

2. 環境保全法

LAW OF THE REPUBLIC OF KAZAKHSTAN ON ENVIRONMENTAL PROTECTION

The nature and natural resources are essentially the basis of life and activity of people of the Republic of Kazakhstan, their stable social-economic development and enhancing of well-being,

This Law specifies the legal, economic and social foundations of environmental protection in the interests of the present and future generation and is aimed at ensuring ecological safety, preventing detrimental influence of economic and other activity on natural ecological systems, preservation of biological variety and organization of efficient nature management.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic Terms and Definitions

Used in this Law are the following terms and definitions:

the environment - a totality of natural objects, including natural resources both living and inorganic ones, atmospheric air, water, soil, mineral wealth, animal world and vegetable kingdom, as well as climate in their interaction;

the environmental protection - the system of state and public actions aimed at harmonic interaction of the nature and human being, improvement of environment quality, efficient use and reproduction of natural resources;

the environmental protection objects - the environment components protected by legislation;

the natural resources - the environment components used in the course of economic and other activity to satisfy material, cultural and other needs of the society;

the nature management - is the use of natural resources in economic and other activity of a human being;

the environment quality - the characteristics of composition and properties of the environment;

the environment monitoring - checking the environment surrounding human being and warning about critical situations detrimental or dangerous for people's health and other living organisms;

the standardization of the environment quality - establishing environment quality standards which determine suitability of environment for human being existence and ensuring preservation of biological variety, stable use of ecological systems;

the pollution of environment - ingress of potentially dangerous chemical and biological substances, radioactive materials, production and consumption waste into environment, as well as influence of noise, vibration, magnetic fields and other detrimental physical effects on environment;

the ecological requirements - restrictions and bans of economic and other activity exerting a negative effect on environment, which are mandatory for execution and contained in legislative enactments, other delegated normative legal and normative-technical acts of the Republic of Kazakhstan;

the ecological safety - protection of vital interests and rights of a person, society from threats arising due to anthropogenic and natural influence on environment;

the ecological system - the single integrated functional totality of organisms and inorganic medium of their inhabitation.

Article 2. Legislation of Republic of Kazakhstan in the Field of Environmental Protection

1. The aim of the legislation of the Republic of Kazakhstan in the field of environmental protection is the regulation of relations in interaction between the society and the nature to improve the environment quality, efficient use and reproduction of natural resources, strengthening of law and legal order.

2. The legislation of the Republic of Kazakhstan, covering environmental protection, is based on the Constitution of the Republic of Kazakhstan and comprises this Law, laws on conservation, reproduction and use of natural resources, as well as other legislative and normative legal acts.

In case of contradictions between this Law and another act containing norms which regulate relations in environmental protection, the norms may be applied only after entering relevant amendments in this Law.

The issues relating to conservation and use of land, mineral wealth, atmospheric air, forests and other vegetation, animal world, environment objects having a particular ecological, scientific and cultural value, especially protected natural territories, not fully regulated by this act, are regulated by relevant legislation and other normative legal acts of the Republic of Kazakhstan.

Article 3. Basic Principles of Environmental Protection

The environmental protection is provided while observing the following basic principles:

- priority of human life and health protection, conservation and recovery of environment favourable for life, labour and rest of population;
- balanced solving of social-economic tasks and environmental problems for the purpose of transition of the Republic of Kazakhstan to stable development in market economy conditions and satisfying needs of the present and future generation of people in healthy and favourable environment;
- ensuring ecological safety and recovery of disturbed natural ecological systems on territories characterized by unfavourable ecological situation;
- efficient use and reproduction of natural resources, stage-by-stage implementation of payment for use of mineral wealth and introduction of economic stimulation of environmental protection,
- conservation of biological variety in environment, which is of particular ecological, scientific and cultural value;
- state regulation and state control over imminent liability for violation of environmental protection legislation; -
- preventing damage to environment, estimate of probable influence on environment;
- active and democratic participation of public associations and local self-governments in environmental protection;
- international co-operation in environmental protection in accordance with international law.

Article 4. Environmental Protection Objects

Subject to protection from destruction, degradation, damage, exhaustion, pollution, inefficient use and other detrimental effects are:

- land, mineral wealth, water, atmospheric air, forests and other vegetation, animal world;
- natural ecological systems, climate and ozone layer of the Earth.

The environment objects having special ecological, scientific and cultural value, as well as especially protected natural territories are subject to particular protection.

Chapter II. RIGHTS AND OBLIGATIONS OF CITIZENS AND PUBLIC ASSOCIATIONS IN ENVIRONMENTAL PROTECTION

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Article 5. Rights and Obligations of Citizens in Environmental Protection.

1. Every citizen and stateless persons, as well as foreigners residing on the territory of the Republic Kazakhstan have the right to environment favourable for their life and health, reliable information on environment condition and actions aimed at its improvement, reimbursement for damage to their health and property due to violation of the environmental protection legislation.

