage, freight carriage, postal parcels and (or) freights by using rolling-stock;

51) shipper – a person rendering services associated with organization of freight carriages, which may be specified in way documents as a payer for a carriage on the basis of an agreement on transportation shipment;”;

2) subparagraph 3) of paragraph 2 of Article 2 shall be replaced with the following:

“3) ensuring safety of railway transport and processes associated with its life cycle with regard to public life and health and environment;”;

3) Article 11 shall be replaced with the following:

“Article 11. Confirmation of Compliance

1. Conformity assessment of goods relating to activities of the railway transport shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

2. A document in the sphere of confirmation of compliance, which is issued by a foreign government, shall be valid in the Republic of Kazakhstan provided it is recognized by the governmental system of technical regulation in accordance with the legislation of the Republic of Kazakhstan concerning technical regulation.”;

4) in Article 14:

in paragraph 1:

subparagraph 9) shall be excluded;

subparagraphs 17), 18) shall be added as follows:

“17) approval of technical regulations to items of technical regulation in railway transport and procedures of its life cycle;

18) approval of safety rules for railway transport.”;

in paragraph 2:

in subparagraph 4) the words “, rules for technical maintenance” shall be excluded;

subparagraph 15) shall be excluded;

5) paragraph 2 of Article 16 after the words “non-compliant” shall be appended with the words “requirements of safety and”;

6) the head of Chapter 6 shall be replaced with the following:

“CHAPTER 6. GENERAL SAFETY REQUIREMENTS IN THE SPHERE OF RAILWAY TRANSPORT”;

7) Articles 30 and 31 shall be replaced with the following:

“Article 30. General Provisions

1. Railway transport, railways, railway stations, train stations and other items of participants of the transportation process, which are related to railway transportations, as well as procedures associated with their life cycle shall be recognized as technical regulation items.

2. The participants of transportation procedures shall be obliged to comply with the safety requirements established in the technical regulations and to provide for the safe conditions for lives and health of people, carriage of passengers, as well as compliance with the safety requirements for the traffic on main, station and approaching ways.

3. The traffic safety shall be ensured by a set of institutional and technical measures aimed at the protection of lives and health of people, environmental protection, creation of conditions for safe operation of participants of the carriage procedure, maintenance in order of the main railway, rolling-stock of the railways, facilities, equipment, mechanisms and devices, as well as elimination of consequences of potential accidents.

4. The joint and several reliability for non-compliance with the established standards in the course of construction and operation of oil-and-gas pipelines and other facilities, which cross railways and which are in the direct proximity of those, and for the safety operation of said facilities shall rest for their owners and users.

Owners of said facilities shall be obliged timely to inform participants of the transportation process and governmental transport supervision authorities on emergency of an accident or emergency situations that create traffic safety risk.

5. The shipper (freight shipper) sending, the receiver (freight receiver) receiving dangerous freights, as well as the carrier carrying out transportation of dangerous freights shall be obliged to provide with the safety of their transportation, have facilities and mobile units, which are required for liquidation of emergency situations and their consequences (including those in accordance with a contract).

In the case of occurrence of an emergency situation in the course of transporting dangerous freights the participants of the transportation procedure shall be obliged to provide for immediate sending of said units to the place of accident.

Article 31. Safety Requirements in the Course of Market Handling of Railway Transport and Equipment

1. Railway transport and equipment must not be sold in a market place and be used, unless they are in compliance with the requirements ensuring safety for lives and health of humans and environment, or may mislead customers.

2. A person, who places railway transport and equipment in market places of the Republic of Kazakhstan, shall be obliged to take all appropriate measures to confirm the compliance with the legislation requirements of the Republic of Kazakhstan concerning

technical regulation.

3. Railway transport and equipment must have appropriate warning captions or signs on risks and safe operation requirements.

4. A person, who places railway transport and equipment in a market place, shall be obliged immediately to inform the authorized bodies on violation of safety requirements, where such take place with regard to already sold railway transport and equipment and on measures taken by that person.

5. A person, who has information from the manufacturer, importer, operator or governmental supervision authorities on non-compliance of railway transport and equipment with the established safety requirements, must not place them in a market place.”;

8) Articles 31-1 – 31-5 shall be added as follows:

“Article 31-1. Safety Requirements When Designing Railway Transport and Equipment

1. Railway transport facilities, as well as facilities, on which manufacture, loading, unloading (unshipping), storage and transportation of dangerous freights is carried out, must be removed from populated areas, industrial, agricultural and other enterprises, detached buildings and facilities at safe distances in accordance with construction standards and rules established by the authorized governmental bodies.

2. When designing there must be provided for the compliance of a project of the railway transport and equipment with the requirements of the legislation of the Republic of Kazakhstan concerning technical regulation with regard to certain types of railway transport and equipment.

3. When designing railway transport and equipment there must be identified all potential risks at all stages of their life cycle, in particular for standard operation, emergency situations (failures and external impacts), expected mistakes of personnel and prohibited use.

4. The design of railway transport, its breaking equipment, facilities for air supply for breaking devices, alarm and communication devices, controlling and measuring and electrical equipment must be in compliance with the safety requirements as to lives and health of humans during the entire operation period.

5. For all types of railway transport and equipment the risk of fire, explosion, overheating caused by the engine, vapors or other materials during the prescribed useful life (prescribed resource) in accordance with the maintenance instructions, must not exceed allowed quotas as established by the legislation of the Republic of Kazakhstan.

6. Safe access facilities (stairways, passages) to all areas of operation and technical services must be ensured.

Article 31-2. Safety Requirements in the Manufacture of Railway Transport and Equipment

1. When manufacturing railway transport and equipment it shall be required to provide for the compliance of the manufacturing process of railway transport and equipment with requirements of the project documentation, this Law and technical regulations concerning specific types of railway transport and equipment.

2. When manufacturing railway transport and equipment the manufacturer shall be obliged to comply with the entire range of measures for ensuring safety as defined in the project documentation, and to provide opportunities for supervision of compliance of all technological operations, on which safety depends.

3. Where for ensuring safety in the course or after the manufacture of railway

transport and equipment the performance of test is required, those tests shall be carried out to full extent in the compliance with all the requirements of the project documentation.

Article 31-3. Safety Requirements in Operating (Assembly and Repair) of Railway Transport and Equipment

1. Railways, territories of railway stations, train stations and other items of participants of the transportation procedures, which are associated with the transportation procedures, shall be recognized as high-risk areas and must have special fencing in accordance with the requirements established by the authorized body.

2. All appropriate requirements as to ensuring safety of railway transport and equipment in the course of its operation (assembly and repair), as well as with regard to observance of technical parameters affecting its safety must be shown in the maintenance documentation concerning railway transport and equipment.

3. Natural and juridical persons carrying out operation (assembly and repair) of railway transport and equipment must comply with requirements of the maintenance documentation concerning the railway transport and equipment.

4. Owners of traction transport vehicles (locomotive) when rendering services of locomotion traction shall be obliged to provide for its orderly condition, in particular performance of technological preparation and operation.

5. Discharges of harmful substances and exhaust fumes by main and manoeuvre diesel locomotives must not exceed values established by the legislation of the Republic of Kazakhstan.

6. Railway transport and equipment must perform their functions, be subject to regulation and technical services without subjecting to risk people, when they perform their operation.

7. Control systems of railway transport and equipment must provide for the safety of their operation under any provided regimes of their work and operation conditions.

8. Controlling devices must be easily visible, and in appropriate cases must be marked with captions, symbols or by other methods.

Railway transport and equipment must be equipped with appropriate equipment, devices to ensure their full and safe stoppage (switch-off).

Controlling systems must include facilities for emergency breaking and emergency stops (switch-offs), where their use may reduce or prevent risks.

9. The central control panel for the railway transport and equipment system must be equipped with facilities showing information on violation of operation of any part of the system, as well as emergency stop (switch-off) facilities.

10. The selected regime of managing the railway transport and equipment must have priority as to all other control regimes, except for emergency stop (switch-off).

11. Disorders of energy sources and control systems must not lead to emergence of dangerous situations.

Article 31-4. Safety Requirements in Transportation and Storage of Railway Transport and Equipment

1. All appropriate requirements to ensuring safety of railway transport and equipment in the course of their transportation and storage, storing of technical parameters ensuring its safety, in particular requirements to package, conservation, transportation and storage requirements, prescribed useful life, information on timing for recertification of condition, replacement of certain assemblies, details, components

wit expired shelf lives must be specified in the maintenance documentation concerning the railway transport and equipment.

2. Safety requirements to transportation and storage of specific types of railway transport and equipment shall be established by the technical regulations in the sphere of the railway transport.

3. Materials and substances, which are used for packing and sealing, must be in compliance with the safety requirements established by the legislation of the Republic of Kazakhstan.

4. Loading, unloading, transportation and warehousing must be carried out by trained personnel in compliance with the established safety requirements.

Article 31-5. Safety Requirements in Utilization and Destruction of Railway Transport and Equipment

A natural or juridical person must provide for the utilization and destruction of railway transport and equipment in compliance with the requirements established by the technical regulations concerning each type of the railway transport.”.

18. To Law of 15th December 2001 of the Republic of Kazakhstan ‘Concerning State Regulation of Civil Aviation’ (The Bulletin of the Parliament of the Republic of Kazakhstan, 2001, No. 23, i. 320; 2004, No. 23, i. 142; 2005, No. 7—8, i. 23):

1) Article 1 shall be stated as follows:

‘Article 1. General Definitions Used in This Law

The following general definitions are used in this Law:

1) air route certificate — a document for the right to use an air route;

2) air services — civil aviation services related to organisation and ensuring of air carriages of passengers, luggage, freights and mail and performance of air operations;

3) air route (air route) — the geographical description or a combination of geographical descriptions of the land surface above which air communication is performed between air carriage points;

4) aircraft — civil aircraft, their equipment, components, engines, training simulators and ground service facilities to civil aircraft;

5) air personnel — natural persons having professional training of the air profile, performing activities for organisation of flights, air traffic control, servicing of aircraft, performance of air operations, as well as for ensuring of carriages, flight security or air security;

6) civil aviation — aviation used for the purposes of: a) carriage of passengers, luggage, freights and mail (air carriages);

b) performance of air operations;

c) conducting of training, sportive, cultural-enlightenment measures, development of technical creation;

- d) satisfaction of personal needs of an aircraft operator;
- e) performance of search-rescue and emergency-rescue operations, rendering of aid in case of natural calamities;
- 7) civil aviation organization — a juridical person]carrying out activities in the sphere of civil aviation;
- 8) civil aircraft — an aircraft used in civil aviation and entered in the State Civil Aircraft Register of the Republic of Kazakhstan;
- 9) freedom of air — a right to carry in relation to regular international air carriages, to be granted by one state to another state or states to conduct flights and to perform landings in its territory to carry passengers, luggage, freights and mail;
- 10) air carriages — activities of natural and juridical persons for carriage of passengers, luggage, freights and mail by civil aircraft;
- 11) State Civil Aircraft Register of the Republic of Kazakhstan — a document in which there is made the state registration of civil aircraft of the Republic of Kazakhstan, rights to them and deals in them;
- 12) irregular (charter) flight — a commercial air carriage which is not a regular air carriage;
- 13) regular flight — a flight performed in accordance with an approved timetable;
- 14) temporary management — management which is put into operation where the licence with the airport operator is suspended or revoked;
- 15) authorised body — a state administration body performing implementation of the state policy in the sphere of civil aviation, state control and supervision, coordination and regulation of activities of civil and experimental aviation and the use of the air space of the Republic of Kazakhstan;
- 6) airworthiness — technical conditions of an aircraft which meet flight technical characteristics ensuring safety and flying quality of a civil aircraft;
- 17) flight security — a complex of measures ensuring safe performance of flights, complex characteristics of a civil aircraft and air services and (or) operations, determining the capability to perform flights without a threat to life and health of people.’;

2) in Article 4:

subparagraph 7-1) shall be repealed;

subparagraphs 17)—22) shall be appended as follows:

‘17) establishment of an airworthiness standard for civil aircraft;

18) approval of the procedure for certification and issue of certificates of the operator of civil aircraft and ultra-light aircraft, type certificates, airdrome worthiness

certificates, airworthiness certificates and number certificates;

19) approval of regulatory legal acts determining the procedure for ensuring of work safety and industrial sanitary in the field of civil aviation, as well as for aeronautical services to flights;

20) approval of regulatory legal acts on issues of flight security and air security;

21) approval of regulatory legal acts in the sphere of radiotechnical support to flights and air telecommunication;

22) approval of technical regulations in the sphere of civil aviation.';

3) in paragraph 1 of Article 5:

subparagraph 2) shall be appended by the words 'for ensuring the safety for life, health of humans, environment';

subparagraphs 8) and 17) shall be stated as follows:

'8) certification and issue of certificates of the operator of civil aircraft and ultra-light aircraft, type certificates, airdrome worthiness certificates, airworthiness certificates and number certificates;';

'17) elaboration of technical regulations;';

subparagraphs 26-1), 26-3), 26-7), 26-8) and 26-9) shall be repealed;

4) Article 10 shall be stated as follows:

'Article 10. Certification of the Conformity in the Sphere of Civil Aviation

Certification of the conformity shall be performed in accordance with the legislation of the Republic of Kazakhstan.'

19. To Law of 17th January 2002 of the Republic of Kazakhstan 'Concerning Merchant Navigation' (The Bulletin of the Parliament of the Republic of Kazakhstan, 2002, No. 2, i. 16; 2004, No. 20, i. 116; No. 23, i. 142; 2005, No. 11, i. 36; 2006, No. 3, i. 22):

1) Article 1 shall be stated as follows:

'Article 1. General Definitions Used in This Law

The following general definitions are used in this Law:

1) average contribution — a money amount which the recipient is obliged to contribute to the carrier when giving cargoes him to compensate expenses in case of a general average, as a security of payment of his share in the general average expenses;

2) recipient — a person authorised to receive cargo under a maritime freight contract;

3) special personnel — persons who are not members of the crew, permanently staying aboard in connection with the destination of the ship (engaged in catching and processing of living sea resources, scientific, engineering-technical personnel, personnel of laboratories, workers and others);

4) bareboat charter — a contract under which the person, who gives the ship, obliges to transfer to the charterer in possession and use for a certain period a ship or

several ships not equipped and not provided with a crew to carry passengers, luggage and cargoes and other purposes of merchant navigation, against a stipulated payment (freight);

5) ordinary route — a ship route generally accepted in marine practice;

6) demurrage — a payment for a demurrage time;

7) dispatch money — a remuneration to the charterer for the finishing of loading of the ship before the expiration of the laytime;

8) average statement — a calculation of losses and expenses under a general average and distribution of them among the parties participating in the general marine undertaking;

9) average adjusters — persons having knowledge and experience in the field of maritime law, who make a calculation to determine an average statement;

10) unit of account — a unit of the special drawing right to be determined by the International Monetary Fund;

11) freight — a payment for carriage of cargo, as well as a remuneration under bareboat charters and time charters;

12) general marine undertaking — assets (ship, freight and cargo) for the account of which expenses are to be compensated under a general average;

13) passenger — a person who is in contracted relations with the carrier and entered in a ticket or another document confirming his right to travel, or who accompanies a motor transport vehicle, animals and other cargo under a maritime freight contract having a carrier's consent;

14) passenger ship — a ship which is designated for carriage and which carries more than twelve passengers;

15) passenger certificate — a ship document containing information on the maximal allowable quantity of passengers aboard;

16) sender — a person who sends cargo in accordance with a maritime freight contract and who is indicated in carriage documents;

17) floating drilling rig — a ship (floating facility) designated for performance of drilling operations and (or) production of underground resources of the sea bed;

18) cargo ship — a ship being not passenger (dry cargo, tank, transport refrigerator, ice breaker, towboat, pusher, rescue, technical fleet, cable, of special destination and other non-passenger ship);

19) incident — an occurrence or a number of occurrences of the same origin, as a result of which damage is inflicted, or a serious or direct threat of such a damage has arisen;

20) cabotage — carriage and towage in communication between sea ports of the Republic of Kazakhstan, as well as from a port (point) of loading to a port (point) of unloading which are under the jurisdiction of the Republic of Kazakhstan;

