

Report on the implementation of the Aarhus Convention in accordance with decision IV/ 4 (ECE / MP. PP/2011/2/Add.1)

The following Report is submitted on behalf of the Republic of Kazakhstan
[name of the Party or signatory] in accordance with decisions I/-8, II/-10 and IV/4

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Signature:

Date:

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Implementation report for the period 2017-2021 – 2020-2024 years

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Please provide the following baseline data for the Report

Party: Republic of Kazakhstan (ROK)

National Coordination Center: Ministry of Ecology, Geology and Natural Resources of the Republic Fof Kazakhstan

Full name of the institution: Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan

Last

name and position of employees: Acting Director Shiranov Akzan Rashidovich

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Код поля изменен

I. Report preparation process

Please provide a summary of the process of preparing the Report, indicating which Government agencies were consulted or which government agencies contributed to its preparation. How the public consultations were conducted, and, how the results of these consultations were taken into account and what materials were used as the basis for preparing the Report.

Answer: This National Report was prepared based on an analysis of previous National Reports of the Republic of Kazakhstan (hereinafter – RK), environmental legislation, programmatic documents, plans, concepts, official reports, and statements delivered at conferences, seminars, trainings, forums, and public hearings.
In preparing the Report, materials from judicial practice of the Supreme Court related to the resolution of disputes concerning the application of environmental legislation in the context of implementing the Aarhus Convention (hereinafter – AC) were used, as well as Kazakhstan's national reports on the implementation of decision V/9i regarding the country's compliance with its obligations under the AC. Additional sources included the websites of governmental bodies, the National Aarhus Center, the NGO "Green Salvation," and other non-governmental organizations (hereinafter – NGOs).
For the preparation of this Report covering the reporting period (2021–2024), the Ministry of Ecology and Natural Resources (MENR) engaged the public association "Human Health Institute."
The draft Report was revised and approved by the Department of Environmental Policy of the MENR, which is the official author of this Report as the central government authority authorized by the state in the field of environmental protection. The MENR discussed the present Report with its structural subdivisions and with the Republican State Enterprise "Information and Analytical Center for Environmental Protection" under the right of economic management of the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan (hereinafter – IAC).
To ensure public discussion of the draft National Report, it was published on December 27, 2024, on the official web resource of the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan (via the Unified Platform for Government Agencies' Web Resources (UPGAWR) of the Ministry of Digital Development, Innovation, and Aerospace Industry of the Republic of Kazakhstan – www.gov.kz), as well as on the Unified Environmental Web Resource of the Working Body for the Implementation of the Aarhus Convention (www.ecogosfond.kz).
The publication was primarily addressed to the general public to gather feedback and incorporate comments into the updated version of the draft Report. The public was invited to raise any issues and submit suggestions or remarks, which will be taken into account in the final version.
~~Answer: This National Report is based on the analysis of previous National Reports of the Republic of Kazakhstan (hereinafter referred to as the ROK), environmental legislation, program documents, plans, concepts, official reports and presentations at conferences, seminars, trainings, forums, public hearings. The Report was prepared using the materials of the Supreme Court's case law on resolving disputes related to the application of environmental legislation in the implementation of the Aarhus Convention (hereinafter referred to as the QA); Reports of the Republic of Kazakhstan on the implementation of decision V / 9i on Kazakhstan's compliance with its obligations under the QA; websites of state bodies,~~

the National Aarhus Center, and the Green Space Agency rescue" and other non-governmental organizations (hereinafter referred to as NGOs).

Draft National Report sent out on September 30 and December 27, 2019 sent out on the NGO network 2019 on September 30 and December 27, November 2020 2027, 2020a sent out by email on November 27.

On November 30, 2020 an online discussion was held on November 30 of the draft National Report ...

Also for public discussion of the draft National Report ... The report

was also ~~был~~ posted on the Unified Platform of Internet Resources of state Bodies (EPIR GO) of the Ministry of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan (www.gov.kz), as well as on the Unified Environmental Internet Resource of the Working Body for the Implementation of the Aarhus Convention (www.ecogofond.kz) for discussion with the public.

To prepare this Report in the reporting period (2021-2024), the MENR engaged the Public Association "Human Health Institute".

The prepared draft Report was finalized and approved by the Department of Environmental Policy of the MENR, which is the official author of this Report as the central government agency authorized by the State in the field of environmental protection.

The MENR discussed this report with the structural divisions of the Republican State Enterprise on the right of economic management "Information and Analytical Center for Environmental Protection" of the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan (hereinafter - IAC).

On December 27, 2024, the draft National Report was posted on the official Internet resource of the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan (on the Unified Platform of Internet Resources of Government Agencies (EPIR GO) of the Ministry of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan (www.gov.kz)), as well as on the Unified Ecological Internet resource of the Working Body for the Implementation of the Aarhus Convention (www.ecogofond.kz). The publication was primarily addressed to the general public in order to receive and include comments in the updated version of the draft Report. The public had the opportunity to raise any questions and send suggestions and comments, which will be taken into account in the final version.

Добавлено примечание ([НИД1]): По какой сети?

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Добавлено примечание ([НИД2]): Кому разослан?

Добавлено примечание ([НИД3]): Кто принял участие? добавьте

Добавлено примечание ([НИД4]): Кто принял участие? добавьте

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II. Special circumstances relevant to understanding the Report

Please indicate any special circumstances relevant to understanding the Report, such as whether there is a federal and/or decentralized decision-making structure, whether the Convention's provisions have direct effect after its entry into force, and whether financial difficulties are a significant obstacle to the implementation of the Convention (optional).

Answer: The current law in the Republic of Kazakhstan is the norms of the Constitution, laws corresponding to it, other normative legal acts, international contractual and other obligations, as well as normative decisions of the Constitutional Council and the Supreme Court.

The Constitution has the highest legal force and direct effect on the entire territory of the Republic.

International treaties ratified by the Republic have priority over its laws and are applied directly, except in cases where it follows from an international treaty that its application requires the publication of a law.

All laws and international treaties to which the Republic is a party are published. The official publication of normative legal acts concerning the rights, freedoms and obligations of citizens is a prerequisite for their application. The right to receive information is a constitutional right of citizens of the Republic of Kazakhstan (Article 18, Part 3 of the Constitution of the Republic of Kazakhstan).

The authorized body for the implementation ~~Орхусекой~~ of the Aarhus Convention is the Ministry ~~of Energy of the Republic of IP~~ Kazakhstan and the RSE "Information and Analytical Center for Environmental Protection" ~~F~~ of the Ministry of Energy of the Republic of Kazakhstan.

Analysis of Kazakhstan's laws, which include provisions on the rights of individuals, public associations and other legal entities in the field of environmental protection¹, protection and rational use of natural resources², sanitary-epidemiological³ and radiation welfare of the population⁴, architectural, urban planning and construction activities⁵, allows us to classify procedural environmental rights into the following categories:

- the right to apply to state bodies with letters, complaints, applications and proposals on environmental protection issues;⁶
- the right to receive timely, complete and reliable environmental information from state bodies and organizations;⁷
- the right to participate in decision-making by state bodies on projects for the construction and reconstruction of facilities with potential environmental impact;
- the right to demand in the administrative or administrative court of the Republic the right to demand in an administrative or judicial manner the restriction or termination of economic and other activities that have a negative impact on the environment and human health; the right to compensation for damage to health and property caused as a result of an environmental threat; the right to apply for an administrative or judicial procedure for the cancellation of decisions on the placement, construction, reconstruction and commissioning of enterprises, structures and other objects that pose an environmental threat;
- the right to demand in an administrative or judicial procedure the restriction or termination of economic and other activities that have a negative impact on the environment and human health;
- the right to compensation for damage to health and property caused as a result of violations of environmental legislation;
- the right to participate in the discussion of draft regulatory legal acts on environmental protection issues, in the process of preparing plans and programs of state agencies. environmental authorities;
- the right to exercise public control and raise questions about bringing individuals and (or) legal entities to justice;
- the right to propose or initiate, conduct and participate in public environmental expertise;
- the right to associate for the purpose of carrying out activities for environmental protection and protection of environmental rights, including through: creation of public associations, foundations;
- the right to take part in meetings, rallies, pickets, marches and demonstrations, referendums in the field of environmental protection in accordance with the legislation of the Republic of Kazakhstan;

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¹ Chapter 4 of the Environmental Code, articles 12 and 13 of the Law "On Specially Protected Natural Territories". Глава 4 Статьи 13 и 14 Экологического кодекса, статьи 12 и 13 Закона "Об особо охраняемых природных территориях".

² Articles 62 and 63 of the Water Code, article 3 of the Forest Code. Статьи 62 и 63 Водного кодекса, статья 3 Лесного кодекса.

³ Article 74 of the Code of the Republic of Kazakhstan dated September 18, 2009 No. 193-IV "On the health of the people and the healthcare system". Статья 87 п. 9, статья 88 п. 874 Кодекса РК от 18 сентября 2009 года № 193-IV «О здоровье народа и системе здравоохранения».

⁴ Articles 19-21 of the Law "About radiation safety of the population". Статьи 19-21 Закона "О радиационной безопасности населения".

⁵ Article 13 of the Law "On Architectural, Urban Planning and Construction Activities". Статья 13 Закона "Об архитектурной, градостроительной и строительной деятельности".

⁶ On access to information, the Law of the Republic of Kazakhstan dated November 16, 2015 No. 401-V LRK. О доступе к информации Закон Республики Казахстан от 16 ноября 2015 года № 401-V ЗРК. Подпункт 6 пункта 1 статьи 13 Экологического кодекса.

⁷ Subparagraph 7 of paragraph 1 of Article 13 and subparagraph 7 of paragraph 1 of Article 14 of the Environmental Code. Подпункт 7 пункта 1 статьи 13 и подпункт 7 пункта 1 статьи 14 Экологического кодекса.

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- to apply to the court in defense of the rights, freedoms and legitimate interests of individuals and legal entities, including in the interests of an indefinite circle of persons, on environmental protection issues environment and use of natural resources.⁸

In the laws of the Republic of Kazakhstan, individuals are recognized as the subject of the right to a favorable environment for life and health (favorable habitat). The designation of individuals as a subject of law means that citizens of the Republic of Kazakhstan, foreign citizens and stateless persons equally enjoy the corresponding rights. ~~In order to improve the legislation, the Law "On Amendments and Additions to certain Legislative Acts of the Republic of Kazakhstan on Environmental issues" was adopted on April 8, 2016. This provision of the law is reflected in the new version of the Environmental Code, which was adopted on January 2, 2021 No. 400-VI SAM~~ In 2015, the law "On Public Councils" was adopted. The terms and procedure for holding meetings of the Public Council, as well as the procedure for making decisions, are determined ~~by the regulations~~ on the Public Council.

There are difficulties caused by insufficient thisem, in turn, affects the quality of fulfillment of obligations. The initiative is only available on a voluntary basis without the necessary financial support.

III. Legislative, regulatory and other measures to implement the general provisions of paragraphs 2, 3, 4, 7 and 8 of article 3

List legislative, regulatory, and other measures that implement the general provisions of paragraphs 2, 3, 4, 7, and 8 of Article 3.

Please explain how the provisions of these paragraphs are implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and public authorities provide the necessary assistance and guidance;
- (b) With respect to **paragraph 3**, measures taken to promote environmental education and awareness – raising;
- (c) With respect to **paragraph 4**, measures taken to ensure that officials and public authorities provide the necessary guidance and guidance. (d) With respect to **paragraph 7**, measures taken to promote the application of the principles of the Convention at the international level, including:
 - (i) Measures taken to coordinate, both within ministries and at the interagency level, the process of informing officials participating in other relevant international forums about the provisions of article 3, paragraph 7, and the Almaty Guidelines, indicating whether these measures are permanent;
 - (ii) Measures taken to ensure access at the national level access to information on international forums, including the stages at which such access to information was provided;
 - (iii) Measures taken to promote and provide opportunities for public participation at the national level in relation to international forums (for example, inviting members of non-governmental organizations (NGOs) to participate as part of a Party's delegation in international negotiations on issues related to:
 - (iv) Measures taken to promote the application of the principles of the Convention in the procedures of other international forums;

⁸ Subparagraph 1-1) of paragraph 1 of Article 14 of the Environmental Code Подпункт 1-1) пункта 1 статьи 14 Экологического кодекса

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(v) Measures taken to promote the application of the principles of the Convention in work programmes, projects, decisions, etc

(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, harassed or harassed.

Answer:

With respect to paragraph 2:

Regarding access to information

By the Law of the Republic of Kazakhstan dated December 12, 2019 No. 279-VI ZRK ratified the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

The Law of the Republic of Kazakhstan dated April 8, 2016 amended the Environmental Code regarding access to environmental information. In accordance with the new version of the Environmental Code of the Environmental Code to ensure access to environmental information provided for:

1) creation of a State register of Pollutant releases and Transfers (Article 160(22)), the main purpose of which is to ensure transparency of the activities of nature users;

2) expansion of the information structure of the State Environmental Information Fund (Article 25(6));

3) annual publication on Internet resources of information on budget revenues from fees for emissions into the environment, on budget expenditures on environmental protection measures, on revenues to the budget from recovery of damage caused to the environment, on revenues to the budget from fines for violation of environmental legislation (Article 163);

4) Article 140 of the Environmental Code provides for mandatory publication of the results of the completed remediation program, as well as the results of monitoring are subject to mandatory publication of the results of publication on the official website of the person responsible for eliminating environmental damage, as well as on the website of the authorized body in the field of environmental protection.

5) article 181 provides for transparency of state environmental control, that is, the authorized body in the field of environmental protection ensures the publication of the following information on the official Internet resource for a period of at least one calendar year:

- analytical reports on the level and changes in the level of compliance by subjects of state environmental control with the requirements of the environmental legislation of the Republic of Kazakhstan;

- annual reports on the results of state environmental control;

- information on the revealed facts of violation of the requirements of the environmental legislation of the Republic of Kazakhstan at objects of categories I and II, bringing the subject of state environmental control to appropriate administrative, criminal and (or) civil liability, including penalties imposed, as well as issuing and executing instructions in of categories I and II; the following cases: - a list of enterprises that systematically violate the requirements of the environmental legislation of the Republic of Kazakhstan.

Operators of Category I and II facilities are obligated, based on a relevant judicial or administrative act, to publicly disclose — at their own expense — information in the mass media and on their official websites regarding violations of the environmental legislation of the Republic of Kazakhstan committed by them, the penalties imposed, as well as the measures taken and planned to eliminate such violations. **Operators of objects of categories I and II** ~~категории I и II~~, on the basis of a relevant judicial act or administrative act, are required to post, at their own expense, information in the mass media and on their Internet resources about the facts of violation of the requirements of the environmental legislation of the Republic of Kazakhstan, penalties imposed on them, as well as measures

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Знак; Обычный (Web); Знак4; Знак4 Знак; Знак4 Знак
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Знак3, По левому краю, Отступ: Первая строка: 0 см,
междустрочный, минимум 14,25 пт, Выравнивание
шрифтов: По опорной линии, Узор: Нет (Белый)

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междустрочный, 1,5 строки

~~taken and planned to eliminate violations of the requirements of the environmental legislation of the Republic of Kazakhstan.~~

46) annual preparation and publication of the National Report on the state of the environment and on the use of natural resources of the Republic of Kazakhstan (Article 166-12323);

75) publication of the conclusion of the state environmental expertise on the Internet resource of the local executive body in the field of environmental protection within five working days after its receipt by the nature user (article 9595-57).

Environmental information is provided in accordance with the Law of the Republic of Kazakhstan dated November 16, 2015 No. 401-V SAM On Access to Information on January 12, 2007 "On the procedure for consideration of appeals of individuals and legal Entities", as well as Administrative, процедурно, процессуальным кодексом Procedures and Procedures of the Republic of Kazakhstan on June 29, 2020 No. 350-VI. It also complies with the Rules for the provision of the state service "Provision of Environmental Information", approved by Order No. 130 of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated June 2, 2020.

In accordance with the Decree of the Acting Director, приказ Acting of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated August 9, 2021 No. 316. of the Government of the Republic of Kazakhstan dated October 13, 2016 No. 589 "On Approval of the Rules for Maintaining the State Environmental Information Fund" (hereinafter referred to as the Rules for Maintaining the SPEI), environmental information is collected, which is provided in written, electronic, audiovisual or other forms.

Regarding the facilitation of public participation in the decision making process, the Law of the Republic of Kazakhstan dated April 8, 2016 made additions and amendments to the Environmental Code regarding public participation in the decision-making process in accordance with the new version of the Environmental Code. :

1) a new article (57-1) has been introduced on public participation in decision-making on environmental protection issues, which is carried out by::

- conducting public hearings;
- conducting public environmental expertise;
- conducting public environmental control;
- submitting comments and suggestions to state bodies during the state environmental expertise;

participating in public councils under state bodies: submitting comments and suggestions on draft regulatory legal acts on environmental protection, including draft documents of the State Planning System2

2) a new article (57-2) on holding public hearings has been introduced;

3) the list of types of economic activities for which public hearings are mandatory for projects has been approved;

4) the rules for holding public hearings have been approved in a new version.

Regarding access to justice in environmental matters

1) Amendments have been made to the Environmental Code (part 1) 134 regarding the right to appeal to the court with an application challenging the legality of actions (omissions) and decisions of state bodies, local self-government bodies, officials and civil servants on issues of environmental protection, including those related to the elimination of environmental damage caused and the suppression of violations of the requirements of the environmental legislation of the Republic of Kazakhstan, as well as to apply to court in accordance with the civil and civil procedure legislation of the Republic of Kazakhstan to protect property or non-property benefits and rights that are harmed as a result of violation by third parties of the requirements of the environmental legislation of the Republic of Kazakhstan.

Also, in accordance with Article 14 of the Environmental Code of the Republic of Kazakhstan, non-profit organizations in the implementation of their activities in the field of environmental protection, in addition to the rights provided Article 13 of the Environmental Code, also have the right to apply for protection of the rights, freedoms

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and legitimate interests of individuals and legal entities, including in the following cases: appeal against the legality of actions (omissions) and decisions of state bodies, local self-government bodies, officials and civil servants in the interests of an indefinite circle of persons; public associations apply to the court in defense of the rights, freedoms and legitimate interests of individuals and legal entities, including in the interests of an indefinite circle of persons, on environmental protection issues

2) ~~amendments have been made to the Tax~~ Code of the Republic of Kazakhstan (Article 541) to exempt individuals from paying state duties on claims (applications) for the protection of the rights, freedoms and legitimate interests of individuals and legal entities, including in the interests of an indefinite group of persons, on environmental protection issues environment and use of natural resources (article 541).

~~In September 2018, the Vice Minister of Energy approved the Plan for the Development of the Aarhus Movement in Kazakhstan for 2018-2020.~~

RSE "Information and Analytical Center for Environmental Protection" (IAC) has been designated as a working body for the implementation of the QA (Order of the Ministry of Environmental Protection of the Republic of Kazakhstan No. 35-o dated March 20, 2009). Since 2009, it has been operating as a Working Body for the implementation of the Aarhus Convention. ~~In September 2018, the Vice Minister of Energy approved the Plan for the Development of the Aarhus Movement in Kazakhstan for 2018-2020.~~

The general procedure for considering citizens' requests for information by state bodies is defined in Kazakhstan in sufficient detail in the Administrative Procedure Code of the Republic of Kazakhstan dated June 29, 2020 No. 350-VI and the Law of the Republic of Kazakhstan "On Access to Information" dated November 16, 2015 No. 401-V SAM. The Law "On the Procedure for consideration of Appeals of Individuals and Legal Entities" (No. 221 of January 12, 2007). The specifics of ensuring access to environmental information were legally regulated in Chapter 4 21 of the Environmental Code (hereinafter referred to as the EC) of the Republic of Kazakhstan.

With respect to item 3:

The following activities are being implemented:

- Placement of environmental information on a single environmental Internet resource: <http://ecogofond.kz>;
- Coverage of environmental issues by the press service of the Ministry of Education and Science of the Republic of Kazakhstan and the Supreme Court;
- Consultation and Information Service of the National Aarhus Center;
- Training of NGO representatives and преподавателей преподавателей university teachers in advanced training courses in the field of environmental protection;
- Publication of the specialized newspaper "Ecology of Kazakhstan";

In Articles 181-184 192-194 of the 194 EC the purpose and main tasks, organizational bases, mechanisms of state support for environmental education and enlightenment are considered, including::

State support measures include:

- 1) financing of environmental education in educational organizations (educational and methodological work and activities on environmental education and enlightenment, professional development of specialists);
- 2) active participation of state bodies in the formation of a state educational order for the training of specialists in the field of environmental protection;
- 3) provision of a state order for the support of innovative methodological projects. environmental education in order to promote sustainable development;
- 4) providing a state social order to support non-profit organizations that carry out activities in the field of environmental education and enlightenment;
- 5) conducting activities on environmental education and enlightenment, advanced training, training and retraining of personnel.

Financing of environmental education in educational organizations (educational and methodological works and activities on environmental

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Добавлено примечание ([НИД5]): Которым предусмотрено...
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education and training, professional development of specialists) within the framework of the State Planning System of the Republic of Kazakhstan;

- Active participation of state bodies in the formation of the state educational order for the training of specialists;
- Provision of a state order for scientific research in the field of education for sustainable development;
- Provision of a state social order to public associations engaged in activities in the field of environmental education and enlightenment;
- Provision of necessary measures for environmental education and training, professional development and retraining of personnel within the framework of state planning systems of the Republic of Kazakhstan.
- The universality and continuity of environmental education, legal and environmental orientation in the field of environmental protection are enshrined in the laws "On Education", "On Natural and Man-made Emergencies", "On Public Service in the Republic of Kazakhstan" and a number of Government resolutions.

RSE "IAC Environmental Management Center" conducts training seminars in the field of environmental protection and nature management. The Sub-regional Network for Education for Sustainable Development of the Regional Environmental Center of Central Asia (CAREC) is still being developed, as well as NGOs and ONGO centers are working on eco-education, including within the framework of the NGO Eco Forum, the Network of Bedwocher Clubs бедвочеров of the Association for Biodiversity Conservation of Kazakhstan, etc..

In Kazakhstan, the Association of Legal Entities "Civil Alliance of Kazakhstan" is a public organization representing the interests of the non-governmental sector (HOOK).

The CAK unites more than 500 NGOs in Kazakhstan through 16 regional network structures, represented in 14 regions, in the cities of Astana and Almaty. The Alliance's activities are aimed at the development of civil society and the formation of sustainable interaction and partnership between society, government and business.

In accordance with the order of the President of the Republic of Kazakhstan K. Tokayev, the Government of the Republic of Kazakhstan approved the National Project "Green Kazakhstan" for 2021-2025.

One of the directions of the National Project is "Ecology of Bolashagy", which is aimed at increasing the level of eco-education and culture of the population.

In this direction, 2 tasks are set:

Objective 1: Integration of environmental aspects into the system of formal education and public awareness.

Objective 2: Formation of an environmentally oriented information space. Activities on environmental education are being implemented, including the ecological campaign "Birge-taza Qazaqstan" and the annual National Contest "Best Organization for Environmental Education."

The National Project was repealed in accordance with the Resolution of the Government of the Republic of Kazakhstan dated September 22, 2023, No. 828.

By Presidential Decree of the Republic of Kazakhstan dated June 10, 2024, No. 568, the Concept for Transition to a Green Economy was updated.

An action plan was approved to achieve new targets related to waste recycling, reduction of air and water pollution, and preservation of ecosystems. Within the framework of the Concept, goals, objectives, indicators, and measures for the Republic's transition to a green economy across nine economic sectors were established through to the year 2050.

By Resolution of the Government of the Republic of Kazakhstan dated October 31 of the current year, the Concept for the Development of Environmental Culture "Taza Qazaqstan for 2024–2029" was approved.

The implementation of this Concept aims to: enhance environmental awareness, shape sustainable ecological thinking and behavior among the

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population focused on environmental protection and improvement, stimulate public participation in environmental initiatives, promote environmentally safe practices, and support sustainable development at all levels of society.

To inform the population about the actual environmental situation and the measures being taken to improve it, the Ministry has prepared and published the National Report on the State of the Environment and Use of Natural Resources of the Republic of Kazakhstan for the year 2023.
Task 1. Integration of environmental aspects into the system of formal education and enlightenment.

In the 2022-2023 academic year обновлены, educational programs have been revised and updated.

In order to ensure continuous education in ecology at the level of basic secondary education, the course "Global Competencies" is conducted in grades 5-9, which includes the chapter "Environmental Culture" for grades 5-9.

The chapter "Ecological culture" includes the following topics by class:

in the 5th grade: "The Earth is our common home", "The world around me", "Our clean yard", "How to behave in the forest", "Safe rest";

in the 6th grade: "Beauty of the native land" "Man is a part of nature" "Ecological journey" "Why is man soulless about nature?";

in the 7th grade: "Ecology of my region, country", "How to live in unity with nature" "Environmental risks" "How to save nature";

in the 8th grade: "Love of nature", "What should Zemlya be like in the future?", "Natural disasters", "Responsibility for causing harm to the environment";

in the 9th grade: "How do we use natural resources?", "Environmental sustainability", "Impact of disasters and natural disasters on the environment", "Our right to a clean environment" "Environmental conflicts".

In addition, the long-term plan for the implementation of the course "Model Curriculum of Global Competencies" for the 10th grade of general secondary education includes climate change, air pollution, water pollution, land pollution, and project work and research topics in the chapter on environmental issues.

Task 2. Shaping the eco-oriented information space.2. Формирование экоориентированного Environmental education events are being implemented, including the Birge-taza Qazaqstan environmental campaign and the annual National Competition "Best Environmental Education Organization".

Ecological education, careful attitude to the surrounding world is carried out through the comprehensive educational activities of the school. Students participate in subbotniks, gardening and landscaping of educational organizations, gardening and the "Zhasy!" movement. I ate it."

A unified program of environmental education classes for grades 1-11 (9 hours per year) has been developed and implemented.

According to the Ministry of Education of the Republic of Kazakhstan, currently 13 stations and centers of young naturalists carry out ecological and biological educational activities in the republic, covering 9,325 students, and 67,755 schoolchildren are engaged in ecological and biological circles in 3,789 schools. Also in other extracurricular organizations, about 21 thousand schoolchildren are engaged in this area.

On September 16, the International Center for Green Technologies and Projects of the MENR of the Republic of Kazakhstan World Clean-up Day held an eco-debate tournament among 8-11 grades of Astana on the theme "Adal urpa k-for a clean environment" within the framework of the "World Clean-up Day" Адал ұрпақ-. The event was attended by 20 factions. During the tournament, various aspects of the environment were discussed, such as water conservation, efficient waste management, nuclear power plants and other relevant topics.

On November 29, 2023, a round table on "Strengthening the role of the public in environmental protection" was held in Astana in a hybrid format.

The event was organized by the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan together with the Information and Analytical Center for Environmental Protection, which was attended by representatives of regional Aarhus centers, non-governmental organizations, and independent experts in the field of ecology.

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The round table discussed issues related to the implementation of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), access to information on atmospheric air protection for sustainable development, public participation in regional cooperation in the field of environmental protection and education, environmental culture among the population and raising awareness on environmental issues.

The round table also included an award ceremony for the winners of the National Contest "Best Environmental Education Organization".

This competition is held annually by the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan together with akimats as part of the implementation of the Concept for the Development of Ecological Culture "Taza Kazakhstan" for 2024-2029.

In accordance with the approved Regulations, the Competition in 2023 was conducted in two stages — regional and national — across three categories: In accordance with the approved Regulations, the Competition was held in two stages: regional and national in three categories:

1) nomination "Nature-friendly organization";

2) nomination "Best environmental project";

3) nomination "Environmental education and Awareness".

From each region, one candidate was selected for each of the categories, the winner, who then participated in the second stage.

47 organizations participated in the second stage, among which the following were selected: and 9 winners were awarded.

In 2024, the Competition was held in two stages — regional and national — in two categories:

1) Environmentally Friendly Organization

2) Environmental Education and Awareness

On September 20, 2024, the annual round table on the topic "Environmental Culture and International Commitments: Challenges and Development Pathways in Kazakhstan" was held in Astana in a hybrid format. The event was organized by the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan, in cooperation with the RSE "Information and Analytical Center for Environmental Protection", with the support of the OSCE Programme Office in Astana.

The round table was attended by:

Vice Minister of Ecology and Natural Resources of the Republic of Kazakhstan, Mr. Zhomart Aliyev;

Deputy Head of the OSCE Programme Office in Astana, Mr. Yuri Fenopetov;

Representatives of regional Aarhus Centres, NGOs, educational institutions, and independent experts.

Participants discussed pressing issues related to the development of environmental culture, environmental education, public participation in waste management, and the achievement of sustainable development goals. Special emphasis was placed on methods of environmental education at all levels – from schools to universities. University representatives shared projects for integrating environmental principles into educational programs, while NGOs presented their experience with public awareness campaigns. The role of civil society in waste management was also addressed. NGOs presented initiatives for cooperation with government agencies and the private sector in the area of recycling, contributing to pollution reduction.

The round table also featured discussions on Kazakhstan's international commitments under the Aarhus Convention, and practical approaches to the use of renewable energy sources. In accordance with paragraph 95 of the National Action Plan for the implementation of the President's Address to the People of Kazakhstan dated September 1, 2020 "Kazakhstan in a new reality: time for action", the Ministry of Education and Science, together with the Ministry of Ecology, Geology and Natural

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Resources of the Republic of Kazakhstan and local executive bodies, was instructed to develop practical measures to improve environmental education in universities".

The implementation of the provisions of the Aarhus Convention in Kazakhstan is supported by 11 Aarhus centers: the Zhaiyk-Caspian Aarhus Center (Atyrau), the North Kazakhstan Aarhus Center (Petropavlovsk), the Karaganda Aarhus Center, the Regional Aarhus Center in Pavlodar, the East Kazakhstan Aarhus Center (Ust-Kamenogorsk), the Public Foundation "Aarhus Center Almaty", Public Association "Green Zhaiyk" - Ural Aarhus Center (Uralsk), Public Foundation "Aarhus Center Almaty-Kyzylorda", Kokshetau Aarhus Center, Public Foundation "Aktobe Aarhus Center", Orkhon-Kuznetsk Center of the Association of Environmental Organizations (Astana).

In 2023, a Plan for the development of the Aarhus Movement in Kazakhstan for 2023-2025 was developed.

On November 29, 2023, the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan jointly with the RSE "IAC of Environmental Protection" organized and held a round table on "Strengthening the role of environmental protection in environmental protection" in Astana. The event was held in on-line and online formats and was attended by representatives of regional Aarhus centers, non-governmental organizations, as well as independent experts in the field of ecology. A wide range of issues related to air pollution, cross-border transport of pollutants, environmental education among young people and the general population, and others were discussed. At the end of the meeting, it was decided to recommend the introduction of the subject "Ecology" in school curricula as a mandatory one.

On the same day, the winners of the National Contest "Best Environmental Education Organization", held annually by the Ministry of Ecology of the Republic of Kazakhstan together with the regional akimats within the framework of the National Project "Zhasyl Kazakhstan" among general education schools of the Republic, were awarded. The goal of the competition is to create an environmentally oriented environment, a person who understands the seriousness of environmental problems and is capable of solving them. Currently, in Kazakhstan, the implementation of the provisions of the Aarhus Convention is supported by 14 Aarhus Centers, which serve as a link between government agencies and civil society. The Aarhus Centers in Kazakhstan are non-profit organizations that provide information and advisory assistance to the population on environmental issues and environmental protection. The Aarhus Movement includes various stakeholders responsible for and interested in improving the implementation of the Aarhus Convention in Kazakhstan: government agencies, Aarhus Centers, and civil society organizations.

With the support of the OSCE Programme Office in Nur-Sultan, MEGPR annually organizes a round table to discuss problematic issues related to the implementation of the Aarhus Convention in Kazakhstan.

On February 3, 2020, the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan held a meeting with eco-activists, social activists and volunteers from all regions for the first time. At this meeting, issues of environmental awareness, measures to reduce waste generation, and the eco-volunteer movement were discussed.

Within the framework of the meeting, eco-ambassadors were identified in each region.

Eco-ambassadors are an important and integral part of the successful promotion of environmental initiatives and projects in the regions. They have a special mission to promote environmental projects, promote the development of environmental awareness, and the need to follow environmental principles in everyday life.

The significance of each ambassador is unique and important for the entire population. At the same time, the activities of eco-ambassadors remain public and self-regulated.

Due to the continued increase in the registration of coronavirus infection and the introduction of a ban on holding seminars and meetings (Resolution of the Chief

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Sanitary Doctor No. 48 of August 15, 2020), in 2020, discussions on problematic issues and prospects for the development of Aarhus centers and non-governmental organizations (NGOs) involved in the implementation of the provisions of the Aarhus Convention, as well as discussion of the draft Environmental Meetings of the Code and draft bylaws were organized online. The events were initiated by the Ministry of Ecology, Geology and Natural Resources together with the RSE "Information and Analytical Center for Environmental Protection" with the support of the OSCE Program Office in Nur-Sultan, and other international organizations.

