

### ***Article 28. Public Participation in Decision Making***

1. The public concerned has the right to participate on the conditions and in the manner established by this Code in the process of environmental impact assessment, strategic environmental assessment, issuing environmental permits and making decisions on environmental matters by state bodies and officials.

2. The public concerned in this Code is understood to be the public that is affected or may be affected by the decision-making process on matters relating to the environment, or which has an interest in this process.

Non-profit organizations and public associations that carry out their activities in the field of environmental protection are considered organizations with an interest.

3. Within the procedures defined by this Code, representatives of the public concerned are entitled to submit any comments, information, analysis or opinions that they consider to be relevant to the planned activity or decision, in written or electronic form and orally during a public hearing when it is provided for this Code.

4. Relevant decisions on environmental issues taken by a public authority or official should adequately reflect the results of public participation.

5. State bodies or officials who have made decisions on matters relating to the environment are obliged to immediately inform the public concerned about this by providing it with the text of the decision along with the reasons and considerations underlying the decision in the manner determined by this Code.

### ***Article 73. Objectives and principles of the strategic environmental assessment***

1. Strategic environmental assessment is performed in order to take into account the significant impacts of the implementation of strategic documents on the environment, including potential transboundary impacts, when developing and approving a strategic document.

2. Strategic environmental assessment is carried out on the basis of the principles of legality, sustainable development, long-term forecasting, comprehensiveness, precaution, inadmissibility of significant negative environmental impacts, including transboundary ones, as a result of the implementation of the strategic document, publicity and public participation in strategic environmental assessment.

### ***Article 74. Stages of the strategic environmental assessment***

The strategic environmental assessment procedure includes:

1) determining the need for a strategic environmental assessment based on the criteria established by this Code or based on the results of screening;

2) determining the scope of the environmental report;

3) preparation of an environmental report;

- 4) assessment of the quality of the environmental report;
- 5) consultations with interested state bodies and the public;
- 6) taking into account the findings of the environmental report, comments and suggestions received from the public and interested state bodies, including during the assessment of transboundary environmental impacts, when adopting a strategic document;
- 7) monitoring of the significant environmental impact of the strategic document.

***Article 75. Subjects responsible for conducting a strategic environmental assessment***

Responsibility for conducting a strategic environmental assessment of a strategic document lies on the state body developing the strategic document.

State agencies that develop strategic documents inform the authorized environmental and health authorities, other interested bodies, and the public about conducting a strategic environmental assessment and provide an opportunity for their participation in carrying out strategic environmental assessment at all stages of the development and approval of a strategic document.

For the preparation of the environmental report, the performance of other works, and the rendering of services in the process of conducting a strategic environmental assessment, the development bodies have the right to involve experts in the manner established by the legislation of the Republic of Kazakhstan.

***Article 76. Objects of strategic environmental assessment***

1. Draft strategic documents are subject to mandatory strategic environmental assessment, the implementation of which may have a significant impact on the environment, as well as existing strategic documents whose implementation may have a significant impact on the environment if changes and additions are made to them.

2. In case of changes and (or) additions to the existing strategic document, the implementation of which may have a significant impact on the environment, such document is subject to a strategic environmental assessment along with a project providing for changes and (or) additions to it.

3. The strategic documents that are subject to mandatory strategic environmental assessment include:

1) documents of the State Planning System, with the exception of the documents referred to in paragraph 5 of this article, aimed at the development of agriculture, forestry, fisheries, energy, industry, including mineral exploration and extraction, transport, waste management, water management, telecommunications, tourism, urban and rural development planning, land use and protection, if the implementation of such documents creates the conditions for the conducting activities subject to a mandatory environmental impact assessment in accordance with paragraph 3 of Article 16 of this Code;

2) urban planning projects of national importance, urban planning projects of regional significance, urban planning projects for the development and development of settlements, except for the cases specified in subparagraph 2) of paragraph 4 of this article, urban development projects of inter-settlement areas for the construction of industrial complexes or other closed-type facilities located outside settlements;

3) republican, provinces and regional schemes (projects) of land management, schemes for the integrated use and protection of water resources, forest management projects of state forests.

4. Documents of the State Planning System that are not subject to subparagraph 1) of paragraph 2 of this article may be recognized as objects of mandatory strategic environmental assessment if they cover provisions that are or may become conditions for issuing permits or receiving notifications in the manner prescribed by law permits and notifications in relation to activities having an impact on the environment. Such documents are subject to a mandatory strategic environmental assessment, if the need for it will be determined based on the results of screening strategic documents.

The provisions of the first part of this clause are not applied to the documents of the State Planning System referred to in paragraph 5 of this article.

1. Strategic environmental assessment may not be carried out in the following cases:

1) when minor changes are made to the strategic documents listed in clause 2 of this article, if the absence of the need to conduct a strategic environmental assessment of such changes is determined based on the results of screening strategic documents;

2) in the development of master plans for rural settlements with a population of up to five thousand people, detailed planning projects, industrial zone planning projects and development projects derived from the current master plan, if the absence of the need for a strategic environmental assessment of these documents was established by screening strategic documents.

2. Do not belong to the objects of strategic environmental assessment:

1) strategic documents in the financial and budgetary sphere;

2) strategic documents whose sole purpose is to ensure national defense, measures for civil protection, prevention and elimination of emergency situations..

### ***Article 77. Screening of strategic documents***

1. Screening of strategic documents is mandatory for all strategic documents under paragraphs 3 and 4 of Article 7 of this Code.

2. Screening of strategic documents is a procedure for determining the need or absence of the need for a strategic environmental assessment of strategic documents under paragraphs 3 and 4 of Article 7 of this Code, based on the following criteria:

1) the relevance of the strategic document in terms of the need to take into account environmental impacts and ensure that the strategic document is consistent with the goals of promoting sustainable development;

2) opportunities for the implementation of economic activities established by the strategic document, taking into account the location, type, scale, conditions of activity, availability of natural resources and conditions for their use;

3) the degree of influence of this document on the implementation of other strategic documents;

4) the environmental consequences of the implementation of the strategic document, including those affecting public health;

5) the relevance of the strategic document to meet the requirements of the legislation of the Republic of Kazakhstan and its international obligations in the field of environmental protection;

6) features of the environmental consequences of the implementation of the strategic document, such as the possibility, duration, frequency and reversibility of the consequences, the cumulative nature of the consequences, the magnitude and spatial extent of the impact (geographic area and population affected);

7) risks to the environment, including public health;

8) the transboundary character of the consequences of the implementation of the strategic document;

9) the extent and character of the possible consequences of the implementation of the strategic document for specially protected natural areas, objects of the state natural reserve fund, ecological network elements related to the system of specially protected natural areas, habitats, growth of rare and endangered species of animals and plants, objects of historical and cultural heritage, lands for recreational, recreational and historical and cultural purposes;

10) the need to assess the possible environmental consequences of a strategic document for which a strategic environmental assessment had not previously been carried out, or was carried out, but did not provide a sufficient study of all possible environmental consequences of the implementation of the strategic document;

11) the nature of the proposed changes to the strategic document for which a strategic environmental assessment had previously been carried out.

3. Screening of strategic documents is carried out at the stage of developing a concept of a strategic document, and if the development of a concept is not required by the legislation of the Republic of Kazakhstan, then at the initial stage of developing a draft strategic document.

4. Screening of strategic documents is carried out by the authorized body in the field of environmental protection, taking into account:

1) comments and proposals received from the public, the authorized body in the field of health care and other interested bodies in the manner prescribed by Articles 11 and 12 of this Code and the Rules for screening strategic documents and strategic environmental assessment;

2) there is a basis for conducting an assessment of transboundary environmental impacts envisaged by subparagraph 2) of paragraph 1 of Article 29 of this Code.

