

On approval of the Rules of conducting public hearings.

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

Regulation as amended by Order of the Minister of Energy of RK on 21.06.2016 # 260 (comes into force upon expiry of ten calendar days after its first official publication).

In accordance with subparagraph 30) of Article 17 of the Environmental Code of the Republic of Kazakhstan from January 9, 2007 I **ORDER**:

1. To approve enclosed Rules of conducting of public hearings.
2. To bring this order to the structural and territorial subdivisions of the Ministry of Environment of the Republic of Kazakhstan.
3. This Order comes into force upon expiry of ten calendar days after its first official publication.

Minister

Approved
by order of the Minister of
environment protection of the
Republic of Kazakhstan
May 7, 2007 № 135-p

Rules of conducting public hearings

Footnote. Regulation as amended by Order of the Minister of Energy of RK on 21.06.2016 # 260 (comes into force upon expiry of ten calendar days after its first official publication).

Chapter 1. General Provisions

1. These rules of conducting public hearings (hereinafter - Rules) are developed according to subparagraph 30) of Article 17 of the Environmental Code of the Republic of Kazakhstan dated January 9,

2007 (hereinafter - the Code) and determine the procedure of conducting public hearings.

2. In these Rules, the following terms and definitions are used:

1) public - one or more natural or legal persons, their associations, organizations or groups, public associations;

2) public hearings - one of the forms of realization of rights of the public to participate in government decision-making and management through public meetings, a survey to account for the views of the public concerned;

3) the public concerned - the public affected or likely to be affected by decision making process on matters relating to environment, or having an interest in this process;

4) customer - the initiator of the planned administrative, economic, investment and other activities;

Other terms and definitions used in this Rules shall be applied in accordance with the legislation of the Republic of Kazakhstan in the field of environmental protection.

3. In accordance with subparagraph 4) of Article 20 of the Code the local executive bodies of regions, cities of republican significance, capital (hereinafter - the local executive bodies) will organize a public hearing during the state environmental expertise.

4. The participants of the public hearing are as follows:

- 1) the public concerned;
- 2) local executive body;
- 3) authorized body in the field of environmental protection for the objects of I-st category;
- 4) public bodies competent to decision-making under discussion;
- 5) mass media (hereinafter - the media), in case of their interest;

6) customer.

5. On the Internet site of the local executive body, a special column "Public Hearings" on the form, according to appendix 1 to this Rules shall be created.

6. Public hearings are held:

1) in the form of open meetings of the public concerned on economic activity:

On the projects referred to in subparagraphs 1), 2) 3) 4) 5) of the Article 57-2 of the Code;

for the objects of I, II categories referred to in subparagraph 6) of the Article 57-2 of the Code;

2) in the form of survey to account for the opinions of interested public - for the objects of III, IV categories specified in sub-paragraph 6) of the Code 57-2;

At the same time, questionnaires in the form according to Annex 2 to these Rules are drawn up.

7. At the public hearings the customer shall submit documentation on environmental impact assessment in accordance with paragraph 1 of Article 41 of the Code, with the exception of subparagraph 14) of paragraph 1 of Article 41 of the Code.

Chapter 2. The procedure for conducting public hearings

Paragraph 1. The public hearings in the form of open meetings

8. The customer shall pre-negotiate with the local executive body of the time and place of the public hearing, a preliminary list of the public concerned and justify the most effective ways of informing (ads in the media, newsletters, stands, written requests).

9. A local executive body shall approve the list of the public concerned, the way of informing, time and place of the public hearing, appoint the responsible person for the conducting public hearing.

10. The Customer shall inform the public concerned in the state and Russian languages no later than twenty days prior to conducting public hearings.

11. Customer shall send announcement of conducting public hearing, draft documents to place on an Internet resource of the local executive body.

12. Local executive bodies shall provide public access to environmental information relating to the procedure for environmental impact assessment of planned economic and other activity and decision-making process for this activity through the online resource twenty days prior to the public hearings, as well as using other methods of informing.

12. Local executive bodies not later than twenty days prior to the public hearings provide the public access to environmental information relating to the impact assessment on the environment of the planned economic and other activities and decision-making process for this activity through the online resource, as well as using other means of informing.

13. The public concerned shall submit to the customer comments and suggestions (if any) on documentation projects on time, no later than 3 working days before the date of the public hearing.

14. On the day of the public hearing in the appointed time and place the participants of hearing shall be registered by the responsible person defined by the local executive body for the conducting public hearings.

15. Public hearing shall be opened by representative of the local executive body. The agenda, rules of procedure, election of a chairman and a secretary shall be adopted by the majority of votes of the participants.

16. Reports of the customer about the project shall be heard out. The reports shall provide information according to paragraph 1 of Article 41 of

the Code, with the exception of sub-paragraphs 1), 2), 14) of paragraph 1 of Article 41 of the Code.

17. On the public hearings everyone can express according to the established rules and ask questions to the speakers.

18. Local executive body provides an electronic record of the meeting of public hearings.

19. The results of the public hearings shall be recorded by the protocol, in the form specified in Annex 3 to this Rules. The protocol shall be drawn up taking into account the opinions of those who participated in the public hearing, no later than seven working days after the public hearing. The Protocol shall reflect reasonable comments and suggestions from public concerned and the customer's position on account for each comments and suggestions. The protocol shall be signed by the chairman and the secretary of public hearings and posted on the Internet site of the local executive body not later than seven working days after conducting public hearing.

20. The customer submit a one copy of Protocol of public hearings to local executive body for publication on the Internet site not later than seven working days after conducting public hearing.

21. Public hearings are considered valid at the obligatory participation of representatives referred to in subparagraphs 1) and 2) of paragraph 5 of this Rules, with the exception of the customer (the developer documentation).

Paragraph 2. The public hearings in the form of survey

22. The Customer shall notify the local executive body to hold public hearings in the form of a survey.

23. The local executive authority shall determine the person responsible for providing public access to information about public hearings.

24. Customer publishes an advertisement in the media about the conducting public hearings in the form of a survey on the state and Russian languages, with the following information:

the name of the local executive body and the contact details of the person responsible for organizing the public hearing;

the name of a public authority to conduct state ecological expertise;

the name and contact details of the customer;

the name and contact details of the developer of documentation;

the address of an Internet resource of the local executive body, where the documentation on the project and the questionnaire to record the views of the public concerned shall be located

the address of an Internet resource, or e-mail address of the customer, where the comments and suggestions shall be received.

25. The responsible person of the local executive body in case of receipt of comments and (or) offers from the public concerned, shall send them to the customer.

26. Customer shall analyze comments and (or) offers received from the public.

27. The responsible person of the local executive authority, together with the customer shall draw up protocol on conducting public hearings in the survey form, not later than seven working days after the public hearing on the form specified in Annex 4 of this Rules. The Protocol shall reflect reasonable comments and (or) offers from the public concerned and the customer's position on account for each comment and (or) offer.