During the meetings, the participants discussed the legislative provisions that should guide the process of public participation in decision-making in the field of environmental protection. The main obstacles to public participation in environmental issues were discussed, as well as the role of Aarhus Centers and NGOs in this area, and international experience was reviewed.

The events served as a good platform for active interaction between government agencies, nature users, Aarhus Centers and NGOs.

With Regarding paragraph 4:

In accordance with Article 23 of the Constitution of the Republic of Kazakhstan, citizens have the right to freedom of association. The activities of public associations are regulated by the Law "On Public Associations" (N3 of May 31, 1996), by the Law "On Non-profit organizations" (N142 of January 16, 2001), Article 34 of the Civil Code of the Republic of Kazakhstan.

Article 14 of the EC establishes the rights of public associations:

Non-profit organizations in the implementation of their activities in the field of environmental protection, in addition to the rights provided Article 13 of the Environmental Code, also have the right to:

1) develop, promote and implement measures in the field of environmental protection at the expense of their own or borrowed funds, involve individuals and legal entities on a voluntary basis, on a gratuitous or paid basis, in active activities in the field of environmental protection;

2) perform works to protect the environment and improve its quality;

3) apply for protection of the rights, freedoms and legitimate interests of individuals and legal entities, including in court, as well as appeal against the legality of actions (omissions) and decisions of state bodies, local self-government bodies, officials and civil servants in the interests of an indefinite circle of persons;

4) jointly with authorized state bodies in the field of environmental protection, environmental protection and environmental protection. take part in ensuring the protection, reproduction and sustainable use of natural resources, protection of specially protected natural territories and objects of the state nature reserve fund;

5) initiate and organize public hearings in accordance with this Code;

6) carry out activities on environmental education and environmental education, conduct research in the field of environmental protection in accordance with the legislation of the Republic of Kazakhstan.

1) develop and promote environmental programs, protect the rights and interests of citizens, and involve them on a voluntary basis in active activities in the field of environmental protection;

— 1) to apply to the court to protect the rights, freedoms and lawful interests of individuals and legal entities, including in the interests of an indefinite number of persons, protection of environment and use of natural resources;

2) to perform the work for the protection of the environment and its improvement, rational use and reproduction of natural resources, to participate in the protection of the environment objects, which have special ecological, scientific, historical, cultural and recreational importance in the activities of specially protected natural areas;

3) to participate in the process of adopting the state bodies on issues concerning the environment in the manner prescribed by law;

4) to perform work on environmental education, conduct scientific research in the field of environmental protection;

5) to initiate and organize a public environmental review and public hearings;

6) to carry out public environmental monitoring;

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7) to obtain from public authorities and organizations timely, complete and accurate environmental information;

8) to cooperate and collaborate in the field of environmental protection with the state authorities and international organizations to conclude agreements with them, perform on contracts for certain activities prescribed by the law;

9) to take part in the discussion of draft normative legal acts on the protection of the environment at the stage of their training and to submit their comments to the developers;

10) participate in the preparation of plans and programmes relating to the environment;

11) to raise questions about the accountability of individuals and (or) legal persons to bring an action in court for compensation of harm caused to health and (or) property of citizens as a result of violation of environmental legislation of Kazakhstan;

12) to demand the abolition of the administrative or judicial decisions regarding the placement, construction, reconstruction and commissioning of enterprises, facilities and other environmentally hazardous objects as well as the determination of the restriction, suspension and termination of economic and other activities of natural and legal persons, having a negative impact on the environment and human health;

13) to create funds of environmental protection.

In accordance with the Law of the Republic of Kazakhstan "On Public Councils", a Public Council on Ecology, Geology and Natural Resources was established under the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan in August 2019 (Order № 20-P of the Acting Minister of Ecology dated 04.09.2019). The Council consists of 3025 members, including 20 representatives of the civil sector and 5 representatives of the Ministry (Chief of Staff, Deputy Chairmen of committees and Deputy Directors of departments). In 2024, 2 candidates were included in the OS from the reserve list of candidates.

Under the OS, there are 3 Commissions in the following areas:

- ecology;

- forestry and wildlife;

- budget and planning (established at the meeting of the OS on April 8, 2024, Minutes No. 2); representatives of non-profit and non-governmental organizations and 3 employees of the Ministry (MEGPR Order No. 327-P of 21.12.2020). 4 commissions operate in the following areas: ecology, budget, strategic and regulatory direction, geology and water resources, forestry and fisheries, wildlife. A special section has been created on the Ministry's website, which contains information about the activities of the Public Council <http://ecogeo.gov.kz/ru>.

Public Council meetings are also broadcast on a regular basis on social networks (YouTube, Facebook, etc.).

The Public Council for Ecology and Natural Resources actively contributes to solving complex issues by providing recommendations and developing constructive proposals. Information on the activities of the Public Council is available on the official website of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan. <http://ecogeo.gov.kz>. Meetings of the Public Environmental Council are held (приказ МДeсree No. 2-p of the Ministry of Environmental Protection of the Republic of Kazakhstan dated January 9, 2004): at the meeting on January 20, 2016, issues of the environmental situation in the villages of Kalachi and Berezovka were discussed.

The volunteer movement in Kazakhstan is actively developing and plays a significant role in various spheres of public life. In 2016, Kazakhstan adopted the Law "On Volunteerism", which defines the legal and organizational basis of volunteering. The law encourages the development of volunteerism and establishes legal guarantees for volunteers and organizations working with volunteers.

The Kazakh government actively supports the development of volunteerism in the country. Numerous programs and initiatives have been created to attract and support volunteers. Government organizations, such as the National Volunteer Center, have also been established to coordinate and support volunteer activities.

A roadmap for the development of volunteerism for 2021-2023 has been implemented. Over the past 3 years, the number of organizations has increased 3 times (2020-2024

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thousand, 2023-680 thousand), the number of active volunteers has increased 5 times (2020-50 thousand, 2023-240 thousand).

An infrastructure of volunteering has been created in the form of the Republican Front Office "Birgemiz!" (RFD) and 20 regional front offices, which provide organizational, informational and resource support, as well as advisory assistance to volunteer groups, organizations and volunteers. This infrastructure made it possible to systematize and coordinate the activities of all volunteers in the country, launch mechanisms for consulting, training, and monitoring volunteer projects, and organize a single Call center to inform the population about volunteering.

Also, more than 26 thousand events were organized with the participation of more than 240 thousand volunteers. The Qazvolunteer online platform has been launched.kz, more than 59 thousand active volunteers are registered, more than 3.5 thousand organizations for all volunteers-adults and children.

Amendments were made to the Law of the Republic of Kazakhstan "On Volunteer activities" in terms of introducing incentive measures: 1) for volunteers in employment and admission to higher educational institutions"; 2) for volunteer organizations-provision of state property on preferential terms (2022).

Kazakhstan volunteers take part in the international award "Volunteer of the Year". The award ceremony is held on the eve of the International Volunteer Day on December 5. For

2020-2023, 185 volunteers from Kazakhstan, Russia, Uzbekistan and Kyrgyzstan received the award.

240 small grants were implemented for volunteers and volunteer organizations, within the framework of which more than 10 thousand consultations were provided for those who want to become volunteers, more than 5 thousand volunteers were trained, and 60 initiative groups were created.

International volunteering is developing. As part of the work with the UN Development Program, 7 Kazakhstani volunteers worked in various UN structures in Jordan, Kenya, Thailand and Turkey. The work carried out allowed our country to introduce positive international experience in the field of volunteer activities. The program is continued for 2024-2026.

A regional campaign "I am your friend" was held to attract volunteer groups to organize leisure activities for children studying at home and organize leisure activities for yard teams in micro – districts. 280,449 or 5.5% of schoolchildren are covered.

In order to further improve the activities of Kazakhstan's volunteer organizations, it is planned to:

1) development and approval of a draft roadmap for the development and support of volunteerism in the Republic of Kazakhstan for 2024-2026.

2) implementation of the joint Ministry of Education of the Republic of Kazakhstan, the Ministry of Internal Affairs of the Republic of Kazakhstan and the Mayor's Office of Astana of the volunteer project "Menin Bauyrym" in order to create a safe and supportive educational environment for children, as well as effective project management in the field of parenting. To date, a trilateral memorandum on joint project implementation has been signed.

3) holding the Republican Congress of volunteers once every 2 years in order to unite all volunteer organizations and exchange experience and best practices.

Volunteers actively participate in various social and public projects aimed at helping needy groups of the population, children, disabled people, elderly people and other vulnerable categories. Volunteers also provide support for major events, sports competitions, cultural and educational events.

Volunteer activities are actively developing in youth and student organizations, including student councils, clubs and associations. Many universities and colleges have volunteer programs and offer students the opportunity to participate in various projects.

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Kazakhstan actively cooperates with international organizations and programs, such as the UN, the European Voluntary Service and others. This allows volunteers from Kazakhstan to gain experience abroad and participate in international volunteer projects. Such cooperation promotes the exchange of experience, expansion of cultural understanding and strengthening of international ties of volunteers from Kazakhstan.

As experts note, volunteering in Kazakhstan is becoming more professionalized. Organizations working with volunteers provide training and workshops to improve volunteer skills and ensure high-quality service delivery. This includes training in social skills, leadership, event planning and other skills needed for successful volunteer work.

~~Volunteers actively participate in various social and community projects aimed at helping people in need, children, the disabled, the elderly and other vulnerable categories. Volunteers also provide support for major events, sports competitions, cultural and educational events.~~

~~Volunteer activities are actively developed in youth and student organizations, including student councils, clubs and associations. Many universities and colleges have volunteer programs and offer students the opportunity to participate in various projects.~~

~~Kazakhstan actively cooperates with international organizations and programs, such as the UN, the European Volunteer Service and others. This allows Kazakhstan volunteers to gain experience abroad and participate in international volunteer projects. Such cooperation contributes to the exchange of experience, expansion of cultural understanding and strengthening of international relations of volunteers in Kazakhstan.~~

~~According to experts, volunteering in Kazakhstan is becoming more professional. Organizations that work with volunteers provide training and training to improve the skills of volunteers and ensure quality service delivery. This includes training in social skills, leadership, event management, and other skills necessary for successful volunteer work. There are various online platforms, websites, and social networks that help volunteers find projects, register, and share experiences. Such platforms provide information about volunteering opportunities, as well as allow organizations and volunteers to interact and establish contacts.~~

On June 20 and 21, 2023, the International Volunteer Forum of the country was held. The forum became one of the largest international events for volunteers and volunteer organizations to present Kazakhstani and international experience, as well as to develop new approaches and ideas in the development and support of volunteerism. The main goal of the forum is to promote the initiative of the Head of State K.K. Tokayev, announced at the UN session on the International Year of Volunteer Mobilization.

~~There are several important reasons for supporting the volunteer movement. Volunteering has a positive social impact on society. Volunteers make a significant contribution to various spheres of life, helping people in need, supporting social programs, improving the conditions of education, health, the environment, etc. Supporting volunteerism contributes to the development of a more just and inclusive society.~~

~~Volunteering contributes to the formation of solidarity and the strengthening of social ties in society. The participation of volunteers creates a community of like-minded people who work together to achieve common goals. Volunteering helps establish connections between different groups of people, improves mutual understanding and tolerance.~~

~~It also provides opportunities for personal development and education. The participation of volunteers allows you to acquire new skills, develop leadership skills, expand your horizons and understanding of various problems. Volunteering also contributes to the development of social and emotional skills, strengthening self-esteem and increasing self-awareness.~~

~~Volunteering has an economic impact on society. It helps reduce the burden on government and non-profit organizations that can use the resources and time of volunteers to complete their tasks. Volunteering also increases the productivity and efficiency of various projects and programs.~~

~~Volunteering inspires people and motivates them to act for the good of society. Volunteer participation encourages other people to engage in activities and helps spread positive values and ideas. Volunteering can be used as a tool to mobilize and~~

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inspire people to participate in public life. After seeing the example of volunteers and their contribution to society, other people can be inspired and become active participants in volunteer projects, creating a domino effect of positive influence. Volunteers often contribute innovations and creative ideas to organizations and projects. Their fresh perspective and diverse experience can bring new approaches and solutions to solving problems. Volunteers can be a source of ideas for improving processes and improving work efficiency.

Supporting the volunteer movement leads to mutual benefits both for volunteers and for society as a whole. Volunteers get the opportunity to make a meaningful contribution to society, develop skills and experience, expand social connections, and experience the satisfaction of helping others. At the same time, the community benefits from their work and participation in projects, which contributes to development and well-being.

It is also important because it contributes to the creation of a better society, where people support each other, work together and strive for common goals. Volunteering is a force that can transform society and bring about positive change.

In general, the volunteer movement in Kazakhstan continues to develop and play an important role in society. Volunteers make a significant contribution to improving the quality of life of citizens, developing social programs and promoting social change.

In this regard, the International Forum of Volunteers of the country was held on June 20 and 21, 2023 ^{орым}. The Forum ^{стал} has become one of the largest international events for volunteers and volunteer organizations to present Kazakhstan and international experience, as well as to develop new approaches and ideas in the development and support of volunteerism.

The main purpose of the forum is to promote the initiative of the Head of State K. K. Tokayev, announced at the UN session on the International Year of Volunteer Mobilization. ^{Каждые два года проводит} A Civil forum is held every two years ^{гражданский форум}. In 2013, the 6th ^{ом} National Forum held an open dialogue not only with Kazakhstan, but also international NGOs, as well as foreign grant-givers on the development of Kazakhstan within the framework of the "Kazakhstan-2050" Strategy.

The Government of the Republic of Kazakhstan supports public associations. In accordance with Article 134 ^{роф} of the Tax Code, the income of a non-profit organization under a contract for the implementation of a state social order is not subject to taxation. A number of resolutions of ^{па} the Government of the Republic of Kazakhstan aimed at supporting NGOs were adopted:

- "On the rules of exemption from value-added tax on goods imported to the Republic of Kazakhstan", which exempt goods imported for charitable purposes through states and international organizations, which had a favorable impact on the functioning of the public sector;

- "On approval of the list of goods imported to the Republic of Kazakhstan", international and state organizations, foreign non-governmental organizations and foundations that provide grants".

According to subclause 2, clause.3, Article.23 of the Law "On Public Procurement", the application for participation in the tender for public procurement of services provided for by the state social order is not secured.

In 2005, the Law "On State Social Order" was adopted, which solves the problem of long-term financing of NGO projects by the state.

In accordance with the Law of the Republic of Kazakhstan "On Public Councils", the Ministry of Energy of the Republic of Kazakhstan has a Public Council on Fuel and Energy complex and Ecology issues.

In August 2019, the Public Council on Ecology, Geology and Natural Resources was established, under the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan (MEGPR) (Acting Minister's Order No. 20-P dated 04.09.2019).

In accordance with the Law of the Republic of Kazakhstan "On Public Councils", a Public Council on Ecology, Geology and Natural Resources was established under the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan in August 2019 (Order No. 20-P of the Acting Minister dated 04.09.2019).

The activities of the Public Council are regulated by the Constitution of the Republic of Kazakhstan and the current legislation.

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~~A special section has been created on the MEGPR website, which contains information about the activities of the Public Council and minutes of meetings of its commissions~~

~~<http://ecogeo.gov.kz/ru.21> Ministry's Order No. 20 P of September 4, 2019 (Ministry's Order No. 327 P of December 21, 2020) was amended, where it was therefore expanded. The Public Council will consist of 22 to 31 representatives of non-profit and non-governmental organizations.~~

~~Under this Public Council, there are 4 Commissions in the following areas: ecology, budget, strategic and regulatory direction, geology and water resources, forestry, fisheries and wildlife.~~

~~The Public Council's Work Plan~~

~~for 2020 has been drawn up and approved.~~

~~In 2020, two meetings of the Public Council and the Minister's report to the Public Council were held.~~

Regarding **paragraph 7:**

The Republic of Kazakhstan is a party to 25 environmental conventions and a number of international treaties.

On January 22021, 2021, a new version of the Environmental Code was adopted.

The Ecocodex norms "Экокодекса" provide for new approaches to regulating environmental relations, taking into account the standards and experience of OECD countries, which will help to improve environmental indicators of the environment and preserve the country's resource potential."

Its development takes into account the peculiarities and diversity of existing instruments and mechanisms for effective environmental protection in the practice of advanced countries.

In addition, there are a number of international commitments adopted by the country (or in the process of being adopted), the implementation of which requires changes and additions to national environmental legislation, including the Aarhus Convention and the ratified Protocol on Pollutant Release and Transfer Registers.

Ecocodex also Экокодексом revised the system of regulation of public relations in the field of environmental protection, introduced new tools and mechanisms of regulation and control that correspond to the best international approaches.

The mechanism of interstate cooperation in the field of environmental protection and nature management is implemented in accordance with 192states412 and 413, paragraph 1 of Article 192 of the EC of the Republic of Kazakhstan. Representatives of State bodies and NGOs actively participate in international forums and conferences, submit national Reports on the implementation of international obligations, assess compliance with obligations under international treaties, and so on. The Public Council under the Interstate Commission for Sustainable Development of Central Asia (ICSD CA) and the CA Youth Network participate in the preparation and discussion of documents submitted to ICSD meetings. In addition, there is a practice of cross-border consultations between Kazakhstan and Kyrgyzstan with public participation on cross-border EIAs in the framework of the implementation of the Espoo Convention. International organizations such as the OSCE Nur-Sultan Programme Office, UNDP, and GIZ provide expert and technical support in implementing the provisions of the Aarhus Convention. conventions.

Information on holding international forums is posted on the websites of the Ministry of Energy of the Republic of Kazakhstan, the Working Body for the Implementation of the Aarhus Convention, and the 8th Conference "Environment for Europe". NGO representatives actively participated in the 8th Ministerial Conference "Environment for Europe" (8-10 June 2016, Batumi, Georgia)

With respect to **paragraph 8:**

In accordance with article 9A of the Administrative Procedure Code of the

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Republic of Kazakhstan

1. Everyone has the right, in accordance with the procedure established by this Code, to apply to an administrative body, an official or a court for protection of violated or disputed rights, freedoms or legitimate interests.

The waiver of the right to appeal to an administrative body, an official, or a court is invalid.

2. State bodies, within the limits of their competence, individuals and legal entities, in accordance with the procedure established by this Code, have the right to apply to the court with a claim to protect the violated or disputed legitimate interests of other persons or an indefinite circle of persons.

The prosecutor has the right to apply to the court with a claim in order to perform the duties assigned to him in accordance with the procedure established by this Code.

3. If the law establishes a pre-trial procedure for dispute settlement, an appeal to the court may be filed after compliance with this procedure.

4. The jurisdiction provided for by law may not be changed for anyone without their consent.

5. Compulsion to waive the right to appeal to an administrative body, an official or a court is illegal and entails liability established by the laws of the Republic of Kazakhstan.

According to Article 15, paragraph 2 of the Law "On the procedure for considering appeals of Individuals and legal Entities", subjects and officials are required to:

1. — prevent harassment of individuals, including those acting in the interests of a legal entity, and members of their families in connection with submitting an appeal to subjects and officials criticizing their activities or in order to protect their rights, freedoms and legitimate interests;

2. — do not send a complaint to officials for consideration, actions (inaction) to

3. — exclude cases of imposing checks on persons in respect of whom there are grounds to believe that they are not interested in an objective solution of the issue;

4. — to prevent individuals and legal entities from applying to the detriment of the person who submitted it, or in whose interests it was filed;

5.1. not to disclose information about the personal life of individuals, including: persons acting in the interests of a legal entity, without their consent or information constituting state secrets or other secrets protected by law, to prevent the establishment of data on the identity of an individual that is not related to the application.

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IV. Obstacles encountered in the implementation of article 3

Please indicate any **obstacles encountered** in the implementation of any of the above paragraphs of article 3.

Answer:

1. In accordance with Article 7 of the Law "On Public Associations", public associations are divided into republican, regional and local organizations in the territorial sphere of activity. In practice, the territorial division does not limit the scope of environmental rights of a particular public association.

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V. Additional information on the practical implementation of the general provisions of article 3

Please provide further information on the practical implementation of the general provisions of article 3.

Answer: The main priority areas of QA implementation are:

- maintaining the State Environmental Information Fund;
- providing access to information;
- provision of the state service "Provision of environmental information";
- maintaining a Pollutant release and transfer register;
- public participation in the decision-making process;
- access to justice in environmental matters;
- Development of Aarhus centers.

In 2009, the State Environmental Information Fund was established, the main functions of which are to provide environmental information on request, through a public service.

In Kazakhstan, there are 14-11 Regional Aarhus Centers in the cities of Astana, Almaty, Shchuchinsk, East Kazakhstan, West Kazakhstan, North Kazakhstan, South Kazakhstan, Pavlodar, Karaganda, Kyzylorda, Kokshetau, Atyrau and Mangistau regions.

On November 16, 2015, a new Law of the Republic of Kazakhstan "On Access to Information" was adopted, which regulates public relations that arise as a result of the implementation of the constitutional right of everyone to freely receive and disseminate information in any way not prohibited by law.

The right of access to information may be restricted only by laws and only to the extent necessary for the protection of the constitutional order, protection of public order, human rights and freedoms, public health and morals (article 5).

According to article 6 of the above-mentioned Law, access to the following information is not subject to restriction::

- 1) emergency situations and disasters that threaten the safety and health of citizens, and their consequences, as well as natural disasters, their official forecasts and consequences;
- 2) on the state of health, sanitation, demography, and migration. Information on the state of education, culture, social protection, economy, agriculture, as well as crime;
- 4) on the state of ecology, fire safety, as well as on the sanitary-epidemiological and radiation situation, food safety;
- 6) on the facts of violation of human and civil rights and freedoms;
- 8) containing texts of regulatory legal acts of the Republic of Kazakhstan, with the exception of regulatory legal acts containing state secrets and other secrets protected by law, as well as their drafts;
- 9) on the formation and expenditure of funds from the republican and local budgets, with the exception of information containing state secrets;
- 10) on control over the expenditure of funds from the republican and local budgets, excluding information containing state secrets;
- 11) on the facts of violation legal status of information holders and their officials.
- 12) Legal acts in the field of defamation are regulatory norms of the Republic of Kazakhstan that affect the disclosure of information about civil servants and politicians.

With regard to paragraph 3.

The Center for Retraining and Advanced Training in Environmental Protection and Environmental Management provides free access to training for representatives of NGOs and mass media, teachers of educational institutions for the following courses:

- Environmental Code. Law enforcement;
- Environmental audit;
- Production and consumption waste management;
- Environmental expertise and regulation of nature management;
- State control in the field of environmental protection and nature management;
- Environmental regulation and design in the field of nature management;
- Radiation and chemical safety.

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▲ (g) With respect to) в paragraph 8, the measures taken to ensure compliance with the charging requirements.

Answer:

Regarding point 1:

The main documents regulating access to environmental information are the Environmental Code (Chapter 21, Articles 159-167), the Law "On the Procedure for Considering Appeals from Individuals and Legal Entities", the Law "On Access to Information", the Law "On Informatization", and the Rules for Providing public Services "Provision of environmental information". Environmental Information", approved by Order No. 130 of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated June 2, 2020. In accordance with clause 4 of Article 164 of the Environmental Code, individuals and legal entities have the right to receive environmental information in the requested form, if there are no grounds to provide it in another form.

In accordance with the Law "On Access to Information", the public may not justify the need to obtain information.

In accordance with Article 27 of the Law "On Informatization", the provision of electronic services is carried out by state bodies independently or through the E-Government web portal.

The Rules of access to environmental information related to the EIA procedure and the decision-making process for planned economic and other activities are in force (Order No. 238-p of the Ministry of Environmental Protection of the Republic of Kazakhstan dated July 25, 2007).

The legislation of Kazakhstan does not provide for any requirements on the part of State bodies to formulate their interest in submitting information.

Since July 2014, more than one thousand three hundred public services have been rendered, provision of environmental information from the State Environmental Information Fund, which is also carried out through a public service that is provided to all categories of citizens and legal entities on a free basis, more than one thousand three hundred public services have been rendered.

With respect to paragraph 2:

The procedure and time limits for consideration by State bodies of public requests for environmental information are regulated by the Law "On Access to Information" (Article 11): "A response to a written request is provided within fifteen calendar days. The response to a written request is provided to me in paper and / or electronic form in the language of the request (at the choice of the information user). The response to an oral request is provided orally in the language of the request.

All appeals to state structures are made in accordance with article 76 of the Administrative Procedure Code of the Republic of Kazakhstan dated June 29, 2020 No. 350-VI, so, with the roki of the administrative procedure initiated on the basis of the application:

1. The term of an administrative procedure initiated on the basis of an application is fifteen working days from the date of receipt of the application, unless otherwise provided by the laws of the Republic of Kazakhstan.

2. The term of an administrative procedure initiated on the basis of an appeal is calculated from the moment of its initiation.

3. The term of an administrative procedure initiated on the basis of an appeal may be extended by a reasoned decision of the head of the administrative body or his deputy for a reasonable period, but not more than two months due to the need to establish factual circumstances relevant for the proper consideration of an administrative case, which is notified to the participant in the administrative procedure within three working days from the date of the application. term extensions.

4. For unjustified extension of the term of the administrative procedure, the person authorized to make a decision bears disciplinary and other liability in accordance with the laws of the Republic of Kazakhstan.

▲ All appeals to state structures are made in accordance with the Law "On the Procedure for considering Appeals of Individuals and Legal Entities".

Article 8 of this Law provides for the following terms of consideration of an appeal:

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~~1. An application of an individual and / or legal entity that does not require receiving information from other entities, officials, or on-site verification is considered within **fifteen** calendar days.~~

~~2. An appeal of an individual and / or legal entity, which requires receiving information from other entities, officials, or an on-site inspection, is considered and a decision is made on it within **thirty** calendar days from the date of receipt to the entity, official.~~

~~— In cases where it is necessary to conduct an additional study or verification, the review period may be extended for no more than **thirty** calendar days, which is notified to the applicant within **three** calendar days from the date of extension of the review period.~~

~~In accordance with Article 35 of the Law of the Republic of Kazakhstan "On Informatization", state electronic information resources of the Republic of Kazakhstan are publicly accessible, with the exception of electronic information resources of limited access.~~

In accordance with Article 10 of the Law "On Access to Information", access to information is provided in the following ways:

- 1) providing information upon request;
- 2) placing information in the premises occupied by information holders and in other places designated for these purposes;
- 3) providing access to meetings of state bodies ' collegiums in accordance with the legislation of the Republic of Kazakhstan and online broadcasting of open meetings of the Chambers of the Parliament of the Republic of Kazakhstan, including joint, local representative Internet resources;
- 4) hearing and discussing reports of heads of central executive bodies (with the exception of the Ministry of Defense of the Republic of Kazakhstan), akims of the Republic of Kazakhstan, heads of departments of the regional authorities, cities of republican significance, the capital and colleges of state bodies held at the end of the year, on Internet resources; akims and heads of national higher educational institutions;
- 5) placement of information in the mass media;
- 6) placement of information on the Internet resource of the information owner;
- 7) placement of information on the relevant components of the e-government web portal;
- 8) by other means not prohibited by the legislation of the Republic of Kazakhstan.

State bodies ensure the creation of publicly available state electronic information resources in Kazakh and Russian languages.

The terms and procedure of access to restricted electronic information resources are determined by the legislation of the Republic of Kazakhstan and the owner of these resources, including by entering into agreements between the owners of electronic information resources.

Access to electronic information resources is made in one of the following ways:

- 1) by sending a request to the owner or owner of an information system for access to electronic information resources using e-mail and indicating an identification number, or in the form of an electronic document certified by an electronic digital signature, or in other ways established by the owner or owner of electronic information resources;
- 2) by directly contacting the user to publicly available electronic information resources, information systems.

Access to state electronic information resources that contain:

- 1) regulatory legal acts, with the exception of those containing state secrets or other secrets protected by law;
- 2) information on emergency situations, natural and man-made disasters, weather, sanitary and epidemiological and other conditions necessary for the life and safety of citizens, localities, etc. may not be restricted. public information systems of government agencies, libraries, archives and other organizations;
- 3) official information on the activities of state bodies;
- 4) information accumulated in open information systems of state bodies, libraries, archives and other organizations.

State bodies, state legal entities, and legal entities with state participation in the authorized capital are required to provide individuals and legal entities with open data

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in the Kazakh and Russian languages through ~~интернет-портала~~ the open data Internet portal.

The operation ~~интернет-портала~~ of the open data Internet portal in Kazakh and Russian languages is provided by the e-government service integrator.

~~Responses to requests must be provided in accordance with the form specified in the request. оно оговоренной в запросе форме. Otherwise, if the request form has not been determined, then in writing in accordance with paragraph 4 of Article 16 of the Law "On Administrative Procedures" and in accordance with paragraph 4 of Article 15 of the Law "On the Procedure for Considering Appeals of Individuals and Legal Entities" — in writing or in the form of an electronic document.~~

With respect to paragraphs 3 and 4:

In accordance with paragraph 16 of Article 11 of the Law "On Access to Information", the provision of information is refused if:

1) if the content of the request does not allow establishing the requested information;

2) if the request does not meet the requirements of this Law;

3) if the requested information relates to information with restricted access;

4) if the request raises the issue of legal assessment of acts adopted by the information holder, analysis of the activities of the information holder or their subordinate bodies and organizations or conducting other analytical work before its completion;

5) before making a decision on the results of inspections conducted within the framework of state control and supervision;

6) before making a final decision developed on the basis of interdepartmental and intradepartmental correspondence or on the basis of meetings in state bodies;

~~7) before making a mutual agreement on the conditions for disclosure of documents received by the state from foreign countries or international organizations. According to Article 5 of the Law "On the procedure for considering Appeals of Individuals and Legal Entities", anonymous appeals and appeals that do not state the essence of the issue are not subject to consideration.~~

~~Refusal to obtain environmental information regarding information and data with restricted access is based on the following legislative acts of the Republic of Kazakhstan: the Civil Code (commercial secrecy and protection of intellectual property rights), the Code of Criminal Procedure (secrecy of operational search activities, inquiry and preliminary investigation), the Law "On Informatization" (violation of privacy), Law "On State Statistics" (No. 257-IV of March 19, 2010). (Statistical information and databases that allow direct or indirect identification of the respondent or determination of primary statistical data about him / her are confidential and can only be distributed with the consent of the respondent).~~

With respect to paragraph 5:

~~In accordance with paragraph 5 of Article 20 of the EC, in cases where the state body does not have the requested environmental information, the received request is forwarded to the relevant state body within the time limits established by the legislation of the Republic of Kazakhstan, notifying the applicant of this. In accordance with paragraph 4 of Article 165 of the EC, the state body that does not have the requested environmental information will forward the request to the competent authority to the state body within the time limits established by the legislation.~~

In accordance with the Law "On Access to Information", in cases where the requested information falls within the competence of several information holders and when responding to a written request, it is required to receive information from other ~~с~~ information holders. The deadline for review may be extended once by the request of the information holder for no more than fifteen calendar days, and the information user is notified of this within three working days from the date of extension of the review period.

A written request received by an information holder who is not responsible for providing the requested information is sent to the relevant information holder no later than three business days from the date of receipt of the request, while simultaneously notifying the information user who sent the request.

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In accordance with Article 65 of the Administrative Procedure Code of the Republic of Kazakhstan No. 350-VI dated June 29, 2020, an appeal received by an administrative body or official whose authority does not include consideration of this appeal is forwarded to the authorized administrative body or official within three working days from the date of its receipt with simultaneous notification (notification) of a participant in the administrative procedure. One or several petitions, demands contained in an appeal received by an administrative body or official, whose authority does not include their consideration, are forwarded to the authorized administrative body or official within three working days from the date of receipt, with simultaneous notification (notification) of the participant in the administrative procedure. An administrative procedure is initiated by an authorized administrative body or official in accordance with the procedure established by this Code for a redirected request or part of it. According to clause 6 of Article 7 of the Law "On the procedure for considering Appeals of Individuals and Legal Entities", it is required to redirect the appeal to the relevant subjects whose competence includes solving the issues raised in the appeal, no later than three working days with notification to the applicant. These requirements do not apply to following entities: large business entities.

Regarding point 6:

In accordance with article 8 of the Law "On State Statistics", primary statistical data are confidential and are used by state statistical bodies exclusively for the purpose of producing statistical information. The confidentiality of primary statistical data by state statistical bodies is ensured during their collection, processing and storage. However, according to the Law "On State Statistics", the following information contained in databases generated by the authorized body is not confidential and is subject to access:

- 1) surname, first name, patronymic (if any) of an individual entrepreneur or the name of a legal entity;
- 2) type of economic activity according to the general classifier of types of economic activity;
- 3) code according to the general classifier of enterprises and organizations;
- 4) business identification number;
- 5) code according to the classifier of administrative-territorial objects;
- 6) code according to the dimension classifier of legal entities, branches and representative offices, as well as individual business entities by the number of employees;
- 7) information about respondents related in accordance with the Business Code of the Republic of Kazakhstan to publicly available.

Also, in accordance with article 26, official statistical information is subject to dissemination in accordance with the schedule for the dissemination of official statistical information in the amounts provided for in the statistical work plan. State statistics bodies provide users with equal rights to simultaneous access to high-quality official statistical information and statistical methodology by posting them on the Internet resources of state statistics bodies.