5. To determine the need for a strategic environmental assessment of the strategic document referred to in paragraphs 2 and 3 of Article 44-4 of this Code, the planning body sends the following documents to the authorized bodies in the field of environmental protection and health:

1) a statement on the determination of the need or absence of the need for a strategic environmental assessment;

2) the draft concept of the strategic document, which includes information on the main directions and deadlines for its implementation, if the concept is required by law, or information on the main directions and terms for the implementation of the strategic document for which the preliminary concept development is not provided for by the legislation;

3) a description of the territory in which the implementation of the strategic document is planned;

4) a general description of the potential impact of the implementation of the strategic document on the environment and public health.

6. After receiving the application and documents specified in paragraph 5 of this article, the authorized body in the field of environmental protection places them on its Internet resource.

7. The authorized body in the field of environmental protection and the authorized body in the field of health shall consider the application and the documents attached thereto, taking into account the criteria defined in paragraph 2 of this article, and taking into account the comments and suggestions received from the public, adopt a joint opinion on the need or without the need for a strategic environmental assessment.

8. If the authorized body in the field of environmental protection and the authorized body in the field of health come to the conclusion that the possible environmental consequences of the implementation of the strategic document are insignificant, the conclusion concludes that there is no need for a strategic environmental assessment.

9. If the authorized body in the field of environmental protection and the authorized body in the field of health come to a conclusion about the possible significant environmental consequences of the implementation of the strategic document, the conclusion draws a conclusion about the need for a strategic environmental assessment of this strategic document.

6. The conclusion about the need or absence of the need to conduct a strategic environmental assessment is sent to the state developer, is placed by the authorized bodies in the field of environmental protection and health on its official Internet resources, in the media, communicated to the public by other means specified in the article 12 of this Code.

***Article 78. Determination of the scope of the environmental report***

1. In determining the scope of the environmental report, the scope and level of detail of the information to be included in the environmental report is established on the basis of the nature and content of the strategic document.

The scope of the environmental report is determined in order to:

1) determining the scale of the potential impacts of the implementation of the strategic document on the environment and public health;

2) identifying reasonable and practically applicable alternative solutions that can be included in the strategic document, including those that are best from the point of view of environmental protection;

3) informing the public about the planned strategic document, possible alternative solutions that may be included in it, and the expected results of its implementation;

4) determining the public concerned in relation to a specific strategic document;

5) providing the developer body with the information necessary to justify the costs of preparing the environmental report;

6) determine the range of source data and other information, the acquisition of which is necessary in the course of the strategic environmental assessment;

7) identify significant impacts of the planned strategic document on specially protected natural territories, other territories and objects subject to protection in accordance with the legislation and (or) international treaties of the Republic of Kazakhstan and of local, national or international importance;

8) determine the likelihood of transboundary impacts of the implementation of the planned strategic document on the environment;

9) the definition of environmental goals, including those related to public health related to the strategic document, at the international, national and local levels.

2. The determination of the scope of the environmental report is carried out by the authorized body in the field of environmental protection, taking into account:

1) comments and suggestions received from the public, the authorized public health authority and other interested bodies in accordance with Articles 11 and 12 of this Code and the Rules for screening strategic documents and strategic environmental assessment;

2) the results of the assessment of transboundary impacts - in cases of its implementation.

3. The procedure for determining the scope of an environmental report is established by the Rules for the Screening of Strategic Documents and Strategic Environmental Assessment.

4. Based on the results of the determination of the scope of the environmental report, the authorized body in the field of environmental protection issues an opinion on the determination of the scope of the environmental report.

### ***Article 79. Environmental Report***

1. The environmental report identifies, describes and assesses the likely significant environmental impacts of the implementation of the strategic document, as well as reasonable alternatives to the solutions proposed in it, taking into account the objectives and geographical scope of the strategic document.

2. The environmental report is part of a strategic document.

The content of the environmental report should be consistent with the determination of the scope of the environmental report.

3. The environmental report should contain the information specified in paragraph 4 of this article, corresponding to the level of modern knowledge and assessment methods, the content and level of detail of the strategic document.

4. The environmental report should include:

1) a summary of the content, the main objectives of the strategic document and its relationship with other strategic documents;

2) an assessment of the current state of the environment and public health, and the likely changes in their state if the strategic document is not approved;

3) an assessment of the state of the environment and the health of the population in territories that may be significantly affected by the implementation of the strategic document;

4) existing environmental problems; risks that may be caused or reinforced by the implementation of a strategic document, including for the health of the population and the state of specially protected natural territories;

5) environmental protection objectives, including those related to public health, related to the strategic document, established at the international, national and local levels, as well as the procedure for incorporating these objectives and other environmental aspects into the process of developing the strategic document;

6) a description of the possible significant environmental consequences of the implementation of the strategic document, including side, cumulative, short-term, medium-term and long-term, permanent and temporary, positive and negative consequences;

7) measures to prevent, reduce, compensate for any significant negative impacts of the implementation of the strategic document on the environment;

8) justification of the choice of decisions made in the strategic document from among the alternatives that were considered during the strategic environmental assessment, and a description of the assessment process, including any difficulties related to the lack of necessary techniques or knowledge gaps, lack of information or technical tools in the evaluation process;

9) a program for monitoring the significant impacts of the implementation of the strategic document on the environment, including a description of specific measures for its implementation;

10) a description of the possible transboundary impacts of the implementation of the strategic document on the environment (if any), comments and suggestions from the public and interested authorities, including those obtained during the assessment of transboundary impacts;

11) a summary of the environmental report, including conclusions on sub-clauses 1) -10) of this clause and presented in a form that is understandable to the public.

5. The developer body is obliged to submit an environmental report for quality assessment to the authorized bodies in the field of environmental protection and public health.

6. Based on the results of the environmental report quality assessment, the authorized body in the field of environmental protection issues an opinion on the quality of the environmental report, by which the environmental report is considered satisfactory or unsatisfactory.

7. If the environmental report is recognized as unsatisfactory, the decision on the results of the quality assessment should contain measures that must be taken when finalizing the environmental report.

8. The state developer body places on its official Internet resource a conclusion on the results of the environmental report quality assessment and informs the public about its publication in the ways provided for in Article 12 of this Code.

9. If the environmental report is deemed unsatisfactory, the state developer modifies it and, if necessary, a draft strategic document, and submits them to the authorized bodies in the field of environmental protection and health to conduct a re-assessment of quality in the manner provided for in this article.

#### ***Article 80. Consultations with interested bodies.***

1. The interested bodies include state bodies, local executive bodies, whose functions may be affected by the implementation of the strategic document.

2. The list of interested bodies in each specific case is determined by the authorized body in the field of environmental protection. At the same time, the number of interested bodies necessarily includes the authorized body in the field of health care, as well as local executive bodies of the affected territories.

3. For certain types of strategic documents, the list of state bodies, local executive bodies that are to be assigned to the number of mandatory interested bodies may be established by normative legal acts regulating the procedure for developing and approving such strategic documents.

4. Consultations with interested bodies represent receiving, reviewing and taking into account the comments and proposals of the authorized health authority and other interested bodies when screening strategic documents, determining the scope of the environmental report,



as well as on the content of the environmental report that is deemed satisfactory in accordance with paragraph 6 of Article 10 of this Code, and the draft strategic document before its approval.

5. Consultations with interested bodies are conducted in accordance with this article and the Rules for screening strategic documents and strategic environmental assessment.

6. The authorized body in the field of environmental protection is obliged to consider all the comments and suggestions of interested bodies received by it during the screening of strategic documents and determining the scope of the environmental report, if such comments and suggestions are submitted during the period established by the Rules for screening strategic documents and strategic environmental assessment.

