

**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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Date:

**Implementation report for the period 2021 – 2024
years**

Please provide the following baseline data for the Report

Party: Republic of Kazakhstan (ROK)

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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.ecogofond.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.

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 of the Aarhus Convention is the Ministry of Kazakhstan and the RSE "Information and Analytical Center for Environmental Protection" 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;

¹ Chapter 4 of the Environmental Code, articles 12 and 13 of the Law "On Specially Protected Natural Territories".

² Articles 62 and 63 of the Water Code, article 3 of the Forest Code.

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".

⁴ Articles 19-21 of the Law "About radiation safety of the population".

⁵ Article 13 of the Law "On Architectural, Urban Planning and Construction Activities".

⁶

On access to information, the Law of the Republic of Kazakhstan dated November 16, 2015 No. 401-V LRK.

⁷ Subparagraph 7 of paragraph 1 of Article 13 and subparagraph 7 of paragraph 1 of Article 14 of the Environmental Code.

- 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. 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;

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

⁸ Subparagraph 1-1) of paragraph 1 of Article 14 of the Environmental Code

. (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.

In accordance with the new version of the Environmental Code of the Republic of Kazakhstan to ensure access to environmental information provided for:

1) creation of a State register of Pollutant releases and Transfers (Article 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);

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.

6) 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 23);

7) 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 95).

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 , as well as Administrative procedural-procedural code 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 of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated August 9, 2021 No. 316. "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 process in accordance with the new version of the Environmental Code.

1) 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) the Environmental Code (i 13) 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 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

2) Code of 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).

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. 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 specifics of ensuring access to environmental information were legally regulated in Chapter 4 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 university teachers in advanced training courses in the field of environmental protection;
- Publication of the specialized newspaper "Ecology of Kazakhstan";

In Articles 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.

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 Экофорума 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 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.

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 "Zhasyly" 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.

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:

- 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.

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 ОpxycAarhusский Center (Petrovsk), the Karaganda Aarhus Center, the Regional Aarhus Center in Pavlodar. Павлодар, the East Kazakhstan Aarhus Center (Ust-Kamenogorsk), Обще- 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", Ор-хусский Aarhus 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 civil society in environmental protection" in Astana. The event was held in on-line and online formats and was attended by representatives of regional Aarhus centers, неправительственные 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-организация Environmental Education Organization", held annually by the Ministry of Ecology of the Republic of Kazakhstan together with акиматами 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. 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.

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 n.oNo. 20-P of the Acting Minister of Ecology dated 04.09.2019). The Council consists 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 meeting of the OS on April 8, 2024, Minutes No. 2). 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. 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 (2020-224 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.

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.

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.

The Government of the Republic of Kazakhstan supports public associations. In accordance with Article 134 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 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.

Regarding **paragraph 7**:

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

On January 22, 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 192 states 412 and 413 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 (ICS D 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". With respect to **paragraph 8:**

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

1.

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.

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 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.

Information about the courses is posted on the websites of the Ministry Education and Science of the Republic of Kazakhstan, the IAC of Environmental Protection, the Center for Retraining and Advanced Training, the newspaper "Ecology of Kazakhstan". Every year, representatives of NGOs, mass media, and university and college teachers are trained on a free basis.

In 2018, 2019, 2020 and 2020, 80-105 people were trained for free, in 2021- 2022- 2024, it is planned It is planned to train 110- 116 people in the following years.

VI. Addresses of websites relevant to the implementation of Article 3

Specify the relevant website addresses, if any:

www.e.gov.kz, www.ecogeo.gov.kz, www.energo.gov.kz, www.carecnet.org,
www.ecogofond.kz, www.iacoos.kz, www.zakon.kz, WWW.adilet.zan.kz.

VII. Legislative, regulatory and other measures to implement the provisions of article 4 concerning access to environmental information

List legislative, regulatory and other measures that implement the provisions of article 4 on access to environmental information.