With respect to paragraph 7:

In accordance with the Law "On Access to Information", a reasoned response on refusal to provide information upon a written request is brought to the attention of the information user within five working days from the date of registration of the request.

With Regarding paragraph 8:

According to article 11 of the Law "On Access to Information", if the response to a written request involves copying or printing, the user of the information is obliged to reimburse the owner of the information for the actual costs of copying or printing.

The amount of actual costs for copying or printing and the procedure for their payment are determined by the Government of the Republic of Kazakhstan. Tariffs for copying or printing and the procedure for their payment are subject to mandatory publication in periodicals distributed throughout the territory of the Republic of Kazakhstan, and placement on the Internet resources of information holders.

Socially vulnerable segments of the population are exempt from paying the actual costs of copying or printing in accordance with the procedure determined by the Government of the Republic of Kazakhstan, in particular:

- 1) disabled people and participants of the Great Patriotic War;

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2) persons, equated with the Russian Federation, disabled people and participants of the Great Patriotic War;

3) disabled people of groups 1 and 2;

4) families with or raising disabled children;

5) persons suffering from severe forms of certain chronic diseases listed in the list of diseases approved by the Government of the Republic of Kazakhstan;

6) old-age pensioners;

7) orphaned children and children left without parental care who have not reached the age of twenty military service);

8) oralmans;

9) persons who lost their homes as a result of environmental disasters, natural and man-made emergencies;

10) large families;

11) families of persons who died (died) in the performance of state or public duties military service, preparation or implementation of a flight into outer space, saving human life, law enforcement;

12) single-parent families.

Currently, Internet access is provided to:

- State cadastres of natural resources;
- Registers of the State Environmental Information Fund;
- The EcoInfoPravo Regulatory framework;»;
- The State Register of Pollutant Releases and Transfers;
- State Cadastre of production and consumption wastes - Environmental indicators of environmental monitoring and assessment - Official statistical information (by economic sector).
- Environmental indicators for monitoring and evaluating the environment
- Official statistical information (by economic sector) атистическая информация (по отраслям экономики).

Article 18 of the Law "On Access to Information" provides for an appeal against an illegal restriction of the right of access to information to a higher state body (a higher official) or to a court no later than three months after the citizen became aware of the commission of an action or decision by the relevant official or body. A missed appeal deadline does not constitute grounds for a State body, official, or court to refuse to accept the complaint. The reasons for missing the deadline are clarified when considering the complaint on its merits and may be one of the grounds for refusing to satisfy the complaint.

Analysis of these legal norms shows that the current legislation of the Republic of Kazakhstan generally complies with the provisions of Article 4 of the OK. Since July 2014, environmental information from the fund has been provided through a state service, which is provided to all categories of citizens and legal entities on a free basis. Over the past period, more than twelve hundred public services have been rendered.

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VIII. Obstacles encountered in the implementation of article 4

Please indicate any **obstacles encountered** in the implementation of any of the paragraphs of article 4.

Answer:

Confidentiality of information provided to the Statistics Committee by enterprises on the actual volumes of emissions, discharges and waste from education;

Unwillingness of legal entities to provide reliable data.

IX. Additional information on the practical implementation of the provisions of article 4

Please provide further information on **the practical application of the provisions of article 4 concerning access to information**, such as whether there are any statistics on the number of requests made, the number of refusals and the grounds for such refusals.

Answer:	отформатировано: английский (США)
Environmental information can be obtained from the State Environmental Information Fund operating on the basis of the Environmental Information Center of the Ministry of Environmental Protection of the Republic of Kazakhstan (Order of the Ministry of Environmental Protection of the Republic of Kazakhstan No. 243-0, dated October 13, 2009) through the state service "Provision of Environmental Information". State registration from the meadow is provided within 10 working days. Work is underway to reduce the deadline for providing information to 1 day.	отформатировано: английский (США)
On a single environmental Internet resource www.ecogofond.kz contains Registers of environmental information, an application form for obtaining information, contact phone numbers and names of responsible persons.	отформатировано: английский (США)
An electronic database of regulatory and legal documents in the field of environmental protection "EcoInfoPravo" is maintained, which is available on the Unified Environmental Internet Resource www.ecogofond.kz .	отформатировано: английский (США)
On the website of the Ministry of Economic Affairs of the Republic of Kazakhstan there is a blog of the Minister, through which you can ask a question to the Minister and get an answer.	отформатировано: не выделение цветом
The following sites are also available on the unified environmental Internet resource ecodi.kz :	отформатировано: английский (США), не выделение цветом
- implementation of the Aarhus Convention of the Republic of Kazakhstan;	отформатировано: не выделение цветом
- State Environmental Information Fund;	отформатировано: английский (США), не выделение цветом
- EcoInfoPravo's regulatory framework;»;	отформатировано: не выделение цветом
- pollutant release and transfer register.	отформатировано: английский (США), не выделение цветом
The Committee of Legal Statistics of the Prosecutor General's Office of the Republic of Kazakhstan keeps a unified record of citizens' appeals, on the website www.pravstat.prokuror.kz provides legal statistics of various ministries and departments. An example of a positive outcome of the proceedings is the case on recognition of the illegality of the actions of the KSU "Department of Natural Resources and Environmental Management of Almaty", which did not provide the requested environmental information. The application was submitted on November 2, 2017 to the Specialized Inter-district Economic Court of Almaty to protect the interests of an indefinite circle of individuals and the state.	отформатировано: английский (США)
Demands were made to recognize the fact of failure to provide environmental information to the KSU "Department of Natural Resources and Environmental Management of the City of Almaty" as an illegal act, and to impose on the Department the obligation to provide the EA with the requested environmental information regarding the competence to carry out work on the reconstruction of the Kimasar riverbed. On 20 December, the court granted the applicant's claims.	отформатировано: английский (США), не выделение цветом
The case when a citizen of K... and other residents of Velikolukskaya Street, Turksib district of Almaty, on May 21, 2018, filed an application addressed to the head of the KSU "Department of Land Relations of Almaty", which was forwarded for consideration on its merits to the KSU "Department for Control over the Use and Protection of Land in Almaty" (hereinafter referred to as the Department). On July 4, citizen K... received a response from the Department, which states that the land plot at the requested address belongs to the right of ownership of U... with the intended purpose — non-residential premises and is located in a commercial zone. In accordance with the official response of the KSU "Department of Architecture and Urban Planning of Almaty", which is accompanied by a diagram and a link to the decision of the Mazhilis of Almaty, the above-mentioned land plot is located in a residential area. Due to contradictions in the responses of state bodies, an application was submitted to the court on September 14, 2018. KSU "Department for Control over the Use and Protection of land of the city of Almaty" was involved as a defendant.	отформатировано: не выделение цветом
The case of an abandoned sports complex in the Butakovsky Gorge on the territory of the He Alatau National Park, which collapsed in 2004. Ruins pose a danger to people, damage the ecological systems of the national park, and increase the risk of fire.	отформатировано: английский (США), не выделение цветом
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	отформатировано: английский (США), не выделение цветом
	отформатировано: не выделение цветом
	отформатировано: английский (США), не выделение цветом
	отформатировано: без подчеркивания, Цвет шрифта: Авто
	отформатировано: без подчеркивания, Цвет шрифта: Авто
	отформатировано: без подчеркивания, Цвет шрифта: Авто

The EA sent a request to the Department for Control over the Use and Protection of Land in Almaty. The goal was to find out the measures taken to demolish the ruins and normalize the ecological situation in the gorge. Management ignored the request. The application was submitted on October 5, 2017 to the Specialized Inter-district Economic Court of Almaty to protect the interests of an indefinite circle of individuals and the state.

отформатировано: без подчеркивания, Цвет шрифта: Авто

Result. In March, after several sessions, the department filed a petition to the Supreme Court by way of cassation to review the judicial acts that had entered into legal force. On May 28, the Supreme Court judge, having previously considered the petition, refused to transfer it to the cassation instance of the Supreme Court. The decision states: "The Court of Appeal came to the correct conclusion that it is impossible to recognize the response provided by the Department at the request of the Environmental Society as meeting the requirements of the law, that since the response dated July 14, 2017 No. 02.1-04/ZT-K-136 does not contain complete and reliable information on the requested issue, and also does not refer to the subject of the request." The case is over. Enforcement proceedings continue.

отформатировано: без подчеркивания, Цвет шрифта: Авто

The Ecological Society "Green Salvation", at the request of local residents, applied to the Department of Public Health Protection of the city of Almaty with a request to provide a sanitary and epidemiological conclusion issued by "U..." LLP. The Department refused the EA due to the fact that, allegedly, the sanitary and epidemiological conclusion is a trade secret. The application was submitted on October 26, 2017 to the Specialized Inter-district Economic Court of Almaty to protect the interests of an indefinite circle of individuals and the state.

отформатировано: без подчеркивания, Цвет шрифта: Авто

As a result of all the proceedings, the board decided: "The decision of the specialized Inter-district Economic Court of Almaty dated February 15, 2018 on this case should be amended. Cancel the court's decisions regarding the refusal to satisfy the application for recognition of the illegality of the actions of the State Institution "Department of Public Health Protection of Almaty". Make a new decision on granting the application in this part."

отформатировано: без подчеркивания, Цвет шрифта: Авто

Recognize illegal actions of the Department for failure to provide environmental information in the form of a copy of the sanitary and epidemiological conclusion.

отформатировано: без подчеркивания, Цвет шрифта: Авто

Oblige the Department to eliminate violations of the rights and interests of the public association.

отформатировано: без подчеркивания, Цвет шрифта: Авто

On June 12, the SMEC of Almaty issued a writ of execution for the enforcement of the court's decision. The case is over. Enforcement proceedings continue.

отформатировано: без подчеркивания, Цвет шрифта: Авто

There are also cases of deliberately incorrect presentation of the source of appearance of this or that information. An example of such a situation is the proceedings that began in November 2018, when an environmental organization was assigned the authorship of a term that no action was taken to promote. The case was initiated due to the fact that the term "zero" construction option was introduced into circulation and appeared due to the current norm of the above Instructions, approved by the order of the Minister of Environmental Protection, and not due to the appeals and speeches of representatives of the Green Salvation EO.

отформатировано: без подчеркивания, Цвет шрифта: Авто

The application was submitted on December 10, 2018. The debtor has not provided reliable information until June 30. The motive for non-execution of the enforcement document is that the debtor allegedly provided information on March 13, 2019. The Environmental Society cannot accept the debtor's response dated March 13 as reliable information due to the fact that the Management's letter does not contain a reference to the decision of the Almaty City Council.

отформатировано: без подчеркивания, Цвет шрифта: Авто

According to the data provided by non-governmental organizations, there are cases of providing incomplete and / or unreliable environmental information. Due to the provision of unreliable information by the Department of Public Health Protection of Almaty and arbitrary interpretation of the legislation, the EA applied for clarification to the Committee for Public Health Protection. The questions put to the Committee concerned the procedure for determining and changing the hazard class of industrial facilities. The Committee ignored four of the five questions asked, and gave an unfounded and unreliable answer to the fifth.

отформатировано: без подчеркивания, Цвет шрифта: Авто

Please provide the relevant website addresses, if available:

XI. Legislative, regulatory and other measures to implement the provisions of article 5 concerning the collection and dissemination of environmental information

In general, the Republic of Kazakhstan has created a legal framework for the adequate implementation of Kazakhstan's international obligations under Article 5 of the OK. Thus, paragraph 4 of Article 4 of the Constitution of the Republic of Kazakhstan states: "All laws, international treaties to which the Republic is a party are published. The

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official publication of normative legal acts concerning the rights, freedoms and obligations of citizens is a prerequisite for their application."

The Law of the Republic of Kazakhstan "On Access to Information" was published in the Republic of Kazakhstan on November 16, 2015. In accordance with Article 6 of the Law of the Republic of Kazakhstan "On Access to Information" access to information on the state of ecology, fire safety, as well as on the sanitary-epidemiological and radiation situation, and food safety is not subject to restrictions.

In accordance with article 10 of the Law of the Republic of Kazakhstan "On Access to Information"

, access to information is provided in the following ways:

1) providing information upon request;
2) placing information in the premises occupied by information holders and in other places designated for these purposes;

3) providing access to meetings of state bodies ' collegiums in accordance with the legislation of the Republic of Kazakhstan and online broadcasting of open meetings of the Chambers of the Parliament of the Republic of Kazakhstan, including joint, local representative bodies. state bodies of the region, cities of republican significance, capitals and colleges of state bodies held at the end of the year, on Internet resources;

4) hearing and discussing reports of heads of central executive bodies (except for the Ministry of Defense of the Republic of Kazakhstan), akims and heads of national higher educational institutions;

5) posting information in the mass media;

6) information on the Internet resource of the information owner;

7) placement of information on the relevant components of the web portal of "electronic government";

8) by other means not prohibited by the legislation of the Republic of Kazakhstan.

According to Article 161-25 of the EC, the State Environmental Information Fund collects, records and stores environmental information.

The State Environmental Information Fund includes: cadastres of natural resources, the register of pollutant releases and transfers and other registers of environmental information, a list of environmentally hazardous industries, environmental monitoring data, materials of the EIA and state environmental expertise, regulatory legal acts and regulatory and technical documents in the field of environmental protection and use of natural resources, etc.

▲ With respect to paragraph 2:

The work of e-government also facilitates the provision of environmental information to the public.

Law of the Republic of Kazakhstan " On Informatization "(No. 418-V of November 24, 2015) - state regulation of public relations in the field of informatization has two goals. Firstly, it is the formation and provision of information and communication infrastructure development, and secondly, it is the creation of conditions for the development of local content in the production of goods, works and services in the information and communication technology industry for information support of social and economic development and competitiveness of the Republic of Kazakhstan.

Principles of state regulation of public relations in the field of informatization:

- ensuring free access to electronic information resources containing information on the activities of state bodies (presumption of openness), and their mandatory provision, except for electronic information resources, access to which is restricted in accordance with the laws of the Republic of Kazakhstan;

- timely provision, objectivity, completeness and reliability of electronic information resources, in respect of which the laws of the Republic of Kazakhstan mandatory nature of their public distribution or provision by state bodies;

- freedom of search, formation and transfer of any electronic information resources, access to which is not restricted in accordance with the laws of the Republic of Kazakhstan;

- ensuring the security of individuals, society and the state when using information and communication technologies.

Also, according to Article 16 of the Law of the Republic of Kazakhstan "On Access to Information", information holders create an Internet resource and post the following information on a single platform of state bodies:

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- organizational structure of the holders of information, information about their heads;
- official news (press releases) on the activities of holders of information;
- the official calendars of upcoming events in activities of holders of information;
- the texts of the speeches and official statements of the leaders of the holders of information and their deputies;
- information about national and sectoral programs, concepts, doctrines, programs, and territorial development plans, strategic plans, policies and development plans of the relevant industry, the programs and concepts;
- information on the activities of the Advisory bodies (councils, commissions), in which the holder of information is the operating authority;
- information on the use of funds of the Republican and local budgets, the National Fund of the Republic of Kazakhstan;
- the statement on the part of the holder of information in the target and other programs and international cooperation;
- information reports on the results of inspections conducted by the state body, its territorial bodies, local self-government, subordinate organizations within their powers, as well as the results of audits conducted a public body, its territorial bodies, local self-government, subordinate organizations;
- Reports on the work done;
- the results of the evaluation of the effectiveness of activities of Central and local Executive bodies on the implementation of state policy;
- the results of public monitoring of quality of rendering of the state services;
- the regulatory legal acts adopted by the owner of the information, and put into effect in full compliance with the signed originals;
- the texts developed by the information holder of the draft regulations and explanatory notes, the comparative tables, the conclusions of the scientific expertise and expert opinions of the subjects of private entrepreneurship;
- as well as other materials.

In 2017, the websites of the Aarhus University the Center, the State Environmental Information Fund, and the EcoInfoPravo legal database in the field of environmental protection are combined into a single environmental Internet resource www.ecogofond.kz. In the section implementation of the Aarhus Convention of the Single Ecological Internet Resource www.ecogofond.kz contains environmental information registers.

In relation to item 3

According to the Strategic Plan of the Ministry of Energy of the Republic of Kazakhstan for 2017–2021, one target indicator was established:

The level of public awareness in the field of environmental protection was set at 1.3% in 2019, 1.7% in 2020, 1.8% in 2021 and 1.9% in 2022, calculated as a percentage of the total labor force of the Republic of Kazakhstan, based on data from the Committee on Statistics of the Ministry of National Economy of the Republic of Kazakhstan.

The Development Plan of the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan includes the target indicator:

"Level of dissemination of environmental information from the State Environmental Information Fund database", set at: 0.22% for 2021 and 0.23% for 2022–2027, the Strategic Plan of the Ministry of Energy of the Republic of Kazakhstan for 2017–2021 sets 1 target indicator:

The level of public awareness of information in the field of environmental protection is planned for 2019–1.3% per year, 2020–1.7%, 2021–1.8%, 2022 year–1.9% (of the labor force of the Republic of Kazakhstan—according to the Statistics Committee of the Ministry of National Economy of the Republic of Kazakhstan).

Due to the fact that the database of the State Environmental Information Fund is growing annually, this indicator is expected to grow annually.

With respect to paragraph 4:

In order to annually inform the population about the actual environmental situation in the territory of the Republic of Kazakhstan and measures taken to improve it, National Reports on the state of the environment and on the use of natural resources of the

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Republic of Kazakhstan have been developed for the following years: 2011-2014, 2015, 2016, 2017, 2018, 2019 ~~years, 2020, 2021, 2022, 2023.~~

National reports are posted on the Unified Platform of Internet resources of state Bodies (EPIR GO) of the Ministry of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan (www.gov.kz), in the section of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, and on the Unified Environmental Internet Resource <http://ecogofond.kz/>.

~~Currently, in accordance with Article 166-1 of the Environmental Code of the Republic of Kazakhstan, the National Report on the State of the environment and the use of natural Resources of the Republic of Kazakhstan for 2018 is being developed.~~

In order to expand information interaction and raise public awareness, the Ministry of Energy, together with the Environmental Network Zoi and the United Nations Environment Programme (UNEP), with financial support from the European Commission, has published an Interactive report based on the official version of the National Report on the State of the Environment and the Use of Natural Resources for 2016a.

To simplify the understanding of the text, the sections of the interactive report use illustrations of the logical chain "driving forces-load-state – impact – response".

~~The interactive version of the National Report for 2016 is available in the state and Russian languages on the website newecodoklad.ecogofond.kz.~~

In 2018, the Interactive Report on the state of the environment for 2016 was approved by the members of the Public Council on Fuel and Energy Complex and Ecology (Commission on Ecology). ~~The interactive version of the National Report for 2016 is available in the state and Russian languages on the website newecodoklad.ecogofond.kz.~~

~~An Interactive Report for 2017 is currently being prepared in collaboration with the Zoi Environmental Network, with the support of UNEP.~~

With respect to **paragraph 8:**

State regulation in the field of food safety is carried out in accordance with the Law "On Food Safety" (No. 301 of July 21, 2007). Article 1 of this Law defines the concepts of labeling, environmentally friendly food products, and the sign of environmentally friendly food products. According to clause 4 (2) of Article 4, of the Law, state regulation in the field of food safety is carried out on the basis of transparency, accessibility, and reliability of information. In accordance with subclause 6 of clause 2 of Article 17 of this Law, documents, memos (insert sheets), labels, counter-labels, collerettes, колеретках, labels, stickers (stickers), in addition to information defined by the legislation of the Republic of Kazakhstan on food safety, taking into account the types of food products, must contain information about the composition of the product. Information must be provided in the state and Russian languages, and among other things, indicate the availability and quantity of food additives, feed and feed additives, biologically active food additives, and genetically modified objects (GMOs).

In accordance with Article 6 of the Law of the Republic of Kazakhstan "On Access to Environmental Information", information on food safety is not subject to access restrictions.

According to Article 282 of the EC, nature users are required to inform customers about food products and feed obtained from GMOs through labeling. The EC does not establish the level (in percentage terms) of GMO content in products and obliges labeling of all products containing or consisting of GMOs or obtained from GMOs without exception.

We note that the MEGPR is conducting a domestic procedure for ratification of the Amendment on Genetically Modified ~~Organisms~~ to the Aarhus Convention.

Regarding **item 9:**

~~In accordance with Article 25 of the EC, the State Environmental Information Fund includes the Pollutant Release and Transfer Register (PRTR) and other environmental information registers.~~

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отформатировано: не выделение цветом

Добавлено примечание ([НИДБ]): статус, завершили?

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In accordance with subclause 6, clause 4, Article 161 of the EC, the State Environmental Information Fund includes the Pollutant Release and Transfer Register (PRTR) and other environmental information registers.

On April 8, 2016, the Law of the Republic of Kazakhstan "On Amendments and additions to certain Legislative Acts of the Republic of Kazakhstan on Environmental issues" was adopted. Where the State PRTR is provided.

The Law of the Republic of Kazakhstan dated December 12, 2019 No. 279-VI SAM ratified the Protocol on PRTRs. The new version of the Environmental Code revises the fundamental requirements of the Protocol.

Despite the fact that in 2021 Экологическим the new version of the Environmental Codes and Правил the approved Rules for Maintaining the Pollutant Release and Transfer Register provide for digitalization of information provision issues, the MENR only in 2024 the PRTR section is included in the National Data Bank of the State of the Environment and Natural Resources of the Republic of Kazakhstan. Operators were given the opportunity to submit PRTR reports for 2024 until April 1, 2025 in online format. Based on this Law of the Republic of Kazakhstan, Order No. 241 of the Minister of Energy of the Republic of Kazakhstan dated June 10, 2016 Approved the Rules for Maintaining the State PRTR.

Currently, the Ministry of Economic Development and Trade of the Republic of Kazakhstan is conducting an internal procedure for the ratification of the Protocol on PRTRs. The Law on Ratification of the Protocol on PRTRs is under consideration by deputies of the Mazhilis of the Parliament of the Republic of Kazakhstan. It is planned to complete the ratification by the end of 2019. В 2019-2020 года осуществляется The Environmental Code is being revised in 2019-2020 Экологического кодекса.

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отформатировано: не выделение цветом

XII. Obstacles encountered in the implementation of article 5

Please indicate any **obstacles encountered** in the implementation of any of the paragraphs of article 5

Answer: The Ministry of Energy of the Republic of Kazakhstan is working on the ratification of the Protocol on PRTRs to the OK. Kazakhstan's accession to this Protocol causes some misunderstanding and resistance among business representatives, in particular, there are concerns about additional production monitoring. In the course of agreeing on the ratification of the PRTR Protocol, negative opinions were received from business association entities (Kazenergy, EPA, KAPOOR).

The collection and dissemination of environmental information in Kazakhstan is quite well established.

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XIII. Additional information on the practical implementation of the provisions of article 5

Please provide further information on the practical application of the provisions of article 5 concerning the collection and dissemination of environmental information, such as whether there are any statistics on the information published.

Answer: The State Environmental Information Fund maintains the following registers:

1. State cadastres of natural resources;
2. State registration of environmental pollution sites;
3. State Cadastre of Production and Consumption Waste;
4. State Register of Nature Users and Sources of Environmental Pollution;
5. State Cadastre of Consumption of Ozone-depleting Substances;

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6. State Register of Pollutant Releases and Transfers;
 7. Materials for environmental impact assessment environmental protection and state environmental expertise;
 8. Regulatory legal acts and regulatory and technical documents in the field of environmental protection and use of natural resources;
 9. Reports on the implementation of research and development activities related to environmental protection and use of natural resources;
 10. National Report on the state of the environment and the
 11. use of natural resources. National Environmental Atlas;
 12. Reports on the results of control, inspection and enforcement activities in the field of environmental protection and use of natural resources;
 13. Industrial environmental control program and environmental monitoring reports;
 14. State environmental monitoring data;
 15. Scientific and technical literature in the field of ecology;
 16. Information on the state of the environment and the use of natural resources, environmental impact factors and measures taken to protect it;
 17. Other materials and documents containing environmental information:
 - material of applications of participants of the contest on social responsibility of business Paryz;
 - national reports;
 - cartographic materials;
 - materials from government agencies and other organizations;
 - materials from international projects;
 - reports on government social procurement;
 - periodicals;
 - seminars.

~~Fewer cases are directly related to non-compliance with article 5 of the Convention. This fact is probably related to the lower level of public activity in relation to lawmaking. Most of these cases are registered in 2017, but later cases are more often related to the provision of environmental information, as well as specific activities of nature users.~~

~~The case of inaction of the state body for monitoring compliance with legislation in the field of protection and use of objects of historical and cultural heritage, namely, in relation to the Talgar hillfort.~~

~~The application was submitted on September 18, 2015 to the SMEC of Moscow. Astana. On April 12, the board finally refused to satisfy the requirements of the EA, not recognizing the facts stated in the application as newly discovered circumstances. Due to the non-compliance of the Civil Procedure Code (hereinafter referred to as the CPC) with the requirements of the Constitution and other laws of the country regarding the priority of international treaties over national legislation, the EA decided to terminate the case. The case is over. Violations have not been eliminated.~~

~~The case of inaction of the state administration body (Akimat of Almaty), which led to a violation of the law "On Specially protected Natural Territories".~~

~~The application was submitted on May 31, 2016 to the SMEC of Almaty. After the first refusal, when reviewing the case, the Judge repeated the arguments of the court of first instance, justifying the refusal by saying that the applicant allegedly missed the statute of limitations. He did not assess the actions of the judge, who, in violation of the law, did not accept the application of the EA, which created an obstacle to access to justice. The case is over. Violations have not been eliminated.~~

XIV. Адреса Website addresses relevant to the implementation of Article 5

Please provide the relevant website addresses, if available:

www.akorda.kz, www.parlam.kz, www.gov.kz, www.egov.kz, www.ecogeo.gov.kz,
www.iacoos.kz, www.carecnet.org, <https://ecokadastr.kz/>, www.ecogofond.kz,
<https://oos.ecogeo.gov.kz>, newecodoklad.ecogofond.kz, <http://adilet.zan.kz>,

отформатировано: английский (США), не выделение цветом

Добавлено примечание ([НИД7]): Может быть более свежие примеры

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XV. Legislative, regulatory and other measures to implement the provisions of article 6 concerning public participation in decision-making on specific activities

List legislative, regulatory and other measures that implement the provisions of article 6 on public participation in decision-making on specific activities.

Explain how the provisions of each paragraph of the article are implemented ⁶. Please indicate how the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9, are transposed into national legislation ^{недискриминации}. Also, please describe, in particular:

(a) With respect to **paragraph 1**, measures taken to ensure that:

(i) The provisions of article 6 have been applied to decisions on whether to authorize planned activities listed in Annex I ¹ to the Convention;

(ii) The provisions of article 6 have been applied to decisions on planned activities not listed in Annex I ¹ that may have a significant impact on the environment;

(b) Measures taken to ensure **paragraph 2**;

that: (c) Measures taken to ensure that the timing of public participation procedures meets the requirements of **paragraph 3**;

(d) With respect to **paragraph 4**, measures taken to ensure that public participation is already at the very beginning of the environmental decision – making process, at an early stage;

(e) With respect to **paragraph 5**, measures taken to encourage potential applicants to identify public interest groups, conduct discussions and provide information on the objectives of their application before applying for a permit;

(f) with respect to **paragraph 6**, measures taken to ensure that:

(i) The competent public authorities shall make available to the public concerned all information relevant to the decision-making process referred to in article 6 and available at the time of implementation of the public participation procedure;

(ii) the competent authorities shall, in particular, make available to the public concerned the information referred to in this paragraph;

(g) With respect to **paragraph 7**, the measures taken in accordance with measures taken to ensure that the public participation procedures allow it to provide comments, information, analysis or opinions that it considers relevant to the proposed activity;

(h) With respect to **paragraph 8**, measures taken to ensure that the relevant decision adequately reflects the results of public participation;

(i) With respect to **paragraph 9** – measures taken to inform the public immediately of the decision taken, in accordance with appropriate procedures;

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(j) With respect to **paragraph 10** – measures taken to ensure that, when a public authority reviews or updates the conditions for carrying out the activities referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied with the necessary modifications and where appropriate;

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(k) ~~With respect to paragraph 11~~, measures taken to apply the provisions of article 6 to decisions taken in accordance with the provisions of this article, concerning the granting of permits for the deliberate release of genetically modified organisms into the environment.

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Answer:: On the basis of Article 1-5 of the EC, the interested public has the right to participate Экологическим, in the process of conducting an environmental assessment and making other decisions on environmental issues by state bodies and officials, under the conditions and in accordance with the procedure established by the Environmental Code, the following legislative and regulatory acts have been adopted and are being implemented to implement Article 6 of the CA In Kazakhstan:

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- EC RK (Chapters 3, 4, articles 58, 73, 94, 95, 96, 99, 181);

- On approval of the Instruction on the organization and conduct of environmental assessment (Order No. 280 of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated July 30, 2021)

On approval of Rules for conducting state environmental expertise (Order No. 317 of the Acting Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated August 9, 2021).

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- On approval of the Rules for holding public Hearings

(Order No. 286 of the Acting Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated August 3, 2021)

With respect to paragraph 1:

According to article 96 of the Environmental Code, it is mandatory to hold public hearings before or during the implementation of the state environmental assessment.

If public hearings are completed before the start of the state environmental assessment process, an application for conducting a state environmental assessment or an application for issuing an environmental permit must be sent to the authorized body in the field of environmental protection no later than six months from the date of signing the protocol of public hearings.

2. Public hearings within the framework of the state environmental assessment are held in accordance with the rules for conducting public hearings.

Также Paragraph 2 of the Environmental Code also provides for conducting a public environmental assessment. In this regard, public environmental expertise is a type of activity carried out on a voluntary basis by expert commissions created by public associations. Public environmental expertise reviews any economic and other activities for compliance with the public interest in preserving a favorable environment for the life and health of citizens. The initiator of public environmental expertise may be individuals or public associations whose interests are affected in the event of the implementation of the object of public environmental expertise.

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With respect to paragraph 2:

The procedure for conducting a State environmental assessment (SEE) is determined by the authorized body in the field of environmental protection (Articles 87-97 of the EC), which creates expert councils of the SEE, which are consultative and advisory bodies. Members of such expert councils may be members of the public (Article 94 of the EC).

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In accordance with Article 95 of the EC:

1. 1. Transparency of state environmental expertise and public participation in decision-making on environmental protection and the use of natural resources are ensured through public hearings.

2. 2. The interested public is given the opportunity to express their opinion during the state environmental assessment.

3. 3. The conclusion of the state environmental expertise must be posted on the Internet resource of the authorized body in the field of environmental protection or its territorial subdivision within five working days after its issuance and be publicly available for at least thirty working days from the date of its publication.

4. The interested public has the right to challenge the conclusion of the state environmental assessment in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

According to Article 96 of the EC RK, it is mandatory to hold public hearings before or during the implementation of the state environmental assessment. Public hearings within the framework of the state environmental assessment are held in accordance with the rules for conducting public hearings.

According to paragraph 21 of the Rules for holding public Hearings, public hearings are held under the chairmanship of a representative of the local executive body of the administrative-territorial unit (regions, cities of republican significance, the capital, districts, cities of regional and district significance) or the office of the akim of the corresponding administrative-territorial unit (villages, settlements, rural districts), on the territory of which public hearings, or a state body-developer, with the participation of representatives of the authorized body in the field of environmental protection (for objects I of category I) (as agreed), the Initiator (its representative) and the interested public.

According to paragraph 12 of the Rules for Holding public Hearings, public hearings held through an open meeting are provided with the following documents:

1) draft government programs in the industries listed in paragraph 3 of Article 52 of the Code, territorial development programs and general plans of localities, draft report on strategic environmental policy including a summary of the strategic environmental assessment report, including summary and summary conclusions on the sub-items 1), 2), 3), 4), 5), 6), 7), 8), 9), 10) of paragraph 4 of the article 57 of the Code (for strategic environmental assessment, including accompanied by an assessment of transboundary impacts, in relation to reports on strategic environmental assessment);

2) a draft report on possible impacts, including a short non-technical summary summarizing the information specified in the sub-paragraphs 1), 2), 3), 4), 5), 6), 7), 8), 9), 10), 11), 12) of item 4 of Article 72 of the Code (when assessing environmental impacts, including those accompanied by an assessment of transboundary impacts, in relation to draft reports on possible impacts);

3) draft environmental protection action plans developed for a three-year perspective (in relation to environmental protection action plans environmental issues developed by local executive bodies of oblasts, cities of republican significance, and the capital);

4) in relation to objects of mandatory state environmental expertise, depending on the type of object of state environmental expertise:

— project documentation for the construction and (or) operation of category I facilities that have a negative impact on the environment, provided for obtaining an environmental permit, non-technical summary to the project documentation;

— project documentation for the construction and (or) operation of category II facilities that have a negative impact on the environment, including industrial facilities, industrial buildings and structures, other structures provided for in subclauses 1), 2), 3) of paragraph 9 of Regulation No. 165, non-technical summary of the project documentation.