21) cabin luggage — passenger's belongings compact packed and free placed in a cabin or on shelves in public places, which are carried himself with him, within the limits of established quantities and sizes;

22) ship — a self-propelled or non-self-propelled floating facility, including a non-displacement ship and boatplane, used for the purposes of merchant navigation;

23) marine pledge on the ship — a ship mortgage emerging on the basis of this Law when circumstances indicated in it happen;

24) holder of the ship — a person holding a ship of the right of ownership or other legal bases;

25) mortgage of the ship — a mortgage of a marine ship, ship of inland navigation, ship of 'river-sea' navigation, as well as of a ship under building subject to state registration, which emerges on the basis of an agreement entered in the appropriate register;

25) pilotage of ships — leading of ships by a pilot;

26) charterer — a party to the charter, which is given a ship or several ships for a certain period to carry passengers, luggage and cargo or for other purposes of marine navigation;

28) person who gives the ship — a party to the charter, which gives a ship or several ships for a certain period to carry passengers, luggage and cargo or for other purposes of marine navigation;

29) shipowner — a person registered as an owner of the ship in accordance with the rules for state registration of ships and rights to them;

30) carrying capacity of the ship — a capacity which is taken for calculation in ports and statistical records of the fleet, which is determined in accordance with international agreements of the Republic of Kazakhstan for metering of ships;

31) consignment note — a document which is given by the carrier to the sender and which certifies the reception of cargo for carriage;

32) demurrage time — a period of time within which the ship is under loading in excess of the laytime;

33) dangerous cargo — a cargo, which may be a source of explosion, fire or damage of technical means, sets, buildings and facilities, as well as death of, injury or disease in people, animals, which can inflict damage to the environment because of its adherent properties during carriage, performance of loading-unloading operations and storage;

34) pilot — a specialist having certain knowledge and skills in the field of safe leading of ships to a place of mooring, riding at anchor and transposition of ships in a port;

35) pilotage — activities of a pilot (pilots);

36) oil tanker — a ship designated for carrying in bulk crude oil and oil products with the flash point of 60°C and less for marine ships, 55°C and less for ships of inland navigation and with the vapours pressure by Reid less than the atmospheric pressure;

37) actual carrier — a carrier actually performing carriage of a passenger, luggage and cargo or their part;

38) through consignment note — a document issued by the carrier to the sender and certifying the reception of cargo for carriage, which stipulates that a part of carriage must be performed by another carrier;

39) water space of the port — inland water of the Republic of Kazakhstan limited by the line passing via points of hydrotechnical and other facilities of ports which are the most extended off-shore, or to be determined in accordance with international agreements ratified by the Republic of Kazakhstan;

40) port towage — towage and fulfilling of maneuvers within the water space of the port to enter a ship or another floating item in the port or to bring it out of the port;

41) merchant navigation — activities for carriage by ships of passengers, luggage and cargoes, as well as activities related to the use of ships for other commercial and non-commercial purposes (hydrographic, scientific, hydrotechnical, rescue and other), except for military and frontier ships used for fulfillment of functions entrusted to them;

42) laytime — a period of time within which a ship is under loading without an additional payment to the freight;

43) sub-bareboat charter — a charter under which the charterer obliges for a certain payment (freight) to give third persons in possession and use for a certain time a ship or several ships not equipped and not provided with a crew to carry passengers, luggage and cargo and other purposes of marine navigation;

44) sub-time charter — a charter under which the charterer obliges to give third persons against a remuneration, for a certain time a ship or several ships equipped and provided with a crew to carry passengers, luggage and cargo and other purposes of marine navigation;

45) towing boat — a ship designated for towing and positioning of other ships and floating facilities;

46) classifying company — an organisation performing technical examination and classification of ships carrying out international navigation, which is recognised by the Government of the Republic of Kazakhstan, in accordance with the procedure determined by agreements of the Republic of Kazakhstan in the field of merchant navigation;

47) time charter — a charter for a time, under which the person, which gives the ship, obliges to give the charterer against a stipulated payment (freight) a ship and services of members of the ship crew in the use for a certain time to carry passengers, luggage and cargoes and other purposes of merchant navigation;

48) carriage rules — regulatory legal acts regulating activities of marine transport when performing carriages of passengers, luggage, cargo, to be approved by the authorised body;

49) carrier — a person holding a ship on the right of ownership or other legal bases, rendering services for carriage of passengers, luggage and cargoes and indicated in the carriage documents;

50) captain's protest — a ship captain's statement of an accident taken place within the period of navigation or mooring of the ship, which may be a base to bring against the holder of the ship property claims, for the purposes of ensuring of proofs;

51) sea towage — towing of a ship or another floating item for a certain distance;

52) fairway marking means of seaways — beacons, buoys and other navigation equipment ensuring navigation safety;

53) sea waybill — a carriage document to be formulated in case of carriage of cargo by sea transport;

54) sea port — a complex of facilities located on land plots, which are allotted in accordance with the procedure established by the legislation of the Republic of Kazakhstan, designated for servicing of ships, passengers, luggage and performance of operations with cargo, as well as for other purposes of activities of sea transport;

55) marine claim — a claim made in connection with the use of ships for the purposes of marine navigation (compensation of damage, payment of duties and other);

56) sea terminal — a specialised section in a sea port, which comprises a totality of technical means, engineering facilities, lifting-transport and other equipment ensuring conditions for loading (unloading) of cargoes, their storage, treatment of transport vehicles related to the marine type of transport, as well as boarding, unboarding and other servicing of passengers;

57) sea terminal operator — a person holding a terminal in a sea port on the right

of ownership or other legal bases and performing loading-unloading operations and other technical operations;

58) authorised body — a central executive body which performs within its scope the implementation of the state policy, state control and supervision, coordination and regulation of activities in the sphere of marine navigation;

59) charter — a type of contract for carriage of passengers, luggage and cargo by sea, under which the sender is given the all ship, its part or certain ship compartments.’;

2) paragraph 2 of Article 4 shall be appended by subparagraphs 16)—19) as follows:

‘16) approval of the rules for classification of marine ships;

17) approval of the rules for equipment of marine ships;

18) approval of the rules for cargo marking of marine ships;

19) approval of technical regulations in the sphere of marine navigation.’;

3) Article 8 shall be stated as follows:

‘Article 8. Certification of the Conformity

1. Certification of the conformity of products related to activities in the sphere of merchant navigation, and of processes of their life cycle shall be conducted in accordance with the legislation of the Republic of Kazakhstan.

2. The document for certification of the conformity issued by a foreign state shall be recognised in compliance with the legislation of the Republic of Kazakhstan.’;

4) Chapter 1-1 shall be appended as follows:

‘Chapter 1-1. General Safety Requirements in the Sphere of Merchant Navigation

Article 8-1. General Requirements

1. Participants in the carriage process shall be obliged to ensure safe conditions to life and health of a man, environment, as well as compliance with the safety requirements of merchant navigation.

2. Safety of merchant navigation shall be ensured by a complex of organisational and technical measures directed to protection of life and health of a man, environment, creation of conditions for accident-free operation of participants in the carriage process, maintenance of water ways in navigable conditions, in technical worthy conditions of ships, ports, shore items and facilities on inland water ways, as well as prevention of accidents with ships.

Technical regulation items in the sphere of merchant navigation shall be:

1) ships used for marine navigation, ports, shore items and facilities on water ways;

2) processes of production (building, repair, reconstruction), operation of ships used for merchant navigation, ports, shore items and facilities on water ways.

Article 8-2. Safety Requirements in Production (Building, Repair, Reconstruction) of Ships Used for Merchant Navigation, Ports, Shore Items and Facilities on Water Ways

1. In case of production (building, repair, reconstruction) of ships of merchant

navigation it shall be necessary to ensure the conformity with requirements of the project documents and legislation of the Republic of Kazakhstan concerning merchant navigation.

2. In case of production (building, repair, reconstruction) of ships of merchant navigation the manufacturer shall be obliged to fulfill the all complex of measures for ensuring of safety as determined by the project documents, and to ensure a possibility to have control over fulfillment of all the technological operations which navigation safety depends on.

3. Where it is required to conduct tests in the process or after the making of ships of merchant navigation for ensuring of safety, they must be conducted in the full volume in compliance with all the requirements of the project documents.

4. Each ship must be marked by an identification number to be put on the body. The marking must be visible, readable and unwashable.

5. The ship must be developed in such a way that the risk of falling overboard is reduced to minimum and rescue of people fallen overboard is ensured.

6. The basic steersman's place must be provided with circular view.

7. The ship must be equipped with an operation instruction, in which the special attention must be paid to the risks of fire and flush.

Article 8-3. Safety Requirements in Operation of Ships Used for Merchant Navigation, Ports, Shore Items and Facilities on Water Ways

1. Ships, ports, shore items and offshore facilities related to the merchant navigation process shall be recognised as high danger zones, and they must meet requirements of legislative acts and acts of the Government of the Republic of Kazakhstan in the sphere of merchant navigation.

2. Natural or juridical persons performing operation of ships, ports, shore items and offshore facilities must ensure the compliance with requirements of legislative acts and acts of the Government of the Republic of Kazakhstan in the sphere of merchant navigation.

3. Operation of ships used for merchant navigation must exert no negative influence upon life and health of a man and the environment.’;

5) in paragraph 3 of Article 15 the words ‘authorised body’ shall be replaced by the words ‘technical regulations’;

6) subparagraph 1) of paragraph 2 of Article 42 shall be stated as follows:

‘1) inconsistency of the ship with the safety requirements as established by the technical regulations.’;

7) paragraph 1 of Article 59 after the word ‘ensure’ shall be appended by the words ‘safety and’;

8) paragraph 1 of Article 72 shall be stated as follows:

‘1. Cargoes requiring containers and packages to ensure their full safekeeping in carriages must be presented for carriages in containers and packing in good repair. Containers and packing must be consistent with the obligatory safety requirements established by the technical regulations.’;

9) in subparagraph 1) of paragraph 1 of Article 196 the word ‘citizen’ shall be replaced by the word ‘man’.

20. To the Law of 11th March 2002 of the Republic of Kazakhstan «Concerning

the Atmospheric Air Protection» (...):

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21. To Law of 3rd April 2002 of the Republic of Kazakhstan ‘Concerning Industrial Safety at Dangerous Industrial Items’ (The Bulletin of the Parliament of the Republic of Kazakhstan, 2002, No. 7—8, i. 77; 2004, No. 23, i. 142; 2006, No. 3, i. 22):

1) Articles 1, 3 and 4 shall be stated as follows:

‘Article 1. General Definitions Used in This Law

The following general definitions are used in this Law:

1) accident — destruction of buildings, facilities and (or) technical sets which are applied at a dangerous industrial item, an uncontrolled explosion and (or) emission of dangerous matters;

2) incident — a failure or damage of technical sets which are applied at a dangerous industrial item, a departure from a technological process mode, a violation of the legislation of the Republic of Kazakhstan;

3) industrial safety — a state of protection of natural and juridical persons, environment from accidents at dangerous industrial items and consequences of said accidents;

4) authorised body — a state body performing state regulation in the field of industrial safety.’;

‘Article 3. Dangerous Industrial Items

1. Dangerous industrial items shall comprise items, at which there is produced, used, processed, formed, stored, transported, neutralized at least one of the following dangerous matters:

1) inflammable — a matter, which under the normal pressure and in mixture with air becomes inflammable and the boiling point of which under the normal pressure is 20°C or lower;

2) explosive — a matter, which in case of certain types of external impacts is capable of quick self-propagating chemical transformation with emission of heat and formation of gases;

3) combustible — a matter which is able to inflame spontaneously, as well to inflame from an ignition source and to burn independently after the removal of it;

4) oxidizing — a matter which maintains combustion, causes inflammation and (or) favouring inflammation of other matters as a result of an oxidation-reduction exothermic reaction;

5) toxic — a matter which is able when influencing upon living organisms to cause their death and which has the following characteristics:

the average lethal amount, when it is entered in the stomach, is from 15 to 200 milligrams per kilogram of the weight inclusive;

the average lethal amount, when it is applied to the skin, is from 50 to 400 milligrams per kilogram of the weight inclusive;

the average lethal concentration in air is from 0,5 to 2 milligrams per litre inclusive;

6) high toxic — a matter which is able when influencing upon living organisms to cause their death and which has the following characteristics:

the average lethal amount, when it is entered in the stomach, is not more than 15

milligrams per kilogram of the weight;

the average lethal amount, when it is applied to the skin, is not more than 50 milligrams per kilogram of the weight;

the average lethal concentration in air is not more than 0,5 milligrams per litre;

7) one being dangerous to the ambient environment, in particular which is characterised in the water medium by the following indicators of high toxicity:

the average lethal amount in case of inhalation impact upon fishes within ninety-six hours is not more than 10 milligrams per litre;

the average poison concentration, which causes a certain effect when influencing upon water fleas within forty-eight hours, is not more than 10 milligrams per litre;

the average inhibitory concentration when influencing upon water weeds within seventy-two hours is not more than 10 milligrams per litre.

2. Dangerous industrial items shall also comprise:

1) technical sets operating under the pressure of over 0,07 megapascal or with water heated to the temperature of over 115°C;

2) liquids of ferrous and non-ferrous metals and alloys on the base of those liquids;

3) mining, geological prospecting, drilling (in particular on the shelf of seas and inland water ponds), blasting operations for production and concentration of useful minerals, operations in underground conditions;

4) industrial wastes containing matters which are dangerous to health of a man and to the environment;

5) freight lifting mechanisms, escalators, cableways, mountain lifts, elevators;

6) power plants of all the types applied at dangerous industrial items;

7) hydrotechnical facilities of dangerous industrial items;

8) sources of radioactive and ionising radiation;

9) development, manufacture, repair, selling, storage and utilization of arms and ammunition to it.

Article 4. Ensuring of Industrial Safety

1. Industrial safety shall be ensured by:

1) establishment and fulfilment of obligatory industrial safety requirements;

2) admittance of technologies, technical sets, materials, which passed the procedure for confirmation of the conformity with the industrial safety regulations, for applying at dangerous industrial items;

3) declaration of safety of a dangerous industrial item;

4) state control, as well as industrial supervision over the compliance with the industrial safety requirements;

5) expert examination of industrial safety of dangerous industrial items;

6) attestation of organisations for performance of operations in the field of industrial safety;

7) industrial safety monitoring.

