

The measures taken to incorporate comments of Decision V / 9i «About Kazakhstan's compliance with its obligations under the Convention the draft law "On amendments and additions to some legislative acts of Republic of Kazakhstan on ecological matter "

№	Observations of the Compliance Committee	The proposals of the Compliance Committee	Measures
1.	a) by not providing <u>the requirement for informing the public in a timely manner</u> , and by not specifying the means of informing the public other than publication in the mass media, the Party concerned fails to ensure that the public is informed in an adequate, timely and effective manner and thus fails to comply with article 6, paragraph 2, of the Convention;	a) Mandatory requirements for the public notice are detailed by law, such as the obligation to inform the public in a timely manner and the means of public notice, including the obligation that any information relevant for the decision-making is also available on the website of the public authority competent for decision-making;	The draft of a new article 57-2 of the Environmental Code "Holding Public hearings" in legislation determined that the Local executive <u>for twenty days prior to the public authorities</u> . Hearings provide public access to environmental information relating to the procedure for environmental impact assessment of planned economic and other activity and <u>process decision-making</u> for this activity through the online resource, as well as <u>using other methods of informing</u> (announcement of the public hearing are published in the newspapers of local importance). According to paragraph 7 of article 15 of the Law On regulations "Drafts of the regulations infringing on interests of subjects of private business are subject to obligatory publication (distribution)

			in mass media, including Internet resources, before their consideration by appropriate authority or at a meeting of advisory council".
2.	<p>b) <u>by not establishing consistent and clear legal requirements</u> for making the information relevant <u>to decision-making accessible</u> for the public, the Party concerned fails to comply with article 6, paragraph 6, of the Convention;</p>	<p>c) there is a clear responsibility of the relevant public authorities to:</p> <p>i) Inform the public promptly of the decisions they have taken and of how the text of the decisions can be accessed;</p> <p>ii) Maintain and make accessible to the public, through publicly available lists or registers, copies of the decisions taken and other information relevant to the decision-making, including evidence of having fulfilled the obligation to inform the public and provide it with opportunities to submit comments;</p>	<p>The following changes and additions made in the Environmental Code:</p> <p>1) Article 163 of the draft provides for the obligation of local executive bodies annually before May 1 of the year following the reporting period, post on its Internet site information on:</p> <p>Budget revenues from fees for emissions into the environment;</p> <p>Costs of environmental protection budget for the activities of the environment;</p> <p>The authorized body in the field of environmental protection each year to May 1 of the year following the reporting period, available on its Internet site information on:</p> <p>The budget revenues from the recovery of damages caused to the environment;</p> <p>Budget revenues from fines for violation of environmental legislation Republic of Kazakhstan.</p>

			<p>2) The new version of Article 160, "State register of emissions and transfer of pollutants (PRTR)" provides for the publication of the relevant information from natural resources.</p> <p>3) Considerably the structure of databases of the State fund of ecological information extends. Information is provided free of charge through the state service.</p>
3.	<p>c) by allowing the submission of public comments only on the OVOS report at the stage of State environmental expertise, and by limiting the range of the public comments only to those containing reasoned argumentation, the legislation of the Party concerned fails to guarantee the full scope of the rights envisaged by the Convention and thus fails to comply with article 6, paragraph 7, of the Convention;</p>	<p>b) there is a clear possibility for any member of the public concerned to submit any comments on the project-related documentation at different stages of the public participation process, without the requirement that these comments be reasoned;</p>	<p>New article 57-1 "Public participation in decision-making on environmental protection issues."</p> <p>At the legislative level is determined various opportunities for public participation in making decisions on the Environment protection:</p> <ul style="list-style-type: none"> public hearings; conduct public environmental review; carrying out public ecological control;; submission of comments and suggestions to the state authorities in carrying out the state ecological examination; organization of public environmental councils in the state bodies; <p>Submissions of remarks and offers on drafts of regulations on environmental</p>

