

# To approve Rules for the Conduct of Public Hearings

Order of the Minister of Environmental Protection of the Republic of Kazakhstan of 7 May 2007, No. 135-p. Registered by the Ministry of Justice of the Republic of Kazakhstan on 30 May 2007 under No. 4687

Legal Gazette, 15 June 2007, No. 90 (1293). Collected Acts of the Central Executive and Other Authorities of the Republic of Kazakhstan 2007, May-June.

Last amended: 26 March 2013

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Pursuant to Article 17(30) of the Environmental Code of the Republic of Kazakhstan of 9 January 2007, I HEREBY ORDER:

1. Approval of the appended Rules for the Conduct of Public Hearings.
2. that this Order be made known to the central units and territorial divisions of the Ministry of Environmental Protection of the Republic of Kazakhstan.
3. that this Order be brought into effect after ten calendar days have elapsed from the date of its first official publication.

Minister

Approved  
by Order of the Minister  
of Environmental Protection  
of the Republic of Kazakhstan  
of 7 May 2007, No. 135-p

## Rules for the Conduct of Public Hearings

*Note. Rules as amended by Order of the Minister of Environmental Protection of the Republic of Kazakhstan of 26 March 2013 No. 50-θ (to come into effect after ten calendar days have elapsed from the date of its first official publication).*

### 1. General provisions

1. These Rules for the Conduct of Public Hearings ('the Rules') have been produced in accordance with the Environmental Code of the Republic of Kazakhstan and set out a procedure for holding public hearings in order to discuss projects that, if implemented, could directly affect the environment and the health of citizens, and also plans for environmental protection measures produced for Category I and II projects to obtain environmental emission permits ('draft plans').

2. The Rules are based on the principles of ensuring the constitutional rights of the citizens and public organizations of the Republic of Kazakhstan to receive reliable, full and timely information about the state of the environment and to public participation in the process of making environmentally significant decisions.

3. The following terms and definitions are used in these Rules:

- 1) 'the public' is one or more natural or legal persons, their associations, organizations or groups, public associations;
- 2) 'the public concerned' is the public whose interests are affected or likely to be affected by environmental decision-making, or who have an

interest in this process;

3) 'public hearings' are one of the ways of implementing the public's rights to participate in the process of government and administrative decision-making through holding open meetings for public discussion of environmentally significant decisions in accordance with the requirements of the Environmental Code of the Republic of Kazakhstan and other legislation, which provide for mandatory public discussions;

4) 'the developer' is the initiator of a planned administrative, economic, investment or other activity;

5) a 'draft plan for environmental protection measures' is a document containing a set of technological, technical, organizational, social and economic measures intended to protect the environment and improve its quality;

6) a 'project that, if implemented, could directly affect the environment and the health of citizens' is the pre-project and project design documentation for a planned economic activity, with environmental impact assessment materials ('project').

4. Materials for the environmental impact assessment ('EIA') of pre-project and project design materials for a planned economic activity that may have a significant impact on the environment and human health, when one (or more) of three parameters - i.e., the extent, duration and intensity of the impact - are taken into account, are to be submitted to public hearings.

5. Public hearings offer everyone equal rights to express their considered opinion on the issue under discussion, based on studying documents containing relevant, non-confidential information.

6. The following are to participate in public hearings:

1) the public concerned;

2) public and non-governmental organizations and associations;

3) local executive agencies and local representative bodies, public authorities competent to make the decisions being discussed;

4) mass media ('the media').

7. Public hearings to discuss projects and (or) draft plans are to be organized by the local executive agency (in the area where the planned works would be carried out).

8. The developer is to agree in advance with the local executive agencies (for the area where the planned works would be carried out) the time and place for public hearings and is to publish an announcement of the hearings in the media. Publication of the announcement is to be in the national language and in Russian and to take place no less than twenty calendar days before the date of the public hearings.

The announcement is also to be posted on the website of local executive agencies.

The developer is to use other, additional means of informing the public (information leaflets, display boards, individual notifications).

9. The announcement is to state:

1) the date, time and place of the public hearing;

2) the project or draft plan being submitted to the public hearing;

3) the address where members of the public may consult project-related documentation in hard copy;

4) a website where materials are published in electronic form;

5) in the absence of a website, an e-mail address is to be indicated, from which materials can be requested in electronic form;

6) an e-mail address to which comments and suggestions may be sent.

10. Starting from the date of the official announcement of the organization of public hearings on projects that, if implemented, could directly affect the environment and the health of citizens, and (or) draft plans, the Developer is to ensure access for members of the public to these projects/drafts and arrange for comments and suggestions made electronically or on paper to be received and recorded.