According to clause 15 of the Rules for conducting public hearings, the documents submitted for public hearings shall be posted for review on the Unified Environmental Portal and the official internet resources of the local executive bodies of the relevant administrative-territorial units (regions, cities of republican significance, the capital), as well as on the internet resource of the state body-developer, no less than thirty calendar days before the date of the public hearings on the Unified Environmental Portal <http://ecoportal.kz/>. The procedure for conducting public hearings is determined by the authorized body in the field of environmental protection. According to paragraph 15 of the Rules for holding public Hearings, documents submitted for public hearings are posted for review on the Portal and official Internet resource of local executive bodies of the relevant administrative-territorial units (regions, cities of republican significance, the capital), as well as on the Internet resource of the state development body, at least thirty days in advance calendar days before the date of public hearings on the Unified Environmental Portal <http://ecoportal.kz://ecoportal.kz/>. The procedure for holding public hearings is determined by the authorized body in the field of environmental protection.

With respect to paragraph 3:

The legislation of the Republic of Kazakhstan defines reasonable time limits for public participation in decision-making.

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Paragraph 15 of the rules for conducting public hearings provides that documents submitted for public hearings are posted for review on the Portal and official Internet resource of local executive bodies of the relevant administrative-territorial units (regions, cities of republican significance, the capital), as well as on the Internet resource of the state body-developer, not less, than thirty calendar days prior to the date of the public hearing.

According to 16 The initiator of the planned activity for holding public hearings in the form of open meetings organizes the distribution of the announcement of holding public hearings:

1) in mass media, including at least one periodical printed publication (newspaper) and through at least one TV or radio channel, distributed and/or located on the territory of all relevant administrative - territorial units (regions, cities of republican significance, the capital, districts, cities of regional and district significance), cities, villages, towns, rural districts) that are fully or partially affected by the impact of the planned activity;

2) in places accessible to the interested public, in any form, indicating the name of the project, the date, place and time of public hearings and a link to the Portal.

In addition, to inform the interested public, it is allowed to use other methods of information that are not prohibited by the legislation of the Republic of Kazakhstan.

Paragraph 17 of the Rules provides that the date for holding public hearings through open meetings is set no earlier than twenty working days from the date of posting an announcement about holding public hearings in the mass media.

Paragraph 18 of the Rules provides that interested state bodies and the public send comments and suggestions to the Portal, as well as to the local executive body of the relevant administrative-territorial unit (regions, cities of republican significance, the capital) in writing (on paper or electronic media) their comments and suggestions to the documents submitted for public hearings, no later than three working days prior to the start date of the public hearing, or voice their comments and suggestions orally during the public hearing.

Comments and suggestions in written form (on paper or electronic media) received from interested state bodies and the public are entered by the local executive body of the corresponding administrative-territorial unit (regions, cities of republican significance, the capital) or by the state development body in a summary table, which is submitted for public hearings together with the project.

27. After completion of public hearings, the secretary of public hearings draws up a Protocol, which includes:

1) all questions, comments and suggestions of the public, interested public and interested state bodies submitted in writing or expressed during public hearings;

2) the Initiator's answers to all questions, comments and suggestions received;

3) information on the right to appeal the protocol in court and pre-trial procedure according to the Administrative Procedure Code of the Republic of Kazakhstan.

According to paragraph 28 of the Rules, the protocol is signed by the Chairman and Secretary of the public hearing within two working days from the date of completion of the public hearing.

Paragraph 29 it is stipulated that the municipal executive body of an administrative-territorial unit (regions, cities of republican significance, the capital), on the territory of which public hearings were held, or the state development body, posts the signed Protocol, video and audio recording of public hearings on the Portal <http://ecoportal.kz/>, and on its official Internet resource no later than two business days from the date of signing it.

When placing the Protocol, video and audio recordings of public hearings on the Portal, the local executive body of an administrative-territorial unit (regions, cities of republican significance, the capital) certifies it by means of an electronic digital signature.

The Rules provide for holding public hearings in a mixed format (open meeting and video conferencing) to reach a larger number of interested public.

The Rules for Holding public hearings provide for holding public hearings in the form of a public discussion.

Public hearings in the form of a public discussion on the Unified Environmental Portal are conducted by the Initiator on:

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1) project documentation for the construction and (or) operation of civil housing facilities provided by item 9 Regulations No. 165 in the process of conducting state environmental expertise;

2) projects listed in sub-paragraphs 2), 3), 4), 5), 6), 7), 8), 9) of Article 87 of the Code;

3) projects of programs for improving environmental efficiency, including in the case of complete or partial revision of programs previously agreed with the authorized body in the field of environmental protection;

4) drafts of reference books on the best available techniques.

The initiator for holding public hearings in the form of public discussions, not later than five working days before the start date of public discussions, organizes the publication of an announcement in Kazakh and Russian languages, in at least one mass media (in a periodical, through a TV or radio channel) distributed on the territory of all relevant administrative-territorial units (regions, cities of national significance, the capital, districts, cities of regional and district significance, villages, settlements, rural districts) fully or partially located within the affected territory, as well as in places accessible to the interested public, in any form indicating the Initiator, the name of the project, the timing of public hearings in accordance with by paragraph 43 of these Rules and links to the Portal.

Projects that are subject to public discussion will be available from the date of their placement for comments and suggestions within:

1) twenty working days - for the objects specified in the subclauses 3), 4), 5), 6), 7), 8) of Article 87 of the Code;

2) twenty working days on draft programs to improve environmental efficiency; within the framework of the procedure for issuing environmental permits during:

3) fifteen working days according to the project documentation for the construction and (or) operation of civil housing facilities provided for by the Legislation of the Russian Federation, пунктом 9 Regulation No. 165 relating to objects of category II that have a negative impact on the environment;

ten working days - for objects specified in subclause 9), Article 87 of the Code;

4) five working days for the objects specified in subclause 2), Article 87 of the Code;

5) ten working days - on draft reference books on the best available techniques;

Comments and suggestions on the discussed projects are accepted until 18.00 hours of the last day of public discussion.

Comments and suggestions of interested state bodies and the public that are not formulated specifically and do not reflect the essence of comments and suggestions or are clearly not related to the subject of public hearings are entered in the summary table of comments and suggestions with the note "not related to the subject of public hearings".

The subordinate organization of the authorized body in the field of environmental protection publishes the received comments and suggestions on the Portal within one day.

During the public discussion period, the Initiator responds to comments and suggestions received on the Portal.

Based on the results of public hearings through public discussions, the responsible person of the local executive body of the relevant administrative-territorial unit (regions, cities of republican significance, the capital) draws up and signs a protocol using an electronic digital signature in the form according to HYPERLINK within two working days of these Rules.

The local executive body of the relevant administrative-territorial unit (regions, cities of republican significance, the capital), on the territory of which public hearings were held, within two working days from the date of signing the protocol, places it on the Portal and its official Internet resource.

In the absence of reasonable responses from the Initiator to the received comments and suggestions to the project documents of the state environmental expertise, the body performing the state environmental expertise sends a response on the need for repeated public discussions on the objects provided for in sub-paragraphs 2), 3), 4), 5), 6), 7), 8), 9) by Article 87 of the Code.

With respect to paragraph 4:

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According to the EC, public hearings are mandatory for all projects.

Based on Article 13 (1) (4) and Article 14 (1) (3) of the EC, the public has the right to participate in the process of making decisions on environmental issues by State bodies in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Currently, the following legislative and regulatory acts have been adopted and are being implemented to implement Article 6 of the QA in Kazakhstan:

17, 45, 46, 49, 57, 135);

- Instructions for conducting an Environmental Impact Assessment (EIA), (Order of the Ministry of Environmental Protection of the Republic of Kazakhstan No. 204 of June 28, 2007- p) as amended on 17.06.2016 No. 253;
- On approval of the Rules for conducting State environmental expertise. (Order of the Ministry of Finance of the Republic of Kazakhstan No. 100 of February 16, 2015).
- Rules for holding public Hearings (Order of the Ministry of Environmental Protection of the Republic of Kazakhstan No. 135 of May 7, 2007);
- Rules for access to environmental information related to the EIA procedure and the decision-making process on planned economic and Other Activities (Order of the Ministry of Environmental Protection of the Republic of Kazakhstan No. 238 p of July 25, 2007
- List of types of economic activities, projects of which are subject to submission for public hearings (Order of the Minister of Energy of the Republic of Kazakhstan No. 240 dated June 10, 2016)

With respect to **paragraph 1:**

The Law of the Republic of Kazakhstan " On Amendments and Additions to certain Legislative Acts of the Republic of Kazakhstan on Environmental issues " dated April 8, 2016 No. 491-V amended and supplemented the E-Code of the Republic of Kazakhstan. In this regard, Article 57-2 of the EC defines projects that require public hearings. Order of the Minister of Energy No. 240 of June 10, 2016 approved the list of types of economic activities, the projects of which are subject to public hearings.

Article 60 of the Environmental Code also provides for public environmental expertise. In this regard, public environmental expertise is a type of activity carried out on a voluntary basis by expert commissions created by public associations. Public environmental expertise reviews any economic and other activities for compliance with the public interest in preserving a favorable environment for the life and health of citizens. The initiator of public environmental expertise may be individuals or public associations whose interests are affected in the event of the implementation of the object of public environmental expertise.

With respect to **paragraph 2:**

The procedure for conducting a State Environmental assessment (SER) is determined by the authorized body in the field of environmental protection (Article 49 of the EC), under which SER expert councils are established, which are consultative and advisory bodies. Members of such expert councils may be members of the public (Article 56 of the EC).

In accordance with Article 57 of the EC:

1. Transparency of state environmental expertise and public participation in decision-making on environmental protection and the use of natural resources are ensured through public hearings.
2. All interested citizens and public associations are given the opportunity to express their opinions during the GEE.
3. The conclusion of the state environmental expertise is sent by the nature user for posting on the Internet resource of the local executive body in the field of environmental protection within five working days after its receipt by the nature user.
4. Individuals and legal entities have the right to challenge the conclusion of the state environmental assessment in accordance with the procedure established by the legislation of the Republic of Kazakhstan.
5. After making a decision on the conclusion of the state environmental assessment, all interested parties are given the opportunity to obtain information on the object of the examination.

Organization of public hearings during the GEE It is referred to the competence of the relevant local executive bodies (Article 20 of the EC) and is conducted in accordance with the Rules for Holding Public Hearings.

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In accordance with article 57-1, public participation in decision-making on environmental issues is carried out by:

- conducting public hearings;
- conducting public environmental expertise;
- conducting public environmental control;
- submitting comments and suggestions to state bodies during the state environmental expertise;
- participating in public councils under state bodies;
- submitting comments and suggestions on draft regulatory legal acts on environmental protection, including draft documents of the State Planning System.

According to Article 57-2 of the EC, local executive bodies provide open access to environmental information related to the procedure for assessing the environmental impact of planned economic and other activities and the decision-making process on this activity through an Internet resource, as well as using other means of informing, twenty days before public hearings.

The customer (initiator) of the planned activity has the right to attract public associations on a contractual basis to conduct public awareness events for participation in public hearings.

The procedure for holding public hearings is determined by the authorized body in the field of environmental protection.

Law of the Republic of Kazakhstan No. 491 of April 8, 2016 added Article 57-2 to the EC of the Republic of Kazakhstan Holding public hearings

Holding public hearings is mandatory for the following projects:

- 1) in the fields of agriculture and forestry, mining and manufacturing, construction; transport, electricity supply, heat supply, water supply, sanitation, waste management and other sectors of the economy in accordance with the list determined by the authorized body in the field of environmental protection;
- 2) which provide for the placement of objects in water protection zones and strips and zones sanitary protection of water supply sources;
- 3) which provide for the placement of objects on the lands of the state forest fund;
- 4) в которых предусмотрено which provide for the felling of forests on the lands of the state forest fund, including green spaces within the borders of settlements;
- 5) which provide for the activities of nature users in specially protected natural territories and the territory of the former Semipalatinsk nuclear test site;
- 6) which are objects of state environmental expertise specified in subitems 6, 8, 9 and 10 of item 1 of Article 47 of this Code.

With respect to paragraph 3:

The legislation of the Republic of Kazakhstan defines reasonable time limits for public participation in decision-making.

In accordance with clause 10 of the Rules for Holding Public Hearings, the Customer informs the interested public in the state and Russian languages at the latest, less than twenty calendar days prior to the public hearing. Paragraph 12 of the Rules states that local executive bodies provide open access to environmental information related to the EIA procedure of planned economic and other activities and the decision-making process on this activity through an Internet resource, as well as using other means of informing, twenty days before the public hearings are held. According to clause 13 of the Rules, the interested public submits comments and suggestions (if any) on the project documentation to the customer no later than 3 business days before the date of public hearings. In accordance with paragraph 19, the results of public hearings are recorded in minutes. The protocol is drawn up taking into account the opinions of persons who took part in public hearings, as well as those received through the Internet resource or using other methods of informing, comments and suggestions. The Protocol reflects comments and suggestions from the interested public related to the client's project, and the client's position on taking into account each comment and suggestion, as well as information on the possibility of appealing the decision. The protocol is signed by the chairman and secretary of the public hearing and posted on the Internet resource of the local executive body no later than seven working days after the public hearing.

The Rules for Holding public hearings provide for holding public hearings in the form of a survey.

In accordance with paragraph 24, the client publishes an announcement in the media about holding public hearings in the form of a survey in the state and Russian

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languages. According to the Rules for Conducting Public Hearings, the period for conducting public hearings in the form of a survey is at least 20 business days. Also, in accordance with paragraph 25 of the Rules, the responsible person of the local executive body, in case of receiving comments and (or) suggestions from the interested public, sends them to the customer. Further, the Customer analyzes the comments and / or suggestions received from the public. The responsible person of the local executive body, together with the customer, draws up a Protocol on holding public hearings. The Protocol reflects comments and / or suggestions from the interested public and the customer's position on taking into account each comment and / or suggestion, as well as information on the possibility of appealing the decision. The minutes of public hearings are posted on the Internet resource of the local executive body no later than seven working days after the public hearings are held in the form of a survey.

Also, by article 67, the customer of the planned activity is obliged to review the conclusions and recommendations contained therein within one month from the date of receipt of the conclusion of the public environmental assessment and send his comments to the state environmental assessment body and the organizer of the public environmental assessment. The conclusion of the public environmental assessment should be considered during the state environmental assessment. The results of the review should be sent to the organizer of the public environmental assessment and to the authorized body in the field of environmental protection. The conclusion of the public environmental assessment can also be taken into account when making decisions by local executive bodies, financial organizations and the customer of the planned activity. The results of public environmental expertise can also be taken into account when conducting a comprehensive non-departmental expertise of projects (feasibility studies and design estimates) intended for the construction of buildings, structures and complexes, engineering and transport communications.

With respect to **paragraph 4:**

According to Article 57-2 of the EC, it is mandatory to hold public hearings on projects that provide for:

- 1) procedure in the fields of agriculture and forestry, mining and manufacturing; construction, transport, electricity, heat supply, water supply, sanitation, waste management and other sectors of the economy in accordance with the list determined by the authorized body in the field of environmental protection;
- 2) placement of objects in water protection zones and strips and zones sanitary protection of water supply sources;
- 3) placement of objects on the lands of the state forest fund;
- 4) logging on the lands of the state forest fund, including landscaping within the borders of localities;
- 5) activities of a nature user in specially protected natural territories and the territory of the former Semipalatinsk nuclear test site;
- 6) activities on the object tax of the state forest fund; state environmental expertise. They are specified in subitems 6, 8, 9 and 10 of item 1 of Article 47 of this Code.

Conducting a public environmental assessment is also provided for in article 60 of the Environmental Code of the Republic of Kazakhstan.

Work is currently underway to develop a new version of the Environmental Code, which provides for ensuring public participation at the earliest stage, when all opportunities are open for considering various options and when effective public participation can be ensured in accordance with the requirements of the Aarhus Convention.

With respect to **paragraph 5:**

Currently, the legislation does not provide for measures to encourage nature users to hold public hearings on applications for permits,

in relation to **paragraph 6:**

The legislation of the Republic of Kazakhstan does not provide for payment for access to information related to the decision-making process.

With respect to **paragraph 7:**

The initiator of the planned activity for holding public hearings in the form of open meetings organizes the distribution of the announcement of holding public hearings:

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1) in mass media, including at least one periodical printed publication (newspaper) and through at least one TV or radio channel, distributed and/or located on the territory of all relevant administrative - territorial units (regions, cities of republican significance, the capital, districts, cities of regional and district significance), cities, villages, towns, rural districts) that are fully or partially affected by the impact of the planned activity;

2) in places accessible to the interested public, in any form, indicating the name of the project, the date, place and time of public hearings and a link to the Portal.

In addition, to inform the interested public, it is allowed to use other methods of information that are not prohibited by the legislation of the Republic of Kazakhstan.

(paragraph 16 of the Rules for conducting public hearings). Documents submitted for public hearings are posted for review on the Portal and official Internet resource of local executive bodies of the corresponding administrative-territorial units (regions, cities of republican significance, the capital), as well as on the Internet resource of the state body-developer, at least thirty calendar days before the date of public hearings. (pункт 15 Rules)

Interested state bodies and the public send their comments and suggestions to the Portal, as well as to the local executive body of the relevant administrative-territorial unit (regions, cities of republican significance, the capital) in writing (on paper or electronic media), their comments and suggestions to the documents submitted for public hearings, no later than three working days before the date of submission of the report, on the date of the beginning of public hearings, or voice their comments and suggestions orally during public hearings. (paragraph 1 to 8 of the Rules).

Article 103 of the Environmental Code stipulates that interested state bodies and the public send comments and suggestions to the Portal, as well as to the local executive body of the relevant administrative-territorial unit (regions, cities of republican significance, the capital) in writing (on paper or electronic media) their comments and suggestions to documents submitted for public discussion, public hearings, no later than three working days prior to the start date of the public hearings, or voice their comments and suggestions orally during the public hearings. The rules for holding public hearings provide for the following procedures:

The customer pre-coordinates with the local executive body the time and place of holding public hearings, the preliminary list of interested public and justifies the most effective ways of informing it (media announcements, information leaflets, stands, written appeals) (clause 8 of the Rules);

The local executive body coordinates the list of interested public, the method of informing, the time and place of holding public hearings, determines the person responsible for conducting public hearings (clause 9 of the Rules for Conducting Public Hearings);

To hold public hearings in the form of open meetings, the customer publishes an announcement in the media about holding public hearings in the form of open meetings in the state and Russian languages no later than twenty working days before the public hearings (clause 10 of the Rules for Holding Public Hearings);

The customer sends an announcement about holding public hearings, project documentation for posting on the Internet resource of the local executive body (clause 11 of the Rules for holding public hearings);

Local executive bodies provide open access to environmental information related to the EIA procedure of planned economic and other activities and the decision-making process on these activities through the Internet resource, as well as using other means of informing twenty days before the public hearing (paragraph 12 of the Rules);

The interested public submits comments and suggestions (if any) on the project documentation to the client no later than 3 business days before the date of public hearings (clause 13 of the Rules);

Article 65 of the Environmental Code stipulates that public environmental expertise is carried out subject to registration of the application of the organizer of the examination. An application for registration of a public environmental assessment is submitted by its organizer to the local executive bodies, on the territory of which the activity of the object of the examination is planned. Local executive bodies are obliged to register or refuse registration within ten working days from the date of submitting an application for conducting a public environmental assessment. An application for conducting a public environmental assessment that has not been refused registration within the specified period is considered registered. In case of refusal to register an

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application for conducting a public environmental assessment, the local executive body informs the initiator and organizer of the public environmental assessment in writing with a reasoned justification for the reasons for refusal.

In relation to item 8:

In accordance with item 9 c of the "Rules for Conducting State Environmental Expertise", the electronic protocol of public hearings is included in the mandatory list of documents required for the provision of public services-Issuing conclusions of state environmental expertise. Paragraphs 19 and 27 establish that the results of public hearings minutes are drawn up in the form of open meetings and in the form of a survey. The protocol is drawn up taking into account the opinions of persons who took part in public hearings, as well as those received through the Internet resource or using other methods of informing, comments and suggestions. The Protocol reflects comments and suggestions from the interested public related to the client's project, and the client's position on taking into account each comment and suggestion, as well as information on the possibility of appealing the decision. The protocol is signed by the chairman and secretary of the public hearing and posted on the Internet resource of the local executive body no later than seven working days after the public hearing.

In accordance with clause 9 of the "Rules for conducting State environmental expertise of EE", materials submitted to the GEE must contain the results of taking public opinion into account. The Client submits to the SER the protocol of public hearings and the draft EIA, finalized taking into account public opinion, in case of its qualified justification based on regulatory legal acts, as well as comments on public proposals for which the Client considers it unjustified to make changes and additions to the project. Also, according to article 66, the results of a public environmental assessment are issued in the form of a public environmental assessment report, which is of a recommendatory nature.

With regard to item 9:

In accordance with the Rules, for conducting State environmental expertise" electronic protocol of public hearings is included in the mandatory list of documents required for the provision of public services Issuance of conclusions of state environmental expertise

The conclusion of the state environmental expertise is sent by the nature user for posting on the Internet resource of the local executive body in the field of environmental protection within five working days after its receipt by the nature user.

After making a decision on the conclusion of the state environmental assessment, all interested persons are given the opportunity to obtain information on the object of the examination (Article 57 of the EC). Disagreements in the implementation of SER are considered through negotiations or in court (Article 58 of the EC).

It is necessary to finalize the legislation, as it should be noted that the protocol of public hearings is advisory in nature and is not a decision of the authorized body.

With respect to paragraph 10:

After completion of public hearings, the secretary of public hearings draws up a Protocol, which includes:

- 1) all questions, comments and suggestions of the public, interested public and interested state bodies submitted in writing or expressed during public hearings;
- 2) the Initiator's answers to all questions, comments and suggestions received;
- 3) information on the right to appeal the protocol in court and pre-trial procedure in accordance with the procedure established by the Legislation of the Russian Federation to the Administrative Procedure Code of the Republic of Kazakhstan.

The minutes are signed by the Chairman and Secretary of the public hearing within two working days from the date of completion of the public hearing.

The local executive body of the administrative-territorial unit (regions, cities of republican significance, the capital) where public hearings were held, or the state development body, places the signed Protocol, video and audio recording of public hearings on the Portal and on its official Internet resource no later than two working days from the date of its signing.

When placing the Protocol, video and audio recordings of public hearings on the Portal, the local executive body of an administrative-territorial unit (regions, cities of republican significance, the capital) certifies it by means of an electronic digital signature.

Добавлено примечание ([НИД8]): Чего? Кодекса?

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In accordance with paragraph 17 of the "Rules for conducting GEE", in case of a negative conclusion with the conclusion "does not agree", the initiator of the expert examination finalizes the materials on the comments of the state environmental expert examination and submits them to the state environmental expert examination or refuses the planned activity.

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Regarding item 11:

In accordance with item 5 of Article 12 of the Law of the Republic of Kazakhstan "On Food Safety" (No. 301 dated July 21, 2007), the turnover of GMOs and biologically active food additives is allowed only after a scientifically substantiated confirmation of their safety. ~~поведение~~ Scientific research is carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan, and their state registration, is carried out in accordance with Article 34, until the establishment of scientifically based confirmation of the safety of GMOs in food products, the level of their content in food products is not higher than that established in the states of the European Union.

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~~In accordance with clause 5 of Article 12 of the Law of the Republic of Kazakhstan "On Food Safety" (No. 301 dated July 21, 2007), the turnover of GMOs and biologically active food additives is allowed only after a scientifically substantiated confirmation of their safety. Conducting scientific research is carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan, and conducting their state registration, in accordance with Article 34, until the establishment of scientifically based confirmation of the safety of GMOs in food products, the level of their content in food products is assumed to be no higher than that established in the States of the European Union.~~

The Republic of Kazakhstan is conducting an internal procedure for ratification of amendments to the Aarhus Convention on genetically modified organisms. Ratification is planned for 2021 in accordance with the plan of ratification of international treaties and agreements.

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XVI. Obstacles encountered in the implementation of article 6

Please indicate any **obstacles encountered** in the implementation of any of the paragraphs of article 6.

Answer:

The Law of the Republic of Kazakhstan dated 05.07.2023 No. 17-VIII amended and supplemented Article 96 of the Environmental Code in terms of conducting an environmental assessment without holding public hearings when reviewing the project again.

That is, if an application for state environmental expertise is submitted to the authorized body in the field of environmental protection again after receiving a refusal to issue an environmental permit (in the case provided for in Part two of Article 87 of this Code) or a negative conclusion of the state environmental expertise, repeated public hearings are not required, except in the following cases:

—1) if the re-submitted application and (or) the attached documents imply significant changes to the planned activity provided for in paragraph 2 of Article 65 of this Code, which were not previously considered at public hearings;

2) if the minutes of the previously held public hearings contain comments and (or) suggestions from the public, which were not removed by their authors during the course of public hearings.

3) if during the public hearings there were violations of the requirements of the environmental legislation of the Republic of Kazakhstan to the procedure for holding public hearings.

In some cases, non-technical resumes are not provided during the organization and conduct of hearings.

The current Rules for conducting GEE do not contain any procedural rules on public participation in the GEE process.

Currently, the legislation of the Republic of Kazakhstan stipulates the moment of public involvement at the very initial stage of the process of making environmentally

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significant decisions—the selection and reservation of a land plot for the planned economic activity.

The Land Code does not provide for public participation at this stage (Article 43 (1)). The discrepancy between the basic national legal norms of land legislation and the norms of environmental legislation—Chapter 6 of the EC and the Rules for conducting GEE, may complicate the implementation of the provisions of Article 6 (4) of the OK. The rules set requirements for the composition and content of materials submitted to the GEE. In accordance with the Rules, the act of selecting a land plot, land management business are not in themselves objects of the GEE, these documents are submitted to the GEE as part of other documentation. The documentation also does not mention materials of documented public participation (protocols) at the stage of land plot selection as an integral part of the EIA.

At later stages of development of project documentation, all design decisions are already tied to the specific characteristics of a particular land plot. At the same time, the Customer has already spent significant amounts, human and time resources on the development of relevant documentation; on obtaining various approvals and conducting an EIA, including public hearings or other "consideration of public opinion"—in accordance with paragraph 8 of the Instructions for conducting an EIA when developing pre-planned, planned, pre-project and project documentation. At this stage, it is very difficult to "take into account public opinion" and change anything in the pre-project or project documentation submitted to the GEE.

In accordance with Article 136 of the EC, state bodies can involve individuals and legal entities on a voluntary basis to work on identifying violations of environmental legislation. The authorized body in the field of environmental protection for cooperation and interaction draws up a list of public associations, the charter of which provides for the functions of public environmental control. This provision may impose restrictions on public participation based on the absence in the "list of the Authorized Body in the field of environmental protection" and the need for "environmental control functions" in the charter. However, there is no list of public organizations that exercise public control. It has not been drawn up, and the provisions of the EC on public environmental control and public environmental expertise are poorly implemented.

In 2019, with the support of the OSCE Office in Nur-Sultan, employees of the NGO Public Association Karaganda Regional Ecological Museum (hereinafter Ecomuseum) implemented the project "Improving the effectiveness of public environmental hearings as the main tool for implementing the requirements of the Aarhus Convention".

In accordance with Article 57 of the EC: "1. Transparency of the state environmental assessment and public participation in decision-making on environmental protection and the use of natural resources are ensured through public hearings."

During the project, dozens of public hearings were monitored during the environmental assessment of projects for environmental impact assessment (EIA) of various industrial and construction projects, as well as online questionnaires were conducted for government officials and the expert community. The survey revealed the opinion of stakeholders on the effectiveness of holding hearings and ways to improve the legislation on their conduct. The EcoMuseum revealed massive violations of legislation in the preparation and conduct of hearings, as well as the low quality of the legislation itself.

As a result of the monitoring, the following typical violations of the law were found:

40-50% of hearings are held without the required participation of local executive bodies of regions and cities of republican subordination (Article 20 of the EC "local executive bodies of regions and cities of republican subordination" (M & E)). Instead of them, any other local executive bodies are invited—akimats of districts, cities of regional subordination, villages, rural districts, etc.

Accordingly, in 40% of M & E hearings:

- absent from the hearing;
- do not open a hearing.

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- do not organize or conduct the selection of the chairman;
- do not keep an electronic record of hearings;
- do not include public comments in the minutes;
- they do not publish ads, project materials, or protocols on their portals;
- do not involve interested state bodies.

* 50% of hearings are held without the legal approval of the M & E department.

* 20% of the hearings are held without an EIA report on the planned activity, i.e. without any provision of information during the hearings, as required by the Rules.

* 30% of hearings are held with an incomplete report in violation of the requirements of article 41 "Documentation of environmental impact assessment". Typical violations include the lack of visual information about the exact location of the object, its coordinates, distance to residential buildings, etc. There are no maps and diagrams of the mutual location of localities and planned objects, which makes it impossible to understand their impact on the population and the environment. Information is often provided in an unadapted and difficult to understand form for the population, using narrowly professional language and specific terms.

* 25% of hearings are held without an "electronic record".

* 29% of hearings are held without publishing the minutes on the M & E portal.

* 90% of the minutes of hearings are not minutes in the basic sense of the term, but at best represent a formal agenda of the hearing, limited to the wording "report submitted", "questions asked", "answers received". Public comments are either not included in the minutes of hearings at all, or they are included in a modified form, distorting the essence of the issues. This practice prevents the population from obtaining reliable information about the impact of upcoming activities, and also prevents all comments from being taken into account when conducting an environmental assessment.

* 40% of hearings are held without the mandatory publication of project materials of the EIA on the M & E portal.

* 65% of ads on M & E sites do not meet the requirements of the Rules. Incomplete data is indicated, including: there is no Internet resource and/or e-mail of the customer, where comments and suggestions are accepted, or the address of the place where members of the public can get acquainted with project materials; the body conducting state environmental expertise is not indicated; the address of the Internet resource where project documentation is posted is not published, etc.

* 40% of media ads are published in violation of the Rules—only in one language, all the information required by the Rules is not indicated, including the body conducting the expert examination, addresses where project materials are published and addresses for accepting suggestions and comments, the name and contacts of documentation developers, etc.

In addition, it has become a common practice to publish announcements about hearings in the media, which are published not at the location of the planned object, but sometimes several hundred kilometers away from it.

The Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, after monitoring the public's access to information about decision-making processes on the Internet resources of state bodies and taking into account public opinion, notes the following:

Based on the results of monitoring of official Internet resources of territorial Departments of Natural Resources and environmental management of local executive bodies (hereinafter referred to as M & E) of oblasts (hereinafter referred to as oblasts) and cities of republican significance, in accordance with the Rules for Conducting Public Hearings approved by Order No. 135-p of the Minister of Environmental

Protection of the Republic of Kazakhstan dated May 7, 2007 (hereinafter referred to as the Rules), revealed:

Posted ads		Posted protocols		Violations by ads		Violations by protocols	
2019 year	2020 year	2019 year	2020 year	2019 year	2020 year	2019 year	2020 year
1780	1754	1632	1391	333	99	665	382

In connection with the introduction of a state of emergency in the Republic of Kazakhstan from March 16, 2020 to April 15, 2020, in accordance with According to the Decree of the President of the Republic of Kazakhstan No. 285 dated March 15, 2020 and with the subsequent extension of the state of emergency in the territory of the Republic of Kazakhstan until May 11, 2020 (hereinafter referred to as the Decree), public hearings held in the form of open meetings had to be held in the video conferencing format (hereinafter referred to as VKS).

Monitoring of public hearings on the websites of local executive bodies (hereinafter referred to as M & E) for the period from March 16 to June 2020 revealed violations of non-compliance with the recommendations for holding public hearings in the videoconferencing format.

The results of the analysis show that systematic violations of the Rules are of a procedural nature and are repeated from year to year (violations of the deadlines for placing ads and protocols).

Also, when conducting public hearings in the form of VCS, numerous complaints of participants about the inability to participate in the hearings were noted. These include complaints such as:

- technical problems when trying to join the videoconferencing system;
- lack of proper organization of the VCS process (presence of noise);
- unable to connect to the VKS, or waiting for a long time to connect.

Currently, the Ministry of Economic Development and Trade of the Republic of Kazakhstan is working on the issue of creating a single portal for posting announcements and protocols on planned and conducted public hearings. In this regard, the Ministry of Ecology, Geology and Natural Resources reached an agreement with the OSCE Program Office in Nur-Sultan to provide financial and expert support for the initiative to centralize announcements and minutes of public hearings on the platform of a Single portal.

Work in this direction continues.

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XVII. Additional information on the practical implementation of the provisions of article 6

Please provide further information on the practical application of the provisions of article 6 on public participation in decision-making on specific activities. H N For example, whether there are any statistics or other information on public participation in decision-making on specific activities or on decisions not to apply the provisions of this article to planned activities that serve the interests of national defense.

In 2020, residents of the capital (Astana), activists and specialists joined the SOSTaldykol community SOSTaldykolto save the Maly Taldykol natural lakes from mindless urban development.

In July 2020, residents of nearby houses were asked to sign an application for backfilling by some people in the apartment bypass. Allegedly, the lake was a source of an unpleasant smell and mosquitoes, which did not correspond to reality. Concerned

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residents turned to the district akimat and the media to convey a request to preserve nature.