2. The industrial safety requirements must be consistent with standards in the field of protection of industrial personnel, population and territories from emergency situations, sanitary-epidemiological well-being of the population, protection of the environment, ecological safety, fire safety, work safety and labour protection, construction, as well as requirements of technical requirements in the sphere of

industrial safety.’;

2) subparagraph 3) of Article 6 shall be stated as follows:

‘3) approve technical regulations;’;

3) in Article 7:

in subparagraph 3):

the word ‘inter-sector’ shall be repealed;

the words ‘, except for the approval of technical regulations’ shall be appended;

subparagraph 16) shall be stated as follows:

‘16) carry out proceedings on administrative violations within the scope established by the legislation of the Republic of Kazakhstan;’;

subparagraphs 17)—27) shall be appended as follows:

‘17) elaborate or co-ordinate technical regulations;

18) control the efficiency of industrial supervision, readiness of organisations for liquidation of accidents and their consequences, work for localisation and liquidation of consequences of accidents at dangerous industrial items;

19) issue permits for application, manufacture of (in particular foreign) technologies, technical sets, materials in case of performance of dangerous types of operations;

20) perform industrial safety monitoring;

21) keep records of dangerous industrial items;

22) supervise conducting of timely technical certification of buildings, facilities, technical sets, materials at dangerous industrial items;

23) conduct attestation of organisations for the right of performance of operations in the field of industrial safety and supervision of their activities;

24) govern activities of militarised mountain rescue, gas rescue, blow-out services and formations;

25) co-ordinate conducting of acceptance testing of technical sets, materials;

26) conduct expert examination of an industrial safety declaration;

27) delegate performance of its certain powers to territorial subdivisions.’;

4) Article 9 shall be appended by subparagraph 4) as follows:

‘4) co-ordinate allotment of lands to dangerous industrial items with territorial subdivisions of the authorised body.’;

5) in Article 10:

in the heading and first paragraph the words ‘ natural persons’, ‘ Natural persons’ shall be replaced by the words ‘employees’, ‘Employees’ respectively;

subparagraph 2) shall be stated as follows:

‘2) immediately inform the administration of the organisation concerning accidents, incidents at the dangerous industrial item;’;

in subparagraph 3) the words ‘briefing and training’ shall be replaced by the words ‘training and briefing’;

6) Article 11 shall be stated as follows:

‘Article 11. Obligations of Natural and Juridical Persons Owners of a Dangerous Industrial Items

Owners of dangerous industrial items shall be obliged:

1) to comply with the industrial safety requirements;

2) to apply technologies, technical sets, materials, which are permitted to be applied in the territory of the Republic of Kazakhstan;

3) to organise and conduct industrial supervision of the compliance with the industrial safety requirements;

4) to ensure conducting of expert examination of industrial safety of buildings, coordination of mining work development plans, diagnostics, testing, certification of facilities and technical sets, materials, which are applied at dangerous industrial items, within the time established by regulatory legal acts or under the direction of the state inspector;

5) to conduct expert examination of technical sets, materials with the expired standard service life to determine a probable term of further operation;

6) to admit to work at dangerous industrial items officials and employees who meet the established requirements;

7) to prevent entry of outside persons in dangerous industrial items;

8) to present to territorial subdivisions of the authorised body information on the procedure for organisation of industrial supervision and on employees authorised to conduct it;

9) to perform analysis of reasons of occurrence of accidents, to undertake measures directed to prevention, liquidation of accidents and their consequences;

10) to inform immediately the territorial subdivision of the authorised body, local state administration bodies, population and employees of accidents;

11) to keep records of accidents;

12) to fulfil directions concerning elimination of violations of requirements of regulatory legal acts in the sphere of industrial safety issued by state inspectors;

13) to stipulate expenses for ensuring of industrial safety in elaboration of plans of financial-economic activities of a dangerous industrial item;

14) to present to territorial subdivisions of the authorised body information on accidents, injuries and professional diseases;

15) to insure the civil law responsibility of owners of dangerous industrial items to be declared, whose activities are related to danger of inflicting harm to third persons;

16) to present to state bodies, citizens reliable information on industrial safety conditions at dangerous industrial items;

17) when being presented a document concerning appointment of the inspection and the official certificate, to admit without obstacles the state inspector to the dangerous industrial item to perform functions imposed by this Law;

18) to ensure timely up-dating of technical sets, materials exhausted their standard life time;

19) to declare dangerous industrial items as determined by this Law;

20) to ensure the completion of the staff of the dangerous industrial item in accordance with established requirements of the organisational-technical measures ensuring safe performance of operations;

21) to ensure training, re-training, improvement of professional skills and attestation of employees in the field of industrial safety;

22) to ensure conducting of expert examination of an industrial safety declaration;

23) to conclude with professional rescue services and formations services agreements or to form own professional rescue services and formations;

24) to have reserves of materials and financial resources to localise and to liquidate consequences of accidents;

25) to train employees in protection techniques and actions in case of an

accident at dangerous industrial items;

26) to form systems of monitoring, informing, communication and support to actions in case of an accident at dangerous industrial items and to ensure their stable functioning;

27) to inform the territorial subdivision of the authorised body three days in advance of planned transportation of dangerous matters, the availability of which at the industrial item is a basis for declaring according to the supplement to this Law;

28) to perform registration, exclusion from registration records at territorial subdivisions of the authorised body of dangerous industrial items;

29) to co-ordinate with the authorised body projects (including local ones) of construction, reconstruction, modernisation, liquidation of dangerous industrial items;

30) where dangerous industrial items are put into operation, to conduct acceptance testing with participation of a representative of the authorised body.';

7) Article 11-1 shall be appended as follows:

‘Article 11-1. Obligatory Declaration of Industrial Safety

1. Obligatory declaration shall cover items, at which there are developed, manufactured, used, processed, formed, stored, transported, neutralized dangerous matters according to the supplement to this Law, liquids of ferrous and non-ferrous metals and alloys on the basis of those liquids, mining, geological prospecting, drilling (including on the shelf of seas and inland water ponds), blasting operations for production and concentration of useful minerals, operations in underground conditions, sources of radioactive and ionising radiation, hydrotechnical facilities of dangerous industrial items, arms and ammunition.

2. The industrial safety declaration (henceforth — the declaration) shall be elaborated, revised within the project of construction, expansion, reconstruction, technical re-equipment, temporary closure-down and liquidation of the dangerous industrial item.

3. The declaration must comprise the data as follows:

- 1) a list of dangerous matters (including derivatives) and their properties;
- 2) dangerous influence factors (each factor separately; in interaction with other factors; in interaction with the environment);
- 3) technological data concerning distribution of dangerous factors;
- 4) a danger and risk analysis;
- 5) technical solutions for ensuring of safety;
- 6) an analysis of conditions of occurrence of accident situations;
- 7) training of personnel in actions in case of accident situations;
- 8) a scheme of probable scenarios of occurrence and development of accidents;
- 9) a plan of liquidation of accidents (warning system; means and measures for protection of people; reserved resources for liquidation of accidents, emergency situations; medical support for rendering aid to persons suffered).

4. Elaboration of the declaration shall be performed by the organisation operating the dangerous industrial items, or by an organisation attested for performance of operations in the field of industrial safety.

The rules for elaboration of the declaration shall be established by the authorised body.

5. The declaration shall be determined more precisely, where the data of industrial safety contained in it are modified or the industrial safety requirements are

modified, within three months from the moment of occurrence of the amendments.

6. The declaration shall be approved by the chief executive of the organisation operating the dangerous industrial item.

The owner of the organisation operating the dangerous industrial item shall be responsible for the timeliness of presentation, completeness and verity of the data contained in the declaration, in accordance with the legislation of the Republic of Kazakhstan.

7. The declaration shall be subject to expert examination at the territorial subdivision of the authorised body.

Where amendments are introduced to the declaration, it shall be subject to repeated expert examination.

8. The declaration in duplicate shall be presented to the authorised body for registration together with the expert's conclusion within the project or as a separated document. One copy shall be kept at the authorised body, the other shall be kept at the organisation operating the dangerous item.

9. Operation of a dangerous industrial item without a declaration shall be prohibited.’;

8) Chapter 4-2 shall be appended as follows:

‘Chapter 4-2. Issue of Permits for Manufacture, Testing and Application of (in Particular Foreign) Technologies, Technical Sets, Materials Which Are Applied at Dangerous Industrial Items

Article 14-8. Conducting of Acceptance Testing of Newly Made Technical Sets, Materials

1. Newly made technical sets, materials, including ones of foreign production, which are applied at a dangerous industrial item, shall be subject to acceptance testing in relation to the conformity with the industrial safety requirements.

Acceptance testing shall be conducted by organisations attested by the authorised body.

2. The permit for conducting of acceptance testing of trial samples of technical sets, materials shall be issued by territorial subdivisions of the authorised body.

3. To obtain a permit for conducting of acceptance testing of trial samples of technical sets, materials the attested organisation shall present to the territorial subdivision of the authorised body the following documents:

- 1) an order concerning appointment of the commission for conducting of testing;
- 2) a testing program and methodology.

4. Acceptance testing of trial samples must be conducted in conditions which ensure the conformity of technical sets, materials with requirements established by the legislation in the field of industrial safety.

5. In coordination with the authorised body acceptance testing may be conducted with the manufacturer. The volume of and procedure for conducting of testing shall be determined by the attested organisation.

6. As regards technical sets, materials of foreign production it shall be allowed to conduct acceptance testing in the country of the supplier by the organisation attested in the Republic of Kazakhstan. Conducting of such testing shall be effected in coordination with the authorised body.

7. According to results of acceptance testing an act shall be issued concerning

the conformity of technical sets, materials with the industrial safety requirements and rules, availability or absence of shortcomings, recommendations for their elimination, proposals concerning application of the said type of produce in the territory of the Republic of Kazakhstan.

Article 14-4. Issue of Permits for Manufacture of Technical Sets, Materials

1. To obtain a permit for manufacture of technical sets, materials the applicant shall present to the authorised body the following documents:

- 1) a covering letter with brief information on the destination;
- 2) an expert's conclusion confirming the manufacturer's possibility to ensure steadiness of safety parameters of the product in case of serial production.

2. Within the term of not more than thirty days from the day of reception of the documents the authorised body shall consider the presented materials and pass a decision on them. Where incomplete data are presented, the applicant shall be requested additional data. In this case the term of consideration shall be counted from the time they are received at.

According to results of the consideration the authorised body shall issue a permit for manufacture of technical sets, materials in the territory of the Republic of Kazakhstan.

3. Where the presented request is inconsistent with the industrial safety requirements, the applicant shall be issued a motivated denial.

Article 14-10. Issue of Permits for Application of Technologies, Technical Sets, Materials

1. To obtain a permit for application of technologies, technical sets, materials the applicant shall present to the authorised body the following documents:

- 1) a covering letter with brief information on the destination of technologies, technical sets, materials and the field of application;
- 2) an expert's conclusion concerning the conformity of technologies, technical sets, materials with the industrial safety requirements.

2. Where technologies, technical sets, materials are consistent with the industrial safety requirements, the authorised body shall issue a permit for application of them.

3. Where in the process of operation there is exposed the inconsistency of technologies, technical sets, materials with the industrial safety requirements, the permit for application of them shall be recalled.

4. Keeping records of issued, recalled permits for application of technologies, technical sets, materials shall be performed by the authorised body.

5. The permit shall be valid in the territory of the Republic of Kazakhstan for all the subjects of law.

6. Information on technologies, technical sets, materials permitted to be applied in the territory of the Republic of Kazakhstan and recalled shall be published by the authorised body in the periodical press.

Article 14-11. Issue of Permits for Application of New Explosive Materials, Including Ones of Foreign Production

1. The permit for application of new explosive materials, including ones of foreign production, shall be issued by the authorised body after the conducting of a complex of tests, which comprises:

1) controlling testing for conformity of explosive materials with requirements as established in the technical documents for manufacture and application of them, including safety regulations and rules;

2) preliminary and acceptance testing in industrial conditions;

3) conducting of industrial testing by one or two stages depending on results of the controlling testing.

2. The commission for conducting of testing must be entered representatives of the enterprise, expert organisation and of the authorised body.

3. To obtain a permit the applicant shall present to the authorised body the following documents:

1) an act of testing of the trial lot;

2) a conformity certificate of explosive materials.

Article 14-12. Industrial Safety Expert Examination

1. Industrial safety expert examination shall cover:

1) project documents for construction, expansion, reconstruction, technical re-equipment, temporary closure-down and liquidation of a dangerous industrial item.

Where amendments are introduced to the project documents, repeated conducting of expert examination shall be obligatory;

2) technologies, technical sets, materials applied at a dangerous industrial item;

3) industrial safety declaration;

4) conditions of buildings, facilities.

2. Industrial safety expert examination shall be conducted by organisations attested by the authorised body at costs of the owner of the dangerous industrial item.

3. An expert's conclusion shall be a result of conducting of the industrial safety expert examination.

Article 14-13. Attestation of Organisations for Performance of Operations in the Field of Industrial Safety

1. Attestation shall cover organisations for the right of:

1) performance of operations at declared items;

2) issue of documents certifying the conformity of technical sets, technologies and materials with the industrial safety requirements;

3) conducting of expert examination in the field of industrial safety;

4) conducting of expert examination in the field of blasting work;

5) conducting of scientific-research and projecting work in the field of industrial safety;

6) elaboration of regulatory legal acts in the field of industrial safety;

7) performance of rescue operations;

8) training, re-training, improvement of professional skills of specialists in the field of industrial safety.

2. For attestation the organisation shall present the following documents:

1) an application;
2) a notarised copy charter of the organisation;
3) a copy certificate of state registration of the organisation as a juridical person;
4) an explanatory note concerning the conformity of the organisation with the industrial safety requirements.

3. Consideration of the documents shall be made within not more than a month period from the day of presentation of the documents in the full volume.

4. According to results of the consideration the authorised body shall pass a decision concerning attestation or denial of attestation.

5. The attestation or motivated decision concerning the denial of attestation shall be issued to the organisation within a five-day period from the day of passing of the decision.

6. The issue of a certificate may be denied on the following reasons:

- 1) the documents indicated in paragraph 2 of this Article are not presented;
- 2) the organisation is inconsistent with the industrial safety requirements.

Where the organisation has eliminated the said reasons, the application for attestation shall be considered on the general bases.

7. The term of the certificate shall be five years.

Where the organisation carries out the activities indicated in paragraph 1 of this Article, which is not stipulated by the certificate issued to it, the authorised body shall suspend the certificate by its decision in accordance with laws of the Republic of Kazakhstan.

The certificate shall be recalled according to the judicial procedure in the cases as follows:

- 1) reorganisation or liquidation of the juridical person;
- 2) non-elimination of the reasons on which the certificate was suspended;
- 3) the organisation has presented an application for termination of the certificate;
- 4) its term has expired.

8. Information on organisations obtained the certificate, or on termination of the certificate shall be published by the authorised body in the periodical press.

The authorised body shall maintain a register of issued and recalled certificates.’;

9) the Annex shall be appended as follows:

*‘Annex
to the Law of 3rd April 2002
of the Republic of Kazakhstan
‘On Industrial Safety
at Dangerous Industrial Items’*

Maximal Quantities of Dangerous Matters, the Availability of Which at an Industrial Item Is a Basis for Declaration

Name of the dangerous substance	Maximal quantity of the dangerous substance (t)
Ammonia	10
Ammonium nitrate (ammonium nitrate and ammonium	1250

compounds in which the content of nitrogen from ammonium nitrate is more than 28% of the mass, as well as water solutions of ammonium nitrate in which the ammonium nitrate concentration exceeds 90% of the mass)	
Ammonium nitrate in the form of fertilisers (simple fertilisers on the basis of ammonium nitrate as well as compound fertilisers in which the content of nitrogen from ammonium nitrate is over 28% of the mass (compound fertilisers contain ammonium nitrate together with phosphate and (or) potassium))	5000
Acrylonitrile	200
Chlorine	10
Ethylene oxide	50
Hydrogen cyanide	20
Anhydrous hydrogen fluoride	50
Sulphur hydrogen	50
Sulphur dioxide	200
Sulphur trioxide	75
Lead alkyl	50
Phosgene	0,75
Methyl isocyanate	0,15
Chloropicrin	0,55
Bromomethyl	15
Metallil chloride	20
Hydrochloric acid	40
Nitric acid	25
Inflammable matters	200
Combustible liquids placed on goods and raw materials warehouses and bases	2500
Combustible liquids used in a technological process or transported by a main pipeline	200
Oxidizing matters	200
Explosive matters	25
Toxic matters	200
High toxic matters	20
Matters being dangerous to the ambient environment	200

Where the distance between dangerous industrial items is less than 500 metres, the summarised quantity of the dangerous substances shall be taken into account.

Where several types of dangerous substances of the same category are applied, then their summarised maximal quantity shall be determined by the term as follows:

$$N \quad \{ \sum [m (i)] / [M (i)] \} > 1$$

$$i=1$$

where $m (i)$ — the quantity of the applied substance;

$M (i)$ — the maximal quantity of the same substance in accordance with this list

for all the i from 1 to n ’.

22. To the Law of 3rd July 2002 of the Republic of Kazakhstan «Concerning Protection of Plants» (...):

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...

23. To the Law of 10th July 2002 of the Republic of Kazakhstan «Concerning Veterinary» (...)

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24. To the Law of 8th February 2003 of the Republic of Kazakhstan «Concerning Seed Production» (...):

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.....