Submission of deadlines set by the Rules for the screening of strategic documents and strategic environmental assessment, comments and suggestions or a letter of their absence by an authorized health authority is mandatory.

7. Based on the results of consultations with interested bodies, conducted during the screening of strategic documents and determining the scope of the environmental report, the authorized body in the field of environmental protection draws up a protocol of consultations with the interested bodies, which reflect:

all comments and suggestions received from interested bodies;

information on how the comments and suggestions of all interested bodies were taken into account when preparing a conclusion on the results of screening strategic documents and a conclusion on determining the scope of the environmental report.

8. The developer body is obliged to consider all comments and suggestions on the content of the draft strategic document and the environmental report in the period established by the Rules for screening environmental documents and strategic environmental assessment.

Submission of deadlines set by the Rules for the screening of strategic documents and strategic environmental assessment, comments and suggestions or a letter of their absence by an authorized health authority is mandatory.

9. Based on the results of consultations with interested bodies on the content of the draft strategic document and environmental report, the developer shall draw up a protocol of consultations with interested bodies, which should contain:

all comments and suggestions received from interested bodies;

information on how the comments and proposals of all interested bodies were taken into account in the draft strategic document and the environmental report;

justification of the choice of the editorial board of the strategic document proposed for approval from among other reasonable alternatives submitted for consideration.

10. Minutes of consultations with interested bodies shall be notified to the public in the manner stipulated in paragraph 3 of Article 12 of this Code.

***Article 81. Public participation in strategic environmental assessment***

1. The public has the right to express comments or suggestions on a draft strategic document, a conclusion on the need or absence of a strategic environmental report, a conclusion on the definition of the scope of the environmental report, an environmental report, a conclusion on the quality of the environmental report on the monitoring program of significant environmental impact of the strategic document.

The developer body is obliged to ensure the possibility of public participation in the screening of strategic documents and in the process of strategic environmental assessment, including at the initial stage of developing strategic documents, at which the choice of solution options from among the available alternatives is possible.

The development authority ensures that the draft strategic document, the environmental report, other documents and information obtained during the strategic environmental assessment referred to in paragraph 5 of this article are communicated to the public using the methods listed in paragraph 3 of this article.

2. The developer body ensures public participation in the strategic environmental assessment by:

- 1) determining the public concerned;
- 2) setting reasonable deadlines for the public to be able to take part in screening strategic documents and in the process of strategic environmental assessment in a timely and efficient manner;
- 3) informing the public in the ways provided for by clause 3 of this article;
- 4) providing the public with information based on its requests;
- 5) informing the public about the possibility of its participation in holding consultations in the event of an assessment of transboundary environmental impacts;
- 6) organizing the collection and recording of comments and suggestions from the public in the process of strategic environmental assessment.

3. Mandatory ways of informing the public in the process of strategic environmental assessment include the placement of information specified in paragraph 5 of this article:

- 1) on the web site of the developer body;
- 2) on the Internet resources of authorized bodies in the field of environmental protection and public health;
- 3) in at least one mass medium (in a periodical, through a TV channel or a radio channel) distributed throughout the affected territory;
- 4) on paper in places accessible to the public (on the notice boards of the authorized body in the field of environmental protection and its territorial subdivisions, local executive bodies, public transport stops and in places specifically designated for placing announcements);

5) by sending out individual written communications to legal entities that are in charge of specially protected natural territories, if they may be affected by the impact of the strategic document on the environment.

4. Information that must necessarily be provided to the public in the process of strategic environmental assessment using the methods specified in paragraph 3 of this article and in the manner prescribed by the rules for screening strategic documents and strategic environmental assessment and by the rules for public hearings includes:

1) information on the beginning of the development of the strategic document, its concept, information on the main directions and deadlines for the implementation of strategic documents for which the development of the concept is not provided for by law, the name and location of the authority (person) responsible for receiving and recording comments and suggestions from the public;

2) information on strategic documents that have passed the screening procedure of strategic documents;

3) information on strategic documents that have passed the procedure for determining the scope of the environmental report;

4) statements and conclusions on the results of screening strategic documents;

5) statements and conclusions on the scope of environmental reports;

6) environmental reports;

7) draft strategic documents before their approval;

8) minutes of consultations with interested bodies, conducted during the screening of strategic documents, determining the scope of the environmental report, as well as the content of the environmental report and the draft strategic document;

9) monitoring reports of significant environmental impacts of the implementation of strategic documents;

10) announcements of public hearings;

11) minutes of public hearings on draft strategic documents and environmental reports;

12) certificates, including a summary of the comments and suggestions of the public, received during public hearings;

13) information on the assessment of transboundary environmental impacts carried out as part of a strategic environmental assessment;

14) conclusions on the quality of environmental reports;

15) approved from strategic documents with brief information on how, when approving them, the available information and conclusions of the environmental report on the possible effects of its implementation on the environment were taken into account; the results of the

consideration of comments and proposals received in consultations with interested authorities and the public, including during the assessment of transboundary impacts; the reasons for choosing the solutions included in the strategic document from among the available reasonable alternatives;

16) other documents and information provided to the authorized body in the field of environmental protection in connection with the conduct of a strategic environmental assessment.

5. The development authority, providing a draft strategic document and an environmental report that has passed the quality assessment and is found to be satisfactory, for consultation with interested authorities in accordance with Article 11 of this Code and the rules for conducting screening of strategic documents and strategic environmental assessment, simultaneously makes these documents public hearing.

Public hearings are conducted in accordance with the rules of public hearings approved by the authorized body in the field of environmental protection.

***Article 82. Transboundary impact assessment conducted during strategic environmental assessment***

1. If there are basis stipulated by subparagraph 2) of paragraph 1 of Article 29 of this Code, during a strategic environmental assessment, an assessment of transboundary environmental impacts may be carried out.

2. Assessment of transboundary environmental impacts is carried out in accordance with Chapter 4 of this Code and international treaties of the Republic of Kazakhstan.

***Article 83. Peculiarities of approval of strategic documents subject to strategic environmental assessment***

1. When approving a strategic document subject to strategic environmental assessment, the developer and the body authorized to approve the strategic document take into account the environmental report data, comments and suggestions from the public, authorized bodies in the field of environmental protection and public health, other interested bodies, and assessment of transboundary effects on the environment - the results of such an assessment.

2. The procedure for informing the authorized bodies in the field of environmental protection and health care, other interested bodies, the public about the consideration of comments and proposals of the interested bodies and the public when approving strategic documents, as well as providing the interested authorities and the public access to the text of the approved strategic document provides for screening rules strategic documents and strategic environmental assessment.

***Article 84. Monitoring of the significant impacts of strategic documents on the environment***

1. The development authority is responsible for the monitoring, within its competence, of the significant environmental impact of the strategic document in accordance with the monitoring program developed during the preparation of the environmental report.

2. The objectives of monitoring the significant environmental impact of strategic documents are:

1) timely detection of adverse environmental impacts of the strategic document on the environment, not previously taken into account, and ensuring the possibility of taking appropriate measures to prevent and eliminate them;

2) ensuring compliance of the strategic document with environmental protection objectives, including those related to public health, established at the international, national and local levels and relevant to this strategic document.

3. The procedure for monitoring significant environmental impacts from the implementation of strategic documents is established by the rules for screening strategic documents and strategic environmental assessment and the State Planning System.

4. The developer of a strategic document annually informs the public about the results of monitoring the environmental consequences of the implementation of the strategic document using the methods specified in paragraph 3 of Article 12 of this Code, in the manner established by the authorized body in the field of environmental protection.