Many residents, independent experts and thematic resources, as well as organizations and communities such as Artcom Platform, ACCC, the Association of Practicing Environmentalists, and Fading TSE responded and supported the project. On April 8, 2016, amendments and additions were made to the EC of the Republic of Kazakhstan. In accordance with article 57-2, the list of mandatory projects subject to public hearings is defined. The list of types of economic activities, the projects of which are subject to submission for public hearings, was approved by the Order of the Minister of Energy of the Republic of Kazakhstan No. 240 dated June 10, 2016. The list of types of economic activity is brought into compliance with Appendix 1 of the OK.

By Order of the Minister of Energy of the Republic of Kazakhstan No. 260 dated 21.06.2016, the Rules for Holding public Hearings were amended and supplemented. Changes have been made to the procedure for holding public hearings. According to the current regulations, public hearings are held in the form of open meetings and in the form of a survey.

Examples of the implementation in practice of this article of the convention are the results of a number of court proceedings that took place due to conflicts between members of the public, executive bodies and persons engaged in economic and other activities.

In August and September, the case was considered on the application submitted on July 28, 2017 to the Bostandyk District Court of Almaty. Initially, on September 19, the court rejected the application.

Subsequently, the board also rejected the complaints. The judges, in violation of paragraph 2 of Article 224 of the Civil Procedure Code of the Republic of Kazakhstan, did not examine the evidence referred to by the EA. They ignored the fact that the two official protocols differ from each other in content, and it is unclear which one is authentic. The judges did not require the defendant to provide the court with the originals of two minutes of public hearings. In addition, the judges did not take into account the fact that the protocols did not correspond to the content of the audio recording that residents made at the hearing. The board's decision does not even mention the presence of this entry in the case file. The judges ignored the fact that residents found out about the existence of two official protocols that were different in content only after simultaneously contacting the Department of Natural Resources and Environmental Management and the archive of the Bostandyk District Court of Almaty. The case is still pending.

The case submitted to the Green Salvation EO on recognition of the illegality of the actions of the KSU "Department of Natural Resources and Environmental Management of Almaty" on the issue of drawing up the minutes of the public hearing.

Due to serious violations, an application was submitted to the Bostandyk District Court of Almaty on July 28, 2017 during a public hearing on the environmental impact assessment of the outdoor advertising production shop of IP "U...". Residents made a sound recording of the hearing and its transcript. The authorities said that it was necessary to hold a second hearing.

A few years later, when preparing material for the newspaper "Evening Almaty", the activists learned that in addition to their record, there are two more official minutes of public hearings. That is, first of all, the public hearings were recognized as having taken place after the fact, and the residents were not informed about this. And, secondly, two additional protocols were fabricated, which differ from each other in content.

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Добавлено примечание ([НИД9]): По срокам примеры эти можно и убрать

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отформатировано: Шрифт: 10 пт, английский (США), зачеркнутый

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As a result, the courts of all instances, including the Supreme Court, did not apply the norms of the Aarhus Convention, which take precedence over the laws of the Republic of Kazakhstan, when considering this civil case. Paragraph 18 of the normative resolution of the Supreme Court No. 8 of November 25, 2016 "On certain issues of application by courts of the environmental legislation of the Republic of Kazakhstan in civil cases" was also not taken into account. It states that article 6 of the Aarhus Convention should be applied when considering environmental disputes. The case is over. Violations have not been eliminated.

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The case on recognition of the illegality of the actions of the KSU "Department of Natural Resources and Environmental Management of Almaty", which did not provide the requested environmental information.

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The EA believes that the reconstruction of the Kimasar riverbed violated the requirements of the law "On Specially Protected Natural Territories". In this regard, the EA sent a letter to the Department. The Office provided incomplete information that does not answer the main questions asked by the EA.

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On November 2, 2017, an application was submitted to the court. The final hearing ended on December 20 with a decision to satisfy the applicant's claims. The actions of the Department of Natural Resources and Environmental Management of the city of Almaty, which did not provide environmental information to the EA, were recognized as illegal. The court ordered the Department to provide the requested information. The court dismissed the appeals.

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In the current activity, there are examples of non-compliance with the provisions of the convention of actions of state bodies and commercial organizations. According to article 6, paragraphs 4 and 7, of the Convention, public participation should be defined at all stages of the activity, including the earliest stages, as well as providing all possible opportunities for voicing comments, analysis, or opinions that, in the opinion of the public, are relevant to the planned activity. Such opportunities were not provided during the consideration of the project for the construction of a branch of ForteBank JSC on the territory of the Densaulyk Square. The State Institution "Management of Subsurface Use, Environment and Water Resources of Pavlodar region" failed to fulfill its functions stipulated by the Aarhus Convention and the Environmental Code of the Republic of Kazakhstan. For this reason, the NGO "ECOM" sent an application to the court challenging the legality of actions (inaction) of state bodies.

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During the first meeting on July 22, 2019. The respondent of the State Institution "Department of Subsoil Use, Environment and Water Resources of Pavlodar region" did not deny that the public had the right to participate in the decision-making process. The hearing was supposed to be held, but citing some "legislative conflicts", the office was unable to ensure that the hearing, which was scheduled to take place on May 16, 2019, would be held. They were postponed indefinitely. ForteBank JSC refused to hold them, notifying the appropriate authorities by making changes to the project. Later, it turned out that the only change was the indication of the lack of green spaces.

The second defendant of the State Institution "Department of Housing and Communal Services, Passenger Transport and Highways of the city of Pavlodar" did not appear at the court session for a disrespectful reason, which made it necessary to hold a second meeting. On May 23, 2019, the State Institution "Department of Housing and Communal Services, Passenger Transport and Highways of Pavlodar" provided the bank with a letter about the absence of green spaces on the land plot allocated for

construction, which formed the basis for the positive conclusion of the expert examination performed by Tan Expert LLP (Shymkent) without holding public hearings.

A representative of ForteBank JSC, invited by the court as a third party, also failed to attend the first court session.

Conclusion: The public was not provided with an opportunity to voice an opinion on the issue of preserving the quality of a healthy environment in Pavlodar, which is an important issue. The existence of such an opinion was not taken into account and taken into account by the higher authorities.

A similar precedent, due to which damage was caused to residents, was the issuance of a sanitary and epidemiological conclusion for U... LLP by the Department of Public Health Protection of the city of Almaty. This conclusion did not comply with the norms of the Code of the Republic of Kazakhstan "On Public Health and the health system", the Law "On Architectural, Urban Planning and Construction activities in the Republic of Kazakhstan" and the requirements of the Sanitary Rules "Sanitary and epidemiological requirements for establishing a sanitary protection zone of industrial facilities".

As a result of the above-mentioned actions of the Department, local residents suffer from the activities of the enterprise that produces concrete, accepts, stores and sells cement. And on January 17, 2019, an application was submitted to the SMEC to protect the interests of residents of Bokeikhanov Street in Almaty, the Ecological Society and an indefinite circle of people. The Department of Public Health Protection of the city of Almaty is involved as a defendant. Residents of

Stepnogorsk, the villages of Aksu and Bestobe began to fight against the construction of factories, quarries and warehouses with waste containing polychlorinated biphenyls. Residents of the village of Aksu learned that another gold extraction plant will be built near the village. As it turned out, on August 3, 2018, the company held a public hearing for a pilot development in Stepnogorsk, bringing together employees of Adelya Gold, akim of Aksu and several people from Stepnogorsk, without the presence of the residents of the village themselves. Residents were told that the documents and permits were in the Council of Europe, and the mayor of Stepnogorsk signed that the hearings were held. In this regard, residents of Aksu village have repeatedly suggested that the management of Adelya Gold LLP hold new public hearings already on the territory of the village and with the participation of residents. Residents believe that their rights to access and completeness of information were not sufficiently ensured before the public hearings in 2018.

In 2019, Forte Bank JSC, which leased a part of the plot in the Densaulyk Square in Pavlodar, violated the terms of the contract by starting illegal demolition of green spaces. Citizens expressed their indignation that 51 trees were cut down. Representatives of the initiative group blocked the way for cars loaded with felled trees to leave the square. The police officers who arrived at the scene did not detect any violations of public order. Members of the public association "Ecom" defended the park area, trying to find out the legality of building a bank on the site of green spaces, environmentalists appealed to various authorities. Based on the results of the conducted verification activities, it was established that the subject of the branch of JSC "ForteBank" does not have a positive conclusion of the state environmental expertise on the EIA of the working project "Construction of a branch of JSC "ForteBank" in the city of Pavlodar". Practice shows that officials first give up land, and then try to hold public hearings on the demolition of trees. Although it should be the

other way around. The Housing and utilities department promised to hold public hearings in mid-May, but they were postponed for an unknown period.

In 2019, President of Kazakhstan Kassym-Jomart Tokayev at a meeting on the socio-economic development of the city of Almaty banned the construction of a resort on the territory of the Kok-Zhailau tract. This issue is under the direct control of the Head of State. On September 30, 2020, the Law of the Republic of Kazakhstan "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Specially-protected Natural Territories" was signed, which provide for the return to specially-protected natural territories of reserve lands that were previously withdrawn from their composition for the construction of tourism facilities, water management facilities, arrangement and operation of state border facilities, needs of defense and not used for this purpose.

We note that the adoption of the Law of the Republic of Kazakhstan "On Amendments and additions to certain Legislative Acts of the Republic of Kazakhstan on Specially-protected natural Territories" is the result of taking into account the opinion of effective public participation in making decisions on the Zhok-Zhailau project.

XVIII. Website addresses имеющих relevance to the implementation of Article 6

www.akorda.kz/, www.carecnet.org/, www.pravstat.prokuror.kz/, www.sud.gov.kz/,
www.osce.org/astana, <http://www.greensalvation.org/>, www.iacoos.kz/,
www.ecogeo.gov.kz/, www.energo.gov.kz/, <http://ecogofond.kz/>, www.upr.astana.kz/,
www.almatyeco.gov.kz/, www.upr.akmo.gov.kz/, www.tabigat.aktobe.gov.kz/,
www.priroda.zhetisu.gov.kz/, www.atyrau.gov.kz/, www.e-priroda.gov.kz/,
www.uralsk.gov.kz/, www.tbr.zhambyl.gov.kz/, www.pr-resurs.kz/, www.kostanay-priroda.kz/,
www.kyzylorda.gov.kz/, www.eco.mangystau.gov.kz/,
www.tabigatpv.gov.kz/, www.dpr.sko.gov.kz/, www.turkistan.gov.kz/,
www.shymkent.gov.kz/, <https://sostaldykol.org/#problem>, <http://ecportal.kz/>

XIX. Practical and / or other measures taken to ensure public participation in the preparation of environmental plans and programmes in accordance with the provisions of article 7

List the relevant practical and / or other measures taken to ensure public participation in the preparation of environmental plans and programmes in accordance with the provisions of article 7. Please indicate how the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9, are transposed into national legislation.

Answer: In accordance with paragraph 4 of Article 17 of the Law of the Republic of Kazakhstan "On Access to Information" (No. 401-V of November 16, 2015), a number of works are being carried out. State bodies-developers of draft normative legal acts post draft concepts of draft laws and normative legal acts together with explanatory notes and comparative tables to them (in cases of amendments and / or additions to legislative acts) on the Internet portal of open normative legal acts before sending them for approval to interested state bodies for public discussion. Reports on the results of public discussion are also posted on the Internet portal of open regulatory legal acts.

In addition, Article 5 of the Law "On Public Councils" (No. 383-V of November 2, 2015) establishes Public Councils under ministries, bodies directly subordinate and accountable to the President of the Republic of Kazakhstan, as well as under local government bodies. The purpose of the activity of public councils is to express the opinion of civil society on socially significant issues. Article 5 of the Law on Public Councils establishes the powers of Councils to:

- discuss draft budget programs and budget programs, draft strategic plans or territorial development programs, draft state and government programs;
- discussion of the implementation of budget programs, budget programs, strategic plans or programs for the development of territories, state and government programs;
- participation in the development and discussion of draft regulatory legal acts. They relate to the rights, freedoms and obligations of citizens, with the exception of draft normative legal acts of central and local executive bodies, as well as akims, providing for decisions on the establishment (cancellation) of a quarantine zone with the introduction of a quarantine regime in the relevant territory. On the establishment (removal) of quarantine and (or) restrictive measures in cases stipulated by the legislation of the Republic of Kazakhstan in the field of veterinary medicine, as well as the declaration of an emergency of a natural and man-made nature;
- development and submission to state bodies of proposals for improving the legislation of the Republic of Kazakhstan, etc.

In accordance with the Law of the Republic of Kazakhstan "On Public Councils", a Public Council on Ecology, Geology and Natural Resources of the Republic of Kazakhstan was established under the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan in August 2019 (Order No. 20-P of the Acting Minister dated 04.09.2019).

The Public Council (further PC) on Ecology and Natural Resources is a consultative, advisory, supervisory body formed by the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan by Order No. 20-P dated September 4, 2019. The current composition of the Council was formed by Order No. 580-P dated August 23, 2022

The OS consists of 25 members, including 20 representatives of the civil sector and 5 representatives of the Ministry (Chief of Staff, Deputy Chairmen of committees and Deputy Directors of departments). In 2024, 2 candidates were included in the OS from the reserve list of candidates.

Under the OS, there are 3 Commissions in the following areas:

- ecology;
- forestry and wildlife;
- budget and planning (established at the OS meeting on April 8, 2024, Protocol No. 2).

In accordance with the Work Plan of the Public Council approved on January 22, 2024, for 11 months of this year, 7 meetings of the Public Council were held – February 19, April 8, April 30, May 24, August 1, September 26 and November 27, and 1 meeting of the Ecology Commission – September 10. Conducting a public expert review of draft legislative acts of a state body

In the current year, members of the Public Council review draft regulatory legal acts developed by the Ministry on an ongoing basis.

As of 18.12.2024, 180 draft regulations were received, of which:

- 141 draft regulations were recommended for adoption;
- consideration suspended – 7

Including:

- 4 draft legislative acts were withdrawn by structural divisions for making changes;
- 3 draft legislative acts were suspended taking into account the comments of OS members (Джумалиев К. М. Dzhumaliyev,

a special section has been created on the Ministry's website where information on the activities of the Public Council is posted <http://ecogeo.gov.kz/ru>.

Public Council meetings are also broadcast on a regular basis on social networks (YouTube, Facebook, etc.).

The Public Council for Ecology and Natural Resources actively contributes to solving complex issues by providing recommendations and developing constructive proposals.

The activities of the Public Council are regulated by the Constitution of the Republic of Kazakhstan and the current legislation.

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The Public Council consists of 22 representatives of non-profit and non-governmental organizations and 8 employees of MEGPR. The Council has 4 commissions in the following areas: ecology, budget, strategic and regulatory issues, geology and water resources, forestry, fisheries and wildlife.

In 2019, three meetings of the Public Council were held: September 12, 2019, November 19, 2019, and December 11, 2019.

In total, during 2019, the Public Council reviewed 105 draft legislative acts, of which 99 were approved and recommended for adoption, comments and suggestions were sent to the authors of 6 projects, and 5 projects are under consideration.

On December 21, 2020, amendments were made to the Ministry's Order No. 20-P of September 4, 2019 (Ministry Order No. 327-P of December 21, 2020).

The Public Council consists of 31 representatives of non-profit and non-governmental organizations and 3 representatives of the Ministry.

The Public Council has 4 Commissions in the following areas: ecology, budget, strategic and regulatory direction, geology and water resources, forestry, fisheries and wildlife.

The Public Council's Work Plan for 2020 has been drawn up and approved. In 2020, two meetings of the Public Council and the Minister's report to the Public Council were held.

A special section has been created on the MEGPR website, which contains information about the activities of the Public Council and minutes of meetings of its commissions <http://ecogeo.gov.kz/ru.9> In

September 2018, the 460th meeting of the Interdepartmental Commission on Legislative Activity was held. Five concepts of draft laws, the concept of the Environmental Code, etc. are considered. Following the meeting, four projects were approved, taking into account the comments and suggestions of the commission members, including the concept of the draft Environmental Code of the Republic of Kazakhstan.

At the beginning of 2019, the concept of the Environmental Code has been approved. Ожидается в декабре 2020 года принятие проекта Экологического кодекса and a new version of the draft Environmental Code and its accompanying draft law, as well as the draft law "On Amendments and Additions on Civil Liability for Nuclear Damage" and "Use of Atomic Energy" are expected to be adopted in December 2020.

Добавлено примечание ([НИД10]): При ком данная комиссия?

XX. Opportunities for public participation in the development of environmental policies provided in accordance with the provisions of article 7

Explain what opportunities are provided for public participation in the development of environmental policies in accordance with the provisions of Article 7.

Answer:

The key document defining the future development of Kazakhstan is the Strategy "Kazakhstan-2050: a new political course of the established state". The strategy is not only an economic and social plan for many years to come, but also contains important environmental components. In the context of global climate change and growing concern about environmental issues, Kazakhstan has set an ambitious goal of becoming an eco-friendly State.

In order to implement the long-term Development Strategy of Kazakhstan until 2050 for the medium-term period, the National Development Plan until 2025 was approved, which defines key national indicators aimed at improving the ecological state of the environment. Since 2013, the Concept for the transition of the Republic of Kazakhstan to a "green

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economy" has been in force, which provides for a set of measures implemented in several key areas: рациональное use of water resources, development of environmentally friendly agriculture, increasing energy efficiency, expanding clean energy production - , improving the waste management system, combating air pollution, etc. conservation of natural ecosystems.

By Presidential Decree of the Republic of Kazakhstan No. 568 dated June 10, 2024, the Concept for the Transition to a "Green Economy" was updated, and an action plan was approved to achieve new targets for waste recycling, reduction of air and water pollution, and ecosystem preservation. Within the framework of the Concept, goals, objectives, indicators, and measures for the transition of the Republic to a "green economy" across 9 economic sectors have been established up to 2050.

By Government Resolution of the Republic of Kazakhstan dated October 31 of the current year, the Concept for the Development of Environmental Culture "Clean Kazakhstan for 2024-2029" was approved.

Decree of the President of the Republic of Kazakhstan No. 121 dated 02.02.2023 approved the Strategy for Achieving Carbon Neutrality of the Republic of Kazakhstan until 2060. The document is a comprehensive action plan aimed at significantly reducing greenhouse gas emissions and moving towards a low-carbon economy. This document reflects Kazakhstan's commitment to contribute to global efforts to combat climate change and ensure the country's sustainable development.

Low-carbon development is a prerequisite for sustainable development and is aimed at preventing the catastrophic consequences of global climate change.

The medium-term goal of the Strategy is to reduce greenhouse gas emissions by 15% by 2030 relative to the 1990 level (an unconditional goal) and bring the reduction to 25%, provided that international support is received for decarbonizing the economy (a conditional goal).

Achieving this goal of the Strategy will be achieved through the integrated implementation of low-carbon policies and the application of sectoral (energy, industry, agriculture and forestry, waste management) and cross-cutting approaches (fair transition, green financing, research and development and education, public awareness, international cooperation, climate change adaptation, carbon management system).

At the same time, it is low-carbon. The policy will be accompanied by steps to ensure a favorable investment climate.

For this purpose, it is envisaged to create a favorable legislative and institutional environment, support the creation and development of the necessary financial and physical infrastructure of the "green" economy. Special attention will be paid to the ongoing efforts to attract and support private investment (including international investment) in the decarbonisation process.

Documents of the State Planning System (hereinafter referred to as the System) in accordance with the approved State Planning System in the Republic of Kazakhstan (Resolution of the Government of the Republic of Kazakhstan No. 790 of November 29, 2017) include:

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1) The Development Strategy of Kazakhstan until 2050;
2) The Strategic Development Plan of the Republic of Kazakhstan up to 10 years inclusive, the forecast scheme of territorial and spatial development of the country;
3) The National Security Strategy of the Republic of Kazakhstan for 5 years or more;
4) The forecast of socio-economic development for 5 years;
5) state programs (at least 5 years);
6) strategic plans of state bodies for 5 years;
7) territorial development programs for 5 years;
8) development strategies for 10 years of national management holdings, national holdings and national companies with state participation in the authorized capital (hereinafter – national companies);

9) Concept for the transition of the Republic of Kazakhstan to a "green economy"

In accordance with paragraph 78 of the State Planning System in the Republic of Kazakhstan (Resolution of the Government of the Republic of Kazakhstan No. 790 dated November 29, 2017), a state program is being developed for the implementation of systemic reforms and tasks of the Strategic Development Plan of the Republic of Kazakhstan, directions of the National Security Strategy of the Republic of Kazakhstan by the interested state body. Further, the draft state program is posted on the Internet resource of the state body and the Internet portal of open data by the state body responsible for developing the state program (with the exception of information of a secret nature and for official use), for public discussion and is finalized taking into account the received proposals (paragraph 81 of the System).

Paragraph 56 of the State Planning System in the Republic of Kazakhstan participants in the processes of the State Planning System are public authorities, legal entities with state participation, representatives of public, scientific and private organizations, and individuals.

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XXI. Obstacles encountered in the implementation of article 7

Please indicate any *obstacles encountered* in the implementation of Article 7.

Answer: There are no obstacles.

XXII. Additional information on the practical implementation of the provisions of article 7

Please provide further information on the practical application of the provisions of article 7 concerning public participation in decision-making on specific activities.

Answer: According to the Environmental Code of the Republic of Kazakhstan, an environmental assessment is conducted with the purpose of identifying, studying, describing, and evaluating possible direct and indirect significant impacts of the planned and implemented activities or the developed document on the environment.

Environmental assessment, depending on the subject of evaluation, is carried out in the form of:

1. Strategic Environmental Assessment (SEA);
2. Environmental Impact Assessment (EIA);
3. Transboundary Impact Assessment;
4. Simplified Environmental Assessment.

Strategic Environmental Assessment (SEA) is a new environmental policy tool that came into effect on January 1, 2024. With the introduction of SEA, it has become possible to assess the environmental consequences of territorial development programs and master plans of settlements already at the stage of their development.

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XXIII. Website addresses relevant to the implementation of Article 7

Please provide the relevant website addresses, if available:

www.akorda.kz/, www.ecogeo.gov.kz/, www.energo.gov.kz/, http://ecogofond.kz/,
www.upr.astana.kz/, www.almatyeco.gov.kz/, www.upr.akmo.gov.kz/,
www.tabigat.aktobe.gov.kz/, www.priroda.zhetisu.gov.kz/, www.atyrau.gov.kz/,
www.e-priroda.gov.kz/, www.uralsk.gov.kz/, www.tbr.zhambyl.gov.kz/, www.pr-resurs.kz/,
www.kostanay-priroda.kz/, www.kyzylorda.gov.kz/,
www.eco.mangystau.gov.kz/, www.tabigatpv.gov.kz/, www.dpr.sko.gov.kz/,
www.turkistan.gov.kz/, www.shymkent.gov.kz/.

XXIV. Measures taken to promote public participation in the preparation of regulations and regulations that may have a significant impact on the environment, in accordance with the provisions of Article 8

Please indicate what measures are being taken to promote effective public participation in the process of preparation by public authorities of executive regulations and other norms that are generally applicable and legally binding, which may have a significant impact on the environment, in accordance with the provisions of Article 8. Please indicate, if appropriate, how the relevant legislation is being translated into national legislation. the definitions contained in article 2 and the non-discrimination requirement contained in article 3, paragraph 9 не дискриминации.

Answer: The legislation of the Republic of Kazakhstan does not provide for any restrictions of a discriminatory nature regarding the participation of individuals and legal entities in the discussion and preparation of proposals for draft legislative and regulatory documents.

The national legislation provides that the CE plans, programs and policies, including those related to environmental protection, are developed in accordance with the Decree of the Government of the Republic of Kazakhstan "On Approval of the State Planning System in the Republic of Kazakhstan dated November 29, 2017 No. 790.

Paragraph 78-3 of the System establishes that the documents of the State Planning System include the National Development Plan of the Republic of Kazakhstan, the National Security Strategy of the Republic of Kazakhstan and development plans of state bodies, development plans of the region, the city of republican significance, the capital, development plans of national management holdings, national holdings and national companies (hereinafter-national companies) that a state program is being developed for the implementation of systemic reforms and tasks of the Strategic Development Plan of the Republic of Kazakhstan, directions of the National Security Strategy of the Republic of Kazakhstan by the interested state body. Putkтом 4 establishes that the documents of the State planning System are based on goal-setting documents that define the global vision, long-term directions and priorities of the country's sustainable development.

The goal-setting documents include the Vision "Kazakhstan-2050" and the Strategy for achieving carbon neutrality of the Republic of Kazakhstan until 2060. Further, the draft state program is posted on the Internet resource of the state body and the Internet portal of open data by the state body responsible for developing the state program (with the exception of information of a secret nature and for official use), for public discussion and is finalized taking into account the received proposals (paragraph 81-17 of the 17 System).

Paragraph 56 Of the System participants in the processes of the State Planning System are public authorities, legal entities with state participation, representatives of public, scientific and private organizations, and individuals.

Public participation in the process of developing documents of the State Planning System is regulated by the Law of the Republic of Kazakhstan dated April 6, 2016 "On Legal acts.

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The procedure for posting and public discussion of draft regulatory legal acts is defined in the Rules for Posting and Public Discussion of draft concepts of Draft Laws and draft Regulatory Legal Acts on the Internet portal of Open Regulatory Legal Acts, approved by Order No. 22 of the Minister of Information and Communications of the Republic of Kazakhstan dated June 30, 2016 (hereinafter referred to as the Rules).

In accordance with the Rules, the e-government Portal hosts draft regulatory legal acts (hereinafter referred to as NPA) together with explanatory notes and comparison tables in Kazakh and Russian languages.

The deadline for public discussion of draft regulations may not be less than ten working days from the date of their posting on the Portal. All received comments and suggestions on the draft NPA are published in the public domain.

State bodies-developers of draft laws and regulations, within three working days after the end of the public discussion, consider comments and (or) suggestions of the public and make decisions on their acceptance or rejection, indicating the justification. After that, the state bodies form and publish a preliminary version of the report on the completion of public discussion of projects.

Within one working day, after the publication of the draft report on the completion of public discussion, a public vote is held on-line on the draft NPA submitted by the state body and on the submitted comments and suggestions of the public.

After the voting is completed, the state bodies-project developers-form and publish the final version of the report on the completion of public discussion.

This report contains the following information:

- comments on the structural part of the NPA;
- text of comments and (or) suggestions from the public;
- text of the response of the state body;
- number of votes "for" and "against" on the draft NPA proposed by the state body developer;
- number of votes "for" and "against" on comments and suggestions of the public on the draft NPA.

The Law of the Republic of Kazakhstan dated April 8, 2016 No. 491 of Article 57 of the EC of the Republic of Kazakhstan added new Articles 57-1, 57-2, 166-1.

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XXV. Obstacles encountered in the implementation of article 8

Please indicate any **obstacles encountered** in the implementation of Article 8.

Answer:

Public environmental assessment of draft NPAs is subject to registration requirements, and there is a possibility of refusal to register a public environmental assessment. As a result, the public often does not have a real opportunity to participate in the law-making process, with the exception of individual isolated cases.

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XXVI. Additional information on the practical implementation of the provisions of article 8

Please provide further information on the practical application of the provisions on public participation in activities within the scope of article 8.

Answer: The gaps and contradictions in the legislation of the Republic of Kazakhstan identified as a result of the preparation of this National Report can serve as a good basis for public participation in the law-making process in accordance with Article 8 of the Civil Code.

Private studies are being conducted to assess the effectiveness of existing mechanisms for implementing the provisions of the convention. Employees of the NGO Public Association Karaganda Regional Ecological Museum, in particular, also made a number of proposals to improve the national legislation during the preparation of the draft Environmental Code in a new version.

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- Elimination of the restrictive nature of the "List of Economic activities to be submitted for public hearings" by adjusting them to comply with the requirements of the Aarhus Convention;
- Detailing and strengthening the legal requirements for the procedure for conducting public hearings;
- Creating a single Internet resource for materials of public hearings within the framework of e-government;
- Creating and transferring to a competitive environment a public service for organization of public hearings by non-profit organizations;
- Introduction of repeated public hearings and legislative requirements for consideration and consideration of public proposals;
- Introduction of the concept and procedure for initiating public hearings at the request of the public;
- Introduction of mandatory public hearings for all types of environmental expertise;

Many public organizations participate in the development of laws and subordinate regulations in the field of ecology. Adjustment of legislation regulating compliance with the Register on the Transfer of Emissions and Pollutants (hereinafter referred to as PRTRs) requirements of national and international legislation.

Many public organizations are engaged in the development of laws and regulations in the field of ecology. As of today, I participate in the discussion of Regulatory legal acts in the implementation of the new environmental Code in a new version, they provide recommendations and new versions of articles and sections.

XXVII. Website addresses relevant to the implementation of Article 8

Please provide the relevant website addresses, if available:

www.akorda.kz/, www.ecogeo.gov.kz, www.energo.gov.kz, <http://ecogofond.kz/>,
www.upr.astana.kz, www.almatyeco.gov.kz, www.upr.akmo.gov.kz,
www.tabigat.aktobe.gov.kz, www.priroda.zhetisu.gov.kz, www.atyrau.gov.kz, www.e-priroda.gov.kz, www.uralsk.gov.kz, www.tbr.zhambyl.gov.kz, www.pr-resurs.kz,
www.kostanay-priroda.kz, www.kyzylorda.gov.kz, www.eco.mangystau.gov.kz,
www.tabigatpv.gov.kz, www.dpr.sko.gov.kz, www.turkistan.gov.kz,
www.shymkent.gov.kz.

XXVIII. Legislative, regulatory and other measures to implement the access to justice provisions of article 9

List legislative, regulatory and other measures that implement the provisions of article 9 on access to justice.

Explain how the provisions of each paragraph of article 9 are implemented. Please indicate how the relevant definitions contained in article 2 and paragraph 9 of the Article are being transposed into national legislation. 3 non-discrimination requirement. Also, please describe in particular:

- (a) With respect to paragraph 1, measures taken to ensure that:
 - i. any person who considers that his or her request for access to information submitted under article 4 has not been considered in accordance with the

provisions of that article has access to a procedure before a court or other independent and impartial body, established in accordance with the law;

- ii. **when considering** such a case in court, the person also had access to a quick procedure established by law, which does not require at all, or requires a minimum amount of payment, for re-examination by a state body. And whether it is considered by an independent and impartial body other than a court;
- iii. final decisions taken in accordance with this paragraph are binding on the public authority with the relevant information, and that the reasons are given in writing, at least in cases where the request for information is rejected;

(b) The measures taken in accordance with this paragraph are mandatory. to ensure that, within the framework of national legislation, relevant members of the public who meet the criteria set out in **paragraph 2** have access to the review procedure before a court and/or other independent and impartial body. The authority should be established in accordance with the law to challenge the legal and procedural legality of any decision, action or omission, subject to the provisions of article 6;

(c) With respect to **paragraph 3**, measures taken to ensure that members of the public who meet the criteria provided for in national legislation, if any;

(d) With respect to **paragraph 4**, measures taken to ensure that:

- i. d) With respect to paragraph 4, measures taken to ensure that: the procedures referred to in paragraphs 1, 2 and 3 provide for adequate and effective enforcement of environmental legislation; effective remedies;
- ii. such procedures were also otherwise consistent with the requirements of this paragraph;

(e) With respect to **paragraph 5**, measures taken to ensure that the public is provided with information on access to administrative and judicial decision – making procedures.

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Answer: with regard to paragraph 1:

The EC provides That according to article 190 of the Environmental Code of, public environmental control is carried out in order to attract public attention to environmental problems, ensure public participation and consideration of public opinion at all stages of decision-making related to environmental issues, promote compliance with the environmental legislation of the Republic of Kazakhstan by individuals and legal entities, state bodies, assistance to the activities of the authorized body in the field of environmental protection.

2. Public environmental control may be carried out by citizens of the Republic of Kazakhstan and (or) non-profit organizations in the field of environmental protection established in accordance with the legislation of the Republic of Kazakhstan, the charter of which provides for the implementation of public environmental control activities, accredited in the authorized body in the field of environmental protection for the purpose of public environmental control.

3. The authorized body in the field of environmental protection, in order to carry out cooperation and interaction, draws up and publishes on the official Internet resource a list of non-profit organizations in the field of environmental protection accredited in accordance with this Code for conducting public environmental control.

4. For the purpose of forming the list specified in paragraph 3 of this Article, non-profit organizations that meet the requirements specified in paragraph 2 of this Article shall send to the authorized body in the field of environmental protection a statement of their compliance with the requirements and their intention to carry out public environmental control with a copy of the charter attached.

The authorized body in the field of environmental protection, within five working days, if a non-profit organization meets the requirements specified in paragraph 2 of this Article, includes this non-profit organization in the list of non-profit organizations in the field of environmental protection accredited in accordance with this Code for public environmental control.

5. The procedure for conducting public environmental control is determined by this Code, as well as by non-profit organizations in the field of environmental protection in accordance with their charters.