25. To the Law of 7th April 2003 of the Republic of Kazakhstan «Concerning the State Regulation of Production and Handling of Certain Types of Petroleum Products» (The Bulletin of the Parliament of the Republic of Kazakhstan, 2003, No. 6, i. 33; 2004, No. 23, i. 142; 2006, No. 15, i. 95):

1) Article 1 shall be replaced with the following:

«Article 1. The Fundamental Definitions Used in This Law

The following fundamental definitions are used in this Law:

1) car filling station — a technological facility provided with equipment ensuring storage and retail marketing of petroleum products;

2) integrated data base — electronic data base on production and handling petroleum products, which is formed on the basis of information from the authorities which carry out within the bounds of their authority the state regulation of production and handling of petroleum products;

3) compounding — mixture of two or several components for the purpose of obtaining a petroleum product of certain quality;

4) substandard petroleum product — petroleum product which does not comply with the requirements established by the Republic of Kazakhstan legislation concerning technical regulation;

5) petroleum supplier — oil and (or) gas producing organisation and (or) other juridical persons which supply their own crude oil and (or) natural gas liquids for the processing;

6) petroleum product centre — commodity warehouse intended for the storage and marketing of petroleum products;

7) retail trade in petroleum products — marketing (shipment) of petroleum products to natural and juridical persons without a purpose of further retail;

8) wholesale trade in petroleum products — marketing (shipment) of petroleum products by refineries, petroleum suppliers as well as by persons that carry out marketing from petroleum product centres of the petroleum for the purposes of further retail;

9) production of petroleum products — range of operations (work) associated with the processing of crude oil and (or) natural gas liquids as well as with compounding ensuring production of petroleum products in accordance with the legislation of the Republic of Kazakhstan concerning technical regulation;

10) minimum quantity of petroleum product production — a quantity of petroleum products, of which not less a petroleum product producer is to produce monthly during a calendar month in accordance with the crude oil and (or) natural gas liquids supply quantities approved by the authorised body for oil and (or) gas producing organisations and other raw material sources;

11) petroleum product producers — oil and (or) gas processing organisation which has a licence for the production and which carries out marketing of petroleum products in accordance with the legislation of the Republic of Kazakhstan;

12) handling of petroleum products — purchase, storage, marketing, transportation, export and import of petroleum products;

13) production facility passport — a document of established proforma which presents parameters of production facilities of a producer of petroleum products, its main parameters, regulating use of available equipment for compliance with the technological procedures of the facility;

14) authorised body — a state body appointed by the Republic of Kazakhstan government which carries out the state regulation of production and handling of petroleum products within the bounds of authority defined by this Law;

15) way bill — unified document intended for the monitoring of petroleum product movement along the entire way of travel from the shipper to the recipient, which is required for the formulation of transactions associated with the shipment and receipt of petroleum products.»;

2) in paragraph 2 of Article 3:

subparagraph 1-1) shall be added as follows:

«1-1) technical regulation in the sphere of production and handling of petroleum products;»;

subparagraph 4) after the words «supervision of » shall be appended with the words «safety and.»;

3) Article 4 shall be appended with subparagraph 9) as follows:

«9) approve technical regulations in the sphere of production and handling of petroleum products.»;

4) Article 5 shall be appended with subparagraphs 13), 14), 15) as follows:

«13) carry out an analysis and risk assessment with regard to causing harm to human lives, health and the environment in the sphere of production and handling of petroleum products;

14) elaborate technical regulations in the sphere of production and handling of petroleum products;

15) exercise the state supervision of compliance with the requirements established by technical regulations in the sphere of production and handling of petroleum products.»;

5) in paragraph 1 of Article 6:

in the first paragraph the words «standardisation, metrology and certification» shall be replaced with the words «technical regulation and metrology»;

in subparagraph 1) the words «regulatory documents concerning standardisation» shall be replaced with the words «the Republic of Kazakhstan legislation concerning technical regulation within its scope»;

in subparagraph 2) shall be replaced with the following:

«2) carry out the management of the work associated with the technical regulation and metrology in the sphere of petroleum product production in accordance

with the Republic of Kazakhstan legislation;»;

6) Article 8-1 shall be added as follows:

«Article 8-1. The Requirements Ensuring Safety in the Sphere of Production and Handling Petroleum Products

1. Production and handling of petroleum products must ensure the safety of human lives, health and the environment in accordance with the requirements of this Law and technical regulations.

2. Petrol, Diesel fuel, mazout and the procedures associated with the processing of crude oil and (or) natural gas liquids, compounding of petroleum products as well as handling of petroleum products shall be recognised as items of technical regulation in the sphere of production and handling of petroleum products.

3. Equipment and technical facilities which are used in the production and handling of petroleum products must comply with the requirements of technical regulations.

4. Concentration of petroleum vapour in the air of industrial areas and buildings must not exceed the maximum allowed standards established by technical regulations.

5. When designing and building facilities for processing, transportation and distribution of petroleum products, requirements of the Republic of Kazakhstan legislation concerning architecture, urbanisation and construction activities, environmental protection, fire safety must be complied with and risks of occurrence of emergency situations must be taken into account.»;

7) in Article 9:

in subparagraph 2) of paragraph 1 the words «regulatory documents concerning standardisation» shall be replaced with the words «technical regulations»;

subparagraph 3) of paragraph 2 shall be replaced with the following:

«3) introduction of additives and admixtures to Diesel fuel, mazout on the condition that they are in compliance with technical regulations.»;

paragraph 2-1 shall be added as follows:

«2-1. Petroleum products which are produced by refineries must be in compliance with the standards established by this Law and technical regulations.»;

8) paragraph 1 of Article 10 shall be appended with subparagraph 4) as follows:

«4) comply with the safety requirements established in technical regulations.»;

9) in the first part of paragraph 2 of Article 12 «, whose services have been certified» shall be excluded;

10) Article 14 shall be appended with paragraphs 4 and 5 as follows:

«4. The design and operation conditions of facilities for storage and transportation of petroleum products must be in compliance with the requirements of technical regulations.

5. Transportation of petroleum products must ensure the safety of petroleum products, of which losses must not exceed the established allowed standards.».

26. To the Law of 4th June 2003 of the Republic of Kazakhstan “Concerning the Health Care System” (Bulletin of the Parliament of the Republic of Kazakhstan, 2003, No. 11, i. 70; 2004, No. 23, i. 142; 2006, No. 3, i. 22; No. 15, i. 92):

1) Article 1 shall be appended with subparagraph 10-1) as follows:

“10-1) health care standard – a document that regulates an organization and performance of medical and medicinal activities;”;

2) in subparagraph 6) of Article 5 the words “medical standards” shall be

replaced with the words “health care standards”;

3) in Article 6:

in subparagraph 9) the words “certification and standardization” shall be replaced with the words “and confirmation of compliance”;

subparagraph 16) shall be added as follows:

“16) approve technical regulations in the sphere of health care.”;

4) in Article 7:

subparagraph 8) after the words “regulatory legal acts” shall be added with the words “, except for the technical regulations,”;

subparagraph 9) shall be replaced with the following:

“9) elaborate and approve health care standards;”;

subparagraph 15) after the words “compliance” shall be appended with the words “with health care standards, as well as”;

subparagraph 29) shall be added as follows:

“29) elaborate technical regulations.”;

5) Articles 12, 13 shall be replaced with the following:

“Article 12. Conformity assessment in the Sphere of Health Care

1. Conformity assessment of goods, processes, services shall be carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

2. Documents in the sphere of conformity assessment, which are issued by a foreign country, shall be recognized in accordance with the legislation of the Republic of Kazakhstan.

Article 13. Health Care Standards

1. Health care standards shall be recognized as obligatory for health care entities.

2. Health care standards shall not be recognized as regulatory documents for standardization, of which regulation is carried out in accordance with the legislation of the Republic of Kazakhstan concerning technical regulation.”;

6) in subparagraph 3) of paragraph 2 of Article 44 the word “certification” shall be replaced with the words “conformity assessment”.

27. To the Law of 4th July 2003 of the Republic of Kazakhstan “Concerning Automobile Transport” (Bulletin of the Parliament of the Republic of Kazakhstan, 2003, No. 15, i. 134; 2004, No. 23, i. 142; 2005, No. 7-8, i. 19; 2006, No. 3, i. 22):

1) Article 1 shall be replaced with the following:

“Article 1. The Fundamental Definitions Used in This Law

The following fundamental definitions have been used in this Law:

1) bus – a motor transport vehicle intended for carriage of passengers and freights, which has more than eight seats for sitting, except for the driver’s seat;

2) bus station – a set of facilities intended for servicing passengers and bus drivers, whose passengers throughput is more than 500 persons a day, and includes the following: the main building with a waiting hall for more than 75 persons and ticket offices, centers for medical certification of drivers and rendering primary medical-sanitation assistance, cloak-rooms, platform for getting on and off of passengers, areas for bus parking, centers for bus inspection, control rooms and a room for mother and child;

3) technical operation of motor transport facilities – a range of measures, technical activities (diagnosis, technical services, repair), which are aimed at

organization and supporting safe operation of transport vehicles;

4) transport vehicles – a sector of the economy, of which the main area of activity is organization and performance of carriage of passengers, baggage, freights and mail by using motor transport vehicles and the infrastructure;

5) infrastructure of motor transport – a range of facilities (bus stations, freight terminals, stations (shops) for technical servicing and repair of motor transport vehicles, facilities for storage of motor transport vehicles), which ensures the continuity of the transportation procedures, as well as for the safe operation of motor transport vehicles;

6) motor transport vehicle (hereinafter – transport vehicle) – a unit of the rolling-stock of motor transport, including buses, vans, passenger and freight cars, automobile trailers, semi-trailers to artic, as well as specialized cars (intended for carriage of certain types of freights) and special cars (intended for the performance of various predominantly non-transport operations);

7) motor carriage – carriage of passengers, baggage, freights or mail, which is carried out by transport vehicles on motor roads;

8) motor carrier (henceforth – carrier) – a natural or juridical person, which owns motor transport vehicles in accordance with ownership rights or other legal grounds, renders services associated with carriage of passengers, baggage, freights or mail for a fee or hired, and has a license therefore or in appropriate permit issued in accordance with the established format;

9) bus station – a set of facilities intended for servicing passengers and bus drivers, whose passenger flow is less than 500 persons a day and which includes: a capital building with the hall for 75 people and ticket offices, cloak-rooms, platforms for getting on and off of passengers, parking areas for buses, control offices;

10) baggage – property of a passenger packed and transported in a baggage section of a bus, van or in a baggage car to accompany the bus, van within the quotas established by the Rules for carriage of passengers and baggage, and also by taxi on the basis of an additional agreement with the carrier;

11) passenger car – a motor transport vehicle intended for motor transportation of passengers and baggage, and which has not more than 8 seats for sitting, excluding the driver's seat;

12) passenger – a natural person, who uses carrier's services on a basis of an agreement concluded for automobile transportation or on another legitimate base;

13) irregular automobile carriage of passengers and baggage – carriage, which has a single (non-regular) nature as carried out by carriers by using buses, vans between the starting and destination points of the carriage without taking passengers at intermediate points;

14) regular automobile carriage of passengers and baggage – carriage, which is carried out by carriers by using buses, vans in accordance with previously approved routes of travel, schedules of traffic with the established starting and destination points, points for passengers getting on and off;

15) travel document – a document, which is issued by a carrier to a driver of a transport vehicle and intended for accounting for the work of a given transport vehicle;

16) freight receiver – a natural or juridical person authorized to receive freights on the basis of an agreement on automobile carriage of freights or on other legal grounds;

17) freight shipper – a natural or juridical person, on whose behalf the shipment of freight is formulated;

18) freights – assets accepted for transportation in accordance with the requirements established by the Rules for transportation of freights by automobile transport;

19) intercity inter-province automobile transportation – transportation, which is carried out by carriers between cities or other populated areas within two or several provinces;

20) intercity in-province automobile transportation – transportation, which is carried out by carriers between cities or other populated areas within one province;

21) municipal automobile transportation – transportation, which is carried out by a carrier within the established city limits;

22) suburban automobile transportation – transportation, which is not recognized as municipal and is carried out by carriers en routes up to 50 kilometers long measured from the established boundaries of a city or another populated area;

23) hand luggage – personal belongings of a passenger, which are carried by the passenger in a bus, van or taxi, whose weight and dimension parameters meet the requirements established by the Rules for carriage of passengers and baggage by the automobile transport;

24) governmental transport supervision (henceforth – transport supervision) – a range of measures, which are carried out by the authorized body for the purposes of reviewing compliance by natural and juridical persons with the requirements of the legislation of the Republic of Kazakhstan in the sphere of automobile transport;

25) taxi – a passenger car, which is intended for motor carriage of passengers and baggage and equipped in accordance with the Rules for carriage of passengers and baggage by automobile transport;

26) inspection – an activity of state authorities carrying out supervisory functions, which is carried out for the purposes of establishing the compliance of entrepreneurship entities with the requirements of the legislation of the Republic of Kazakhstan in the sphere of automobile transport;

27) authorized body – the central executive authority carrying out the implementation of the national policy in the sphere of transport, coordination and regulation of activities of the transport sector of the Republic of Kazakhstan;

28) international automobile carriage – carriage carried out by carriers between points situated in the territories of different countries;

29) van – a bus of especially small class that has less than 16 seats, excluding the driver's seat, as provided for by the manufacturing factory.”;

2) in subparagraph 2) of paragraph 1 of Article 7 the words “regulatory legal acts with regard to ensuring safety of carriage” shall be replaced with the words “technical regulations”;

3) in paragraph 1 of Article 11 the word “certification” shall be replaced with the words “technical regulations”;

4) in Article 12:

subparagraph 8) shall be excluded;

subparagraphs 10), 11) shall be appended as follows:

“10) approve the Rules for technical operation of transport vehicles;

11) approve technical regulations in the sphere of automobile transport.”;

5) in Article 13:

subparagraph 12) shall be replaced with the following:

“12) elaborate technical regulations in the sphere of automobile transport;”;

subparagraphs 13), 14), 16) shall be excluded;

6) Article 17 shall be replaced with the following:

“Article 17. Conformity Assessment

1. Conformity assessment of motor transport vehicles, equipment of automobile transport designation, procedures of their life cycles in the sphere of automobile transport shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

2. A document in the sphere of conformity assessment issued by a foreign country shall be recognized in accordance with the legislation of the Republic of Kazakhstan.”;

7) Chapter 2-2 shall be appended as follows:

“CHAPTER 2-2. GENERAL SAFETY REQUIREMENTS IN THE SPHERE OF AUTOMOBILE TRANSPORT

Article 19-12. General Provisions

1. The following shall be recognized as items of technical regulations in the sphere automobile transport:

automobile transport comprises the following:

- 1) buses;
- 2) vans;
- 3) passenger cars;
- 4) freight cars;
- 5) automobile trailers;
- 6) semi-trailers to artic;
- 7) specialized cars (those intended for carriage of certain types of freights);
- 8) special cars (those intended for the performance of various predominantly non-transport operations);
- 9) designing automobile transport;
- 10) performance (repair) of automobile transport;
- 11) transportation and storage of automobile transport;
- 12) utilization and destruction of automobile transport.

2. Automobile transport facilities must not be sold in a market place nor be used, if they may cause harm to lives and health of humans and environment or mislead customers as to their safety and functional designation under the condition of their appropriate assembly, servicing and operation.

3. A person, who places automobile transport in a market place of the Republic of Kazakhstan, which is subject to confirmation of compliance, shall be obliged to take measures for the conformity assessment with the requirements of this Law and technical regulations.

4. A person, who places automobile transport in a market place of the Republic of Kazakhstan, shall be obliged as follows:

1) to provide for operation documentation and other information in the state and Russian languages, which is required for the evaluation by the consumer of potential risks and taking by such of appropriate safety measures;

2) when selling automobile transport, to carry out selective monitoring and to check complaints of customers;

3) where there is a risk of causing harm to lives and health of humans by automobile transport, to ensure the opportunity for timely and efficient prevention of the user, as well as performance of appropriate measures including return of the automobile

transport;

4) to inform immediately appropriate authorities of governmental supervision on failure to meet safety requirements of already sold automobile transport vehicles and on measures taken with regard to elimination of those violations;

5) not to sell automobile transport, where there is information from the manufacturer, authorized representative, importer, user or governmental supervision authorities on its failure to comply with the established requirements of this Law and technical regulations.

5. Automobile transport must have appropriate warning captions and signs of danger and safe operation requirements.

6. Safety requirements, which are contained in operation documentation, must not be lower than the requirements established by this Law and technical regulations.

Article 19-13. Safety Requirements When Designing Automobile Transport Vehicles

1. When designing automobile transport vehicles there must be identified all potential hazards at all stages of life cycle, in particular in the course of normal operation, emergency situations (failures and external impacts), and expected personnel mistakes and prohibited use.

2. Elaboration of a manual (instructions) on operation (use) and passport (or logbooks) shall be recognized as integral part of designing automobile vehicles.