## **2. Procedure for the conduct of public hearings**

11. Public hearings are to be conducted with the participation of local executive agencies and territorial divisions of the environmental protection authority.

12. Registration of participants in the hearings is to take place on the date of the public hearings at the appointed time and in the appointed place (15 - 30 minutes before the start of the hearings).

13. A representative of the local executive agency is to open the public hearings.

The agenda and rules for the meeting are to be agreed and a chair and secretary elected by majority vote of the participants.

14. The Developer's representatives are to speak to reports on the projects and (or) draft plans.

These speeches must contain information:

on the nature of possible decisions, or a draft decision, concerning the projects submitted to the public hearings;

on the public authorities responsible for making a decision about the project being submitted to the public hearings, or for examining the plan for environmental protection measures under the procedure for issuing emission permits;

on the fact that the activity is subject to a national or transboundary environmental impact assessment procedure.

15. All those wishing to express their opinions at the hearings and ask questions of the speakers are to do so in accordance with the rules laid down for the meeting. The speakers are to reply to questions put by members of the public.

16. The Developer must record and collect reports, questions, answers and statements. All participants in public hearings must be informed if audio and visual recordings are being made by official media representatives.

17. The outcomes of public hearings are to be compiled in the form of minutes of the public hearings on the project and (or) draft plan ('Minutes of Public Hearings'), which are to be signed by the chair and secretary. For a project, one copy of the Minutes of Public Hearings is to be sent to the local executive agencies, for a draft plan - to the environmental protection authority pursuant to Article 71(3) of the Environmental Code of the Republic of Kazakhstan.

The Minutes of Public Hearings are to be drawn up using the form specified in the Annex to these Rules.

18. The Minutes of Public Hearings are to be published on the website of the local executive agency within five working days of the date when the public hearings were held.

19. The public taking part in public hearings is to submit its suggestions and comments (if any) on the content of the Minutes of Public Hearings within seven calendar days of the date of their publication, by sending them to the local executive agency that organized the public hearings.

A communication from the public is to be examined in accordance with the Law of the Republic of Kazakhstan on the Procedure for Examination of Communications from Individuals and Legal Entities.

20. On the basis of a communication from the public, the local executive agency is to make relevant amendments to the Minutes of Public Hearings, or refuse to do so and state the reasons for refusal.

The Minutes of Public Hearings taking account of suggestions and comments are to be published under the procedure and in the time frame provided for by Rule 18.

21. If the public disagrees with the results of examination of a communication, court proceedings are to be initiated following the procedure laid down by civil legislation of the Republic of Kazakhstan within ten calendar days of receipt of a response from the local executive agency.

22. The developer is to analyse the outcomes of public discussions and to make a decision about revising the projects and (or) draft plans for environmental protection measures, taking public opinion into account.

23. Public hearings are to be considered duly constituted by the participation of the public concerned having arrived at the appointed time and place.

24. If public hearings are found not to be duly constituted, the developer is to hold public hearings again under the procedure laid down by these Rules. This includes the publication of an announcement of the repeat public hearings in accordance with Rule 8, such announcement to be published no later than ten calendar days before the date of the repeat public hearings.

Annex  
to Rules on the Conduct of  
Public Hearings

Form

**Minutes of Public Hearings concerning the project  
and (or) draft plan \_\_\_\_\_**

Date of hearings: \_\_\_\_\_

Place of hearings: \_\_\_\_\_

Public hearings organized by

\_\_\_\_\_ (local executive agency).

Information about the conduct of public hearings made  
known to the public by means of: \_\_\_\_\_

(indicate means of informing the public, e.g. names of  
media and dates of publication)

Participants: \_\_\_\_\_

(indicate all participants or indicate main categories of participants and  
append a full list to the Minutes)

Agenda for public hearings: \_\_\_\_\_

(main points on the agenda and times envisaged for them)

Speakers: \_\_\_\_\_

(list of those who spoke, topics and main points of their reports and  
statements, with available texts of reports and statements, appending them to  
the Minutes)

Questions, suggestions and comments from members of the public:

\_\_\_\_\_  
(summary of questions and answers, suggestions and comments; indicate  
people concerned and the organization or target audience they represent;  
where a volume of written suggestions and comments was submitted, append them  
to the Minutes)

Main conclusions following discussion: \_\_\_\_\_

(whether (or not) there are comments and suggestions that require  
consideration, and how they will be taken into account; whether (or not)  
there are differences of principle and how further work to take public  
opinion into account will be organized).

Chair of Public Hearings : \_\_\_\_\_

\_\_\_\_\_ (Full name, signature)

Secretary to Public Hearings: \_\_\_\_\_

\_\_\_\_\_ (Full name, signature)