6. Public environmental control includes:

1) informing non-profit organizations engaged in public environmental control of the authorized body in the field of environmental protection about the facts of violation of the requirements of the environmental legislation of the Republic of Kazakhstan or the risks of such violation;

2) hearing at the public council formed under the authorized body in the field of environmental protection, information of the authorized body in the field of environmental protection about the facts of violation of the requirements of the environmental legislation of the Republic of Kazakhstan or the risks of such violation; environmental legislation of the Republic of Kazakhstan by control entities that are operators of Category I facilities, as well as on the measures taken in relation to these entities and the status of their implementation;

3) participation of representatives of non-profit organizations in the process of public discussion of the results of state environmental control.

7. State bodies have the right to involve representatives of accredited public organizations in the field of environmental protection on a voluntary basis to work on identifying facts of violation of the requirements of the environmental legislation of the Republic of Kazakhstan.

8. Public environmental control in the part not regulated by this Code is carried out in accordance with the Law of the Republic of Kazakhstan "On Public Control". state, industrial and public environmental control. The procedure for conducting public environmental control is determined by public associations in accordance with their charters (Article 135 of the EC).

For the implementation of public environmental control, State bodies exercising state control in the field of environmental protection, protection, reproduction and use of natural resources ensure the publication of the results of individual inspections and annual reports. State bodies have been granted the right to involve individuals and legal entities on a voluntary basis in identifying violations of environmental legislation (Article 136 of the EC).

In 2024, in order to improve the legislation in the field of entrepreneurship and create favorable conditions for business development, amendments were made to the Environmental Code (hereinafter referred to as the EC).

The EC provides for state, industrial and public environmental control.

Public environmental control is carried out in order to attract public attention to environmental problems, ensure participation and consideration of public opinion at all stages of decision-making related to environmental issues, promote compliance with the environmental legislation of the Republic of Kazakhstan by individuals and legal entities, state bodies, and promote the activities of the authorized body in the field of environmental protection.

Public environmental control may be carried out by citizens of the Republic of Kazakhstan and (or) non-profit organizations in the field of environmental protection established in accordance with the legislation of the Republic of Kazakhstan, the charter of which provides for the implementation of public environmental control activities, accredited with the authorized body in the field of environmental protection for the purpose of public environmental control.

The authorized body in the field of environmental protection for the implementation of cooperation and interaction draws up and publishes on the official Internet resource a list of non-profit organizations in the field of environmental protection accredited in accordance with this Code for public environmental control. State bodies have the right to involve representatives of accredited public organizations in the field of environmental protection on a voluntary basis to work on identifying violations of the requirements of the environmental legislation of the Republic of Kazakhstan. (from vol. 190 of the Economic Code of the Republic of Kazakhstan).

Certain procedures for public participation in access to justice in environmental disputes are set out in the following regulatory legal acts of the Republic of Kazakhstan: the Constitution, Civil Procedure Code (CCP), Environmental, Forest, Water Codes, Laws "On Public Control", "On Radiation Safety of the Population", "On Architectural, Urban Planning and Construction Activities", "On Environmental Protection", specially protected natural territories", "On the protection, reproduction and use of wildlife", "On natural and man-made emergencies", "On public Associations", as well as the normative resolution of the Supreme Court of the Republic of Kazakhstan "On some issues of application by courts of the environmental legislation of the Republic of Kazakhstan in civil cases".

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Individuals and legal entities, state bodies and officials guilty of violating the legal regime of an environmental emergency zone or an environmental disaster zone are liable in accordance with the laws of the Republic of Kazakhstan.

Bringing to administrative or criminal responsibility does not release the guilty persons from the obligation to eliminate their violations of the requirements of the environmental legislation of the Republic of Kazakhstan (Article 414 of the EC RK). Environmental disputes are defined as disputes that arise in connection with the violation or risk of violation of the requirements of the environmental legislation of the Republic of Kazakhstan (Article 415 of the EC RK).

In the Republic of Kazakhstan, the courts accept and consider civil cases on claims of environmental NGOs, including claims in defense of the interests of other persons, regardless of the nature of the claims filed.

Public participation in access to justice in environmental disputes is also enshrined in the Administrative Procedure Code (APPC).

For reference: Since the 2nd half of 2021, the APPC has been put into effect, which regulates relations related to the implementation of internal administrative procedures of state bodies, administrative procedures, as well as the procedure for administrative proceedings.

In Kazakhstan, courts accept and consider administrative (civil) cases on claims of environmental NGOs, including those in defense of the interests of other persons, regardless of the nature of the claims filed. Unaccordance environmental information, the provision of incomplete and unreliable information or in violation of the established deadlines may be appealed to a higher state body (a higher official) or to a court. State bodies and officials are obliged not to allow a complaint to be filed to the detriment of the person who filed the complaint or in whose interests it was filed, as well as not to send complaints to officials whose actions are being appealed.

Article 91 of the APPC regulates the procedure for appealing to a higher administrative body.

Consideration of complaints by the prosecutor's office bodies is carried out on the grounds, within the limits and in accordance with the procedure established by the Constitutional Law of the Republic of Kazakhstan "On the Prosecutor's Office".

Court decisions are made in writing and made available to the public.

Court costs are reimbursed by the losing party to the dispute.

According to subitem 28 of Article 616 of the Tax Code, plaintiffs (applicants) are exempt from paying the state fee in courts for claims (applications) for the protection of the rights, freedoms and legitimate interests of individuals and legal entities, including in the interests of an indefinite circle of persons, on environmental protection and the use of natural resources.

The Procedural law provides for the possibility to appeal judicial acts in an appeal or cassation procedure.

Certain procedures for public participation in access to justice in environmental disputes are set out in the following regulatory legal acts of the Republic of Kazakhstan: Constitution, Civil Procedure Code, Environmental, Forest, Water Codes, Laws "On Specially Protected Natural Territories", "On the Protection, Reproduction and Use of Wildlife", "On Emergency Situations natural and man-made nature", "On public associations", as well as the normative resolution of the Supreme Court of the Republic of Kazakhstan "On certain issues of application by courts of the environmental legislation of the Republic of Kazakhstan in civil cases". In the Republic of Kazakhstan, the courts accept and consider civil cases on claims of environmental NGOs, including those for the protection of the interests of other persons, regardless of the nature of the declared claims. Failure to provide environmental information, incomplete and unreliable information, or in violation of the established deadlines may be appealed to a higher state body (a higher official) or to a court. At the same time, filing a complaint with a higher authority is not an obstacle to the applicant's simultaneous appeal to the court. State bodies and officials are obliged not to allow a complaint to be filed to the detriment of the person who filed the complaint or in whose interests it was filed, as well as not to send complaints to officials whose actions are being appealed. The procedure for judicial appeal is established by Chapter 29 of the Civil Procedure Code.

—According to Article 29(3) of the Civil Procedure Code, decisions, actions (or omissions) of state bodies, local self-government bodies, public associations, organizations, officials, and civil servants that are challenged in court include collective and individual decisions and actions (or omissions) that result in:

1) the rights, freedoms and legally protected interests of citizens and legal entities are violated;

2) obstacles have been created to the exercise by a citizen of his rights and freedoms, as well as by a legal entity of his rights and interests protected by law;

3) a citizen or a legal entity has been unlawfully imposed any obligation, or they have been unlawfully brought to justice.

A citizen and a legal entity have the right to apply to the court with an application within three months from the day when they became aware of the violation of their rights, freedoms and legally protected interests. Missing the three-month deadline for filing an application is not grounds for the court to refuse to accept the application. The reasons for missing the deadline are clarified in a court session when considering the application on its merits and may be one of the grounds for refusing to satisfy the application.

The Procedural Law provides for the possibility for the public to appeal against judicial acts in an appeal or cassation procedure. Court decisions are made in writing and the public is granted access to them. Court costs are reimbursed by the losing party to the dispute. At the same time, the state fee for non-property claims remains quite low and accessible to everyone. The current tax legislation does not provide for state fees for filing claims and reviewing judicial acts. At the stage of execution of court decisions, enforcement authorities also provide for the possibility of ensuring the execution of an enforcement document as determined by the court.

In addition, legal remedies are provided by the activities of the Environmental Prosecutor's Office, as well as the Commissioner for Human Rights in the Republic of Kazakhstan, who considers citizens' appeals against the actions and decisions of officials and organizations that violate their rights and freedoms guaranteed by the Constitution, legislative acts and international treaties of the Republic of Kazakhstan.

With respect to paragraph 2:

According to articles 7 and 9 of the Administrative Procedure Code of the Republic of Kazakhstan, everyone has the right, in accordance with the procedure established by this Code, to apply to an administrative body, an official or a court for protection of violated or disputed rights, freedoms or legitimate interests.

The waiver of the right to appeal to an administrative body, an official, or a court is invalid. State bodies, within the limits of their competence, individuals and legal entities, in accordance with the procedure established by this Code, have the right to apply to the court with a claim to protect the violated or disputed legitimate interests of other persons or an indefinite circle of persons.

The prosecutor has the right to apply to the court with a claim in order to perform the duties assigned to him in accordance with the procedure established by this Code.

3. If the law establishes a pre-trial procedure for dispute settlement, an appeal to the court may be filed after compliance with this procedure.

4. The jurisdiction provided for by law may not be changed for anyone without their consent.

5. Compulsion to waive the right to appeal to an administrative body, an official or a court is illegal and entails liability established by the laws of the Republic of Kazakhstan.

Article 14 of the new version of the Environmental Code stipulates that, non-commercial organizations in the implementation of their activities in the field of environmental protection, in addition to the rights provided by Article 13 of this Code, also have the right to apply for the protection of the rights, freedoms and legitimate interests of individuals and legal entities, including to the court, as well as to appeal legality of actions (omissions) and decisions of state bodies, local self-government bodies, officials and civil servants in the interest of an indefinite circle of persons.

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Within the meaning of Article 8 of the Civil Procedure Code, the public has the right to apply to the court for protection of the rights and legally protected interests of other persons or an indefinite circle of persons in cases provided for by law. According to Article 5(5) of the Civil Procedure Code, in cases stipulated by law, organizations can file a lawsuit in defense of the rights, freedoms and legally protected interests of other persons at their request, as well as public or state interests. On April 8, 2016, the EC of the Republic of Kazakhstan amended the rights and obligations of public associations in the field of environmental protection. According to article 14, paragraph 1 (p1-1), public associations, when carrying out their activities in the field of environmental protection, have the right to apply to the court in defense of the rights, freedoms and legitimate interests of individuals and legal entities, including in the interests of an indefinite circle of persons, on issues of environmental protection and the use of natural resources. Thus, the courts of Kazakhstan, implementing the provisions of the international treaty and national legislation, accept claims (applications) of environmental public associations for the protection of the rights of an indefinite number of persons on issues related to the environment.

With regard to paragraph 3

, Kazakhstan has established at the legislative level real possibilities for judicial prohibition of the contested activity during the consideration of a claim by members of the public in court. These issues are regulated by Chapter 15 of the Civil Procedure Code. In particular, according to Article 155 of the Civil Procedure Code, at the request of the persons participating in the case, the parties to the arbitration proceedings, the court may take measures to secure the claim in any situation of the case, if failure to take such measures may make it difficult or impossible to enforce the court's decision.

Measures to secure the claim may include: 1) seizure of property; 2) prohibition of the defendant to perform certain actions; 3) prohibition of other persons to transfer the defendant's property to the defendant or to fulfill obligations towards him; 4) suspension of the sale of property; 5) suspension of the disputed act of a state body, organization or official (except for the following cases: with the exception of specified cases), etc.

In case of violation of the prohibitions specified in this article, the guilty persons bear the responsibility established by the laws. In addition, the plaintiff has the right to demand in court from these persons compensation for losses caused by non-fulfillment of the ruling on securing the claim.

Regarding paragraph 4:

Kazakhstan has both judicial and non-judicial forms of legal protection. Legal remedies for the public in court include the public's inability to file a claim in court. For example, applications for compensation of losses, elimination of consequences of an environmental offense and compensation for moral damage, as well as in a special claim procedure for challenging decisions and actions (or omissions) of state authorities, local self-government, public associations, organizations, officials and civil servants. At the same time, the terms of consideration of claims and applications remain from one to two months. The law provides for such a form of legal protection as securing a claim, that is, when filing a claim, it is possible to apply to the court with an application for securing a claim.

With respect to paragraph 5:

Digitalization of the judicial system.

The most up-to-date information technologies are widely used in the judicial system of Kazakhstan.

Informatization covers all stages of judicial activity: from the adoption of documents, automated distribution of claims and cases, court proceedings, to the issuance of decisions and enforcement documents.

There is a single electronic window of access to the courts for the public.

Through the "electronic Court cabinet", which is also available in the mobile version, users can apply to the court electronically without leaving their home or office.

Online processes have been introduced for all types of legal proceedings.

Since 2018, all courtrooms in the country are 100% equipped with an audio- and video recording system (hereinafter-AVF). Participants in the trial can request and view audio and video materials from any court session on their personal computer. Also, thanks to the AVF system, the processes themselves can take place online. Today, the number of courtrooms is 1,629.

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The installed AVF systems have a centralized data storage system, are integrated with the information system of the judicial authorities "Torelikir" and with the online service "Judicial Cabinet".

In 2024, 1,213,604 court sessions were scheduled, of which 1,205,356 (99.32%) were held using the AVF system.

Within the framework of the AVF system, it is possible to organize video conferencing between the courts of the republic, which ensures remote participation of the parties to the case at the court session.

Local courts held 766 court sessions using videoconferencing in 2024.

More than 52,436 remote court sessions were held by local courts together with the bodies of the Committee of the Criminal Correctional System of the Ministry of Internal Affairs of the Republic of Kazakhstan in 2024 via videoconference.

For 12 months of 2024, more than 533,650 court sessions were held using mobile video conferencing in the format of remote consideration of cases. In order to improve the quality of drawing up the minutes of the court session, a new generation of audio and video recording of court proceedings (AVF) systems based on modern technologies with the possibility of electronic logging were installed in all halls. The equipment of the halls with the new AVF system in the republic is 100%.

Electronic notification of participants in legal proceedings works effectively.

One of the main trends in the work of the judicial system is the prompt resolution of appeals through court accounts in social networks. The Call Center of the Supreme Court is also used for this purpose, which received more than 44 thousand calls over the past period.

In order to increase the availability of justice, reduce the time required to pay state fees and administrative fines, a project was implemented to install payment terminals for accepting cash payments in local courts.

On April 8, 2016, amendments and additions were made to the Tax Code of the Republic of Kazakhstan, which provides for the exemption of individuals and legal entities from paying state duty on environmental disputes.

Since January 1, 2018, the Code of the Republic of Kazakhstan "On Taxes and other mandatory payments to the budget" (Tax Code) of December 25, 2017 No. 120-VI SAM was put into effect.

Subitems 8), 28) of Article 616 of this Code establish that the following persons are exempt from paying state duty in courts:

— plaintiffs on claims for recovery of funds to the state's income for compensation of damage caused to the state by violation of the environmental legislation of the Republic of Kazakhstan;

— plaintiffs (applicants) on claims (applications) for the protection of the rights, freedoms and legitimate interests of individuals and legal entities, including in the interests of an indefinite group of persons, on environmental protection and the use of natural resources.

Court sessions are held via videoconferencing, mobile videoconferencing and also via Skype in real time, I have a non-disruptive response communication with the court. This ensures the direct participation of parties in court proceedings from anywhere in the world (Washington, London, USA, France, England, etc.).

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XXIX. Obstacles encountered in the implementation of article 9

Please indicate any *obstacles encountered* in the implementation of any of the paragraphs of article 9.

Answer:

There are no obstacles to the implementation of any of the paragraphs of article 9 of the Aarhus Convention.

It should be noted that according to article 9, paragraph 1, of the Aarhus Convention, the review procedure must be carried out in a court or other "independent and impartial body established in accordance with the law". The concept of an "independent and impartial body" is well developed within the framework of the Convention for the Protection of Human Rights and Fundamental Freedoms. "Independent and impartial"

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bodies do not have to be courts, but they must perform a quasi-judicial function, have guarantees to ensure due process, be independent of the influence of any branch of government and not be associated with any private entity.

In Kazakhstan, all disputes related to environmental protection are considered mainly in the courts. However, this does not preclude out-of-court settlement of the dispute, which is provided for in article 323 of the Environmental Code. For example, according to the rules established by Article 126 of this Code, in order to appeal to the court with a complaint about decisions, actions (omissions) of an official authorized to carry out environmental control, a preliminary appeal of the interested person to this official or to a higher state body is necessary.

On November 25, 2016, the Supreme Court of the Republic of Kazakhstan adopted a regulatory resolution "On certain issues of application by courts of the environmental legislation of the Republic of Kazakhstan in civil cases". ~~This resolution replaced the obsolete normative resolution of the Supreme Court of the Republic of Kazakhstan No. 16 dated December 22, 2000 "On the practice of applying environmental protection legislation by courts", which was amended only once, on June 25, 2010. Since then, the environmental legislation has changed dramatically, and many of the provisions of the previous regulatory resolution lagged behind it and did not correspond to it, and therefore created obstacles for judges in the administration of justice.~~

The regulatory resolution explains the practice of applying the norms of environmental legislation by courts. These norms relate to the exercise and protection of the rights of citizens and public organizations to obtain environmental information, access to justice in accordance with the requirements of the Aarhus Convention, restriction, including suspension and / or termination of economic and other activities that damage the environment, life and health of the population.

On November 24, 2023, at the discussion forum "Ecology and Business" (Astana), Judge of the Supreme Court Шермухаметов В. В. Shermukhametov proposed to create environmental courts in Kazakhstan with the transfer of a number of criminal, civil, and administrative cases to their jurisdiction. The proposal is currently under discussion.

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XXX. Additional information on the practical implementation of the provisions of article 9

Please provide further information on the practical application of the provisions on access to justice under article 9. For example, whether there are any statistics on environmental justice and whether there are any assistance mechanisms in place to remove or reduce financial or other barriers to access to justice.

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Answer: A comprehensive analysis of the laws of the Republic of Kazakhstan, including provisions on the rights of individuals, public associations and other legal entities in the field of environmental protection, is quite fully carried out in the Training Manual for judges on the application of the provisions of the QA in Kazakhstan. The source of information is Articles 13 and 14 of the EC, Articles 12 and 13 of the Law "On Specially Protected Natural Territories". Regarding the protection and rational use of natural resources, you can refer to Articles 62-63 of the Water Code, Article 66 of the Forest Code. On issues of sanitary-epidemiological and radiation-ion welfare of the population to Articles 19-21 of the Law "On Radiation Safety of the Population". Regarding architectural, town-planning and construction activities – Article 13 of the Law "On Architectural, Town-planning and Construction Activities".

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Accordingly, for the adequate and effective performance of their duties. It is also about preventing negative consequences for the environment and human health. Environmental associations of citizens should have the appropriate scope of rights. These rights also apply to access to justice not only in cases of claims for the protection of the rights and interests of specific citizens in case of causing certain damage (paragraphs 1 and 11 of Part 1 of Article 14 of the EC and paragraph 15 of the regulatory resolution of the Supreme Court of the Republic of Kazakhstan "On certain issues of application by courts of the Environmental legislation of the Republic of Kazakhstan in civil cases"). Not only in the case of demands " ... cancellation in an administrative or judicial order of decisions on the placement, construction, reconstruction or commissioning of enterprises, structures and other environmentally hazardous objects. Decisions on restriction, suspension and termination of economic and other activities of individuals and legal entities that have a negative impact on the environment and human health", protection of the rights and legitimate interests of an indefinite circle of persons are also within the scope of this article.

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In the described situations, the procedural legal capacity of citizens ' associations is limited by several criteria:

- there must be facts of violation of the rights and interests of citizens;
- certain damage to human health and the environment has been caused;
- the fact of causing "negative impact on the environment and human health" by a particular economic activity must be proved.

The Supreme Court, together with the authorized body for legal statistics, takes measures to optimize the collection and recording of statistical data on court cases involving claims and applications of individuals and public environmental organizations in the field of the environment. At the same time, statistical data are compared with environmental public associations in the order of public control, which makes it possible to monitor all judicial acts on environmental disputes without exception.

Criminal proceedings.

Responsibility for environmental criminal offenses is provided for in Chapter 13 of the Criminal Code (hereinafter referred to as the CC).

This chapter contains 20 types of criminal offenses.

These are articles 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343 CC.

In 2021, the courts considered 340 cases in this category. 295 cases or 86.8% were considered with sentencing, 2 cases or 0.6% were dismissed.

In 2022, 264 cases were considered, 223 cases or 84.5% were considered with sentencing, 2 cases or 0.7% were dismissed.

In 2023, 306 cases were considered, including those with sentencing 249 cases or 81.4%, 5 cases or 1.6% were dismissed.

In 11 months of 2024, 209 cases were considered, including 171 cases or 81.8% with sentencing, 5 cases or 2.4% were dismissed.

The table below shows data broken down by articles of the Criminal Code.

Code Total reviewed				With sentencing				terminated			
1	2022	2023	11 months 2024	2021	2022	2023	11 months 2024	2021	2022	2023	11 months 2024
	1				1						
	2										
				1							
		1	2	1			1			1	
	87	100	72	82	75	87	61	1		2	1
	48	58	51	73	39	46	39		1		1
	115	138	78	132	98	109	65	1	1		2
	10	8	4	6	9	6	3			2	1
	1	1			1	1					
			2				2				
	264	306	209	295	223	249	171	2	2	5	5

As can be seen from the table, the bulk of Cases considered by the courts are cases provided for in Articles:

- 335 of the Criminal Code (Illegal extraction of fish resources, other aquatic animals or plants);

- 337 of the Criminal Code (Illegal hunting);

- 339 of the Criminal Code (Illegal handling of rare and endangered, as well as prohibited to use plant or animal species, their natural resources). in parts or derivatives).

The table below provides information on the purpose of deprivation of liberty and alternative types of punishment.

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Article of the Criminal Code	Total convicted				Deprivation of liberty				Non-custodial sentences			
	2021	2022	2023	11 months 2024	2021	2022	2023	11 months 2024	2021	2022	2023	11 months 2024
325		1				1						
332	1								1			
334	1		3	1				1	1		3	
335	138	112	128	101	19	5	5	6	119	107	123	95
337	117	68	79	65	22	15	9	11	95	53	70	54
339	176	138	144	84	53	45	48	31	123	93	96	53
340	6	12	6	3					6	12	6	3
341		1	1							1	1	
Insgo	439	332	361	254	94	66	62	49	345	266	299	205

Appeal instance

For 2021 year in the Court of Appeal judicial acts against 1,19 individuals have been appealed and challenged in accordance with the established procedure. Sentences were changed in respect of 33 persons, and 1 persona was repealed.

Over 2 the past 202.2 years, judicial acts against 90 individuals have been appealed and challenged 90 on appeal. Sentences were changed in respect of 27 persons, and 1 persona was repealed.

In 2023, judicial acts against 76 individuals were appealed and challenged 76 on appeal. Sentences were changed in respect of 1 to 4 persons, canceled in respect of 6 persons.

For 11 months of 2024, judicial acts against 70 individuals were appealed on appeal. Sentences have been changed in respect of 2 to 4 persons, and no judicial acts have been annulled.

Нуже, The table below shows information on the consideration of cases in the appellate instance, broken down by articles of the Criminal Code.

Canceled				Changed				Without modification		
2021	2022	2023	11 months 2024	2021	2022	2023	11 months 2024	2021	2022	2023
			-	1				1		3
1	--		-	11	1	1	7	19	6	11
--	-	5-13	-	13	16	4	4	16	23	4
-	1	1-8	-	8	10	9	13	49	32	37
			-						1	1
1	1	6-33	-	33	27	14	24	85	62	56

Cassation instance

For 2021 year judicial acts against 4 persons were appealed and protested in cassation. 4 Canceled for 2 persons.

3a 2022 год Judicial acts against 16 individuals have been appealed and challenged in the last 202.2 years. Sentences were changed in respect of 10 persons, and sentences were canceled in respect of 5 persons.

In 2023, judicial acts against 7 individuals were appealed and challenged, 2 persons ' sentences were changed.

For 11 months of 2024, judicial acts against 25 individuals were appealed. Canceled for 3 persons, changed for 11 persons.

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Нуже, The table below shows information on the consideration of cases in the cassation instance, broken down by articles of the Criminal Code.

Canceled				Changed				Without modification		
2021	2022	2023	11 months 2024	2021	2022	2023	11 months 2024	2021	2022	2023
			1							
	5				1		2-1		-	1
1			2	1			1			
1				8	2		8	2	1	4
2	5-3-10	-	3	-	10	2	11	2	1	5

Civil proceedings.

Statistical data for the republic on claims related to environmental protection in the courts of first instance:

In 2021, 321 cases were received, 316 cases were completed, and 229 cases were considered with a decision (udov.- 209; refused-20).

In 2022, 300 cases were received, -236 were completed, 134 cases were considered with a decision (udov.- 121; refused-13).

In 2023, 238 cases were received, -211 were completed, and 148 cases were considered with a decision (udov.- 138; rejected - 10).

For 11 months of 2024, 169 cases were received, -132 were completed, and 99 cases were considered with a decision (udov.- 87; refused-12).

Appeal instance

In 2021, Court of Appeal In 2021, judicial acts on 96 am cases were appealed on appeal, 88 cases were completed, (69 decisions were left unchanged, 11 -decisions were canceled- 11, изменено, решенный, -, 8 decisions were changed).

In 2022, judicial acts on 50 am cases were appealed on appeal, 39 cases were completed (32 decisions were left unchanged- 32, 4 decisions were canceled-, 3 decisions were changed).

In 2023, judicial acts in 32 cases were appealed on appeal, окончен - , 26 cases were completed (24 decisions were left unchanged- 24, 2 decisions were changed, and there are no canceled decisions).

In 11 months of 2024, judicial acts on 28 am cases were appealed on appeal, делам, окончено -, 25 cases were completed, (22 decisions were left unchanged- 22, 2 decisions were canceled-, 1 decision was changed).

Cassation instance

In 2021, judicial acts on 3 cases were appealed in cassation, 3 cases were completed (-3 were canceled; there were no changes or left unchanged).

In 2022, judicial acts on 2 cases were appealed in cassation, 2 cases were completed (-2 were canceled; there are no amended or left unchanged).

In 2023, judicial acts were not appealed in cassation.

In 11 months of 2024, judicial acts on 1 case were appealed in cassation, 1 case was completed (1 decisions were left unchanged-; there are no canceled or amended decisions).

Within the framework of the implementation of the Aarhus Convention, over the past 4 years, claims were considered in civil cases: 2021-1; 2022-2; 2023-6; 9 months of 2024-1.

Examples of claims in the field of environmental protection:

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1) Plaintiff of RSU, "Department of Ecology" filed a lawsuit against joint-stock company "AK" for compensation of damage caused to the environment in the amount of 1,113,329,431 tenge, explaining that during the control the facts of dusting of dry beaches of the ash dump of CHPP-1 were established. Dusting of the ash dump occurred due to a violation of the technical solutions provided for in the project "Reconstruction of the ash dump of the CHPP", temporary ash outlets were not installed. In this regard, the area of the ash dump has dried up and led to the formation of dry ash beaches, which in windy weather lead to the removal of dust (ash) from its surface. As a result of the Company's business activities, environmental damage was caused, expressed in environmental pollution without a permit for emissions into the environment.

During the consideration of the case, the Department reduced the claims, asked to recover 17,402,756 tenge in connection with the recalculation of damage to the area of dusting and protection of the ash dump.

In accordance with Article 321 of the Environmental Code, persons who have committed environmental offenses are required to compensate for the damage caused by them in accordance with this Code and other legislative acts of the Republic of Kazakhstan.

Damages caused to the environment, public health, property of individuals and legal entities, and the state as a result of:

- 1) destruction and damage of natural resources;
- 2) illegal and irrational use of natural resources;
- 3) unauthorized emissions;
- 4) excess emissions.

During the preventive control, a violation of environmental legislation was established in the form of dusting of dry beaches of the ash dump of CHPP-1 in the period from May 22 to May 30, 2019. In this connection, the Department filed a claim for compensation for damage caused to the environment in the amount of 17,402,756 tenge.

The Company's representative recognized these requirements.

By the decision of the Nur-Sultan city Court dated January 20, 2021, the claims were satisfied, it was decided to collect environmental damage in the amount of 17,402,756 tenge from AK joint-stock company to the state income.

The court's decision has not been appealed in the appeal and cassation instances.

2) The plaintiff of the RSU, "Department of Ecology" filed a lawsuit against the defendant "R" LLP for recovery of the amount of economic damage in the amount of 844 914 tenge, arguing that based on the results of preventive control on compliance with environmental legislation on the basis of the act on the appointment of an inspection No. 2115 dated October 5, 2021, and according to order on elimination of violations No. 07-04 of October 27, 2021 It was established that in 2019, the company allowed excess emissions of pollutants into the environment during the operation of lathes, milling machines, heating boilers, in the receiving pit (shop No. 2) and during painting work, excess emissions by sources were allowed.

In accordance with paragraph 4 of Article 321 of the Environmental Code of the Republic of Kazakhstan, compensation for damage caused to the environment as a result of violation of the environmental legislation of the Republic of Kazakhstan is made voluntarily or by a court decision based on an economic assessment of the damage.

The department found that in 2019, the company allowed excess emissions of pollutants into the environment during the operation of lathes, milling machines, heating boilers, in the receiving pit (shop No. 2) and during painting work.

According to the report on the results of production control at the respondent's facility for the 4th quarter of 2019, according to the above sources, the established standards and actual results are indicated, from which the excess of standards is determined. In terms of diesel fuel consumption and exceeding the permissible concentration, the respondentom is not refuted.

By the decision of the specialized inter-district economic court of 11 July 11, 2022, the decision is satisfied.

By the decision of the judicial board for civil cases of September 14, 2022, the decision of the specialized inter-district economic court of 11 July 11, 2022, was left unchanged.

Judicial acts were not appealed in the cassation instance.

3) The "Department of Ecology" filed a lawsuit against the limited liability company "K" to prohibit the operation of quota installations (gas turbine units No. 1, 2, 3, 4, SPTG vodnaya banya No. 1 and No. 2), pending receipt of carbon quotas, referring to the fact that during preventive control, when studying the submitted documentation K LLP has compiled a report on the greenhouse gas inventory for 2021, where carbon dioxide (CO₂) emissions amounted to 35,482 tons, which exceeds 20,000 tons of carbon dioxide (CO₂).

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In accordance with paragraph 4 of Article 289 of the Environmental Code of the Republic of Kazakhstan, a carbon quota is understood as the quantitative amount of quota greenhouse gas emissions established for the quota installation for the period of validity of the National Carbon Quota Plan in accordance with paragraph 4 of Article 290 of this Code and credited to the corresponding account of the operator of the quota installation in the state register of carbon units.

The carbon quota is formed by distributing carbon quota units among the quota entities, as well as by purchasing carbon units on the carbon market.

Consequently, the installations of K LLP emit greenhouse gases without carbon quotas.

According to clause 6 of Article 289 of the Environmental Code of the Republic of Kazakhstan, operation of a quota installation by a subject of quotas without obtaining carbon quotas is prohibited.

The court found that the order of the Department of Ecology on the elimination of violations No. 086/11 dated October 26, 2022 for violations of the legislation of the Republic of Kazakhstan ordered to perform a number of measures aimed at eliminating the identified violations during preventive control. in "K" LLP, including paragraph 6, it is prescribed to develop measures to obtain the volume of quotas for greenhouse gas emissions and prevent exceeding the volume of quotas for greenhouse gas emissions. Prohibit the operation of a quota installation by the subject of quotas without obtaining carbon quotas. The deadline is immediate.

By the decision of the specialized Court for Administrative Violations of Atyrau city dated March 15, 2023, K LLP was brought to administrative responsibility under Part 3 of Article 462 of the Code of Administrative Offenses of the Republic of Kazakhstan, for improper execution of the above-mentioned order issued by the Department of Ecology, with the imposition of an administrative penalty in the form of a fine in the amount of 1,725,000 tenge, without suspension of activity. The decision was not appealed, entered into legal force, and the fine was paid.

Thus, the court found that on the part of "K" LLP violation of the above-mentioned norms of the environmental legislation of the Republic of Kazakhstan was committed.

By the decision of the specialized inter-district economic court of May 10, 2023, the claim of the republican state institution "Department of Ecology" to the limited liability company "K" on banning the operation of quota installations (gas turbine units No. 1,2,3,4, water bath SPTG No. 1 and No. 2) until carbon quotas are received, was satisfied, it was decided to approve the limited liability company "K" to operate quota installations (gas turbine units No. 1,2,3,4, water bath SPTG No. 1 and No. 2), until carbon quotas are obtained. Judicial acts have not been appealed in the appellate and cassation instances.

4) The RSU "Department of Ecology" filed a lawsuit to deprive the limited liability company "D" of an environmental impact permit for Category II facilities, referring to violations of the requirements of environmental legislation identified during an inspection by the specialized environmental prosecutor's office.

By the decision of the specialized inter-district economic Court of August 27, 2024, the claim was satisfied, and it was decided to grant limited liability company "D" environmental impact permit for category II objects No. KZ77 dated June 23, 2023, issued by the state institution "Management of Subsurface Use, Environment and Water Resources".