Article 19-14. Safety Requirements in the Performance of Automobile Vehicles

1. In manufacturing it shall be required to provide for the compliance of manufacturing automobile vehicles with the requirements of project documentation, this Law and technical regulations.

2. In manufacturing automobile vehicles the manufacturer shall be obliged to carry out the entire range of measures for ensuring safety as defined in the project documentation, and to provide for supervision opportunity of implementation of all technological operations, on which safety depends.

3. Where for ensuring safety in the course of or after the manufacturing automobile vehicles it is required to carry out tests, those tests must be carried out in corpora in compliance with all the requirements of the project documentation.

4. Deviations from project documentation in the course of manufacturing automobile transport shall be coordinated with the designer and they must not be in excess of the allowed risk as established by technical regulations.

Article 19-15. Safety Requirements in Transportation and Storage of Transport Vehicles

1. All appropriate safety requirements for ensuring safety of transport vehicles in the course of their transportation and storage, preservation of technical parameters ensuring their safety, in particular sealing, transportation and storage conditions, periods for storage prescribed, recommendations for periods of re-inspection of condition, replacement of certain components, parts, assemblies with expired useful life must be specified in technical documentation attached to the transport vehicles.

2. Transportation and storage of transport vehicles, their assemblies and parts shall be carried out in view of all safety requirements provided for by the design and by the Republic of Kazakhstan legislation.

3. Materials and substances which are used for sealing, must be safe.

Article 19-16. Safety Requirements in Utilising and Destroying Transport Vehicles

Natural and juridical persons shall provide for the utilisation, destruction of transport vehicles in accordance with the Republic of Kazakhstan legislation subject to compliance with the following requirements:

1) after terminating operation of transport vehicles, measures must be taken for the prevention of their unallowed use;

2) transport vehicles contaminated in the course of their use with toxic substances, radioactive sprays when they are utilised, destroyed, must undergo the obligatory processing for inactivation with special solutions (methods) in accordance with their toxic, physiochemical properties of used harmful substances;

3) personnel who carried all stages of utilisation, destruction of transport vehicles must have appropriate qualification, undergo appropriate training and comply with work safety requirements."

28. To Law of 28th February 2004 of the Republic of Kazakhstan 'Concerning Work Safety and Labour Protection' (The Bulletin of the Parliament of the Republic of Kazakhstan, 2004, No. 3—4, i. 17; 2006, No. 3, i. 22; No. 10, i. 52):

1) Article 1 shall be stated as follows:

‘Article 1. General Definitions Used in This Law

The following general definitions are used in this Law:

1) special clothes — clothes, footwear, headgear, gloves designated for protection of an employee from harmful and dangerous industrial factors;

2) heavy physical work — types of activities related to lifting or transfer of weights by hands, or other operations with the energy consumption of more than 300 kcal/hour;

3) work hygiene — a complex of sanitary-hygienic measures and means for presentation of health of employees, prevention of unfavourable influence of industrial surroundings and working process;

4) labour safety — a state of protection of an employee which is secured by a complex of measures excluding a harmful and dangerous influence upon employees during the process of working activities;

5) authorised state body for work safety and labour protection (henceforth — the authorised body) — a central executive body implementing the authority in the sphere of labour relations in accordance with the legislation of the Republic of Kazakhstan;

6) territorial subdivisions of the authorised state body for work safety and labour protection (henceforth — territorial subdivisions) — structural subdivisions of the authorised state body for work safety and labour protection implementing within the appropriate administrative-territorial unit the authority in the sphere of labour relations in accordance with the legislation of the Republic of Kazakhstan;

7) monitoring of work safety and labour protection — a system of observations of work safety and labour protection conditions at productions, as well as evaluation and prognosis of work safety and labour protection conditions in the republic;

8) work safety conditions — a totality of factors of the industrial surroundings and working process which exert an influence upon the ability to work and health of an employee during the process of working;

9) labour protection — a system for ensuring of safety to life and health of employees during the process of working activities, which comprises legal, social-economic, organisational-technical, sanitary-hygienic, medical-preventive, rehabilitation and other measures and means;

10) public inspector for labour protection — a workers' representative who performs public control in the field of work safety and labour protection, to be appointed by the trade union of the organisation and, where there is no trade union, by a general meeting of workers;

11) safe working conditions — working conditions organised by the employer, under which the influence of harmful and dangerous industrial factors upon an employee is absent or their level of their influence does not exceed the safety standards as established by regulatory legal acts in the field of work safety and labour protection;

12) individual protection means — means which are designated for protection of an employee from the influence of harmful and (or) dangerous industrial factors;

13) workplace — a place of permanent or temporary staying of an employee when he performs working functions during the process of working activities;

14) harmful (specially harmful) working conditions — working conditions under which the influence of certain industrial factors causes a decrease in the ability to work or disease in an employee;

15) harmful industrial factor — an industrial factor the influence of which upon an employee can cause a disease or a decrease in the ability to work;

16) professional disease — a chronic or acute disease which is caused by the influence upon the employee of harmful industrial factors in connection with the performance by him of working (official) functions;

17) safety standards — qualitative and quantitative indicators characterising production conditions, industrial and working process from the point of ensuring of organisational, technical, sanitary-hygienic, biological and other standards, rules, procedures and criteria, which are directed to preservation of life and health of employees during the process of their working activities;

18) dangerous (specially dangerous) working conditions — working conditions under which the influence of certain industrial factors causes, where the labour protection rules are not observed, a sudden sharp failing health or an injury in an employee or his death;

19) dangerous industrial factor — an industrial factor, the influence of which upon an employee can cause a temporary or continuous disability (industrial severe injury or professional disease) or death;

20) employers' representatives — bodies of trade unions authorised by employees and their associations, where they are absent — other representatives or organisations which are formed in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

21) industrial casualty — the influence upon an employee of an industrial factor when he performs his working (official) functions or employer's tasks, as a result of which there has occurred an injury, sudden failing health or poisoning in the employee, that is resulted in his temporary or continuous disability, professional disease or death;

22) industrial equipment — machinery, mechanisms, devices and other technical means;

23) safety of industrial equipment — the consistency of industrial equipment with the work safety requirements in performance of functions set to them in conditions as established by the regulatory-technical and project documents;

24) attestation of industrial items in relation to working conditions — activities for evaluation of industrial items, workshops, departments, workplaces for the purposes of determination of conditions of safety, harmfulness, heaviness, intensity of operations

performed at them, work hygiene and determination of the consistency of conditions of the industrial surroundings with the safe working conditions;

25) safety of the industrial process — the consistency of an industrial process with the work safety requirements in conditions as established by the regulatory-technical documents;

26) industrial sanitary — a system of sanitary-hygienic, organisational measures and technical means preventing or decreasing the influence of harmful industrial factors upon employees;

27) authorised state body in the field of industrial safety — a central executive body of the Republic of Kazakhstan which conducts within the entrusted authority the implementation of the state policy in the field of industrial safety;

28) collective protection means — technical means designated for simultaneous protection of two employees and more from the influence of harmful and (or) dangerous industrial factors.’;

2) in subparagraph 1) of Article 5 the words ‘, state standards, rules, regulations’ shall be repealed;

3) paragraph 1 of Article 7 after the words ‘must contain’ shall be appended by the words ‘safety requirements,’;

4) Article 8 shall be appended by subparagraph 6) as follows:

‘6) approve technical regulations in the field of work safety and labour protection.’;

5) in Article 9:

subparagraph 5) shall be stated as follows:

‘5) elaborate and approve standards for giving out of milk, rations of medical-preventive meals, special clothes, special footwear and other individual protection means to employees at costs of the employer;’;

subparagraphs 6-1), 13) shall be appended as follows:

‘6-1) establish a procedure for elaboration and approval by employers of instructions in the field of work safety and labour protection at the organisation;’;

‘13) coordinate activities of state bodies for elaboration of technical regulations in the field of work safety and labour protection.’;

6) in subparagraph 7) of Article 10 the words ‘work safety and labour protection standards’ shall be replaced by the words ‘legislation of the Republic of Kazakhstan concerning work safety and labour protection’;

7) in paragraph 1 of Article 14 the words ‘state standards, rules for work safety and labour protection’ shall be replaced by the words ‘established by regulatory legal acts in the field of work safety and labour protection’;

8) subparagraph 2) of Article 19 shall be stated as follows:

‘2) demand from employees to comply with the legislation of the Republic of Kazakhstan concerning work safety and labour protection and the instructions concerning work safety and labour protection;’;

9) in subparagraph 5) of paragraph 1 of Article 20 the words ‘rules and standards’ shall be replaced by the words ‘, established by regulatory legal acts’;

10) Article 22 shall be repealed;

11) Article 22-1 shall be appended as follows:

‘Article 22-1. Safety Requirements to Workplaces

1. Buildings (facilities), which workplace are located in, according to their

structure must be consistent with their functional destination and the work safety and labour protection requirements.

2. Working equipment must be consistent with the safety standards established for the said type of equipment, it must have appropriate warning marks and be provided with fences or protective devices to ensure safety to employees at workplaces.

3. Emergency ways and exits for employees from the room must be kept free and lead to a safe zone.

4. Workplace, at which because of the work nature there is a risk to life and health of an employee, must be clearly marked and equipped with devices preventing (restricting) access of outside persons to them, with respect to the risk degree.

In the territory of the organisation pedestrians and technological transport vehicles must move in safe conditions.

5. Employees must have individual protection means to perform work at dangerous industrial items (sections), in particular at height, in underground conditions open chambers, off-shore and on inland water ponds.

6. Within the working time the temperature, day and artificial light, as well as ventilation in the room, where workplaces are located, must be consistent with the safe working conditions.

7. Employees shall be admitted to work with harmful working conditions (dusting, gassy atmosphere and other factors) after the employer has ensured the safe working conditions.

8. The noise and vibrations level at workplaces must be consistent with the work safety and labour protection requirements.

9. Employees must be provided with a rest room or appropriate rest zone, where it is requirement by work safety and hygiene conditions, in accordance with regulatory legal acts in the field of work safety and labour protection.’;

12) in Article 23:

in paragraph 1 the words ‘state standards, rules and regulations concerning labour protection, sanitary, constructing rules and regulations’ shall be replaced by the words ‘regulatory legal acts in the field of work safety and labour protection’;

in paragraph 2 the words ‘for work safety and labour protection, as well as requirements of sanitary and constructing rules and standards’ shall be replaced by the words ‘regulatory legal acts in the field of work safety and labour protection’;

in subparagraph 2) of paragraph 5 the words ‘hygienic standards’ shall be replaced by the words ‘regulations’;

13) Article 23-1 shall be appended as follows:

‘Article 23-1. Safety Requirements in the Field of Technical Regulation

The safety requirements shall be established by technical regulations in accordance with requirements of this Law for the purposes of ensuring the safety of processes of the life cycle of products to life and human health.’.

29. To the Law of 5th July 2004 of the Republic of Kazakhstan «Concerning Communications» (Proceedings of the Parliament of the Republic of Kazakhstan, 2004, No. 14, i. 81; 2006, No. 3, i. 22; No. 15, i. 95):

1) Article 2 shall be stated as follows:

«Article 2. The Basic Concepts Used in this Law

The following basic concepts shall be used in this Law:

1) subscriber shall mean a user of communication services with whom a contract for providing such services is executed in the allocation for this purpose of a subscriber number or identification code;

2) service information on subscribers shall mean the information on subscribers (telephone numbers, e-mail addresses), billing information, and information on services rendered to the subscribers;

3) special communications shall mean a type of courier communication carried out by organizations of postal service and providing for the receipt, processing, protection, transportation and delivery (handing) of special and other dispatches containing any secret protected by the law and valuables, including precious metals, stones and items made from them;

4) channels of special and state courier communications shall mean a set of postal networks, subdivisions of special and state courier communications used for conveyance of special dispatches accompanied by state messengers;

5) special dispatches shall mean registered packages, parcels, fabricated metal products with the insertion of state secrets and their carriers, and also especially important correspondence of state bodies and organizations, items, their components (substances) and cargo of defense industry;

6) operator of universal servicing shall mean a communication operator that renders communication services on a public telecommunications network on which in accordance with the legislation of the Republic of Kazakhstan the responsibility to render universal telecommunication services is imposed;

7) communications shall mean the receipt, gathering, processing, accumulation, transfer (transportation), delivery, dissemination of information, postal and special dispatches, postal money orders;

8) communications network shall mean a technological system which includes facilities and communications lines and intended for telecommunications or postal service;

9) communications network management shall mean the aggregate of organizational and technical measures aimed at providing for functioning of communications network, including the regulation of line load (traffic);

10) communications lines shall mean transmission lines (cable, radio relay, satellite, and others), physical chains and linear-cable communications facilities, including main (international and long-distance) lines;

11) communications facilities shall mean technical hardware and software used for the formation, processing, transmission or receipt of messages of telecommunications or postal dispatches;

12) communications services shall mean the activity on the receipt, processing, storage, transmission, transportation, delivery of postal and special dispatches, postal money orders or telecommunications messages;

13) rendering of communications services shall mean the activity of communications operators consisting in providing communications services to the users of communication services;

14) user of communications services shall mean a natural or juridical person which receives communications services;

15) communications operator shall mean a natural or juridical person which received a license for providing services in the procedure as established by a legal act of the Republic of Kazakhstan on licensing;

16) economic entities that carry out the activities in the sphere of communications shall mean communications operators, the owners of special, departmental and corporate telecommunications networks, separate switching facilities, connected to a public telecommunications network, owners of electronic equipment who are the users of radio frequency spectrum;

17) national resources in the communications area shall mean resources of radio frequencies, numbering and orbital slots of communication satellites;

18) dominating communications operator shall mean a communication operator which holds dominant (monopolistic) position in the sphere of communications in accordance with the antimonopoly legislation of the Republic of Kazakhstan;

19) network interconnections shall mean the interaction of telecommunications network which is a result of providing services of the connection of one telecommunications network to another;

20) system of time-based recording of the cost of local telephone connections (hereinafter- time-based recording of local telephone connections) shall mean an aggregate of the technology of the methods of recording of local telephone connections, which provides for the calculation of the amount of payments for the use of local telecommunications network services;

21) assignment (designation) of the frequency band, radio frequency (radio frequency channel) shall mean permit for the use of radio frequency spectrum issued by the relevant radio-frequency body to a user of radio frequency spectrum for the use of the frequency band, radio frequency (radio frequency channel), indicated in this permit, with the use of electronic equipment;

22) high-frequency facilities shall mean the equipment and/or devices designed for the generation and use of electromagnetic energy for industrial, scientific, medical, household or other purposes, except for the application in the sphere of telecommunications;

23) duct-work shall mean a set of underground pipelines and wells designed for laying, assembly, and technical servicing of communication cables;

24) long-distance communication operator shall mean an operator of fixed communications which owns and/or operates long-distance communication line, long-distance switching centers and provides services of long-distance telephone communication;

25) long-distance and international communication operator shall mean an operator of fixed communications which owns and/or operates long-distance and international communication lines, long-distance and international switching centers and provides services of long-distance and international telephone communication for transit of traffic and providing network resources to other communication operators;

26) long-distance communication line shall mean a communication line that connects long-distance switching centers of the communication operator in the territory of the Republic of Kazakhstan;

27) long-distance telephone communications shall mean a telephone connection between users of communication services who are in the territory of the Republic of Kazakhstan, except for local telephone connections;

28) connection service shall mean an activity aimed at the satisfaction of demand of communication operators in the organization of interaction between communications networks under which the establishment of connection and transfer of information between the users of interacting networks becomes possible;

29) trunk line shall mean a land line (cable, including fiber-optic link, radio-relay line) or satellite communication link which connects zonal (long-distance) and/or international long-distance switching centers of telecommunications networks of the Republic of Kazakhstan and foreign states;

30) numbering resource shall mean a complex of numbers used in communication networks;

31) postal service shall mean the receipt, processing, transportation, and delivery of postal and special dispatches, and also postal money orders;

32) postal dispatch shall mean a written correspondence, parcels, postal containers, and also printed matter in the appropriate packing;

33) radio control shall mean a system of measures which provide for the operation of electronic facilities and high-frequency devices with allowable level of noise by the performance of technical control over the radio radiations, inspection of electronic facilities and high-frequency devices, identification and suppression of sources of radio-frequency noise, violations of the procedure for the use of radio frequencies, standards, and norms related to parameters of radiation of electronic facilities and high-frequency devices;