### ***Paragraph 3. Environmental Impact Assessment***

### ***Article 85. Environmental Impact Assessment***

Under the environmental impact assessment refers to the procedure on the basis of which an environmentally oriented management decision is made on the implementation of planned economic and other activities by identifying objects of environmental impact, possible environmental risks and adverse environmental consequences, assessing the nature and extent of the impact, predicting risks and consequences, taking into account public opinion, consideration of alternatives, the development of measures to reduction and prevention of exposure during the whole process of implementation of the project.

### ***Article 86. Principles of environmental impact assessment.***

Environmental impact assessment is carried out on the basis of the following principles:

1) alternatives - the assessment of the consequences is based on the mandatory consideration of alternative design solutions, including the option of abandoning the planned activity ("zero" option);

2) conservation - the planned activity should not lead to a decrease in biological diversity, a decrease in the biological productivity and biomass of territories and waters, as well as a deterioration of the vital properties of the natural components of the biosphere in the zone of influence of the planned activity;

3) compatibility - the planned activity should not impair the quality of life of the local population and cause uncompensated damage to other types of economic activity, agriculture, animal and plant life;

4) flexibility - the process of environmental impact assessment varies in scale, depth and type of analysis depending on the specific nature of the planned activity and type of documentation;

5) transparency - the procedure for conducting an environmental impact assessment is conducted openly with public participation at all its stages, with free and free access to materials and information;

6) public participation - in the process of environmental impact assessment, public participation is ensured in accordance with this Code.

### ***Article 87. Mandatory Environmental Impact Assessment***

1. Environmental impact assessment is mandatory for:

1) the types of planned activities specified in Appendix 1 to this Code and any changes to it, as a result of which its productivity and volume increase or its technology significantly changes, production process control or method of use;

2) the types of planned activities specified in Appendix 2 to this Code and any changes to it, as a result of which the productivity or volume of such activities reaches the relevant limit value specified in Appendix 2, either its productivity and volume increase or its technology significantly changes; process or method of use, if the need for an environmental impact assessment is determined by the results of a screening procedure conducted in accordance with the present Code.

2. Environmental impact assessment is not mandatory for activities not listed in paragraph 1 of this article, and may be conducted on a voluntary basis at the discretion of the initiators of such activities.

3. Obligatory environmental impact assessment does not include the planned activity or its part, as well as its modification, corresponding to the description in subparagraphs 1) and 2) of paragraph 1 of this article, if its implementation is necessary in connection with the prevention, elimination or elimination of the consequences of an emergency situation, the imposition of martial law, in connection with the needs of defense or national security, or the execution of international treaties to which the Republic of Kazakhstan is a party.

4. It is prohibited to carry out activities for which this Code provides for mandatory environmental impact assessment, as well as issuing a permit document by any government agency, without first conducting such an assessment, reviewing and taking into account its results.

5. Mandatory environmental impact assessment is preceded by:

1) issuance of an environmental permit;

2) the provision of a land plot in accordance with the land legislation of the Republic of Kazakhstan, necessary for the implementation of the planned activity;

3) the issuance of other permits required for the implementation of the planned activity.

6. The project documents of the planned activity should take into account the results of the conducted environmental impact assessment and provide technical, technological, organizational, managerial and other design solutions, including applying, in the cases defined by this Code, the best available techniques that ensure a high level of environmental protection. and compliance with the environmental legislation of the Republic of Kazakhstan.

***Article 88. Types and objects of impacts to be taken into account when assessing the impact on the environment***

1. In the process of environmental impact assessment shall be counted:

1) direct impacts - the impacts directly exerted by the main and associated types of planned activities;

2) indirect effects - impacts on the environment and public health, which are caused by indirect (secondary) factors arising from the implementation of the planned activity;

3) cumulative impacts - impacts resulting from constantly increasing negative changes in the environment, caused in the aggregate by past and existing impacts of an anthropogenic or natural character, as well as reasonably predictable future impacts accompanying the planned activity.

2. In the process of environmental impact assessment, an assessment of the impact on the following objects of impact is carried out, including in their interrelation and interaction:

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

2) surface and groundwater;

3) the surface of the bottom of reservoirs;

4) landscapes;

5) land resources and soil cover;

6) the plant world;

7) the animal world;

8) the state of ecological systems and biological diversity;

9) the state of health and living conditions of the population;

10) social, cultural and economic areas (employment, property of third parties, education, objects of historical and cultural heritage, transport infrastructure).

3. In cases where the proposed activity may have an impact on specially protected natural territories, in the process of environmental impact assessment, the impact on relevant natural complexes, including the lands of specially protected natural territories, as well as those located on these lands and lands is also being assessed. other categories of objects of the state natural reserve fund.

4. When conducting an environmental impact assessment, the risk of emergency situations of anthropogenic and natural character, emergency pollution of the environment is also subject to assessment, and possible measures and methods to prevent and reduce the harmful effects of the planned activity on the environment, as well as the necessary amount of industrial environmental monitoring.

5. In the process of conducting an environmental impact assessment, the negative and positive effects of the impact on the environment and human health shall be taken into account.

***Article 89. Notification of the planned activity***

1. A person intending to carry out activities for which this Code provides for mandatory environmental impact assessment in accordance with paragraph 1 of Article 3 of this Code is obliged to submit a notice of the planned activity to the authorized body in the field of environmental protection, after which this person is recognized as the initiator environmental impact assessment (hereinafter - the initiator).

2. The notification of the planned activity should contain information necessary for determining possible significant environmental impacts, conducting a screening procedure and determining the scope, including:

1) for an individual: surname, name, patronymic (if any), address of residence, individual identification number, telephone number, e-mail address;

2) for a legal entity: name, location address, business identification number, information about the first manager, telephone number, e-mail address;

3) a general description of the proposed activity and its classification in accordance with Annex 1 or Annex 2, or a description of significant changes made to the relevant activities;

4) information about the intended location of the planned activity, justification of the choice of location and the possibility of choosing other places;

5) general technical characteristics of production facilities and equipment, including the capacity of the facility, its length, area, product characteristics;

6) a brief description of the technical and technological solutions of the planned activity;

7) the estimated date of commencement of the planned activity and its completion;

8) a description of the types of resources necessary for the implementation of activities, including water resources, land resources, soil, minerals, vegetation, raw materials, energy, with an indication of their intended quantitative and qualitative characteristics;

9) a description of the proposed types, volumes and quality characteristics of emissions into the environment and waste that may arise as a result of the planned activity;

10) a list of permits, the presence of which is required for the implementation of the planned activities and of the authorities, whose competence includes the issuance of such permits;



11) a description of possible alternatives (including the use of alternative technologies and changes in the location of the object) to achieve the goals of the said activity and the options for its implementation;

12) a description of the possible forms of negative and positive impact on the environment as a result of the planned activity, their nature and expected scale, taking into account their probability, duration, frequency and reversibility;

13) a description of possible forms of transboundary environmental impact, their nature and expected scale, taking into account their probability, duration, frequency and reversibility;

14) the proposed measures to prevent, eliminate and reduce possible forms of adverse effects, as well as to eliminate their consequences.

3. For the purpose of filing a notice of the planned activity and conducting an environmental impact assessment, the initiator does not need to have rights with respect to the land necessary to carry out the planned activity.

Submission of the notice is the basis for the reservation of the relevant land plot not provided for ownership or land use, in accordance with the land legislation of the Republic of Kazakhstan.

In cases where the proposed activity involves the use of land owned by or owned by third parties, the initiator's relations with such persons are governed by civil law.