			<p>protection, including on draft documents of System of state planning.</p> <p>2. The Environmental Code specifies requirements for the project, which is required to hold public hearings (new Article 57-2 "of the public hearings").</p> <p>Public hearings are held on the projects:</p> <ol style="list-style-type: none">1) in the areas of agriculture and forestry, mining and manufacturing industries, construction, transport, electricity, heating, water supply, sanitation, waste management, by types of economic activity according to the list determined by the authorized body in the field of environment;2) providing accommodation facilities in water protection zones and belts and zones of sanitary protection of water sources;3) providing accommodation facilities on the lands of the state forest fund;4) providing the cabin of the wood on the state forest fund lands, including greening plantings within borders of settlements;6) providing activity of the nature user in especially protected natural territories
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			<p>and the territory of the former Semipalatinsk test nuclear site;</p> <p>7) being the objects of the state environmental assessment specified in subparagraphs 4), 6), 7), 8), 9) and 10) of paragraph 1 of article 47 of the present Code namely:</p> <p>4) draft normative legal acts of the Republic of Kazakhstan, regulatory, technical and methodical documents, the implementation of which could lead to negative impacts on the environment;</p> <p>6) projects of natural science and feasibility studies for the creation and expansion of protected areas, the elimination of state nature reserves and state protected areas of the republican values and a decrease in their territory;</p> <p>7) the biological justification for extraction and use of resources of flora and fauna;</p> <p>8) drafts of master plans of building (development) of the cities and territories, including territories of special economic zones and territories with a specific mode of conducting economic activity;</p> <p>9) the materials of inspection of</p>
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			<p>territories proving reference of these territories to zones of ecological catastrophe or an emergency ecological situation;</p> <p>10) projects of economic activities which may have an impact on the environment of neighboring states or for which you want to use in common with the neighboring states of natural objects, or which affect the interests of neighboring countries, including the complex "Baikonur" as defined by international treaties of the Republic of Kazakhstan.</p>
4.	<p>d) by not establishing appropriate procedures to promptly notify the public about the environmental expertise conclusions and by not establishing appropriate arrangements to facilitate public access to these decisions, the Party concerned fails to comply with article 6, paragraph 9, of the Convention;</p>		<p>At the legislative level (article 57) it is introduced the obligation to publish the conclusion of the state ecological expertise on the Internet resource of Local Executive authorities within three working days after its receipt by the company.</p> <p>Additionally, the right to challenge in judicially the conclusion of the state environmental impact assessment is introduced.</p> <p>The Rules of the public hearings (approved by Order of the Minister of environmental protection of the</p>

			<p>Republic of Kazakhstan dated May 7, 2007 № 135-p) state:</p> <p>The Customer publishes in the media an announcement about holding the public hearing.</p> <p>An advertisement should be published not later than twenty calendar days prior to the holding of public hearings.</p> <p>An announcement also is posted on the web resource of local executive bodies.</p> <p>The customer uses additional or other methods of informing the public (leaflets, stands, individual notification).</p> <p>In the announcement it is specified:</p> <ol style="list-style-type: none">1) the day, time and place of public hearing;2) the project or project plan submitted to public hearings;3) the address of the place where the representatives of the public can examine materials projects in paper form;4) address of the Internet resource, where materials in electronic form are placed;5) in case of absence of the online resource email address is specified
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			<p>where anyone can to request materials in electronic form;</p> <p>6) e-mail address that accepts comments and suggestions.</p> <p>From the date of official announcement on holding public hearings, the Customer provides access to representatives of the public to the above projects mentioned projects, performs reception and recording comments and proposals in paper or in electronic form.</p> <p>The Protocol of public hearings should be published on the online resource of local Executive body not later than five working days after the date of public hearings.</p> <p>The public participated in the public hearing gives their suggestions and comments (if any) on the contents of Protocol of public hearings within seven calendar days from the date of its publication, sending them into the local Executive body organized public hearings.</p> <p>The address of the public is considered in accordance with the Law of the Republic of Kazakhstan "On the</p>
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			<p>procedure of consideration of physical and legal persons".</p> <p>At the request of the public local executive authority is making the relevant amendments to the Protocol the public hearing, or reject with stating the reasons for the rejection.</p> <p>The Protocol of public hearings taken into account offers and remarks is subject to publication. In case of disagreement with the results of appeal examination, public within ten calendar days from the date of receiving a response of the local executive authority appeals to court in the manner established by the civil legislation of the Republic of Kazakhstan.</p> <p>The Customer reviews the results of public hearings and decides on finalizing projects and / or projects of action plans for the environment protection taking into account public opinion.</p> <p>Public hearings are considered as held with the participation of the interested public came at the appointed time and place.</p>
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