By the decision of the judicial board for civil cases of December 03, 2024, the court's decision was left unchanged.

The court reliably established that the LLP sent documents for the purpose of obtaining permits to the authorized state bodies with unreliable, incomplete and irrelevant information, whereas by virtue of paragraph 5 of Article 72, Article 124 of the EC, information provided to the authorized state bodies must be reliable, accurate, complete and up-to-date, in case of non-compliance with which the state bodies they were obliged to refuse to issue an environmental permit to the applicant.

Guided by the norms of the Environmental Code of the Republic of Kazakhstan, the Normative Resolution of the Supreme Court of the Republic of Kazakhstan "On certain issues of application by courts of the environmental legislation of the Republic of Kazakhstan in civil cases" No. 8 dated November 25, 2016, taking into account the established circumstances, the court lawfully satisfied the claim.

Judicial acts were not appealed in the cassation instance.

Legal proceedings in cases of administrative offenses.

Chapter 21 of the Administrative Code establishes 75 types of environmental offenses.

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The table below shows data broken down by Administrative Code articles.

In total, administrative cases were considered				, and decisions on the imposition of adm were issued. penalties				Imposed regulations on the termination of the ADM. proceedings		
2021	2022	2023	11 months 2024	2021	2022	2023	11 months 2024	2021	2022	2023
1	7	9	3		5	6	3	1	2	3
2	4	2	1	1	2	1	1	1	2	1
	1	1	3		-	1	1		1	-
	12	3	9		5	1	6		7	2
18	49	66	67	14	30	56	61	4	19	10
		1				1				-
	3	3	1		2	3			1	-
4	4	5	5	2	2	3	2	2	2	2
	1	-			1	-			-	-
1	1	2	2	1	1	1	1		-	1
	6	4	2		2	1			4	3
	2	-	2		-	-	2		2	-
2		1	2			1	1	2		-
1								1		
		1	4			-	3			1
9	17	8	11	3	6	5	9	6	11	3
	2	-	1		2	-	1		-	-
		2				1				1
1			1					1		
	1	2	3		1	1	1		-	1
	2	1	1		1	-			1	1
	2	2			1	2			1	-
25	19	25	30	19	13	18	21	6	6	7
		1				1				-
3		1		3		1				-
		1				-				1
190	195	155	137	181	172	127	114	9	23	28
49	41	39	19	45	39	36	16	4	2	3
602	665	731	477	588	657	725	467	13	8	6
	2	-			1	-			1	-
1			1	1			1			
220	200	180	159	208	186	173	147	11	14	7
			1				1			
1129	1236	1246	942	1066	1129	and 1165	859	61	107	81

following table summarizes information about the purpose of punishment.

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Category (article)	Decisions on the imposition of administrative penalty were made. foreclosure				Main administrative penalty warning				Major administrative penalty administrative penalty				
	2021	2022	2023	11 months 2024	2021	2022	2023	11 months 2024	2021	2022	2023	11 months 2024	
324		5	6	3		2	4			3	2	3	отформатировано: английский (США)
325	1	2	1	1		-	-		1	2	1	1	отформатировано: английский (США)
326		-	1	1		-	-			-	1	1	отформатировано: английский (США)
327-1		5	1	6		-				5	1	6	отформатировано: английский (США)
328	14	30	56	61		-			14	30	56	61	отформатировано: английский (США)
329			1								1		отформатировано: английский (США)
331		2	3			-				2	3		отформатировано: английский (США)
332	2	2	3	2		-			2	2	3	2	отформатировано: английский (США)
334		1	-							1			отформатировано: английский (США)
336	1	1	1	1		-			1	1	1	1	отформатировано: английский (США)
337		2	1			-				2	1		отформатировано: английский (США)
338		-		2		-		1		2		1	отформатировано: английский (США)
339			1	1		-		1		-	1		отформатировано: английский (США)
340													отформатировано: английский (США)
342-1			-	3								3	отформатировано: английский (США)
344	3	6	5	9		1	1		3	5	4	9	отформатировано: английский (США)
349		2	-	1		-				2		1	отформатировано: английский (США)
350			1								1		отформатировано: английский (США)
353						-							отформатировано: английский (США)
356		1	1	1		-				1	1	1	отформатировано: английский (США)
358		1	-			-				1			отформатировано: английский (США)
359		1	2			-				1	2		отформатировано: английский (США)
360	19	13	18	21					19	13	18	21	отформатировано: английский (США)
361			1								1		отформатировано: английский (США)
367	3		1						3		1		отформатировано: английский (США)
373			-			-							отформатировано: английский (США)
381-1	181	172	127	114				1	181	172	127	113	
382	45	39	36	16	1	2		1	44	37	36	15	
383	588	657	725	467		-			588	657	725	467	
384		1	-							1			
386	1			1	1	-		1					
389	208	186	173	147					208	186	173	147	
398				1								1	
Total	1066	1129	and 1165	859	2	5	5	5	1064	1124	1160	854	
	the most applied a penalty under articles 383 (<i>Violation of rules of fishery and protection of fish resources and other water animals</i>), 389 (<i>Illegal acquisition, sale, transport, import, export, storage of species of wild animals and plants, their parts or derivatives</i>) and article 381-1 (<i>Illegal felling, destruction or damage of trees and shrubs</i>) of the administrative code. <u>Appeal instance</u> For 2021, the report does not have a breakdown by item. 3a, 2022In the last 202.2 years, 113 persons' judicial acts were appealed and challenged on appeal. Changed for 12 persons, canceled for 9 persons.												отформатировано: английский (США)
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In 2023, judicial acts against 120 individuals were appealed and challenged on appeal. Changed for 9 persons, canceled for 18 persons.

For 11 months of 2024, judicial acts against 110 individuals were appealed on appeal. Changed for 9 persons, canceled for 18 persons.

Нуже, The table below shows information on the consideration of cases in the appellate instance, broken down by articles of the Administrative Code.

	Canceled			Changed			Without modification		
	2022	2023	11 months 2024	2022	2023	11 months 2024	2022	2023	m
				1			1	2	
							1	2	
							2		
	1						4	1	
	3	7	5	3	5	5	24	35	
		1					1	2	
							3	1	
			1	1			2	6	
							1	1	
		1						8	
	1					1	3	7	
	1				1			1	
		2					1		
							1		
	1	1	5			2	9	6	
							1	1	
			1				1		
							2	1	
		2	2				1	3	
							8	7	
							2	3	
	1	4	1	5	2		8	4	
		1			1		3	4	
			2	1		1	4	3	
							1		
							3		
	1	1	1	1			5	2	
	9	18	18	12	9	9	92	93	

the court of Cassation

For 2023 appealed, and contested judicial acts against 4 persons. Changed for 1 person.

For 11 months of 2024, judicial acts were appealed against against 2 persons, and canceled against 1 person.

За 2021 и 2022 There is no breakdown by item for 2021 and 2022 in the report.

Нуже, The table below shows information on the consideration of cases in the cassation instance, broken down by article Administrative Code.

	Canceled			Modified			Without modification		

	2022	2023	11 mo 2024	2022	2023	11 mo 2024	2022	2023	11 mo 2024
328					1			1	1
360			1					2	
Total	--	-	1-1	-	1	--	-	3	1

Administrative proceedings.

According to statistics on disputes related to environmental protection, 92 administrative claims were received in 2021, of which 27 cases were considered with a decision (16-satisfied, 11-denied the claim).

In 2022, 166 lawsuits were received, of which 58 cases were considered with a decision (30-satisfied, 28-denied the claim).

In 2023, 145 lawsuits were received, of which 58 cases were considered with a decision (27-satisfied, 31-denied the claim).

In 2024, 126 lawsuits were received, of which 50 cases were considered with a decision (30-satisfied, 20-denied the claim).

As part of the implementation of the RHUS Convention, 5 cases were considered with a decision.

Examples from court practice:

1) The public association "EO" ZS" filed a lawsuit against the akimat of Almaty Aon recognizing the fact of non-fulfillment of its obligations to establish a protected zone along the border of the Ile-Alatau State National Natural Park as inaction, and obliging it to establish a protected zone by issuing a resolution; recognizing the failure to provide the requested complete and reliable information related to the decision-making process on the establishment of a protected zone along the border of the Ile-Alatau State National Nature Park by inaction and obliging to provide information.

The claim was partially satisfied by the decision of the SMAS of Almaty dated 15.04.2022.

The failure of the Akimat of Almaty to provide the environmental society "ZS" with the requested complete and reliable information related to the decision-making process on the establishment of a protected zone along the border of the RSU "Ile-Alatau State National Natural Park" was recognized as an illegal act.

The Akimat of Almaty is obliged to consider the issue of providing the plaintiff with information related to the decision-making process on the establishment of a protected zone along the border of the RSU "Ile-Alatau State National Nature Park". The rest of the claim is denied.

The decision was left unchanged by the decision of the Judicial Board for Administrative Cases of the Almaty City Court of 07.09.2022.

By the decision of the Judicial Board for Administrative Cases of the Supreme Court of 31.05.2023, court acts have been changed regarding the refusal of the claim for declaring illegal the inaction of the Akimat of Almaty on the failure to establish a security zone along the border of the Ile-Alatau State National Park and forced to establish a protected area. Judicial acts were canceled with a new decision on satisfaction of the claim.

The inaction of the Akimat of Almaty, Almaty, on failure to establish a protected zone along the border of the Ile-Alatau State National Park was declared illegal.

The Akimat of Almaty is obliged to establish a protected zone in accordance with the procedure established by Article 18 of the Law "On Specially Protected Natural Territories".

Satisfying the claim in terms of imposing an obligation to consider the issue of providing the plaintiff with information related to the decision-making process on the establishment of a protected zone along the border of the SNPP, local courts, applying the provisions of paragraphs 1 and 2 of Article 4 of the Law of the Republic of Kazakhstan dated October 23, 2000 "On Ratification of the Convention on Access to Information, Public Participation in Decision-making and access to justice in environmental matters", Article 64 of the APPC, concluded that the respondent did not have the right to redirect the appeal to the KSU "Green Economy Department", should have initiated an administrative case with consideration of all the issues indicated in the appeal and providing an answer in accordance with the APPC norms.

2) The public association "EO" ZS" filed a lawsuit against the Municipal State Institution "Department of Urban Planning and Urbanism of Almaty, Almaty" on declaring illegal actions for not providing timely, complete and reliable environmental information, forcing them to provide complete and reliable environmental information.

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By the decision of the SMAS of Almaty, Алматы, dated 28.06.2024, the claim is satisfied.

The respondent's lack of environmental information requested by the plaintiff признаwas considered invalid by the court, since it did not provide the relevant written response to the plaintiff.

The respondent's claims about the plaintiff's request to an inappropriate state body are also considered invalid, since the respondent did not redirect the plaintiff's request in accordance with the provisions of article 65 of the APPC.

The decision was left unchanged by the decision of the Judicial Board for Administrative Cases the Almaty City Court dated 31.10.2024.

The judicial acts were not appealed in cassation, and entered into force on 13.12.2024.

3) The public Association "EO " ZS " filed a lawsuit against the KSU "Department of Culture of Almaty" on declaring illegal the actions of failure to provide timely, complete and reliable environmental information, forcing to provide complete and reliable environmental information.

By the decision of the SMAS of Almaty dated 22.07.2024, the claim was partially satisfied.

The inaction of the KSU "Department of Culture of Almaty", which resulted in untimely provision of timely, complete and reliable environmental information to the public association "EO "ZS", was recognized as illegal.

The court concluded that the defendant violated the provisions of the Aarhus Convention, as well as the norms of the legislation of the Republic of Kazakhstan.

The norms of international law and national legislation grant the plaintiff the right to request environmental information.

Response sent by the respondent to the plaintiff dated 29.04.2024 to the plaintiff's request dated 08.04.2024, it is a formal response, since it does not contain information about the actions taken by the respondent to execute the resolution.

The claim for compulsion to provide complete and reliable environmental information was refused, since the defendant fulfilled the plaintiff's request by providing him with all available information, documents and materials confirming the execution of the resolution in the part assigned to him.

The judicial act was not appealed and entered into force on 01.10.2024.

4) Individual entrepreneur "B", LLP " QSI "(LLP-1), LLP " ZHDS "(LLP-2) filed a claim to the State Institution "Department of Natural Resources and Environmental Management of the Mangystau Region" on declaring illegal and canceling the refusal of IP "B" to approve the mining project for conducting operations for the extraction of construction stone of the TOR deposit in the Mangystau region dated 28.12.2022 for No. KZ24VCZ03165554; assigning the obligation to approve the mining project for conducting operations for the extraction of construction Mangystaustone KZ87VCZ03167330; assignment of the obligation to issue an environmental impact permit for category 2 facilities; recognition as illegal and cancellation of the refusal of LLP-1 to approve the mining project for conducting operations for the extraction of construction stone of the Kattytas fieldКаттытаcın Mangystau district dated December 30, 2022 for No. KZ87VCZ03167330; assignment of the obligation to approve the mining project of the TOR field in Mangystau district, place of birth of "Kattytas" in Mangystau region; assignment of the obligation to issue an environmental impact permit for category 2 facilities; recognition of illegal and cancellation of refusal of LLP-2 to approve the mining project for conducting operations for the extraction of construction stone of the "Kattytas" field in Mangystau region from 30.12.2022. No. KZ87VCZ03167328; assignment of the obligation to approve the mining project for carrying out operations for the extraction of building stone from the Kattytas fieldКаттытаcın Mangystau district; obligationности to issue an environmental impact permit for category 2 facilities.

By the decision of the SMAS of Mangystau region dated 21.06.2023, the claim was denied.

By the decision of the judicial board for administrative cases of the Mangystau Regional Court of 16.11.2023, the decision was left unchanged.

By the decision of the Judicial Board for Administrative Cases of the Supreme Court of 08.10.2024, the judicial acts were upheld.

The courts, rejecting the claim, were guided by the provisions of the Convention "On Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters", ratified by the Law of the Republic of Kazakhstan dated 23.10.2000, paragraph 9 of Article 5, paragraphs 1 and 3 of Article 15, Article 95 of the Environmental Code, etc. to conclude on the legality of the contested refusals of the respondent to agree on the draft mining plan for the mining operation and issue environmental permits to the plaintiffs due to the negative decision of the public who voted against the implementation of the planned activity according to the minutes of public hearings.

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5) The Public Association "BEI" filed a lawsuit against the RSU "Department of Ecology in Pavlodar region of the Committee for Environmental Regulation and Control of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan" on declaring illegal the refusal to provide information, assigning the obligation to provide information.

By the decision of the SMAS of Pavlodar region dated 08.09.2021. the claim is satisfied.

By a private ruling of the same court dated 08.09.2021. It was brought to the attention of the Head of the Committee for Environmental Regulation and Control of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan on detected violations of the current environmental legislation by officials of the Department of Ecology of Pavlodar region to take measures to prevent similar facts.

Granting the claim, the court pointed out that the public should be aware of the procedures for participation in decision-making on environmental issues, have free access to them and know how to use them. Copies of complaints about environmental violations are material carriers of information about the state of the environment, with the exception of information contained (if any) about the personal data of applicants, third parties and other secrets protected by law. In this case, copies of the appeals should have been provided to the plaintiff, since they contain environmental information. The court considered that the defendant unlawfully refused to provide the plaintiff with copies of complaints (appeals) about environmental violations.

By the ruling of the Judicial board for Administrative Cases of the Pavlodar Regional Court dated 08.02.2022, the decision and the private ruling were canceled and a mediation agreement was approved between the parties.

According to statistics, the courts of first instance in the republic have completed the following proceedings on claims related to environmental protection:

In 2017, 316 cases were received, 250 cases were considered with a decision, including those with the application of OK—16 standards. In 2018—245 cases, 147 cases were considered with a decision (using the OK—4 norms). In the first 9 months of 2019, a 402 has 560 cases, 190 cases were considered with a decision, 274 cases were considered (with the application of OK—67 standards). In 2020—432 cases, 228 cases were considered with a decision (using the OK—1 norms).

Examples from judicial practice

1. The prosecutor of Taldykorgan city appealed to the court with a claim to the Kenzhebekov peasant farm represented by the head of Kenzhebekov B. D. for compensation of damage caused to the environment in the amount of 25,318,469 tenge.

The claim was satisfied by the decision of the Specialized Inter-district Economic Court of Almaty region dated June 08, 2016.

Damage in the amount of 25,318,469 tenge was recovered from Kenzhebekov Farm to the state income.

By the decision of the judicial board for civil cases of the Almaty Regional Court dated September 07, 2016, the decision of the court of first instance was canceled, and a new decision was made to reject the claim.

By the decision of the judicial board for Civil Cases of the Supreme Court of the Republic of Kazakhstan dated March 14, 2017, the decision of the appellate instance was canceled, the decision of the court of first instance was supported.

Conclusions of the court of first instance: during a comprehensive inspection on February 6, 2015, it was established that on the territory belonging to the Kenzhebekov farm, work was carried out on the extraction of common minerals without permits.

By the investigator's decision of January 20, 2016, the pre-trial proceedings initiated against KH were terminated on the basis of paragraph 2 of part 1 of Article 35 of the Criminal Procedure Code and separated into separate proceedings for bringing to adm.liability for damage to the natural environment.

By the resolution of the SMAS dated April 22, 2016, the prosecutor's protest was satisfied, and the resolution of the authorized body on the termination of administrative proceedings was canceled. Kenzhebekov Farm was found guilty under Part 1 of Article 139 of the Administrative Code (Violation of the right of state ownership of mineral resources) and an administrative penalty was imposed in the form of a fine in the amount of 212,100 tenge. Kenzhebekov Farm paid the administrative fine in full.

On August 03, 2015, the investigator of the State Department of Internal Affairs, with the approval of the prosecutor of the city of Taldykorgan, with the involvement of a specialist of KazGeoKom LLP, conducted a forced inspection of the territory of the Kenzhebekov farm, as he hindered an

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objective investigation of the case, that is, in every possible way avoided conducting an inspection in order to establish an illegally extracted sand and gravel mixture (hereinafter -PGS).

During the inspection, it was established that special equipment and a crushing plant were operating on the territory of the Kenzhebekov farm, as well as there was a ready-made crushed stone embankment.

According to the conclusion of a specialist of KazGeoCom LLP, on September 01, 2015, the volume of extracted PGS at quarry No. 1 amounted to 12893.54 m³, and at quarry No. 2, the volume of extracted PGS amounted to 3462.12 m³, the total volume of extracted PGS was 16355.6 m³. The volume of the crushed stone embankment was 6051.66 m³.

The Department of Ecology of Almaty region made a calculation of environmental damage, according to which the environment was damaged in the amount of 25,318,469 tenge.

This violation was revealed during the pre-trial investigation and established by judicial acts of prejudicial significance.

The conclusions of the court of appeal that the case file does not contain an act on the results of the audit and the audit was conducted in violation of the law, as well as the audit was conducted without the participation of Kenzhebekov Farm and with the participation of a legal entity that does not have the appropriate license, are erroneous.

2. RSU "Department of Ecology of Mangystau region" filed a lawsuit against Ozenmunaiservice LLP for recovery of damage from air pollution in the amount of 56,279,956 tenge.

In turn, the Partnership filed a counterclaim with the Department for recognition of illegal and cancellation of the order.

By the decision of the specialized inter-district economic court of Mangystau region dated January 19, 2017, the claim of the Department was partially satisfied, the damage in the amount of 2,625,900 tenge and the state fee in the amount of 78,777 tenge were collected from the Partnership to the state income.

The Partnership's counterclaim was partially satisfied. The order No. 03-18/1811 dated September 29, 2016 regarding the accrual of damage in the amount of 53,654,056 tenge was declared illegal and canceled. Expenses related to payment of state duty in the amount of 10,605 tenge were collected from the Department in favor of the Partnership.

By the decision of the judicial board for civil cases of the Mangystau Regional Court dated March 15, 2017, the court's decision was left unchanged.

By the decision of the Judicial Board for Civil Cases of the Supreme Court of the Republic of Kazakhstan dated September 05, 2017, judicial acts were changed.

Judicial acts regarding the rejection of the Department's claim and satisfaction of the Partnership's counterclaim were canceled.

According to the specified parts, a new decision was made to satisfy the claim of the Department and reject the counterclaim of the Partnership.

The amount of damage in the amount of 53,654,056 tenge and the state fee in the amount of 2,420,106 tenge were collected from the Partnership to the state income.

In the rest of the case, the judicial acts are still in force.

Based on the results of consideration of the petition on behalf of the Chairman of the Supreme Court, no exceptional grounds provided for in part 6 of Article 438 of the Civil Procedure Code were established.

Conclusion: the conclusion of the cassation board that the Partnership, being a nature user, is obliged to obtain permission to carry out emissions into the atmospheric air from stationary sources is justified. It is forbidden to make emissions without the specified document.

It was confirmed that the Partnership in 2015-2016 carried out emissions into the air from stationary sources, without having a permit for this, thereby causing harm to the environment.

Having reliably established the guilt of causing environmental damage, the lower courts unreasonably exempted the Partnership from compensation for the damage caused.

This was the reason for the annulment of judicial acts regarding the rejection of the claim to the Department for recovery of damages and satisfaction of the Partnership's counterclaim, and the adoption of a new decision on satisfaction of the Department's claims and refusal to satisfy the counterclaim.

3. RSU "Department of Ecology of the Kyzylorda Region" filed lawsuits for recovery of damage from excess, unauthorized environmental pollution to the state income from PetroKazakhstan Kumkol Resources JSC (hereinafter referred to as the Company) in the amount of 1,889,261,529 tenge and Kolzhan LLP (hereinafter referred to as the Partnership) in the amount of 1 059 646 095 tenge.

By the ruling of the court of First instance of July 17, 2013, civil cases were merged into one proceeding.

The case was repeatedly considered by various courts.

By the decision of the judicial board for Civil Cases of the Supreme Court of the Republic of Kazakhstan dated September 7, 2016, the decision of the judicial board for civil Cases of the Kyzylorda Regional Court dated February 5, 2016 was canceled, the case was sent for a new consideration to the court of appeal.

By the decision of the judicial board for civil cases of the Kyzylorda Regional Court dated March 9, 2017, the claims were partially satisfied.

Damage in the amount of 467,591,929 tenge and state duty in the amount of 14,027,757 tenge were recovered from the Company in favor of the state, and damage in the amount of 284,046,891 tenge and state duty in the amount of 8,521,406 tenge was recovered from the Partnership in favor of the state. The rest of the claim was dismissed.

By the decision of the judicial board for Civil Cases of the Supreme Court of the Republic of Kazakhstan dated August 1, 2017, the decision of the judicial board for civil Cases of the Kyzylorda Regional Court dated March 9, 2017 on this case was amended, canceled in terms of leaving without satisfaction the requirements of the Department. A new decision was made to satisfy the claims in full.

The damage collected from the Company in favor of the state increased to 1,889,261,529 tenge and the state fee to 70,089,012 tenge, the damage collected from the Partnership in favor of the state increased to 1,059,646,095 tenge and the state fee to 39,162,668 tenge.

Conclusion: based on the results of the audit, the respondents were found to exceed the established standards in the environmental permit and lack of a permit for emissions into the environment at sources of harmful substances into the atmospheric air, as well as for emissions of harmful substances into the atmospheric air at the Kyzylkiya North-West field.

The amount of damage caused to the environment by the Company amounted to 1,889,261,529 tenge, by the Partnership — 1 059 649 095 tenge.

The Court of Appeal, having partially satisfied the claim of the Department, recognized the correct calculations of the defendants. At the same time, I assumed that for objects where environmental pollution occurred in the absence of draft standards for maximum permissible emissions (hereinafter referred to as MPV), which received a positive conclusion of the state environmental expertise, and, accordingly, without obtaining an environmental permit, a calculation should be applied in which the standards for emissions to the environment are taken at zero.

However, according to the court's opinion, for objects where there are draft MPV standards that have received a positive conclusion of the state environmental expertise, despite not receiving an environmental permit, a calculation should be applied to estimate the actual emissions of pollutants relative to the standards established by the conclusions of the state environmental expertise.

In addition, the court of appeal concluded that the emission standards are estimated in grams per second, and the emission indicators expressed in tons are intended for other purposes. Therefore, the assessment of excess standards should be evaluated in relation to this value, and in this regard, the calculation of respondents to assess the excess of actual pollutant emissions (g/s) over the established MPV standards (g/s) complies with the provisions of paragraphs 1 and 1.1. of Annex 3 to the Rules.

For objects where there are draft MPV standards that have received a positive conclusion of the state environmental expertise, despite the absence of an environmental permit, a calculation should be applied to estimate the actual emissions of pollutants relative to the standards established by the conclusions of the state environmental expertise.

A positive conclusion of the state environmental expertise does not give the user the right to carry out emissions into the environment without an environmental permit.

Due to the requirements of environmental legislation, it is required to obtain such a permit.

The absence of an environmental permit in accordance with paragraph 13 of the Rules entails the application of calculation formulas in accordance with Annex 3 to the Rules, where the emission standards to the environment are accepted with a zero value.

In the case, it was objectively established that during the periods under review, the objects named by the Department of Ecology were not specified in the draft MPV standards that received a positive conclusion from the state environmental expertise, and, accordingly, were included in the received environmental permits. This fact was not contested by the defendants' representatives at the meeting of the judicial board.

Consequently, there was no corresponding environmental permit for these objects.

Also, based on the periods when respondents committed violations of environmental legislation, the Department of Ecology used the measurement of emissions in tons in its calculations.

~~According to paragraph 5 of Annex 3 to the Regulation, if it is not feasible to carry out an instrumental measurement, a calculation formula is used for the economic assessment of damage, including the measurement of emissions in tons.~~

~~4. RSU "Department of Ecology of Kostanay region" filed a lawsuit against MTV Company LLP for recovery of environmental damage in the amount of 105,791,328 tenge, court costs for payment of state duty in the amount of 3,173,740 tenge.~~

~~The claim was satisfied by the decision of the specialized Inter-district Economic Court of Kostanay region dated February 11, 2016. Damage in the amount of KZT105, 791,328 and expenses on payment of state duty—KZT3, 173,740 were recovered from the LLP to the state revenue.~~

~~By the decision of the judicial board for civil cases of the Kostanay Regional Court dated May 30, 2016, the court's decision was left unchanged.~~

~~By the decision of the Judicial Board for Civil Cases Of the Supreme Court of the Republic of Kazakhstan dated January 25, 2017, judicial acts were canceled, with a new decision.~~

~~The claim was denied.~~

~~Conclusions: while satisfying the claim for compensation for damage caused to the environment, the local courts concluded that as a result of unauthorized illegal extraction of OPI by the defendant during the reconstruction of the road, environmental damage was caused.~~

~~The Supreme Court, rejecting the claim, pointed out that there was no unauthorized extraction of OPI, the environment could not be damaged if the extraction was provided for by a working project and there were appropriate permits.~~

~~The case file shows that according to the Contract No. 87 of May 08, 2013, the work is carried out according to a working project that has passed state expertise and has been approved by the customer.~~

~~The working project was approved by the State environmental assessment report No. 02-03-4601/41916/N-1939 dated October 31, 2011, which provided for the extraction of loam from near- and off-piste quarry soils.~~

~~The case file contains a permit dated April 15, 2014 for subsurface use for exploration of mineral resources used in the construction (reconstruction) and repair of public roads, railways and hydraulic structures.~~

~~The petition states that the necessary work on obtaining permits for the extraction of OPI in accordance with paragraph 10 of Article 35 of the Law of LLP was carried out, and the extracted OPI was used by LLP for the construction of a road that is state property.~~

~~Due to the fault of the general designer "Design Institute "Kustanaydorprouekt" LLP and the customer, the coordinates of ground reserves were repeatedly changed, which led to repeated renegotiation of various agreements.~~

~~Moreover, after the audit, the LLP issued permits and received a permit dated May 31, 2016 for the right to subsurface use for the extraction of OPI used in the construction (reconstruction) and repair of public roads, railways and hydraulic structures for the extraction of clays and clay rocks with a volume of 129.7 thousand m³.~~

~~and evidence of damage to the environment, citizens' health, and the state due to unauthorized and irrational use of natural resources, or unauthorized environmental pollution during the period under review.~~

~~5. The State Institution "Apparatus of the akim of Burlinsky district" filed a lawsuit against Sakhym D. K., Bakhtiyar E. B. for compensation of damage caused to the environment in the amount of 154,753,477 tenge.~~

~~By the decision of the Burlinsky District Court of the West Kazakhstan region dated April 19, 2017, the claim was satisfied.~~

~~By the decision of the judicial board for Civil Cases of the West Kazakhstan Regional Court dated June 27, 2017, the decision of the court of first instance was left unchanged.~~

~~By the decision of the Judicial Board for Civil Cases of the Supreme Court of the Republic of Kazakhstan dated April 04, 2018, the judicial acts were upheld.~~

~~Conclusion: local courts lawfully satisfied the claim for damages, since the defendants' guilt in causing environmental damage was established by a court verdict, while the plaintiff was recognized as a civil plaintiff in a criminal case.~~

~~The court's verdict also established the volume of hazardous waste that the defendants illegally disposed of on the lands of the Burlinsky district of the West Kazakhstan region.~~

On the basis of these objective data, the economic assessment of the damage was calculated in the framework of this civil case, which the board recognized as justified.

Thus, by the verdict of the Burlinsky District Court of November 06, 2015, the former director of Green Aksai LLP D. K. Sakhy and the former deputy director of Green Aksai LLP E. B. Bakhtiyar were found guilty of violating environmental requirements during transportation, burial and other handling of environmentally potentially dangerous chemicals that caused environmental pollution. By the decision of the Judicial Board for Criminal Cases of the West Kazakhstan Regional Court, the verdict of the Burlinsky District Court dated November 06, 2015 was changed and reclassified from part two of Article 278 of the Criminal Code of the Republic of Kazakhstan (hereinafter the Criminal Code) to part one of Article 325 of the Criminal Code and in accordance with paragraph 1 of Part 1 of Article 71 of the Criminal Code. The persons involved in the case are exempt from criminal liability due to the expiration of the statute of limitations.

6. RSU "Department of Ecology for Zhambyl region" filed a lawsuit against "ISS Engineering" LLP and "Bahon-Sroy" LLP for joint and several damages in the amount of 626,467,840 tenge caused to the environment as a result of unauthorized extraction of common minerals on the territory of the "Zhunisbay" farm in the Shui district of Zhambyl region regions.

By the decision of the specialized inter-district economic court of Zhambyl region dated July 12, 2018, the claim was satisfied.

626,467,840 tenge was collected jointly and severally from ISS Engineering LLP and Bahon-Sroy LLP to the state income in compensation for damage caused to the environment.

By the decision of the judicial board for civil cases of the Zhambyl regional Court dated October 1, 2018, the decision of the court of first instance was changed, the amount collected was reduced to 310,367,436 tenge.

By the decision of the Judicial Board for Civil Cases of the Supreme Court of the Republic of Kazakhstan dated February 12, 2019, judicial acts were canceled.

The civil case was sent for a new trial under the jurisdiction of the specialized inter-district economic court of the Karaganda region.

Thus, the work of ISS Engineering LLP was carried out in fulfillment of its obligations to the customer JSC Management Company "Special Economic Zone" Chemical Park Taraz" under the contract for the construction of infrastructure facilities.

Under the specified contract, works were delivered to the customer according to the acts of work performed, accepted and paid for upon completion.

In substantiation of the claim, the plaintiff referred to the materials of the pre-trial investigation, namely, that starting from 17.03.2014 to October 2014, the defendants arbitrarily carried out the extraction of loam for construction purposes, without having permits.

Conclusions: During the new review, after the rejection of the claim, the courts came to certain conclusions. Since the criminal case against the defendants under Article 334 Part 2 of the Criminal Code for unauthorized mining of minerals was terminated due to the absence of a criminal offense, there is no procedural decision that clearly proves the unauthorized extraction of loam by the defendants in 2014 on the territory of the Zhunisbay farm.

From the acts of completed works accepted by the customer of the construction object, it follows that in 2014 "ISS Engineering" LLP did not produce loam, but only earthworks related to the development of soil in the construction sites were performed. In the acts of completed works submitted for acceptance and payment by ISS Engineering LLP to the customer, JSC Management Company "Special Economic Zone" Chemical Park Taraz", loam is reflected only in the acts of 2015 in the amount of 141696.68 m³, at that time there were already permits for subsurface use.

7. The case on recognition of the illegality of the actions of the KSU "Department for Control over the Use and Protection of land of the City of Almaty", which did not provide the requested environmental information. The application was submitted on October 5, 2017 to the Specialized Inter-district Economic Court of Almaty. As a defendant, the Department for Control over the Use and Protection of land of the city of Almaty was involved.

The applicant's requirements included recognition of the fact of not providing environmental information as an illegal act, as well as the need to oblige the Management to provide the requested environmental information to the Green Rescue EO. Make a private determination regarding the head of the Department in accordance with Article 270 of the Civil Procedure Code of the Republic of Kazakhstan.