4. If for carrying out the planned activity it is required to obtain an environmental permit or other permit, for which the laws of the Republic of Kazakhstan provide for the obligation to preliminarily conduct an environmental impact assessment, the initiator has the right to submit a notice of the planned activity as part of the procedure for issuing an appropriate permit.

5. Within five working days after receiving the notification of the planned activity, the authorized body in the field of environmental protection checks it for the information specified in paragraph 2 of this article.

6. In the absence of one or more details in the notification of the planned activity, which are mandatory in accordance with paragraph 2 of this article, the authorized body in the field of environmental protection shall inform the notifier about the need to correct the deficiencies and submit a second notification about the planned activity.

7. If the initiator provides a notification of the planned activity containing the necessary information in accordance with clause 3 of this article and there is no basis for initiating an assessment of transboundary environmental impacts in accordance with article 13 of this Code,

#### ***Article 90. Screening Procedure***

1. Filing a notification of the planned activity specified in subparagraph 2) of paragraph 1 of Article 3 of this Code is the basis for the screening procedure.

2. The implementation of the activities specified in Annex 2 to this Code without the screening procedure is prohibited.

3. The screening procedure is organized by the authorized body in the field of environmental protection in the manner established by it with the mandatory involvement of the public.

4. The duration of the screening procedure shall not exceed 30 days from the date of posting a copy of the notification of the planned activity in accordance with paragraph 7 of Article 5 of this Code.

5. When conducting a screening procedure, the authorized body in the field of environmental protection takes into account:

1) criteria of materiality of environmental impacts established in Article 7 of this Code, related to the nature of the planned activity, the intended place of its implementation, the nature and parameters of its environmental impact;

2) the results of the consideration of comments and suggestions received from the public and government bodies.

6. If during the screening procedure of the planned activity it is determined that there is no need for mandatory environmental impact assessment, the authorized environmental authority issues a decision on the results of the screening procedure of the planned activity within 5 days and sends it to the applicant, as well as within five working days places its copy on its Internet resource. Such a conclusion should contain a justification for the absence of the need for a mandatory environmental impact assessment.

7. If during the screening procedure of the planned activity it is established that the planned activity is subject to mandatory environmental impact assessment, the authorized body in the field of environmental protection makes a decision on the results of the screening procedure of the planned activity within 10 days and issues it to the applicant. within five working days after placing a copy of the statement on its Internet resource.

8. The conclusion on the results of screening the planned activity, made in accordance with clause 7 of this article, should include the justification for the need to conduct a mandatory environmental impact assessment.

***Article 91. Criteria of materiality of impact on the environment.***

1. When conducting a screening, the following criteria are considered, which characterize the planned activity and the materiality of its possible environmental impact:

1) the parameters of the planned activity taking into account:

sizes,

the cumulation of its impact with the impact of other known planned activities (implemented, upcoming, proposed),

use of natural resources

waste generation

pollution and impacts on public health,

accident risk in relation to the proposed use of substances and technologies.

2) the parameters of the territory on which the proposed activity may affect taking

prior use of the territory and priorities of its permanent sustainable use,

relative representation, quality and ability to regenerate natural resources,

the ability of the natural environment to carry the load with special attention to:

territorial system of ecological stability of the landscape,

specially protected areas

the territories of natural parks,

important elements of the landscape

territories of historical, cultural or archaeological significance,

densely populated areas

areas experiencing loads above the permissible limit (including old loads);

3) the potentially significant impact of the planned activity on the population, public health and the environment, taking into account:

impact volume (territory and population),

nature of the impact in terms of its spread beyond the borders of the state,

size and complexity of exposure,

impact probabilities

duration, frequency and reversibility of exposure.

#### ***Article 92. Determination of the scope of the environmental impact assessment***

1. The purpose of determining the scope of an environmental impact assessment is to determine the degree of detail and the types of information that must be collected and studied during environmental impact assessment, research methods and the manner in which such information is presented in a report on possible impacts.

2. Upon the expiration of the period specified in paragraph 9 of Article 5 of this Code, and for activities subject to mandatory evaluation based on the results of the screening procedure, within 5 days from the date of issuance of an opinion on the results of screening to the initiator, the authorized body in the field of environmental protection organizes consultations with the initiator, the public and interested government agencies to determine the scope of the environmental impact assessment.

3. Consultations to be held in the format of public hearings held in accordance with the procedure established in paragraphs 9-14 of Article 10 of this Code, which must be completed within 5 days from the date of their commencement.

4. In determining the scope, the current level of knowledge, advanced research methods, existing technical capabilities in the relevant sector of the economy and the availability of data on the state of the environment should be taken into account.

5. In determining the scope of the environmental impact assessment, taking into account the localization, nature and extent of possible environmental impacts, a decision may be made on:

1) refusal to present specific requirements for the content of the report on possible impacts;

2) instructions:

alternative options for achieving the objectives of the proposed activity and its implementation, which should be studied when performing an environmental impact assessment;

types of effects and environmental objects that require detailed study;

areas of assessment and its methods.

6. Based on the results of the consultations, the authorized body in the field of environmental protection, within 15 days from the date of completion of the consultations, prepares a conclusion on the determination of the scope of the environmental impact assessment. In drawing up the opinion, the opinions of the public, interested state bodies, the initiator are taken into account.

7. The authorized body in the field of environmental protection issues an opinion to the initiator and places it on his Internet resource.

### ***Article 93. Report on Possible Impacts***

1. Based on the conclusion on the determination of the scope of the environmental impact assessment, the initiator takes the measures necessary to assess the environmental impact of the planned activity.

2. Based on the results of the environmental impact assessment, a draft report on possible impacts is prepared.

3. Development of the draft report on possible impacts is carried out by individuals and (or) legal entities licensed to perform work and provide services in the field of environmental protection.

4. The organization and financing of work on environmental impact assessment and preparation of a draft report on possible impacts is provided by the initiator.

5. A draft report on possible impacts should be prepared in accordance with the conclusion on the definition of the scope of the environmental impact assessment.

6. Taking into account the content of the conclusion on the determination of the scope of the environmental impact assessment, the draft report on possible impacts should include:

1) a description of the planned activity in respect of which the report is drawn up, including:

a description of the intended location of the intended activity, its coordinates, determined according to the geographic information system, with vector files, as well as a description of the state of the environment at the intended location of the planned activity at the time of the report;

information about the category of land and the purpose of land use during the construction and operation of facilities necessary for the implementation of the planned activity;

information on the performance of objects necessary for the implementation of the planned activities, including their capacity, size, information about the production process, including the expected performance of the enterprise, its energy needs, natural resources, raw materials and materials;

information on the dismantling of buildings, structures, structures, equipment and methods for its implementation, if these works are part of the planned activity;

information on the expected adverse effects and emissions into the environment associated with the construction and operation of facilities for carrying out the activity in question, including water, air, soil, subsoil, vibration, noise, electromagnetic and thermal pollution, radiative forcing;

information on the types, characteristics and amount of waste that will be generated during the construction and operation of facilities necessary for the activity in question;

2) a description of possible options for the implementation of the proposed activity, taking into account its features and its possible impact on the environment, including:

the option chosen by the initiator for use, the rationale for his choice and a description of other possible rational options;

possible rational option, the most favorable for the environment and human health;

based on available information and scientific knowledge, a description of possible changes in the state of the environment in the event that the initiator refuses to carry out the planned activity;

3) information on possible significant impacts of the planned activity, including as a result of construction and operation of facilities necessary for its implementation, on the environment and human health, their living and working conditions, biodiversity (including flora and fauna, plant growing environment and habitats of wild animals, ecosystems), soil (including absorption from soils), land (including organic matter, erosion, composting, land degradation), water (including hydromorphological changes, quantity and quality water quality), air, climate

(including greenhouse gas emissions), tangible assets, objects of historical and cultural heritage (including architectural and archaeological), landscapes, and the interaction of these objects;

4) a description of the possible impacts (direct and indirect, cumulative, transboundary, short-term and long-term, positive and negative) of the planned activity on the objects listed in subparagraph 3 of this paragraph, resulting from:

construction and operation of facilities intended for the implementation of the planned activities, including the dismantling of facilities in cases where they are necessary;

use of natural resources (including land, soil, water and biodiversity, depending on the availability of these resources and their location);

emissions of pollutants, emission of noise, vibrations, radiation into the environment, storage of waste in the environment and their burial;

accidents, hazardous production factors or natural hazards;

cumulative impacts from existing and planned production and other facilities;

the impacts of planned activities on climate and the vulnerabilities of these activities to the effects of climate change;

the use of technology, materials and substances in the implementation of the planned activity;

5) information on determining the probability of accidents that may arise

#### ***Article 94. Public Hearings Concerning the Draft Report on Possible Impacts***

1. The draft report on possible impacts is subject to public hearings, which are held in accordance with paragraphs 9-12 of this article and the rules of public hearings approved by the authorized body in the field of environmental protection.