34) radio frequency bodies shall mean state bodies which are authorized to carry out allocation, separation and assignment of frequency band, radio frequencies (radio frequency channels) and also control over their use in accordance with this Law;

35) radio-frequency spectrum shall mean a certain assembly of radio frequencies in a range from 3 kHz up to 400 GGz;

36) user of radio frequency spectrum shall mean a natural or juridical person to which a frequency band or radio frequency (radio frequency channel) is assigned;

37) conversion of radio frequency spectrum shall mean a set of measures intended for the expansion of the use of radio frequency spectrum by electronic facilities of civil designation;

38) radio frequency facility shall mean a technical facility intended for transmission and/or reception of radiowaves and consisting of one or several transmitting and/or reception facilities or their combinations, including auxiliary equipment;

39) fenced-off area of telecommunications networks (communication facilities) shall mean a land plot located along communication line and around the communications objects with greenery and structures located on it;

40) connection of one telecommunications network (communication facilities) to another shall mean the organization of technological interaction between two communications networks in which the establishment of connection and transmission of information between the users of communications services of these networks becomes possible;

41) universal telecommunications services shall mean a minimum list of telecommunications services to be developed by the authorized body and approved by the Government of the Republic of Kazakhstan which rendering to any user of communications services in any settlement within the established deadline with the established quality and level of prices that provide for availability of those services is obligatory for operators of universal servicing;

42) local telecommunications network shall mean an assembly of technical facilities intended for carrying out electrical communication in the territory of a settlement consisting of switching facilities (stations, substations, concentrators), linear

cable structures (connecting circuits and channels), systems of transmission and subscriber equipment (terminals). Local communications networks shall be subdivided into urban and rural, depending on the status of a settlement;

43) time-based system of payment for services of telephone connections (hereinafter – the time-based system of payment for services) shall mean a system of payment under which the amount of payments of the user of communications for a certain period of time consists of:

constant component – payment for providing of subscriber line irrespective of its type for the permanent use of the subscriber;

time component – payment for providing local telephone connection, depending of its actual duration in units of tariffication;

44) subscriber's fixed system of payment for services of telephone connections (hereinafter – the subscriber's fixed system of payment for services) shall mean a system of payment under which the amount of payments of the user of communications for a certain period of time consists of the payment for providing of subscriber line irrespective of its type for the permanent use of the subscriber and the payment for providing local telephone connection, depending of its average duration per one subscriber;

45) transmission shall mean a process of information transmission with the use of transmitting electronic facilities, cable networks and nominals of radio frequency spectrum for distribution of television and radio programs;

46) traffic shall mean flows of calling, communications and signals which create load on communication facilities;

47) passing of traffic shall mean carrying out a process of establishing a connection and transmission of information between the users of communication services (telecommunications networks);

48) authorized body shall mean a central executive body to be determined by the Government of the Republic of Kazakhstan that implements the state policy in the sphere of communications, state control, coordination and regulation of activities of entities which provide services in the sphere of communications or use them;

49) government call shall mean special protected communications for the needs of state management;

50) state courier communications shall mean a type of government courier communications which provides for the receipt, safety, conveyance, and delivery of correspondence of state bodies, including information which constitutes state secrets;

51) international communications line shall mean a communication line that crosses the boundary of the Republic of Kazakhstan or has a junction point on the boundary of the Republic of Kazakhstan with a communication line of the communication operator of other country and connects international switching center of the communication operator of the Republic of Kazakhstan with international switching centers of the operators of other states;

52) operator of international communication shall mean an operator of fixed communications which owns and/or operates international communication line, international switching center and provides services of international telephone communications;

53) international telephone communications shall mean a telephone connection between users of communications services which are situated in the territory of the

Republic of Kazakhstan and users of communication services in the territory of other countries;

54) consumer equipment — technical facilities for transmission and reception of telecommunications signals through communications lines, connected to client lines and which are in use of clients or intended therefor;

55) electric communications (telecommunications) — transmission or reception of signals, voice information, written texts, images, sounds through wire, radio, optics or other electromagnetic systems.";

2) subparagraph 6) of Article 5 after the word "security" shall be appended with the word "safety,";

3) Article 7 shall be appended with subparagraph 14-1) as follows:

"14-1) approval of technical regulations in the sphere of communications;"

4) in paragraph 1 of Article 8:

in subparagraph 1) the words "standardisation, metrology and certification" shall be replaced with the words "technical regulation and metrology";

subparagraph 19-1) shall be introduced as follows:

"19-1) elaboration of technical regulations in the sphere of communications;"

5) in subparagraph 1) of paragraph 2 of Article 9 the words ", national standards, rules for operation and other regulatory technical documents";

6) Article 11 shall be appended with paragraph 6 as follows:

"6. The level of industrial interference created by radioelectronic facilities and high-frequency devices must not exceed the standards established by technical regulations and regulatory documents concerning standardisation for those types of radioelectronic facilities and high-frequency devices.

External protection from interference of radioelectronic devices and high frequency facilities from industrial radio interference must not be lower than the standards established by technical regulations and regulatory documents for those types of radioelectronic devices and high frequency facilities.";

7) in subparagraph 2) of paragraph 7 of Article 12 the words "and national standards" shall be excluded;

8) in Article 16:

the heading shall be replaced with the following:

"Article 16. Conformity assessment of Technical Communication Facilities";

in the first part the words "obligatory certification" shall be replaced with the words "confirmation of compliance";

the second part shall be excluded.

30. In the Law of 6th July 2004 of the Republic of Kazakhstan «Concerning Inland Water Transport» (Proceedings of the Parliament of the Republic of Kazakhstan, 2004, No. 15, i. 88; 2006, No. 3, i. 22:

1) Article 1 shall be stated as follows

«Article 1. Basic Concepts Used in this Law

The following basic concepts shall be used in this Law:

1) dock structure shall mean a hydrotechnical facility which has installations for safe approach of vessels and is intended for safe moorage of vessels, their loading, unloading, servicing, as well as embarkation of passengers to vessels, and their debarkation from vessels;

2) mooring shall mean actions related to approach and bracing of a vessel to the wharf, pier or to other vessel;

3) floating landing shall mean a floating dock structure designed for mooring and servicing of passenger or cargo vessels;

4) dispache shall mean calculation of general average losses and costs and distribution thereof between parties participating in the transportation;

5) dispacheurs shall mean persons possessing expertise and experience in the sphere of inland water transport, and preparing calculations to determine a dispache;

6) coastal strip shall mean a strip of land with the width of 20 m from the water edge inland to the river's bank, natural reservoir (lake), of the designed level of water of artificially created reservoirs;

7) passenger - a person who is in contractual relations with the carrier and specified in the ticket or another document confirming his right to travel, or who in accordance with an agreement for carriage of a freight with the consensus of the carrier performs the escort of a transport vehicle, animals or other goods;

8) trackworks shall mean dredging operations, river canalization, sweeping work, dragging operations, survey work, and other work on the installation and maintenance of navigation equipment on the inland waterways;

9) seaworthiness certificate shall mean one of the basic documents of the Register of Shipping issued in accordance with the rules of the Register of Shipping;

10) vessel shall mean a self-propelled floating structure or nonself-propelled floating structure used for the purpose of navigation, including a vessel of «river-sea» navigation, ferryboat, dredge and drag ships, floating crane, and other similar technical installations;

11) navigable pass shall mean the water surface on the inland waterways surrounded with marks of navigation circumstances, indicating its direction and boundaries within which unimpeded navigation of vessels of definite dimensions is allowed;

12) ship navigation shall mean the activity related to the control of ships which navigate in inland waterways;

13) owner of vessel shall mean a person who operates a vessel in one's own name under the right of enjoyment and disposal in accordance with the legislation of the Republic of Kazakhstan;

14) vessel's book shall mean a document which register vessels and rights to them and which are not entered to the State Register of Ships;

15) shipping shall mean the activity related to the use on inland waterways of vessels for carriage of cargo, passengers, and their luggage, mailing, towing of vessels, ferryboats and other floating objects, survey, exploration and production of natural resources, fishing and other trading, construction, engineering works, hydrotechnical, underwater-technical, and other similar work, pilotage of vessels, rescue operations, performance of measures for the protection of water objects, their protection from pollution and littering, salvage of sunken property, sanitary and other control, carrying out scientific research, training, sport, cultural and other purposes;

16) Register of shipping shall mean a state establishment for the classification and providing for technical safety of vessels of internal water navigation and «river-sea» vessels;

17) navigation lock shall mean a hydrotechnical facility for lifting or lowering of vessels from one level of water to another;

18) pilotage of vessels shall mean the activity which ensures safe passing of vessels in specially complicated areas of internal waterways;

19) vessel's owner shall mean a person who is registered as the vessel's owner in accordance with the rules of state registration of a vessel and rights to it;

20) keel shall mean a basic longitudinal member of the vessel that goes along the bulge from the bow up to stern and divides it into two symmetric parts;

21) bill of lading shall mean a transportation document executed in the carriage of cargo in direct water and combined conveyance;

22) certification shall mean the inspection of a vessel for the purpose of determining its technical state in accordance with the requirements as established by technical regulations and rules of the Register of Shipping, aimed at providing for the safety of navigation of the vessel subject to its designation and confirmation of a class;

23) internal waterways of the Republic of Kazakhstan (hereinafter – internal waterways) shall mean natural or artificially created ways of communication marked by navigation marks or in other way and used for the purpose of navigation;

24) internal water transport of the Republic of Kazakhstan (hereinafter – internal water transport) shall mean a type of transport registered in the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan and carrying out navigation and other activity related with navigation in internal waterways;

25) inspection shall mean the review by the authorized body of an object as to its compliance with the requirements of the Republic of Kazakhstan directed towards providing for safe operation;

26) dangerous cargo shall mean a cargo, which due to its inherent properties during carriage, handling and storage, may cause an explosion, fire, or damage of technical means, devices, buildings and structures, as well as death, injuries to, or diseases of, people, animals, and harm the environment

27) pilot shall mean a specialist possessing certain knowledge and skills in the sphere of safe pilotage of vessels to mooring area, anchoring area, and vessel re-anchoring area in a port;

28) State register of ships shall mean a document where the vessels and rights to them, complying with the requirements as established by paragraph 5 of Article 26 of this Law, are registered;

29) state transport control (hereinafter – transport control) shall mean a set of measures carried out by the authorized body for the purpose of complying by natural and juridical persons with the requirements of the legislation of the Republic of Kazakhstan on internal water transport;

30) navigation shall mean a period of time during which shipping is possible;

31) «river-sea» vessel shall mean a vessel which by its technical characteristics is suitable and in the established procedure is admitted for operation for the purpose of shipping in the sea and inland waterways;

32) port shall mean a complex of structures located on a land plot and in harbor waters of inland waterways, developed and equipped for the purpose of servicing passengers and vessels, loading, unloading, acceptance, storage, and issue of cargo, interacting with other types of transport;

33) harbor waters shall mean a restricted area of the water surface which serves for approach and moorage of vessels at dock structures and installation of roadsteads where vessels and trains wait for cargo handling or departure to voyage, and also where the required operations are performed;

34) roadsteads shall mean a part of harbor waters outside the navigable pass intended for anchorage of vessels, manoeuvring or reloading of cargo;

35) voyage shall mean a transport process of conveyance of passengers or cargo for certain time interval between geographical points or regions;

36) rigging shall mean an aggregate of vessel's ropes for cargo lifting, reveille and retreat of flags and signals;

37) carrier shall mean a person, which owns under the right of ownership or on any other legal grounds a vessel, which renders services of the carriage of passengers, luggage and cargo, and which is indicated in the documents of carriage;

38) perishable cargo shall mean a cargo which has a limited effective life and which requires special terms of carriage and storage;

39) inspection shall mean the act of state bodies which carry out supervisory functions performed for the purpose of determination of compliance by business entities with the requirements of the legislation of the Republic of Kazakhstan on inland water transport;

40) passport of a seaman shall mean a document certifying the identity of citizen of the Republic of Kazakhstan who works on Kazakhstan vessels or foreign-going vessels;

41) technical inspection shall mean a component of the qualification activities aimed at ensuring technical safety of vessels, which includes in itself stagewise inspections of compliance with the legislation of the Republic of Kazakhstan on merchant shipping and on inland water transport;

42) point of staying shall mean a land plot and water area of the surface water object developed and equipped for the purpose of repair, staying during summer and winter time of the year, technical inspection of vessels, ferryboats, and other floating objects;

43) authorized body shall mean a central executive body that carries out the implementation of state policy in the sphere of inland water transport, state control and supervision, coordination and regulation of activity of inland water transport;

44) enterprise of the authorized body shall mean a state enterprise of inland water transport which main task shall be the performance of industrial activity for proper maintenance and development of inland waterways for the purpose of ensuring safe navigation of vessels within the serviced boundaries.»

2) Article 6 shall be appended with subparagraph 1-1) as follows:

«1-1) providing for safety of inland water transport and processes of its life cycle for the life and health of man and the environment;»;

3) paragraph 1 of Article 7 after the words «of types of activity» shall be appended with the words of «technical regulation»;

4) Article 8 shall be appended with subparagraph 15-1 as follows:

«15-1) approval of technical regulations in the sphere of inland water transport;»;

5) paragraph 1 of Article 9 shall be appended with subparagraph 27-1) as follows:

«27-1) develop technical regulations in the sphere of inland water transport;»;

6) in paragraph 2 of Article 14 the words «of state standards» shall be replaced with the words «of technical regulations in the sphere of inland water transport»;

7) in Article 15:

in subparagraph 1) of paragraph 1 the words «of shipping» shall be replaced with the words «in the sphere of inland water transport»;

paragraph 7 shall be appended as follows:

«7. Natural and juridical persons which carry out the activity on the output of products of shipbuilding and repair of vessels shall have a document of conformance to be issued by the Register of Shipping.»;

8) Articles 15-1, 15-2, 15-3, and 15-4 shall be appended as follows:

«Article 15-1. Technical Regulation in the sphere of Inland Water Transport

1. Natural and juridical persons which carry out the activity in the sphere of internal water transport shall provide for safe conditions for the life and health of man, travel of passengers, and also compliance with the requirements to the safety of shipping.

2. Safety of shipping shall be provided by the implementation of a set of organizational and technical measures aimed at the protection of the life and health of man, environment protection, creation of conditions for accident-free work in the sphere of internal water transport, maintenance of internal waterways in navigable states, maintenance of vessels, ports, coastal objects and structures on inland waterways in technically suitable state and, also prevention of accidents with vessels.

The following shall be objects of technical regulation:

1) vessels of inland water transport, ports, coastal objects, and structures on inland waterways;

2) manufacturing (construction, repair, modernization) of vessels of inland water transport, ports, coastal objects, and structures on inland waterways;

3) operation of vessels of inland water transport, ports, coastal objects, and structures on inland waterways;

4) storage of vessels of inland water transport;

5) transportation and towing of vessels of inland water transport;

6) destruction and utilization of vessels of inland water transport.

Article 15-2. Safety Requirements to Vessels of Inland Water Transport, Ports, Coastal Objects, and Structures on Inland Waterways

1. The sender (consignor) who sends and the recipient (consignee) who receives dangerous cargo and also the carrier who performs the conveyance of dangerous cargo shall provide for the safety of their conveyance and shall have facilities and mobile subdivisions required for liquidation of emergency situations and their consequences (including under a contract).

2. In arising of emergency situation in the process of conveyance of dangerous cargo the sender (consignor) who sends and the recipient (consignee) who receives dangerous cargo shall provide for immediate sending of the indicated subdivisions to the place of accident.

Article 15-3. Safety Requirements in the Manufacturing (Construction, Repair, Reconstruction) of Vessels of Inland Water Transport, Ports, Coastal Objects and Structures on Inland Waterways

1. In the manufacturing (construction, repair, reconstruction) of vessels of inland water transport, ports, coastal objects and structures on inland waterways it shall be necessary to provide for compliance with the requirements of the design documentation and the legislation of the Republic of Kazakhstan on inland water transport.