Explain how the provisions of each paragraph of article 4 are implemented. Indicate how the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9, are transposed into national legislation. Also, please describe in particular:

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

- i. any person can have access to information without having to express an interest;
- ii. copies of factual documentation containing or including the requested information are provided;
- iii. information is provided in the requested form;

and (b) measures taken to ensure that the time limits set out in paragraph 1 are met. in **paragraph 2**;

(c) with respect **to paragraphs 3 and 4**, measures taken:

- i. to, ensure that exceptions to the request for information requirement are provided;
- ii. to ensure that the public interest criterion referred to at the end of paragraph 4 is applied;

(d) with respect **to paragraph 5**, measures taken to ensure that: a public authority that does not have the requested environmental information has taken the necessary actions;

(e) with respect **to paragraph 6** – measures taken to ensure compliance with the requirement to separate relevant information and provide information;

(f) with respect **to paragraph 7**, measures taken to ensure that refusals to provide information are given within the prescribed time frame and

(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 provided to all categories of citizens and legal entities on a free basis,.

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 witho **article 76 of the Administrative Procedure Codea Of the Republic of Kazakhstan dated June 29, 2020 No. 350-VI, so, withthe 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.

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;

bodies. 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 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.

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;

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 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 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.

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.

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;
- 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) orphans;
- 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).
- статистическая 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.

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:

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-o 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.

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.

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.

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.

The following sites are also available on the unified environmental Internet resource www.ecogofond.kz:

- implementation of the Aarhus Convention of the Republic of Kazakhstan;
- State Environmental Information Fund;
- EcoInfoPravo's regulatory framework;
- pollutant release and transfer register.

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.

X. Website addresses имеющихся relevant to the implementation of Article 4

Please provide the relevant website addresses, if available:

www.akorda.kz, www.carecnet.org, www.pravstat.prokuror.kz, www.sud.gov.kz,
www.osce.org/nur-sultan, www.esgrs.org/, blogs.egov.kz, www.gov.kz,
www.iacoos.kz.

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

List legislative, regulatory and other measures that implement the provisions of article 5 on the collection and dissemination of environmental information.

Explain how the provisions of each paragraph of article 5 are implemented. Please indicate how the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9, are transposed into national legislation не дискриминации. Also, please describe in particular:

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

- i. public authorities have environmental information available and updated;
- ii. that information is guaranteed to be properly communicated to public authorities;
- iii. and that in the event of an emergency, relevant information is disseminated immediately and without delay.

(b) In relation **to paragraph 2**, measures taken to ensure transparency in the provision of environmental information by public authorities and to ensure that environmental information is effectively accessible to the public;

(c) In relation **to paragraph 3**, measures taken to ensure a gradual increase in the volume of environmental information in electronic databases that are easily accessible to the public through public communication networks;

(d) in relation to **paragraph 4** – measures taken to publish and disseminate national State of the Environment Reports;

(e) measures taken to disseminate the information referred to in **paragraph 5**;

(f) For **paragraph 6** – measures taken to encourage operators whose activities have a significant impact on the environment to: regularly inform the public about the impact of their activities and products on the environment;

(g) measures taken to publish and provide the information required under **paragraph 7**;

(h) with respect **to paragraph 8**, measures taken to develop mechanisms to ensure that sufficient information about products is made available to the public;

(i) with respect **to paragraph 9**, measures taken adopted to establish a nationwide system of pollution inventories or registers.

Answer:

Regarding point 1:

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 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 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 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:

- 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.

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 Republic of Kazakhstan have been developed for the following years: 2011-2014, 2015, 2016, 2017, 2018, 2019, 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/>.

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 2016.

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".

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.

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 (кольеретки), 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.

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.

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

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;
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.

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>.

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 to the Convention;
 - (ii) The provisions of article 6 have been applied to decisions on planned activities not listed in Annex I 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;
- (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;
- (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.

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:

- 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).

- 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.

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.

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).

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. 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. 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.

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 *предусмотрено* - stipulates 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 *Правил* - of the Regulation 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://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:

- 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. пункт 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 [in subclause 9\)](#) Article 87 of the Code;
4) five working days-for the objects specified in [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:

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

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:

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. (punkt 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.

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. 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

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.

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. 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.

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.

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. HN 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 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.

XVIII. Website addresses имеющих relevant 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://ecoportal.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.