2. The authorized body in the field of environmental protection within three working days following the day of submitting to it the initiator of the draft report on possible impacts places it on its Internet resource together with the announcement of the public hearings, and also sends the announcement of the public hearings to the local executive organs of regions, cities and districts located in the territory of the intended impact of the proposed activity. The announcement of the public hearing must be published no later than twenty days before the date of the hearing.

3. Local executive bodies of regions, cities and districts that have received an advertisement shall publish it on their official Internet resources no later than two business days following the day on which the advertisement is received.

4. The announcement of the public hearing must contain the following information:

1) the subject of public hearings;

- 2) the place, date and time of the public hearing;
- 3) the procedure for holding public hearings;
- 4) an e-mail address and telephone number where you can get information about the planned activity, holding public hearings, and also request copies of documents relating to the planned activity.

5. The initiator is obliged to provide individuals and legal entities upon their requests with copies of the notice of the planned activity, conclusions on the results of the screening procedure, conclusions on the definition of the scope of the environmental impact assessment and draft report on possible impacts in electronic or paper form.

6. Public hearings are open to the public, regardless of where they live.

7. The procedure for holding a meeting, drafting its protocol, transferring the protocol to the authorized body in the field of environmental protection and bringing the protocol to the public is established by the rules of public hearings approved by the authorized body in the field of environmental protection.

#### ***Article 95. Consultation with parties concerned***

1. After the public hearings, the authorized body in the field of environmental protection holds consultations with the concerned parties regarding the draft report on possible impacts.

2. The authorized body in the field of environmental protection within 2 days after the public hearings in accordance with Article 10 of this Code:

- 1) create from among the representatives of interested bodies an expert commission to consider the report chaired by a representative of the authorized body in the field of environmental protection;

- 2) sends to the expert commission a copy of the draft report on possible impacts.

3. Within a period not exceeding 15 days following the day they receive copies of the draft report on possible impacts, all members of the commission shall submit to the chairman of the commission their comments and suggestions on issues related to the proposed activity in writing.

4. The chairman of the expert committee shall notify the initiator of the place and time of the meeting and provide him with comments and suggestions from the commission members no later than ten working days before the meeting.

5. A meeting of the expert committee to be held with the participation of the initiator and drafters of the report on possible environmental impacts, if the initiator or drafter of the report does not receive a statement about holding the meeting without the participation of the initiator or drafter, respectively.

6. During the meeting of the expert committee:

1) the initiator and drafters of the report on possible impacts make a report on the planned activity, its expected significant environmental impacts and measures to prevent, reduce and / or mitigate such impacts;

2) the members of the expert committee, the initiator and compiler of the report on possible impacts hold a discussion on issues related to the planned activity and its possible environmental impacts;

3) the authorized body in the field of environmental protection reports on the proposals and comments submitted during public hearings to the draft report on possible impacts.

7. Based on the results of the meeting of the expert commission, a protocol of consultations with interested bodies is drawn up, which reflects all the comments and suggestions of the commission members, initiator and drafters of the report expressed during the meeting. The protocol is signed by all members of the commission who participated in the meeting.

8. Comments and suggestions from members of the expert committee, as well as those expressed during the meeting, are considered by the authorized body in the field of environmental protection in the process of preparing an opinion on the draft report on possible impacts.

9. In the event of significant comments, the authorized body in the field of environmental protection has the right to send the draft report for revision.

#### ***Article 96. Conclusion on the results of environmental impact assessment***

1. The authorized body in the field of environmental protection shall, within ten working days following the day of the meeting of the expert committee in accordance with Article 11 of this Code, render an opinion on the results of the environmental impact assessment.

When making an opinion on the results of environmental impact assessment, the authorized body in the field of environmental protection takes into account the data of the draft report on possible impacts, taking into account its possible refinement, comments and suggestions from the public and the expert committee, and in cases where it is necessary to conduct an assessment of transboundary environmental impacts - The results of such an assessment.

2. The conclusion on the results of the environmental impact assessment should contain the following information:

1) the types of operations envisaged in the framework of the planned activity and the place of their implementation;

2) information on measures to protect the environment, which other state bodies should take into account when making decisions related to the planned activity;

3) conditions for the protection of the environment and the health of people, the observance of which is mandatory in carrying out planned activities, including construction,



operation and demolition of facilities, as well as all work to eliminate the consequences of planned activities;

4) in case of establishing the responsibility of the initiator to conduct a post-project analysis - goals, scope and timing of its implementation, requirements for its content, deadlines for submission of reports on post-project analysis to the authorized body in the field of environmental protection and, if necessary, to other state bodies;

5) information on the results of the assessment of transboundary environmental impacts - in case of its implementation;

6) requirements aimed at preventing accidents, limiting and eliminating their consequences;

7) the obligations of the initiator to prevent, reduce and (or) mitigate the negative impacts of the planned activity on the environment, as well as to eliminate possible environmental damage, if the planned activity may lead to its infliction.

3. The conclusion on the results of the assessment shall be accompanied by a justification containing:

1) the main arguments and conclusions that served as the basis for the conclusion;

2) information on the conduct of public hearings (distribution of announcements on holding public hearings, the provision of information and documents to the public, the process of holding public hearings), the consideration of comments and suggestions from the public and the conclusions obtained from the review;

3) compilation of information obtained as a result of consultations with interested bodies, holding public hearings and assessing transboundary environmental impacts, explaining how this information was taken into account when deciding on the results of the assessment.

4. In the case of a mandatory assessment, it was initiated within the framework of submitting an application for issuing an environmental permit, together with a conclusion on the results of the assessment, the authorized body in the field of environmental protection simultaneously issues an environmental permit to the applicant in accordance with this Code.

5. The authorized body in the field of environmental protection within two working days following the day of the conclusion on the results of the environmental impact assessment:

1) places an opinion on the results of environmental impact assessment on its Internet resource;

2) notifies the initiator of the publication of the decision on the results of the environmental impact assessment;

3) sends an opinion on the results of the environmental impact assessment to the local executive bodies of regions, cities and districts within the affected territory, which publish the report on their Internet resources no later than the working day following the day of the decision.

6. The conclusions and recommendations contained in the decision taken on the results of the environmental impact assessment are taken into account by all government agencies when issuing permits, receiving notifications and other administrative procedures related to the implementation of the planned activity.

***Article 97. Responsibility for the content of the report on possible impacts.***

1. Individuals and legal entities engaged in the preparation of a report on possible impacts are responsible to the initiator for the accuracy, completeness and quality of the results of the environmental impact assessment in accordance with the contract, as well as administrative and criminal liability provided by the legislation of the Republic of Kazakhstan.