2. In the manufacturing (construction, repair, reconstruction) of vessels of inland water transport, ports, coastal objects and structures on inland waterways, the manufacturer shall perform all the set of measures for ensuring safety determined by the design documentation and provide for the possibility of control over the implementation

of all technological operations on which the safety of inland water transport depends.

3. If for providing for safety in the process of or after construction of vessels of inland water transport, ports, coastal objects and structures on inland waterways it shall be necessary to perform the tests, they shall be performed in full volume with the implementation of all the requirements of the design documentation.

4. Each vessel shall be marked with an identification number put on the vessel's hull. Marking shall be visible, legible, and indelible.

5. A vessel shall be designed in such way that a risk of falling aboard shall be reduced to the minimum, and rescue of people falling aboard shall be ensured.

6. The place of the main steersmen shall provide all-round view.

7. A vessel shall be equipped with an operation manual where special attention shall be paid to the risks of fire and scuttling.

Article 15-4. Safety Requirements in the Operation of Vessels of Inland Water Transport, Ports, Coastal Objects, and Structures on Inland Waterways

1. Vessels of inland water transport, ports, coastal objects, and structures on inland waterways connected with the process of shipping shall be the zones of increased hazard and shall comply with the requirements of the legislation of the Republic of Kazakhstan on inland water transport.

2. Natural or juridical persons which perform the operation of vessels of inland water transport, ports, coastal objects, and structures on inland waterways shall ensure the implementation of the requirements of the legislation of the Republic of Kazakhstan on inland water transport.».

31. To the Law of 3rd July 2002 of the Republic of Kazakhstan «Concerning Pharmaceuticals» (...):

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...

32. In the Law of 9th July 2004 of the Republic of Kazakhstan «Concerning Electric Power Industry» (Proceedings of the Parliament of the Republic of Kazakhstan, 2004, No. 17, i. 102; 2006, No. 3, i. 22; No. 7, i. 38; No. 13, i. 87):

1) Article 1 shall be stated as follows

«Article 1. Basic Concepts Used in this Law

The following basic concepts shall be used in this Law:

1) emergency reservation shall mean the minimally required electrical power which delivery to an object of uninterrupted electric power supply retains the functioning of the installations significant to it, and prevents malfunction of objects of sustenance, and also catastrophic ecological, social or economic consequences or death of people;

2) emergency malfunction shall mean inadmissible deviations of technological parameters of operation of electric installations or its elements that caused their removal from service or destruction during the operation;

3) blackout shall mean an emergency violation of the regimes of operation of objects of electric power industry that led to the loss of stability of the unified power grid of the Republic of Kazakhstan, and to its division by parts;

4) system services shall mean services rendered by a system operator to entities of the wholesale market of electric power for the transmission of electric energy, technical dispatching control, regulation and reservation of power, the organization of balancing of the generation-consumption of electric energy;

5) system operator shall mean an organization that carries out the centralized operative dispatching, providing for parallel work with energy systems of other states, maintenance of balance in the power grid, rendering of system services and acquisition of ancillary services from entities of the wholesale market of electric energy, and also transmission of electric energy via the national power grid, its technical maintenance and keeping in the operational readiness;

6) protection zone of heating networks shall mean land plots allocated for the purpose of ensuring the safety of heating networks, creation of the normal conditions for operation, prevention of their damage, and also accidents among the population that happened to be present in the protection zone of those networks;

7) transmission of thermal energy shall mean a service for transportation of thermal energy via heating networks, rendered by energy transmitting organizations in accordance with the executed contracts;

8) retail market of thermal energy shall mean a system of relations of the participants of generation, transmission, and consumption of thermal energy, functioning on the basis of contracts;

9) a device of commercial recording shall mean a technical installation designed for commercial recording of electric power, electrical and thermal energy allowed for the application in the procedure as established by the legislation of the Republic of Kazakhstan;

10) unified electric power grid of the Republic of Kazakhstan shall mean an aggregate of electric stations, power transmission lines, and substations which provide for reliable and qualitative power supply of consumers of the Republic of Kazakhstan;

11) reserve of electric power of the unified electric power grid of the Republic of Kazakhstan shall mean electric power of aggregates of energy producing organizations which have the required structure, amount, and also degree of readiness to dispatching complying with the requirements provided for by a contract;

12) ancillary services shall mean services acquired by a system operator from the entities of wholesale market of electric energy for providing for readiness of required volumes and structure of operative reserves of electric power, regulation of active and passive powers for deenergized starting of the energy grid;

13) operation day shall mean a current day during which the system operator carries out operations on the centralized operative-dispatching control over the implementation of electric power purchase-and-sale contracts concluded by entities of the wholesale market of electric energy;

14) centralized operative-dispatching control shall mean a process of permanent control carried out by the system operator over technically agreed work of energy producing, energy transmitting, energy supplying organizations and consumers of electric energy, providing for a specified level of reliability of the unified electric power grid of the Republic of Kazakhstan and compliance with the specified quality of electric energy;

15) interregional and/or interstate power transmission lines shall mean power transmission lines with voltage 220 kV and more, which provide for the transmission of electric power between regions and/or states;

16) regional electric network company shall mean an energy transmitting organization that operates electrical networks of the regional level;

17) disbalance of electric energy shall mean the deviation of the actual amount of production-consumption of electric energy from the value approved by the system

operator in the hourly chart of production-consumption of electric energy;

18) technical dispatching shall mean a service rendered by the system operator for the performance of the centralized operative-dispatching control over regimes of production and consumption of electric energy in the unified electric power grid of the Republic of Kazakhstan;

19) consumer shall mean a natural or juridical person which consumes electrical and/or thermal energy on the basis of a contract;

20) authorized body shall mean a state body which carries out control and regulation in the sphere of electric power industry;

21) national power grid shall mean a totality of substations, distribution installations, interregional and/or interstate power transmission lines and electric power transmission lines which carry out the supply of electric energy of electrical stations with voltage of 220 kV and more, not subject to privatization and its preliminary stages;

22) commercial recording of electric and thermal energy shall mean recording of electric and thermal energy required for mutual settlements between the parties to contracts of purchase and sale and transmission of electric and thermal energy;

23) protection zone of electric networks shall mean land plots, water and air space allocated for the purpose of safety of electric networks, creation of normal conditions of operation, prevention of their damage, and also accidents among the population that happened to be present in the protection zone of those networks;

24) regulation of electric power shall mean a service for compensation of deviations of the actual electric load of an entity of the wholesale market of electric energy from the stated electric load subject to the observance of zero balance of the exchange electric energy with planning or without planning in the daily schedule;

25) electric power industry shall mean the sphere of production, transmission, and consumption of electric and thermal energy;

26) entities of the retail market of electric energy shall mean energy producing, energy supplying, energy transmitting organizations, consumers of electric energy and other organizations that carry out the activity in the retail market of electric energy;

27) entities of the wholesale market of electric energy shall mean energy producing, energy supplying, energy transmitting organizations, consumers of electric energy, the system operator, the operator of the centralized trading of electric energy, and other organizations that carry out the activity in the wholesale market of electric energy;

28) guaranteeing supplier of electric energy shall mean an energy supplying organization that carries out the energy supply of consumers in the case of termination of electric power supply of consumers by all other energy supplying organizations not through the fault of the consumer;

29) electric power transmission shall mean a service rendered by energy transmitting organizations in accordance with the concluded contracts for electric power transmission;

30) retail market of electric energy shall mean a system of relations functioning on the basis of contracts (of purchase and sale, transmission, and consumption of electric power, and also providing of services related to it) between entities of the retail market of electric energy outside the wholesale market of electric energy;

31) wholesale market of electric energy shall mean a system of relations related to the purchase and sale of electric power, functioning on the basis of contracts between entities of the wholesale market of electric energy;

32) operator of the market of centralized trading in electric power shall mean an organization that carries out the centralized trades in electric power, including spot trades of electric energy;

33) centralized trading in electric power shall mean transaction on the purchase-and-sale of electric energy carried out by entities of the wholesale market of electric energy in an electronic system of trades on a voluntary basis, except for cases established by this Law;

34) daily schedule of the production-consumption of electric energy shall mean a document, as approved by the system operator, that regulates hourly amounts of production and consumption of electric energy for each calendar day in accordance with contracts for purchase and sale of electric energy concluded by the participants of the wholesale market on the markets of decentralized purchase-and-sale of electric energy and the centralized trading in electric energy;

35) spot-trades of electric energy (hereinafter – spot-trades) shall mean an organized trading in hourly volumes of electric power on a short-term basis in regimes: a day ahead and during the operation day;

36) balancing market of electric energy shall mean a system of interrelations between the system operator and energy producing, energy supplying organizations, wholesale consumers, other organizations that carry out the activity in the wholesale market of electric energy that is formed as a result of physical and subsequent financial regulation by the system operator of the disbalances, arising on a real-time basis, between contractual and actual volumes of production and/or consumption of electric energy in the unified power grid of the Republic of Kazakhstan during the current operation day;

37) balancing electric energy shall mean electric energy used for elimination of arising disbalances in the implementation of the hourly daily schedule of production-consumption of electric energy approved by the system operator;

38) energy expert examination shall mean an expert examination, as to compliance with regulatory legal acts of the Republic of Kazakhstan, carried out in the sphere of electric power industry with respect to operating objects, designs of reconstructed, modernized, and newly built objects in the consideration of technological violations and accidents on energy equipment in electrical and thermal networks and also in the case of industrial injuries on them;

39) energy transmitting organization shall mean an organization that carries out the transmission of electric and thermal energy on the basis of contracts;

40) energy supplying organization shall mean an organization that carries out the sale to consumers of the produced and/or purchased electric and/or thermal energy;

41) energy producing organization shall mean an organization that carries out the production of electric and/or thermal energy;

2) in Article 3:

subparagraph 2) of paragraph 1 after the words «of supply» shall be appended with the words «safe»;

subparagraph 1) of paragraph 2 after the word «efficient» shall be appended with the words «safe»;

subparagraph 5) of paragraph 3 shall be stated as follows:

«5) technical regulation in the sphere of electric power industry.»;

3) Article 4 shall be appended with subparagraph 5) as follows:

«5) approves technical regulations in the sphere of electric power industry»;

4) in Article 5:

subparagraph 3) shall be stated as follows:

«3) develops technical regulations in the sphere of electric power industry»;

subparagraph 5) after the words «regulatory legal acts of the Republic of Kazakhstan» shall be appended with the words «, except for technical regulations»;

subparagraph 6) after the words «regulatory legal acts» shall be appended with the words «except for technical regulations»;

5) Chapter 2-1 shall be appended as follows:

«CHAPTER 2-1. GENERAL SAFETY REQUIREMENTS IN THE SPHERE OF ELECTRIC POWER INDUSTRY

Article 9-1. General Provisions

1. Organizational measures in the operation of electric equipment, electric and thermal networks, installations of consumers shall provide for safety to life and health of people and the environment.

2. Object of technical regulation shall be electric equipment, electric and thermal networks, installations of consumers designed for the production, transmission, and use of electric and thermal energy, electric and thermal energy.

3. Indicators of quality of electric power in the terminals of loads of electric energy with consumers shall comply with the established standards.

Contracts for supply of electric energy shall establish the procedure for the assessment of quality of electric energy.

4. The following shall be the characteristics of the quality of electric energy:

maximum deviation of working voltage from the nominal value;

deviation of the voltage frequency;

allowed duration of the increase of voltage of industrial frequency.

5. Parameters of thermal energy for heating and hot water supply of the main and distribution pipelines shall comply with the maintained temperature schedule, indicators of safe and quality characteristics of network water.

Article 9-2. Safety Requirements in the Design of Equipment and Electric Installations in the sphere of Electric Power Industry

1. In the design and operation of electrical networks, the implementation of requirements established for electric energy shall be ensured in accordance with this Law and technical regulations.

2. Equipment of electric stations, electric and thermal networks, installations of consumers intended for the production, transmission, and consumption of electric and thermal energy shall comply with the technical requirements as established by technical regulations.

Article 9-3. Safety Requirements to Electrotechnical Equipment and Materials Used in the Production, Transmission, and Consumption of Electric and Thermal Energy

1. Electrotechnical equipment and materials produced in the Republic of Kazakhstan and imported to its territory shall comply with the requirements established by technical regulations and in the cases provided for by the legislation of the Republic of Kazakhstan shall undergo the procedure for the conformity confirmation.

2. Electrotechnical equipment and materials shall comply with the requirements providing for safety to life and health of people and the environment.

3. Putting into operations of the equipment of electric stations, electric and thermal networks, installations of consumers subject to conformity assessment with the

requirements of technical regulations, shall not be allowed to be used without a document in the sphere of confirmation of conformity.

4. Equipment of electric stations, electric and thermal networks, installations of consumers shall be in a technically working order which provides for safe conditions.»;

6) in paragraph 2 of Article 12:

subparagraph 3) shall be stated as follows:

«3) provide for the quality and safety of electric energy in accordance with the requirements as established by technical regulations;»;

in subparagraph 5) the words «of regulatory technical documents» shall be replaced with the words «of technical regulations».

33. To the Law of 9th November 2004 of the Republic of Kazakhstan «Concerning Technical Regulation» (The Bulletin of the Parliament of the Republic of Kazakhstan, 2004, No. 21, i. 124; 2006, No. 3, i. 22; No. 15, i. 92):

1) in the preamble the word «services,» shall be excluded;

2) throughout the text the words «regulatory legal acts in the sphere of technical regulation», «regulatory legal acts in the sphere of technical regulation», «regulatory legal acts in the sphere of technical regulation», «regulatory legal acts in the sphere of technical regulation», «regulatory legal acts in the sphere of technical regulation», «regulatory legal acts in the sphere of technical regulation», «regulatory legal acts in the sphere of technical regulation», shall be appropriately replaced with the words «technical regulations», «technical regulations», «technical regulations», «technical regulations», «technical regulations», «technical regulations», «technical regulations», «technical regulations»;

3) Article 1 shall be replaced with the following:

«Article 1. The Fundamental Definitions Used in This Law

The following fundamental definitions have been used in this Law:

1) accreditation — procedure by way of which the accreditation authority officially recognises the competence and powers of a juridical person to carry out work in certain spheres with regard to conformity assessment of technical regulation items with the established requirements;

2) accreditation certificate — document which certifies the right of an authority for the conformity assessment and (or) of test laboratories (centres) to carry out the work in certain spheres assessing conformity with established requirements, which is issued in accordance with the rules for the performance of the work in the sphere of conformity assessment and accreditation;

3) accreditation authority — a juridical person appointed by the Republic of Kazakhstan government and which carries out activities associated with the accreditation;

4) accreditation sphere — a list of facilities attached to accredited authorities for the conformity assessment and (or) laboratories that carry out work in the sphere of conformity assessment for the performance of the work associated with establishing their compliance with the requirements established by technical regulations, standards or agreements;

5) audit (in the sphere of confirming compliance) — systematic, independent documented analysis of activities of accredited authorities for conformity assessment and (or) test laboratories (centres) as well as review of compliance of certified products, services, processes, quality control systems with the established requirements, which is carried out on the initiative of an applicant;

- 6) supplier — a natural or juridical person supplying goods, services;
- 7) manufacturer (producer) — natural or juridical persons manufacturing goods for further marketing or own utilisation for industrial purposes, and also performing work or rendering services under chargeable and (or) charge-free agreements;
- 8) inspection supervision — a review which is carried out by an accredited authority for the conformity assessment of certified goods, procedures with the requirements established by technical regulations, in accordance with the procedure defined by the authorised body;
- 9) inspection review — a review which is carried out by the accreditation authority, of compliance by conformity assessment authorities and by laboratories with the accreditation requirements;
- 10) service — results of direct interaction of the provider and the customer and internal activities of the provider for satisfying needs of customers;
- 11) risk — probability of causing harm to human lives, health and the environment, in particular to plants and animals, subject to the degree of gravity of its consequences;
- 12) national standard — a standard approved by the authorised body and accessible to a wide circle of consumers;
- 13) national system of technical regulation — a range of state authorities, natural and juridical persons carrying out work in the sphere of technical regulation within the bounds of their authority, and of regulatory legal acts, standards;
- 14) register of the national system of technical regulation — the document for accounting for technical regulations, standards, indices of technical and economic information, authorities for the confirmation of compliance, test laboratories, technical committees for standardisation, expert auditors and issued documents in the sphere of confirming compliance;
- 15) interested parties — natural and juridical persons and their associations, unions whose activities are directly connected with the elaboration of technical regulations as well as other persons whose participation is provided for by the international agreements of the Republic of Kazakhstan;
- 16) obligatory certification — a form of conformity assessment of goods with the requirements established by technical regulations, with the participation of conformity assessment authorities;
- 17) fundamental standard — a standard which has a wide area of application or containing general provisions for certain sphere of technical regulation;
- 18) product — result of a process or activity;
- 19) identification of goods, services — procedure which ensures unequivocal recognition of certain goods, services on the basis of distinctive features;
- 20) safety of goods and processes (henceforth — safety) — absence of unjustified risks relating to causation of harm to human lives, health, the environment, including plants and animals, subject to combination of probabilities of hazardous factors and the degree of gravity of its consequences;
- 21) life cycle of goods — procedures of designing, manufacturing, operating, storing, transporting, marketing, destroying and utilising the goods;
- 22) regional standard — a standard adopted by a regional organisation for standardisation and which is accessible for a wide circle of consumers;
- 23) applicant — a natural or juridical person that has provided goods, services,

processes for conformity assessment as well as juridical persons that have filed applications for accreditation and audit (in the sphere of confirming compliance);