On November 24, the court rejected the application, referring to the fact that the defendant in court handed over the answer to the representative of the EA. The respondent could not prove that the EA received the response in a timely manner by mail. However, the judge recognized that the answer does not relate "to the subject of the appeal". In other words, no response was actually

received. Apparently, in order to somehow smooth out the obvious contradictions allowed in the court's decision, the judge issued a private ruling to the KSU "Department for Control over the Use and Protection of Land in Almaty". By definition, Management must provide a complete and reliable response to the EA.

On December 22, an appeal against the decision of the SMEC of Almaty was filed with the appellate judicial Board of the Almaty City Court.

The case is still pending.

8. — Case on recognition of illegality of actions of the RSU "Department of Public Health Protection of Almaty", which did not provide the requested environmental information.

The application was submitted on October 26, 2017 to the Specialized Inter-district Economic Court of Almaty to protect the interests of an indefinite circle of individuals and the state.

RSU "Department of Public Health Protection of the city of Almaty" was involved as a defendant.

On November 1, the court issued a ruling on the return of the application in connection with non-payment of state duty, without taking into account that the applicant's status exempts him from such obligations under the legislation of the Republic of Kazakhstan (Tax Code of the Republic of Kazakhstan, subparagraph 8-2 of Article 541).

On November 9, a private complaint was filed to the appellate judicial board of the Almaty City Court.

On December 6, the board dismissed the complaint. The judge, in violation of paragraph 2 of Article 224 of the Civil Procedure Code of the Republic of Kazakhstan, did not examine the evidence referred to by the EA. In the ruling, the judge pointed out that the EA, by requesting specific environmental information in the interests of an indefinite circle of people, protects its rights! He then repeated the arguments of the first instance court.

On December 28, after paying the state duty, the EA submitted a second application to the SMES of Almaty. The case is still pending.

9. — A case on recognition of the illegality of the actions of the Forestry and Wildlife Committee, which provided unreliable environmental information. The application was submitted on January 12, 2017 to the SMEC of Moscow. Astana. The Committee of Forestry and Wildlife of the Ministry of Agriculture is involved as a defendant. Consideration of complaints in the course of the case was refused. The judges of the panel, in violation of paragraph 2 of Article 224 of the Civil Procedure Code of the Republic of Kazakhstan, did not examine the evidence referred to by the EA. They repeated the arguments of the trial court and the apparent misinformation provided by the defendants. The respondent did not provide any evidence supporting its position. The case was not considered on its merits. The judges actually accused the government of incompetence, which allegedly arbitrarily, without careful consideration of the issue of territory and borders, adopted a decree on the creation of the Ile-Alatau National Park. On December 5, a petition was sent to the Supreme Court in cassation to review the judicial acts that have entered into legal force. The case is still pending.

10. — Case on recognition of the illegality of the action of the Department for Consumer Protection of the city of Almaty, which did not provide the requested information. The application was submitted on September 20, 2016 to the SMEC of Almaty to protect the interests of an unspecified group of persons. The Department of Consumer Rights Protection of Almaty is involved as a defendant.

The Department refused to provide unrestricted access information, illegally qualifying it as restricted access information and illegally recognizing it as a trade secret.

On May 29, after consideration in several other judicial instances, the Supreme Court judge, having previously considered the petition, decided to refuse to transfer it to the cassation instance of the Supreme Court. The case was not considered on its merits. He repeated the arguments of the judge of the SMEC of Almaty and the Board of Appeal of the Almaty City Court that the EA is allegedly an improper plaintiff, because it did not contact the defendant directly, but through a lawyer. The case is over. No information was provided.

11. — A case on recognition of the illegality of the actions of the Forestry and Wildlife Committee, which provided unreliable environmental information. A cable car has been built in the territory of the Ile-Alatau National Park behind the Talgar Pass. EA believes that during its construction, the requirements of the law "On Specially Protected Natural Territories" were grossly violated. Requests were sent to the Forestry and Wildlife Committee. In response, false information was received that this territory allegedly became part of the national park after forest management works in 2016.

The application was submitted on January 12, 2017 to the SMEC of Astana to protect the interests of an indefinite circle of individuals and the state.

The Committee of Forestry and Wildlife of the Ministry of Agriculture is involved as a defendant.

There was no regulatory legal act in the Republic of Kazakhstan, and there is currently no regulatory legal act, according to which the boundaries of national parks are specified during forest management works.

Bottom line: The judges actually accused the government of incompetence, which allegedly arbitrarily, without careful consideration of the issue of territory and borders, adopted a resolution on the creation of the He-Alatau National Park. On December 5, a petition was sent to the Supreme Court in cassation to review the judicial acts that have entered into legal force. Having previously considered the petition, on January 8, 2018, the judge of the Supreme Court refused to transfer it to the cassation instance of the Supreme Court. The judge repeated the arguments of the first and appellate courts. The reason for the refusal was judicial acts, not the norms of laws: "The courts found that" in the course of forest management works, the boundaries of the "national park" were clarified. In the Republic of Kazakhstan, there is no regulatory legal act according to which the boundaries of national parks are specified during forest management works.

The case is over. No reliable information was provided.

12. — The case on recognizing the provision of false information by the KSU "Department for Control over the Use and Protection of Land of the City of Almaty" as an illegal act and on assigning it the obligation to provide complete and reliable environmental information.

On May 21, 2018, citizen K... and other residents of Velikolukskaya Street of the Turksib district of Almaty applied to the head of the KSU "Department of Land Relations of Almaty". It was forwarded for consideration on its merits to the KSU "Department for Control over the Use and Protection of Land in Almaty" (hereinafter referred to as the Department). On July 4, the Department received a response stating that the land plot at the requested address belongs by right of ownership to a citizen of... with the intended purpose — non — residential premises and is located in a commercial zone.

In accordance with the official response of the KSU "Department of Architecture and Urban Planning of Almaty", which is accompanied by a diagram and a link to the decision of the Maslikhat of Almaty, the above-mentioned land plot is located in a residential area.

Due to contradictions in the responses of state bodies, an application was submitted to the court on September 14, 2018. KSU "Department for Control over the Use and Protection of land of the city of Almaty" was involved as a defendant.

On November 2, the court rejected the application. The judge allowed an arbitrary interpretation of the concepts of the Law "On Architectural, Urban planning and construction activities in the Republic of Kazakhstan" and ignored the decision of the XXVI session of the Maslikhat of Almaty on November 20, 2006. On December 7, the EA filed an appeal to the Board of Appeal of the Almaty City Court.

All regional courts have training centers. These centers conduct classes with judges on the consideration of problematic issues. At the republican advanced training courses for judges of district and equivalent courts operating on the basis of the Academy of Justice under the Supreme Court of the Republic of Kazakhstan, thematic and training lectures are held on the specifics of applying environmental legislation in resolving public claims.

The supreme and regional courts regularly monitor the quality of court cases, including those related to environmental disputes. Regional courts are opening electronic information kiosks to better ensure the openness and accessibility of justice and public awareness of judicial activities.

Seminars and round tables are held to discuss access to justice issues.

1. Residents of the Almaty microdistrict filed an application with the KSU "Department of Land Relations", in which they asked in court to stop the economic activities of IP U. and LLP "ATS"; prohibit IP U. from placing and engaging in dangerous, harmful industrial activities that require the establishment of a sanitary protection zone in non-residential premises.

This appeal was forwarded to the KSU "Management for Control over the use and Protection of Land", which was given the answer that according to the automated information system of the state Land Cadastre, a land plot with the intended purpose of non-residential premises belongs by right of ownership to gr. U. and is used by it in accordance with its intended purpose. In accordance with paragraph 1 of Article 109 of the Land Code, if a land plot is used within one functional zone, it is not necessary to change the purpose of the land plot.

Public Organization Ecological Society "Z" appealed to the court in the interests of residents, stating that the information provided in the response is unreliable, contradicts the information of the KSU "Department of Architecture and Urban Planning"; asked to recognize illegal the action to provide false information, to impose the obligation to provide the Environmental Society with the requested information.

The district court's decision of May 20, 2019 rejected the application, since the disputed actions do not fall within the competence of the state body.

By the decision of the judicial board for civil cases of September 10, 2019, the court's decision was canceled, and a new decision was made in the case to satisfy the Company's application. It is considered illegal to provide false information in the response, with the obligation to eliminate the violation in full.

According to paragraph 18 of the regulatory resolution of the Supreme Court of the Republic of Kazakhstan "On certain issues of application by courts of the environmental legislation of the Republic of Kazakhstan in civil cases" No. 8, state bodies, at the request of the public for providing environmental information, must provide it in accordance with the requirements of Chapter 21 of the EC, the Law "On Access to Information" and Article 4 of the Aarhus Convention.

The arguments of the authorized body in the contested response are presented without conducting an inspection of the land plot, without leaving the address, are not confirmed by any documents, and therefore the judicial board concluded that the stated requirements are justified.

Judicial acts were not appealed in cassation.

2. RSU "Department of Ecology" filed a lawsuit against "K" LLP, State Institution "Department of Natural Resources and Environmental Management" on revoking the conclusion of the state environmental expertise, revoking the permit for emissions into the environment, suspending the operation of the landfill intended for processing and disposal of oil-containing waste and drilling waste in terms of placing new waste on the ground, waste generated prior to the development of the landfill disposal project and the state environmental assessment.

By the ruling of the specialized interdistrict economic court of December 25, 2019, the proceedings on the case regarding the requirements for revoking the conclusion of the state environmental expertise were terminated, since these actions do not fall within the competence of the court.

By the decision of the same court dated December 25, 2019, the claims were satisfied, K LLP was deprived of a permit for emissions into the environment, and the operation of the landfill was suspended.

By the decision of the judicial board for civil cases of March 3, 2020, the court's decision was left unchanged.

The court found that at the landfill, which has 4 sites, the Partnership carried out activities for storing waste not provided for in the design decision; for processing waste not in full volumes (in order to reduce previously generated waste); waste was placed in excess of the standard.

By the resolution of the State environmental inspector dated September 4, 2019, K LLP was imposed an administrative penalty under Article 328 of the Administrative Code in the form of a fine in the amount of 30 MCI. The decision was not challenged and entered into legal force.

In accordance with paragraph 5 of Article 293 of the EC, storage and disposal of hazardous waste are classified as environmentally hazardous economic activities. Hazardous waste storage and disposal sites are considered to be environmentally hazardous objects.

The court found that the landfill belongs to the 1st class of danger with a sanitary protection zone of at least 1,000 meters. At the same time, in violation of article 71 (3) of the EC, the emission permit was issued by the Office, not the Department.

According to paragraph 11 of Article 300 of the EC, the landfill owner creates a liquidation fund for carrying out land reclamation activities and monitoring the environmental impact after the landfill is closed.

It is forbidden to operate the landfill without a liquidation fund.

At the same time, the Partnership has not developed a corresponding project for the disposal of the landfill for processing oil-containing waste and recycling oil-containing waste and drilling waste, and accordingly, the state environmental expertise has not been carried out on it.

Judicial acts were not appealed in cassation.

3. RSU "State National Nature Park" on the basis of the contract transferred the land plot to LLP "T" for long-term use for a period of 49 years. As part of the execution of the contract and on the basis of the architectural and planning task, the draft project "Construction of a free-standing modular building from collapsible structures" was approved.

NGO Ecological Society "Z" sent a letter "Committee of Forestry and Wildlife" with the following requirements:

отформатировано: Шрифт: 10 пт, английский (США)

отформатировано: английский (США), не выделение цветом

отформатировано: Шрифт: 10 пт, английский (США)

отформатировано: английский (США), не выделение цветом

~~—provide complete and reliable information about the works carried out in the tract (gorge) A. (design and estimate documentation, environmental impact assessment, conclusion of the state environmental expertise);~~

~~—stop construction work in order to check whether the developer has all the relevant documentation;~~

~~—if the developer does not have the legal right to carry out work, bring him to administrative responsibility, prohibit construction and oblige the developer to compensate for the damage in kind.~~

~~In its response, the Committee informed that construction works in this natural boundary (gorge) are carried out in accordance with the general plan for the development of tourism infrastructure in the national park and the agreement on long-term use of land plots for tourist and recreational activities. At the same time, it was reported that the user submitted to the national park for approval of the draft design, general explanatory note and APZ. The applicant is also informed that the Partnership is conducting a clarifying geology, large stones are not being sampled, but rather large stones; all structures are temporary; due to the user's compliance with the terms of the contract, the national park has no grounds for suspending work on the provided site.~~

~~The Company appealed against the actions of the Committee, stating that the respondent did not provide complete and reliable environmental information at the request of the plaintiff, thereby violating the requirements of the legislation and the norms of the international treaty – the Aarhus Convention.~~

~~By the decision of the specialized interdistrict economic Court of September 14, 2020, the claim was granted.~~

~~By the decision of the judicial board for civil cases of November 18, 2020, the court's decision was left unchanged.~~

~~The court session established that at the first stage, for the construction of structures, preparatory work is provided for landscaping, landscaping and installation of light collapsible modules from ready-made structures without construction elements. That is, at this stage, the development of an environmental impact assessment and obtaining a state environmental assessment report are not required to carry out work that does not involve environmental impact.~~

~~In this regard, the court concluded that the respondent provided complete and reliable environmental information at the request of the plaintiff.~~

~~The court rejected the plaintiff's arguments as unsubstantiated, since in this case the defendant was not able to provide an environmental impact assessment and a state environmental assessment report, due to their absence.~~

~~4. The public Association "E" applied to the State Institution "Ministry of Energy of the Republic of Kazakhstan", RSE "Gosexpertiza" with a statement declaring illegal actions and decisions on the classification of hazardous waste and drawing up passports, concluding a contract and an additional agreement, issuing a positive opinion on the working project "Development of design estimates for liquidation (disposal) hazardous waste (chemical and industrial waste, sludge storage waste), in the part "environmental impact assessment", on the withdrawal of a positive opinion dated December 27, 2017.~~

~~By the ruling of the specialized interdistrict economic court of February 25, 2019, the claim for recognition of illegal actions and decisions of the defendants on the classification of hazardous waste and the preparation of hazardous waste passports of November 30, 2017 was left without consideration.~~

~~By a ruling of the same court dated February 25, 2019, the proceedings on declaring illegal actions and decisions to conclude a contract and an additional agreement regarding the state environmental assessment of a Category I object were terminated.~~

~~By a court decision of February 25, 2019, the application for recognition of illegal actions and the decision to issue a positive opinion on the working project in the part "environmental impact assessment" and to withdraw the positive opinion were refused.~~

~~By the decision of the judicial board for civil cases of May 15, 2019, the court's decision was left unchanged.~~

~~By the decision of the judicial Board for Civil Cases of the Supreme Court of the Republic of Kazakhstan dated February 4, 2020, the decision of the appellate instance was canceled, the case was sent for new consideration to the court of appeal.~~

~~By a private decision of the same board dated February 4, 2020, it was brought to the attention of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan on the established facts for taking appropriate response measures.~~

Under a new review, the decision of the judicial board for civil cases of April 9, 2020, the court's decision of February 25, 2019, was canceled, with a new decision being made. The claim is satisfied, the action and decision to issue a positive opinion on the working project in the part "environmental impact assessment" are recognized as illegal. RSE Gosexpertiza is obliged to withdraw a positive opinion on the working project.

The Court of appeal found that the court decisions that entered into legal force recognized chemical and household waste located on the territory of the former chemical plant as ownerless and entered the republican property.

On November 15, 2017, the Ministry and RSE Gosexpertiza signed an agreement to conduct a comprehensive non-departmental expertise on the working project "Development of design and estimate documentation for the elimination (disposal) of hazardous waste (chemical and industrial waste, sludge storage waste)" located on the territory of the above-mentioned chemical plant.

According to the results of the RSE "Gosexpertiza", a positive conclusion was given, with the conclusions of which the Ecological Society did not agree.

Thus, the working project provides for the removal of waste from the plant's territory and their disposal (burial) in specially prepared 9 maps located on the territory of the "new" sludge storage facility, as well as the reclamation of two existing sludge storage facilities — "new" and "old".

The appellate judicial panel, canceling the court's decision and satisfying the claim, came to the following conclusions:

— in violation of the ecosystem approach in regulating environmental relations, only chemical and household waste recognized by court decisions as ownerless and entered into republican ownership falls under waste disposal;

— a chemical plant (as an environmentally hazardous object) is not subject to monitoring by the authorized body;

— the project, in terms of assessing the impact on the environment, proposes to bury hazardous waste in the following areas: sludge accumulators of the former plant, while hazardous waste disposal can only be carried out in a specially equipped landfill;

— the project belongs to a budget investment project, so pre-project documentation, feasibility study should be reviewed;

— a preliminary assessment of the environmental impact was not carried out, since a feasibility study of the project was not developed;

— the assessment project did not determine the amount of dust — like parts of hazardous waste released into the atmospheric air during their movement, and measures to reduce negative environmental impacts were not provided.

The decisions of the judge of the Judicial Board for Civil Cases of the Supreme Court of September 28 and October 19, 2020, refused to transfer petitions of the Ministry and third parties to review the decision of the appellate instance for consideration at a court session of the judicial board for civil cases of the Supreme Court due to the legality of the conclusions of the court of appeal.

5. RSU "Department of Ecology" filed a lawsuit against "JV" LLP for damages in the amount of 189,527,151 tenge, explaining that the defendant built a section of the highway without a permit for emission into the environment, and therefore allowed unauthorized release of pollutants into the atmosphere with a total volume of 215.88 tons.

By the decision of the specialized interdistrict economic court of January 5, 2020, the claim was satisfied. Damage in the amount of 189,527,151 tenge was recovered from JV LLP to the state income.

By the decision of the judicial board for civil cases of March 19, 2020, the decision was left unchanged.

By the decision of the Judicial Board for Civil Cases of the Supreme Court of the Republic of Kazakhstan dated October 13, 2020, the judicial acts were canceled, the case was sent for a new consideration to the court of first instance.

The cassation instance stated that when satisfying the claim of the Department, the local courts did not establish the exact amount of damage, did not provide calculations and did not evaluate the calculations of the Department and the expert opinion. Despite the existing contradictions in the assessment of the amount of damage, the respondent's request for an additional expert examination and the expert's opinion were unreasonably rejected.

~~During the new review, the court of first instance was instructed to create conditions for the parties to protect their violated rights in accordance with Article 15 of the Civil Procedure Code, to fully and comprehensively examine the evidence submitted by the parties, to consider the appointment of an additional expert examination, and, if necessary, to involve all subcontractors for the construction of the highway as third parties.~~
~~The case is still pending.~~

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XXXI. Website addresses имеющих relevant to the implementation of Article 9

Please provide the relevant website addresses, if available:

~~<https://sud.gov.kz>, www.e.gov.kz, www.aarhus.kz, www.supcourt.kz, www.procuror.kz, www.fiec.kz~~

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~~On the website of the Supreme Court, in the section "International cooperation", a page is opened: "To assist the judge in matters of international law", on the implementation of the International Treaty of the Aarhus Convention (hereinafter referred to as the OK), which contains: legal acts on environmental issues; Reports on the work of the Meeting of the Parties to the QA; manuals on the application of the QA; a list of environmental conventions; statistics on the consideration by courts of claims related to environmental protection and other materials useful for judges and the public.~~

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Articles 10-22 do not apply to national implementation.

XXXII. General comments on the purpose of the Convention

Please indicate, as appropriate, how the implementation of the Convention contributes to protecting the right of every person of present and future generations to live in an environment conducive to their health and well-being.

~~Answer: The Aarhus Convention provides public organizations and citizens of the Republic of Kazakhstan with the necessary experience in using international mechanisms for protecting environmental rights, and state bodies with experience in reviewing alleged non-compliance in an international instance. In addition, compliance with the requirements OK of the Environmental Code implements the constitutional rights of citizens of Kazakhstan, specifies actions and measures that should be taken by state bodies in terms of improving public access to environmental information, taking public opinion into account when making decisions affecting the environment, and simplifying opportunities for the public to appeal against violations of environmental legislation by various enterprises and state bodies. An important fact is the improvement the legislative field of the Republic of Kazakhstan and the growth of public awareness in environmental protection issues.~~

Добавлено примечание ([НИД11]): ??? Орхусская конвенция?

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XXXIII. Legislative, regulatory and other measures to implement the provisions of article 6 bis and annex Ibis relating to genetically modified organisms

When describing legislative, regulatory and other measures to implement the provisions of article 6 bis concerning public participation in decision-making regarding the deliberate release into the environment and marketing of genetically modified organisms, describe:

- (a) With respect **пункта 1 to article 6 bis, paragraph 1**, and:
- i. **Paragraph 1** Annex I bis, paragraph 1 – measures included in the Party's legal framework to ensure effective reporting and public participation in relation to decisions covered by the provisions of Article 6 bis;
 - ii. **Paragraph 2** Annex I bis, paragraph 2 – any exceptions, the Party's legal framework for the public participation procedure set out in annex I bis and the criteria for any such exception;
 - iii. **paragraph 3** of annex I bis – measures taken to provide the summary to the public in an adequate, timely and effective manner. A notification sent for the purpose of obtaining authorization for the deliberate release or marketing of such genetically modified organisms, as well as an Assessment Report, where available;
 - iv. **paragraph 4** of annex I bis – measures taken to ensure that, in any case, the information provided in this paragraph is not considered to be illegal, confidential;
 - v. **paragraph 5** of annex I bis – measures taken to ensure transparency of decision-making procedures and to provide the public with access to relevant procedural information, including, for example, information on such aspects as:
 - a. the nature of possible decisions;
 - b. public authority responsible for decision-making;
 - c. public participation mechanisms established pursuant to paragraph 1 of annex Ibis;
 - d. a government agency from which relevant information can be obtained; and
 - vi. **paragraph 6** of annex I bis – measures taken to ensure that the procedures established under paragraph 1 of annex I bis allow the public to submit, in any appropriate way, any comments, information, analysis or opinions that it considers appropriate. of public participation procedures established pursuant to paragraph 1 of annex I bis; paragraph 8 of annex I bis – measures taken to ensure that the texts of decisions taken by a public authority in accordance with paragraph 1 of annex I bis are relevant to the intended deliberate release or sale on the market;
 - vii. **paragraph 7** of annex I bis – measures taken to ensure that the results of public participation procedures established pursuant to paragraph 1 of annex I bis;

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viii. paragraph 8 of annex I bis-measures taken to ensure that the texts of decisions taken by a public authority	отформатировано: английский (США)
are taken in accordance with paragraph 1 of annex I bis. (b) With respect to With respect пункта 2 article 6 bis, paragraph 2 – how the requirements formulated in accordance with the provisions of annex I bis complement and mutually support the national biosafety system Parties and are consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.	отформатировано: английский (США) отформатировано: английский (США)
Answer: For the first time, GMO issues were included in the legislation of Kazakhstan in the mid-2000s. This process was initiated by the campaign "For a GMO-free Kazakhstan", organized by non-governmental organizations. Within the framework of this campaign, work was carried out aimed at attracting the attention of the general public to the problem of GMOs. Seminars, media coverage, cooperation with scientific circles, consumer societies, appeals to the President and Prime Minister, monitoring of the Kazakh market, organization of public opinion research, lawsuits against a multinational corporation that uses GMOs in products-all this undoubtedly influenced the attitude of decision makers to the problem of GMOs. It is during this period that the development of legislation begins. Thus, active public participation in the regulation of GMOs in Kazakhstan contributed to the beginning of the development of the legislative framework of the Republic of Kazakhstan, which is based on the norms of the Constitution of the country, which proclaimed human rights, their life, rights and freedoms as the highest value of the state (Article 1), their right to health protection (Article 29). Today, the following legal acts regulate GMOs in Kazakhstan. * Environmental Code of the Republic of Kazakhstan; • Code of the Republic of Kazakhstan "On Public Health and the health system * "• Law of the Republic of Kazakhstan "On Ratification of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity";• * Law of the Republic of Kazakhstan "On food safety"; • Law of the Republic of Kazakhstan "On Consumer Rights Protection"; • Law of the Republic of Kazakhstan "On state regulation of the development of the agro-industrial complex and rural territories"; • The Law of the Republic of Kazakhstan "On seed production"; • Rules for carrying out work on scientifically based confirmation of the safety of genetically modified objects. Resolution of the Government of the Republic of Kazakhstan No. 346 of April 16, 2008; • Rules for the turnover of genetically modified items. Resolution of the Government of the Republic of Kazakhstan No. 630 dated June 27, 2008; • Technical Regulations "Safety requirements for food products obtained from genetically modified (transgenic) plants and animals". Resolution of the Government of the Republic of Kazakhstan No. 969 dated September 21, 2010; • On the adoption of the technical regulations of the Customs Union "On food safety". Decision of the Customs Union Commission No. 880 of December 9, 2011; • On approval of the List of environmentally hazardous types of economic and other activities. Order of the Minister of Energy of the Republic of Kazakhstan No. 27 dated January 21, 2015; • On approval of the Rules for the turnover of biologically active food additives. Order of the Minister of National Economy of the Republic of Kazakhstan dated June 30, 2016 No. 297. Registered with the Ministry of Justice of the Republic of Kazakhstan on July 28, 2016 No. 14015. * On approval of the Sanitary Rules "Sanitary and epidemiological requirements for objects of preschool education and training of children". Order of the Minister of National Economy of the Republic of Kazakhstan dated March 17, 2015 No. 217. Registered with the Ministry of Justice of the Republic of Kazakhstan on May 6, 2015 No. 10975. * On approval of the Sanitary Rules "Sanitary and epidemiological requirements for educational facilities". Order of the Minister of Health of the Republic of Kazakhstan No. 611 dated August 16, 2017. Registered with the Ministry of Justice of the Republic of Kazakhstan on September 13, 2017 No. 15681. From the above-mentioned documents, we can distinguish the following key points of regulating the turnover of GMOs in Kazakhstan, which form the basis of the biosafety system: * GMOs and GM products are classified as products that pose a public health hazard: * Ban on the sale and sowing of genetically modified seeds;	отформатировано: английский (США) отформатировано: английский (США), не выделение цветом

- Ban on GMOs in fish raw materials
- * Ban on the sale of GMOs in educational organizations, in organizations of preschool education and training of children;
- * Mandatory labeling and informing the buyer about the presence of GMOs in food products;
- GMO production is classified as an environmentally hazardous type of economic activity.
- Creation, breeding and production of GMOs requires conclusions of scientific justification, state environmental and sanitary-epidemiological expertise;
- Mandatory environmental insurance for the production of GMOs;
- Mandatory registration of GMOs and maintenance of the state register of GMOs
- * Risk assessment of food products obtained by GMOs during laboratory tests;
- * Introduction of a post-market monitoring system for agricultural producers that ensures traceability of where and from where food products were sold.

XXXIV. Obstacles encountered in the implementation of article 6 bis and annex Ibis

Indicate **any** obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex Ibis.

Answer Domestic ratification procedures for the Almaty Amendment on GMOs to the Aarhus Convention should be completed.

XXXV. Additional information on the practical implementation of the provisions of article 6 bis and annex I bis

Please provide further information on the practical application of the provisions of article 6 bis concerning public participation in decisions on the deliberate release into the environment and marketing of genetically modified organisms. For example, whether there are any statistics or other information on public participation in such decisions or on decisions considered under paragraph 2 of annex Ibis as exceptions to the public participation procedures set out in that annex.

Answer: there is no information maybe the Ministry of Health or the Ministry of Education and Science has any information.

XXXVI. Website addresses relevant to the implementation of article 6 bis

Please indicate the relevant website addresses, if available, including the website addresses that host decision and release registers for genetically modified organisms:

www.ecogofond.kz, www.biocenter.kz, www.fao.org, www.ecoforum.kz, www.edu.gov.kz, www.dsm.gov.kz

XXXVII. Follow - up to compliance issues

If, after considering the Report and any recommendations of the Compliance Committee, the Meeting of the Parties decides to take action at its subsequent session, please indicate, with regard to your country's compliance with the established requirements: (a) what these measures are;

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Добавлено примечание ([НИД12]): Нужно что-то дать сюда

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and (b) what specific efforts are being made by your country to implement these measures in order to ensure compliance with the provisions of the Convention. росим указать, касаясь соблюдения вашей страной установленных требований; а) в чем заключаются эти меры; и б) какие конкретные усилия предпринимаются вашей страной с целью осуществления этих мер в интересах обеспечения соблюдения положений Конвенции.

Please include cross-references to the relevant sections, if necessary.

Answer:

The Convention is one of the ratified international treaties, according to which citizens and non-governmental legal entities have the right to appeal to the international body, the Aarhus Convention Compliance Committee, with statements on the facts of its non-compliance. This opportunity is actively used by Kazakhstani citizens and environmental organizations.

At the fifth Meeting of the Parties to the Aarhus Convention in 2014, Kazakhstan was issued Decision V/91 on compliance by Kazakhstan with its obligations under the Convention. It noted that Kazakhstan does not comply with paragraphs 2, 6, 7 and 9 of Article 6 of the Convention, concerning public participation in decision-making. Every year, Kazakhstan provides the Compliance Committee with detailed information on further progress in implementing the recommendations.

Thus, on April 8, 2016, the President of the Republic of Kazakhstan signed the Law "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Environmental Issues", including on the Aarhus Convention. a) Pursuant to paragraph 2 of Article 6 of the Convention, the National Legislation of Kazakhstan provides for the following provisions:

Article 57-2 of the Environmental Code of the Republic of Kazakhstan establishes that local executive bodies, twenty days before holding public hearings, shall provide open access to environmental information related to the procedure for assessing the impact of the planned economic and other activities on the environment and the decision-making process on this activity through an Internet resource, as well as using other methods of informing.

The rules for holding public hearings provide for:

- a special section "Public Hearings" shall be created on the Internet resource of the local executive body in the form according to Appendix 1 to these Rules;
- local executive bodies, twenty days before holding public hearings, shall provide open access to environmental information related to the procedure for assessing the impact of the planned economic and other activities on the environment and the decision-making process on this activity through an Internet resource, as well as using other methods of informing;
- The Customer shall preliminarily agree with the local executive body on the time and place of public hearings, a preliminary list of the interested public and justify the most effective ways of informing them (announcements in the media, information leaflets, stands, written requests).
- The local executive body shall agree on the list of the interested public, the method of informing, the time and place of public hearings, and determine the person responsible for holding public hearings.
- The Customer shall inform the interested public in the state and Russian languages no later than twenty calendar days before the public hearings.
- The Customer shall send an announcement of public hearings, project documentation for posting on the Internet resource of the local executive body.

b) Information on the fulfillment of the requirements of paragraph 6 of Article 6 of the Convention:

In January 2021, the Environmental Code was adopted in a new edition, which fully implements the provisions of the Aarhus Convention.

c) to ensure that, in accordance with paragraph 7 of Article 6 of the Convention, the provision of comments by the public is not limited to "reasonable" comments only:

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In accordance with the approved rules for holding public hearings, the results of public hearings are recorded in a protocol, in the form specified in Appendix 3 to the Rules for Holding Public Hearings. The protocol is drawn up taking into account the opinions of persons who took part in the public hearings, as well as comments and suggestions received through the Internet resource or using other methods of information. The protocol reflects comments and suggestions from the interested public related to the customer's project, and the customer's position on taking into account each comment and suggestion, as well as information on the possibility of appealing the decision. The protocol is signed by the chairman and secretary of the public hearings and posted on the Internet resource of the local executive body no later than seven working days after the public hearings.

d) to create appropriate procedures that are not limited to publishing decisions only on websites, promptly notifying the public of environmental impact assessments, and facilitating public access in accordance with paragraph 9 of Article 6 of the Convention:

1. At the legislative level (Article 57), the obligation to publish the conclusion of the state environmental impact assessment on the Internet resource of Local Executive Bodies within five working days of its receipt by the nature user has been introduced.

2. The Rules for Conducting Public Hearings (approved by Order of the Minister of Environmental Protection of the Republic of Kazakhstan dated May 7, 2007 No. 135-p) provide for: the results of public hearings are recorded in a protocol, which is posted on the Internet resource of the local executive body no later than seven working days after the public hearings.

e) for storing and providing the public through publicly accessible lists or registers of copies of decisions taken, together with other information relevant to the decision-making process, including data confirming the fulfillment of the obligation to inform the public and provide it with the opportunity to submit its comments:

In 2021, with the support of the OSCE Programme Office in Astana, the Unified Environmental Portal <http://ecoportal.kz> was created, which will centralize information on public hearings throughout the country until 2025: materials submitted to public hearings, as well as minutes of public hearings.

In 2024, the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan created an automated information system "National Database of the Environment and Natural Resources of the Republic of Kazakhstan" (hereinafter referred to as the NDB SOS and PR), designed to collect, systematize, store, process and disseminate environmental information in order to ensure public access to environmental information, monitor compliance with legislation and identify violations in the field of ecology, as well as information interaction between nature users and the authorized body in the field of environmental protection on the "single window" principle. This platform includes 6 modules: a public hearings module, the Pollutant Release and Transfer Register (PRTR), an automated system for monitoring emissions into the environment (ASM); a module for receiving industrial environmental control reports (hereinafter referred to as IEC); the state waste cadastre and the carbon cadastre.

On November 26, 2024, the NDB SOS and PR Information System was put into commercial operation. This NDB SOS and PR platform will begin to function in 2025.