2. Control over compliance with the requirements of the environmental legislation of the Republic of Kazakhstan when performing the environmental impact assessment procedure is carried out by the authorized body in the field of environmental protection.

***Article 98. Methodological support for environmental impact assessment***

1. The environmental impact assessment is carried out in accordance with the guidance and methodological documents on the environmental impact assessment approved by the authorized body in the field of environmental protection.

2. The authorized body in the field of environmental protection, within its competence, monitors compliance with the requirements of instructional and methodological documents on environmental impact assessment in the process of developing an environmental impact assessment by relevant individuals and legal entities.

***Paragraph 4. Assessment of transboundary environmental impacts***

***Article 99. Grounds for the assessment of transboundary environmental impacts***

1. An assessment of transboundary environmental impacts is carried out if:

1) the planned activity, the implementation of which is envisaged in the territory of the Republic of Kazakhstan, may have a significant adverse transboundary environmental impact in the territory of another state;

2) the implementation of a strategic document on the territory of the Republic of Kazakhstan may have a significant adverse transboundary environmental impact on the territory of another state;

3) the implementation of planned activities or the implementation of a strategic document outside the territory of the Republic of Kazakhstan may have a significant adverse transboundary environmental impact on the territory of the Republic of Kazakhstan.

2. Assessment of transboundary environmental impacts is carried out under the condition, if it is provided for by international treaties of the Republic of Kazakhstan, in accordance with the terms of such agreements and the legislation of the Republic of Kazakhstan.

3. The grounds specified in subparagraphs 1) and 2) of paragraph 1 of this article shall be revealed:

1) the initiator of the planned activity, the implementation of which is scheduled in the territory of the Republic of Kazakhstan, during the assessment of the environmental impact of such activities;

2) the developer of the strategic document of the Republic of Kazakhstan in the course of conducting a strategic environmental assessment;

3) by the authorized body in the field of environmental protection in the course of performing its functions during environmental impact assessment and strategic environmental assessment.

4. The development authority begins collecting information necessary to assess the likelihood, nature and extent of possible transboundary impacts of the implementation of a strategic document on the environment, before submitting an application for screening a strategic document or, if the strategic document is not to be screened, at the stage of determining the scope of environmental report.

The initiator begins collecting information on possible significant adverse transboundary environmental impacts of the planned activity before submitting an application for issuing a decision on the results of the assessment.

As additional information becomes available, the grounds listed in subparagraphs 1) and 2) of paragraph 1 of this article may be identified in the course of further conducting a strategic environmental assessment or environmental impact assessment.

The authorized environmental authority checks for the grounds listed in subparagraphs 1) and 2) of paragraph 1 of this article during the screening of strategic documents and in the process of strategic environmental assessment or environmental impact assessment.

Responsibility for conducting an assessment of transboundary environmental impacts is the responsibility of the authorized body in the field of environmental protection.

***Article 100. Initiation of an assessment of transboundary environmental impacts in cases where the Republic of Kazakhstan is a party of origin***

1. When identifying the basis listed in subparagraphs 1) and 2) of paragraph 1 of Article 15 of this Code, or when a request is received from one or more of the parties concerned to provide information about the strategic document, or about the planned activity and their potential significant transboundary environmental impact, the authorized body in the field of environmental protection issues an order to begin an assessment of transboundary environmental impacts.

2. An order to begin the assessment of transboundary environmental impacts (hereinafter - the order) must contain:

1) the decision to start an assessment of transboundary environmental impacts and suspend all previously initiated administrative procedures related to a strategic environmental assessment or environmental impact assessment;

2) a list of documents and (or) information requested from the developer body, including:

a statement about screening a strategic document;

statement of the scope of the environmental report;

the conclusion of the screening results of the strategic document;

a statement on the scope of the environmental report;

draft concept of a strategic document, if its development is provided for by the legislation of the Republic of Kazakhstan;

information on the main directions and terms of the implementation of the strategic document for which the preliminary development of the concept by the legislation of the Republic of Kazakhstan is not provided;

a fragment of the draft strategic document containing information on possible transboundary environmental impacts of its implementation;

a fragment of the environmental report containing information on possible transboundary impacts of the implementation of the strategic document on the environment;

3) a list of documents and (or) information requested from the initiator, including:

statement of the initiator of the decision on the results of the assessment;

declaration of intent;

a conclusion on the screening results of the planned activity;

conclusion of scoping;

Extract from the report on possible impacts, containing information on possible transboundary impacts of the planned activity on the environment;

4) the requirements for the documents and (or) information listed in subparagraphs 2) and 3) of this paragraph, indicated in paragraph 3 of this article.

3. Documents and (or) information listed in subparagraphs 2) and 3) of paragraph 2 of this article must be submitted on paper with electronic copies and a notarized translation into the language specified in the order.

4. The authorized body in the field of environmental protection no later than the working day following the day the order is accepted, sends or hands a copy of it to the developer or initiator.

5. The authorized body in the field of environmental protection, within three working days following the day of receiving documents from the developer or initiator that meet the

requirements specified in the order, sends the following documents to the Ministry of Foreign Affairs of the Republic of Kazakhstan for further transfer to parties concerned:

1) a notice containing:

information on the strategic document or proposed activity, including all available information on the possible transboundary impact of the strategic document or proposed activity on the environment;

information on the procedure and legal implications of the approval of a strategic document or a decision on the results of the assessment;

information on the procedure for conducting a strategic environmental assessment or environmental impact assessment, including the timing for the public and interested authorities to submit comments and suggestions;

the deadline for providing the parties concerned with a response regarding their intention to participate in the assessment of transboundary impacts;

2) documents and (or) information provided by the developer or initiator in accordance with the requirements of the order;

3) additional materials, if they are available and may affect the decision of the party concerned to participate in the assessment of transboundary environmental impacts.

6. In case if the parties concerned refuse to participate in the assessment of transboundary environmental impacts or fail to provide a response within the time specified in the notification, the authorized body in the field of environmental protection adopts an order to terminate the assessment of transboundary environmental impacts and resume previously initiated administrative procedures associated with a strategic environmental assessment or environmental impact assessment.

7. 7. In case if at least one of the parties concerned, which received documents sent to it in accordance with paragraph 5 of this article, reported within the period specified in the notification about its intention to take a part in the assessment of transboundary environmental impacts, the authorized body in the field of environmental protection organizes initial consultations with such a party to exchange information and establish the order, timing, venue for further consultations, the language of documents to be provided to the party concerned, and other requirements of the assessment of transboundary impacts on the environment.

***Article 101. Procedure for conducting an assessment of transboundary environmental impacts***

1. The environmental authority arranges consultations with the parties concerned in accordance with the procedure and conditions agreed during the initial consultations.

During consultations, the parties may agree on the procedure and conditions for public participation of the parties concerned in a strategic environmental assessment or environmental impact assessment along with the public of the Republic of Kazakhstan.

2. After completing the development of the environmental report and assessing its quality, or completing the development of a report on possible impacts, the authorized body in the field of environmental protection determines fragments of the strategic document, environmental report, report on possible impacts, other documentation and / or information related to environmental assessment or environmental impact assessment, which must be translated into the language specified during the consultations of the Republic of Kazakhstan with parties, and notifies the developer or initiator.

3. The initiator of the planned activity or the developer body, within fifteen working days following the day of receipt of the notification referred to in paragraph 2 of this article, provides fragments from a strategic document, environmental report or record on possible impacts with other documentation or (information) related with a strategic environmental assessment or with an environmental impact assessment, with a notarized translation into the language specified in the notification, to the authorized body in the field of environmental protection.