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

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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.

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 economy" has been in force, which provides for a set of measures implemented in several key areas: rational 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.

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 System are public authorities, legal entities with state participation, representatives of public, scientific and private organizations, and individuals.

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.

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 недискриминации.

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 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).. Putktom 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 (paragraph17 System).

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.

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.

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.

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 made a number of proposals to improve the national legislation during the preparation of the draft Environmental Code in a new version.

- 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.

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 takoro 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. Andwhether 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.

Answer: with regard to paragraph 1:

That according to article 190 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".

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", "On 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".

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.

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 **ka**, 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 interests of an indefinite circle of persons..

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.

The installed AVF systems have a centralized data storage system, are integrated with the information system of the judicial authorities "Torelikik" 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

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" 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". 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 Б. B. 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.

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.*

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".

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.

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.

all convicted				Deprivation of liberty				Non-custodial sentences			
1	2022	2023	11 months 2024	2021	2022	2023	11 months 2024	2021	2022	2023	11 months . 2024
	1				1						
								1			
		3	1				1	1		3	
	112	128	101	19	5	5	6	119	107	123	95
	68	79	65	22	15	9	11	95	53	70	54
	138	144	84	53	45	48	31	123	93	96	53
	12	6	3					6	12	6	3
	1	1							1	1	
	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 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.

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 решений -, 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:

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 respondent 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, 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).

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". "K" 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.

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.

Decisions on the imposition of adm were made. foreclosure				Main administrative penalty warning				Major administrative pena administrative penalty		
2021	2022	2023	11 month s 2024	2021	2022	2023	11 month s 2024	2021	2022	2023
	5	6	3		2	4			3	2
1	2	1	1		-	-		1	2	1
	-	1	1		-	-			-	1
	5	1	6		-				5	1
14	30	56	61		-			14	30	56
		1								1
	2	3			-				2	3
2	2	3	2		-			2	2	3
	1	-							1	
1	1	1	1		-			1	1	1
	2	1			-				2	1
	-		2		-		1		2	
		1	1		-		1		-	1
		-	3							
3	6	5	9		1	1		3	5	4
	2	-	1		-				2	
		1								1
					-					
	1	1	1		-				1	1
	1	-			-				1	
	1	2			-				1	2
19	13	18	21					19	13	18
		1								1
3		1						3		1
		-			-					
181	172	127	114				1	181	172	127
45	39	36	16	1	2		1	44	37	36
588	657	725	467		-			588	657	725
	1	-							1	
1			1	1	-		1			
208	186	173	147					208	186	173
			1							
1066	1129	and 1165	859	2	5	5	5	1064	1124	1160

the most applied a penalty under articles 383 (*Violation of rules of fishery and protection of fish
ources and other water animals*), 389 (*Illegal acquisition, sale, transport, import, export, storage
ntents) species of wild animals and plants, their parts or derivatives*) and article 381-1 (*Illegal felling,
truction or damage of trees and shrubs*) of the administrative code.

Appeal instance

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.

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 2
				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		
						1	3		
	2	2				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.

3a 2021 и 2022 There is no breakdown by item for 2021 and 2022in the report.

Нуже The table below shows information on the consideration of cases in the cassation instance, broken down by article Administrative Code.

Article	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 the Almaty city Akimat on the failure to establish a security zone along the border 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, Алматы on failure to establish a protected zone along the border of the Ile-Alatau State National Park was declared illegal.

The Akimat of Almaty, Аis 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. Алматы" on declaring illegal actions for not providing timely, complete and reliable environmental information, forcing them to provide complete and reliable environmental information.

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 fieldҚаттытасin 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 fieldҚаттытасin Mangystau district; obligationнности 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.

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.

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

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.

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 of the Republic of Kazakhstan and the growth of public awareness in environmental protection issues.

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; andthe public authority to which comments may be submitted and the time frame for submitting comments;
- 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;

viii. **paragraph 8** of annex I bis-measures taken to ensure that the texts of decisions taken by a public authority

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.

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;
- 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

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:

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; 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. просим указать касавшиеся 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/9i 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:

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 NBD SOS and PR platform will begin to function in 2025.