24) process — a set of mutually connected and consecutive activities (operations) for the attainment of certain pre-set result, including processes of the life cycle of goods;

25) compliance mark — symbol which serves for informing customers that the goods, services passed the procedure of conformity assessment with the requirements established by technical regulations, standards and other documents;

26) compliance certificate — document certifying the compliance of goods, services with the requirements established by technical regulations, requirements of standards and other documents;

27) assessment of compliance — proving conformity with pre-set requirements applicable to given goods, processes, persons or authorities;

28) compliance declaration — document by which the manufacturer (contractor) certifies the compliance of the goods, services which are released into circulation with the established requirements»;

29) voluntary conformity assessment — procedure by which the conformity assessment is carried out with regard to goods, services, processes when performed on the initiative of the manufacturer (contractor) or seller in respect of compliance with a standard, another document or specific requirements of the applicant;

30) obligatory conformity assessment — procedure through which the conformity assessment of goods with the requirements established by technical regulations is carried out;

31) conformity assessment — procedure for the assessment of compliance, of which the result is a documentary evidence (in the form of a declaration of compliance or a compliance certificate) of compliance of an item with the requirements established by technical regulations, standards or provisions of agreements;

32) conformity assessment authority — a juridical person accredited in accordance with the established procedure for the performance of work associated with confirmation of compliance;

33) form of conformity assessment — a set of activities of which the results are recognised as a proof of compliance of goods, services with the requirements established by technical regulations, standards or agreements;

34) document in the sphere of conformity assessment — a compliance certificate or a declaration of compliance issued in accordance with the procedure established by the Republic of Kazakhstan legislation by an accredited conformity assessment authority;

35) scheme of conformity assessment — methods of establishing compliance of items with the requirements established by technical regulations, standards or agreements, containing description of specific stages of conducting this work (trials, examination of production facilities, evaluation of quality controls, analysis of regulatory and technical documentation and other);

36) expert-auditor for conformity assessment, identification of country of goods origin, accreditation — an expert certified in accordance with the procedure established by the authorised body;

37) certification — procedure by way of which a conformity assessment authority certifies in writing the compliance of certain goods with the established

requirements;

38) standard — document which for the purpose of multiple and voluntary use establishes rules, general principles and parameters applicable to technical regulation items, which is approved in accordance with the procedure provided for by the authorised body;

39) standardisation — activity aimed at attaining an optimum degree of streamlining requirements to goods, services and processes by way of establishing conditions for universal, multiple and voluntary use with regard to existing and potential objectives;

40) regulatory standardisation document — a document that establishes norms, rules, parameters, principles concerning various types of activities associated with standardisation or its results;

41) regional standardisation organisation — an standardisation organisation, the participation in whose activities is open for appropriate standardisation authorities of only one region: whether geographic region or economic region;

42) technical committee for standardisation — a consultative advisory body which is formed in sectors of the economy on a voluntary basis for the elaboration of standards and for the participation in the formation of the national system of technical regulation with regard to attached standardisation items or areas of activity;

43) test laboratory (centre) (henceforth — laboratory) — a laboratory, including laboratories of governmental authorities, which carries out tests of production for compliance with the requirements established in regulatory documents for standardisation;

44) technical barrier — a barrier that emerges due to differences or changes in requirements which are contained in technical regulations and standards;

45) technical regulations — a regulatory legal act establishing obligatory requirements to goods and (or) processes of their life cycles, which is elaborated and applied in accordance with the Republic of Kazakhstan legislation concerning technical regulation;

46) technical regulation — legal and normative regulation of relations associated with defining, establishing, applying and implementing obligatory and voluntary requirements applicable to goods, services, processes, including activities associated with the confirmation of compliance, accreditation and the governmental supervision and monitoring of compliance with the established requirements, except for sanitation and phytosanitation rules;

47) governmental stock of technical regulations and standards — all specialised resources of technical regulations, standards and other documents of governmental authorities which are formed within the bounds of their authority;

48) technical expert — a natural person possessing special knowledge or experience with regard to an item subjected to confirmation of compliance;

49) national index of technical and economic information — a document which represents a categorised compendium of codes and titles of classification groups of items of technical and economical information;

50) authorised body — a state body authorised in accordance with the Republic of Kazakhstan legislation to control, exercise supervision and monitoring with regard to work in the sphere of technical regulation and to represent the Republic of Kazakhstan at international and regional organisations in issues of standardisation, conformity

assessment and accreditation;

51) national standard — standard of a foreign country adopted by its authorised body for standardisation and accessible to a wide circle of customers;

52) standard of an organisation — a standard approved by an organisation;

53) harmonised standard — a standard which ensures the compliance with the requirements established by technical regulations;

54) international standard — a standard adopted by an international organisation for standardisation and accessible to a wide range of consumers.»;

4) paragraph 1 of Article 4 shall be replaced with the following:

«1. The following shall be recognised as the fundamental objectives of technical regulation:

1) in the sphere of obligatory regulation:

ensuring the safety of goods, procedures for human lives, health and the environment, including plants and animals;

ensuring the national security;

prevention of activities that mislead consumers with regard to safety and quality of goods, services;

elimination of technical barriers in trade.

2) in the sphere of standardisation:

enhancing the competitive advantages of domestic goods;

economy of natural and energy resources.»;

5) in Article 5:

subparagraph 3-1) shall be added as follows:

«3-1) accreditation authority;»;

in subparagraph 8) the word «standardisation» shall be replaced with the words «identifying the country of origin of goods»;

6) in Article 6:

in subparagraph 7) the word «services,» shall be excluded;

subparagraph 8) shall be replaced with the following:

«8) approval of technical regulations;»;

subparagraph 8-1) shall be introduced as follows:

«8-1) establishing the procedure for the elaboration, expert examination, adoption, amendment and repeal of technical regulations;»;

subparagraph 9) shall be replaced with the following:

«9) appointment of accreditation authorities;»;

subparagraph 10-1) shall be added as follows:

«10-1) approval of a plan for the elaboration of technical regulations.»;

7) in Article 7:

in the second part:

subparagraph 4-1) shall be added as follows:

«4-1) elaborate a plan for the development of technical regulations;»;

subparagraph 11) shall be replaced with the following:

«11) define the procedure and organise the certification of expert-auditors for confirmation of compliance, identification of the country of origin of goods, accreditation and also organise their professional training and retraining;»;

subparagraph 11-1) shall be appended with the following:

«11-1) establish the procedure and issue certificates on identification of the country of origin of goods;»;

Subparagraph 13) shall be excluded;
in the third part:
in subparagraph 3) the word «, rules» shall be excluded;
in subparagraph 5) the words «and programs» shall be excluded;
subparagraph 7) shall be added as follows:
«7) establish the procedure for marking of goods and exercise its supervision;»;
in the fourth part:
subparagraph 1) shall be replaced with the following:
«1) establish procedure for the accreditation of conformity assessment authorities and of laboratories;»;
in subparagraph 2) the word «accreditation» shall be replaced with the words «organisation of work associated with accreditation»;
in subparagraph 3) the word «and a certificate of accreditation» shall be replaced with the words «, a certificate of accreditation, certificate identifying the country of origin of goods and organise their manufacture»;
8) in subparagraph 8) of Article 8 the words «services which are subject to» shall be replaced with the word «subject to»;
9) Article 8-1 shall be added as follows:
«Article 8-1. Accreditation Authorities»
1. Accreditation authorities shall be appointed by the Republic of Kazakhstan government and established attached to the authorised body.
2. Accreditation authorities shall exercise the following functions:
1) represent the Republic of Kazakhstan in international organisations in issues of accreditation;
2) issue accreditation certificates for a period of three years;
3) suspend accreditation certificates' validity for a period up to six months.
In the case of failure to eliminate the factors for which validity of an accreditation certificate was suspended, or finding within the validity term of an accreditation certificate another violation of requirements, established by technical regulations, the accreditation certificate shall be annulled by a court decision pursuant to an application of the accreditation authority;
4) carry out inspection reviews.»;
10) in Article 12:
in paragraph 1:
the words «by the Government of the Republic of Kazakhstan» shall be replaced with the words «by the authorised body»;
in the first part the word «(or)» shall be replaced with the words «in the cases provided for by the Government of the Republic of Kazakhstan»;
in subparagraph 5) of paragraph 3 the words «services, that passed» shall be replaced with the word «passed»;
subparagraph 2) of paragraph 4 shall be excluded;
paragraph 6 after the words « conformity assessment » shall be appended with the words «and expert auditors»;
paragraph 8 shall be appended as follows:
«8. A conformity assessment authority must own, in accordance with ownership rights, a laboratory that ensures tests of items as covered for by the accreditation sphere of the conformity assessment authority, within a scope defined in accordance with the Republic of Kazakhstan legislation concerning technical regulation.»;

- 11) in Article 13:
in paragraphs 1 and 2 the words «the Government of the Republic of Kazakhstan» shall be replaced with the words «by the authorised body»;
in paragraph 2 the word «revocation,» shall be excluded;
paragraph 3-1 shall be added as follows:
«3-1. A laboratory shall have the right to conclude agreements for conducting tests in relation to items covered by the accreditation sphere entrusted to a given laboratory, only with one conformity assessment authority.»;
- 12) in paragraph 2 of Article 14 the words «service subject to» shall be replaced with the word «subject to»;
- 13) in Article 16:
the heading the word «standardisation,» shall be replaced with the words «identifying the country of origin of goods»;
in paragraph 1:
the words «or on the basis of an agreement (contract) with it in accordance with regulatory legal acts in the sphere of technical regulation» shall be excluded;
the second part shall be added as follows:
« Natural persons shall have the right to carry activities as expert-auditors for conformity assessment only within one conformity assessment authority or laboratory.»;
paragraph 2 shall be replaced with the following:
«2. Expert auditors for identifying the country of origin of goods shall carry out their activities in accordance with the procedure established by the authorised body.»;
in paragraph 3 the words «by the Government of the Republic of Kazakhstan » shall be replaced with the words «authorised body»;
in paragraph 4 the words «expert auditors for standardisation,» shall be replaced with the words «expert auditors for identification of the country of origin of goods,»;
- 14) paragraph 8 of Article 17 shall be replaced with the following:
«8. Requirements of technical regulations shall be deemed complied with where in the manufacture of the goods the harmonised standards were used.
In the manufacture of goods there may be used other standards, provided they comply with the requirements and rules established by technical regulations.»;
- 15) Article 18 shall be appended with paragraph 7 as follows:
«7. Requirements ensuring the safety of good, processes shall only be established in technical regulations.»;
- 16) in Article 19:
paragraph 3 shall be replaced with the following:
«3. The authorised body shall formulate a draft plan for the elaboration of technical regulations and submit it to the Government of the Republic of Kazakhstan for the approval. The approved plan for the elaboration of technical regulations shall be subject to publication within one month from the date of its approval.
It shall not be allowed to finance the work associated with the elaboration of technical regulations at the expense of budget funds which are not specified in the plan for the elaboration of technical regulations.»;
- the second part of paragraph 6 shall be excluded;
- 17) in Article 20:
the first paragraph shall be appended with figure «1.» before the words «To regulatory»;
- paragraph 2 shall be appended as follows:

«2. Dissemination of official publications of regulatory documents concerning standardisation specified in subparagraphs 1) - 3) of paragraph 1 of this Article, shall only be carried out by the authorised body or by an enterprise authorised and subordinated to it.»;

18) in Article 21:

in paragraph 5:

in subparagraph 1) the word «services,» shall be excluded;

in subparagraph 9) the word «quality and ecological management» shall be excluded;

in paragraph 6 the words «on a voluntary basis» shall be excluded;

19) paragraph 1 of Article 23 shall be replaced with the following:

«1. Standards of organisations shall be elaborated and approved by organisations independently for the purposes specified in paragraph 1 of Article 4 of this Law.

The procedure for the elaboration, approval, accounting for, amendment, repeal, registration, codification, publication of standards of organisations shall be established by the authorised body.

Standards of organisations shall be voluntary as to their application, and they must not contradict the requirements established by regulatory legal acts in the sphere of technical regulation.»;

20) in paragraph 5 of Article 24:

the words «and regional standards,» shall be replaced with the words «regional standards, national standards and regulatory documents for standardisation of foreign countries»;

after the word «standards,» shall be appended with the words «with regard to quality parameters not to be inferior to national standards»;

21) Article 26 shall be appended paragraph 6 as follows:

«6. Foreign and international organisation which issue foreign types of documents in the sphere of conformity assessment shall be subject to accounting registration in accordance with the procedure established by the authorised body.»;

22) in paragraph 5 of Article 27:

after the word «utilisation,» shall be appended with the words «imported for an exhibition and without its designated use,»;

the words «legislative acts of the Republic of Kazakhstan» shall be replaced with the words «technical regulations»;

23) paragraph 2 of Article 31 shall be excluded;

24) the first part of paragraph 2 of Article 32 after the word «Prohibited» shall be appended with the words «import and»;

25) in Article 34:

in the second part of paragraph 1 the word «services» shall be excluded;

paragraph 3 shall be excluded;

26) in paragraph 3 of Article 35 the words « Government of the Republic of Kazakhstan» shall be replaced with the words «authorised body»;

27) in Article 36:

in the second paragraph of paragraph 1 the words «authorised body» shall be replaced with the words «accreditation authority»;

in paragraph 4 the words «authorised body» shall be replaced with the words «accreditation authority»;

28) in Article 40:

subparagraph 3) of paragraph 1 shall be replaced with the following:

«3) carry out selection of samples and assays of goods for the governmental supervision and monitoring:

by recognising the cost of expended samples and expenditures associated with the performance of the tests (analysis, measurements) at the expense of budget funds in the case of compliance of the goods with the requirements established by technical regulations;

by recognising the cost of expended samples and expenditures associated with the performance of the tests (analysis, measurements) at the expense of the subject entities in the case of non-compliance of the goods with the requirements established by technical regulations;»;

the first part of paragraph 2 shall be appended with the words «and their deputies»;

29) in Article 45:

in subparagraph 1) of paragraph 1 the words «services which are marketed» shall be replaced with the words «marketed»;

in paragraph 2 the word «, services» shall be excluded;

30) in the third part of paragraph 1 of Article 46 the word «, services» shall be excluded.

Article 2.

1. This Law shall enter into force from the date of its official publication, except for the fourth paragraph of subparagraph 2), subparagraph 3) of paragraph 13, sixth and twelfth of subparagraph 3), second and third paragraphs of subparagraph 5), seventh and eighth paragraphs of subparagraph 6), subparagraph 9), subparagraph 27) of paragraph 33 of Article 1, which shall enter into force from the 1st July 2007.

2. Until technical regulations and standards harmonised therewith have entered into force to establish safety requirements to goods and processes of their life cycles with regard to human lives, health and environment, the state regulation shall be carried out in accordance with the legislation of the Republic of Kazakhstan concerning technical regulation.

As technical regulations enter into force, the regulatory legal acts which are replaced by them or contradict them, shall be recognised as invalid.

President of the Republic of Kazakhstan
N. NAZARBAEV