The authorized body in the field of environmental protection, within five working days following the day of receiving information that meets the requirements of the first part of this clause, sends it to the Ministry of Foreign Affairs of the Republic of Kazakhstan for transmission to parties concerned that participated in the assessment of transboundary impacts.

4. Based on the strategic document, the environmental report, the report on possible impacts, as well as other information and documents related to the possible transboundary impact of the strategic document or planned activity on the environment, the authorized body in the field of environmental protection organizes consultations with the parties concerned, including discussion:

possible alternative provisions of the strategic document or implementation options for the proposed activity;

possible measures to reduce transboundary impacts and monitor the effects of such measures at the expense of the party of origin;

other forms of mutual assistance of the parties in reducing any transboundary environmental impact of the implementation of the strategic document or planned activity.

5. During consultations with parties concerned, the collection of comments and proposals from interested bodies and the public of the parties concerned can be organized in the manner and time agreed upon during the consultations, as well as the participation of interested bodies and the public of the parties concerned in public hearings on the draft strategic document environmental report and a report on possible impacts in accordance with this Code and the rules for conducting public hearings.

6. The environmental authority shall review and take into account comments and suggestions received in consultation with parties concerned, as well as those provided by interested bodies and the public of parties concerned when performing their functions in the process of strategic environmental assessment or environmental impact assessment .

The drafting body and the initiator are obliged to consider and take into account the results of consultations with the parties concerned, comments and suggestions of the interested

bodies and the public of the parties concerned when preparing a draft strategic document and environmental report or report on possible impacts.

The state body authorized to approve the strategic document is obliged to take into account the results of consultations with the parties concerned, comments and suggestions of the interested bodies and the public of the parties concerned when approving the strategic document.

7. The initiator and the developer body are obliged to provide the authorized environmental authority with the following documents and (or) information with a notarized translation into the language determined in consultation with the parties concerned:

fragments of the environmental report in the final version and the approved strategic document;

fragments of the decision on the results of the assessment;

A certificate explaining how the preparation of the environmental report, the approval of the strategic document or the decision on the results of the assessment took into account the results of consultations with the parties concerned comments, suggestions and suggestions from the interested bodies and the public of the parties concerned, as well as the reasons why the provisions of the approved strategic document or decision based on the assessment results were chosen from among the available alternatives;

copies of the permit or ticket for acceptance of a notice issued or taken by the state body on the basis of the decision on the results of the assessment (in case if for the implementation of the planned activity subject to environmental impact assessment, it is necessary to obtain permits or send to the state bodies the notifications specified in the list approved by Government of the Republic of Kazakhstan)

The fragments of the documents specified in paragraphs two and three of the first part of this paragraph shall be determined by the authorized body in the field of environmental protection.

8. The initiator and the developer body are obliged to submit reports on post-project analysis to the authorized environmental agency (if the need for it is established by a decision based on the assessment results or by agreement with the affected party) or monitoring reports on the significant impacts of the implementation of the strategic document on the environment with a notary a certified translation into the language determined in consultation with the parties concerned.

9. The authorized body in the field of environmental protection shall, within five working days following the day of submission of the documents referred to in paragraphs 7 and 8 of this article, send them to the Ministry of Foreign Affairs of the Republic of Kazakhstan for further transfer to the parties concerned participating in the assessment of transboundary effects on environment.

10. In the event that the developer, initiator or interested bodies of the Republic of Kazakhstan receive additional information affecting the results of the assessment of transboundary environmental impacts or receive a message from the affected party on the

availability of such information, the authorized environmental authority will conduct affected by the consultation, during which the parties consider the issue of appropriate changes to the approved strategic document, the decision on assessments or taking measures to eliminate or reduce significant adverse transboundary environmental impacts.

***Article 102. Rights and obligations of the initiator, developer and the authorized body in the field of environmental protection during the assessment of transboundary effects on the environment***

1. The initiator and developer body shall have the right to participate in the assessment of transboundary environmental impacts, including consultations with parties concerned.

2. The initiator and the developer body are responsible for:

1) identification of possible significant adverse transboundary impacts of the planned activity or strategic document on the environment;

2) reflection of complete and reasonable information on possible significant adverse transboundary environmental impacts in the documents provided for the screening of the strategic document, determining the scope of the environmental report, screening planned activities, determining the scope of the environmental impact assessment;

3) a proper assessment of possible significant adverse transboundary environmental impacts in an environmental report or a report on potential impacts;

4) submission to the authorized body in the field of environmental protection of documents intended for transmission to parties concerned that meet the requirements of this Code;

5) provision of translation services of adequate quality in the case of public hearings with the participation of representatives of the public of the parties concerned;

6) assistance to the authorized body in the field of environmental protection when conducting an assessment of transboundary environmental impacts;

7) taking into account the results of consultations with parties concerned, as well as all comments and suggestions submitted by interested bodies and the public of the parties concerned, including during public hearings, when preparing the environmental report, strategic document and report on possible impacts;

8) providing the authorized body in the field of environmental protection for subsequent transfer to the parties concerned a copy of the permit or ticket for the receipt of a notification issued or adopted by the state body based on a decision on the results of the assessment, with a notarized translation into the language specified during the consultations of the Republic of Kazakhstan with parties concerned (in case if for carrying out the planned activity subject to environmental impact assessment it is necessary to doctrine permits or notification to the public authority referred to in the list approved by the Government of the Republic of Kazakhstan).

3. The initiator bears the burden of costs associated with carrying out an assessment of transboundary impacts, if in accordance with the legislation of the Republic of Kazakhstan such



costs are not reimbursed from the state budget, or if it is not established through consultation with the party of origin that such costs are reimbursed by the party of origin.

4. The authorized body in the field of environmental protection shall:

1) place all materials related to the assessment of transboundary environmental impacts on your Internet resource and ensure their accessibility;

2) to transfer to the Ministry of Foreign Affairs of the Republic of Kazakhstan documents intended for further transfer to parties concerned within three working days following the day they were received from the initiator or developer body, unless otherwise provided by this Code and agreed in consultation with affected party involved in the assessment of transboundary environmental impacts.

***Article 103. Participation of the Republic of Kazakhstan in the assessment of transboundary environmental impacts as an affected party***

1. In the event that the Republic of Kazakhstan receives a notification of a foreign state on planning activities or developing a strategic document, the implementation of which can have a significant adverse transboundary environmental impact in the Republic of Kazakhstan, the authorized body in the field of environmental protection organizes the participation of the Republic of Kazakhstan in assessing transboundary environmental impacts environment as an affected party.

2. Within two working days following the day of receipt of the notification referred to in paragraph 1 of this article, the authorized body in the field of environmental protection places a notice on its Internet resource, as well as an invitation to the public of the Republic of Kazakhstan to express its opinion on the need to conduct cross-border assessments. environmental impacts and provide comments and suggestions on issues related to the proposed activity and the strategic document being developed.

3. If there are grounds to believe that the implementation of an activity or the implementation of a strategic document planned outside the territory of the Republic of Kazakhstan may have a significant adverse transboundary environmental impact on the territory of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan may, at the request of the authorized body in the field of environmental protection the state of origin is requesting an assessment of transboundary environmental impacts.

4. After the start of the assessment of transboundary environmental impacts, the authorized body in the field of environmental protection:

1) ensures that the public and local executive bodies of the affected territories are informed about the assessment of transboundary impacts in ways;

2) within the framework of the assessment of transboundary environmental impacts, consults with the state of origin.

5. The costs of informing the public and local executive bodies on the assessment of transboundary environmental impacts are reimbursed from the state budget, if, after consultation with the party of origin, it is not determined that such costs are reimbursed by the party of origin.