2. Citizens have the right:

- to make use of natural resources in the established procedure, to take actions for protecting and reproducing natural resources, to participate in protection and improvement of environment;
- to set up environmental protection public associations and public funds;
- to participate in meetings, conferences, pickets, processions and demonstrations, referendums for the purpose of environmental protection;
- apply to state bodies and organizations while submitting letters, complaints, applications and proposals in respect of environmental protection and demand their consideration;
- to offer proposals to carry out ecological examination and participate in this examination;

to demand in the administrative order or juridically cancellation of decisions on location, construction, reconstruction and commissioning of enterprises, structures and other ecologically detrimental projects, as well as on restriction, suspension and termination of economic and other activity of legal entities and natural persons exerting negative effect on environment and human health,

to raise issues for taking actions against guilty organizations, officials and citizens, to bring claims to a court for recovery of damage incurred to their health and property due to violation of the environmental protection legislation;

* to exercise in the established procedure their other rights provided by legislative and other normative legal acts.

3. Every citizen shall protect environment and make thrifty use of natural resources, observe the environmental protection legislation, enhance his knowledge of ecology and facilitate ecological enlightenment of growing generation.

Article 6. Rights and Obligations of Public Associations in Environmental Protection.

1. The public associations, while carrying on their environmental protection activity, are entitled:

to work out, approve and popularize their ecological programs, protect the rights and interests of citizens, involve voluntarily them in environmental protection activity;

to carry out works on environmental protection and improvement, efficient use and reproduction of natural resources; to participate in protection of environment having especially ecological, scientific and cultural value, organization and functioning of especially protected natural territories;

to perform in the established procedure the works on ecological enlightenment and education, research in respect of environmental protection;

to demand performance of state ecological examination and to carry out public ecological examination;

to exercise public control over environmental protection;

to receive from state authorities the timely and reliable information on environment and actions aimed at environment improvement;

to co-operate in respect of environmental protection with state bodies and international organizations, concluding agreements with the latter, to accomplish specific work for international organizations, provided by legislation;

to participate in discussions of environmental protection draft laws,

to demand in the administrative order or juridically cancellation of decisions on location, construction, reconstruction and commissioning of enterprises, structures and other ecologically detrimental projects, as well as on restriction, suspension and termination of economic and other activity of legal entities and natural persons exerting negative effect on environment and human health;

to raise issues for taking actions against guilty organizations, officials and citizens, to bring claims to a court for recovery of damage incurred to their health and property due to violation of the environmental protection legislation;

to exercise in the established procedure their other rights provided by legislative and other normative legal acts.

2. The public associations shall carry on their activity in accordance with legislation covering environmental protection and public associations.

Chapter III. COMPETENCE OF GOVERNMENTAL AUTHORITIES AND LOCAL SELF-GOVERNMENT BODIES IN ENVIRONMENTAL PROTECTION

Article 7. Competence of Government of Republic of Kazakhstan

The Government of the Republic of Kazakhstan in respect of environmental protection:

- works out the basic principles of the state policy, strategic and tactical goals to implement the state policy;
- works out national (state) ecological programs covering various trends towards nature management, submits these programs for approval by the President of the Republic of Kazakhstan;
- administer the activity of ministries, state committees, central executive bodies being not components of the Government, and local executives, exercises control over observance by them of laws, Decrees of the President and Government of the Republic of Kazakhstan;
- exercises control over the state property, works out and carry on actions aimed at using the state property, which are within the competence of the Government,
- specifies the procedure of elaborating and approving the environment quality standards and ecological requirements for economic and other activity;
- establishes the procedure of payment for pollution of environment, protection and reproduction of natural resources;
- approves regulations covering the state environmental protection funds;
- establishes the procedure and conditions of performing compulsory ecological insurance;
- issues resolutions to grant natural resources for use in cases stipulated by legislation, concludes agreements (contracts), establishes limits and quotes for nature management;
- approves the list of kinds of nature management, for which it is necessary to receive permits, and the procedure of issue of these permits;
- approves concepts for various kinds of nature management, establishes the state mechanism of nature management, the procedure of approval and realization of natural resources use, reproduction and protection complex patterns, state accounting and maintaining the state cadasters of natural resources;
- establishes the structure, contents and procedure of state monitoring of environment and natural resources;
- approves the list of ecologically dangerous kinds of economic activity and the procedure of their mandatory state licensing, as well as the list of groups of similar products (works, services) in respect of environmental protection, which are subject to mandatory standardization and certification;
- approves the list of environmental protection objects having especially ecological, scientific and cultural value, arranges state nature reserves, state national and nature parks, other especially protected national territories within its competence;
- specifies the procedure of supplying information and maintaining state statistics in reference to environmental protection;
- approves the list of special authorized bodies in charge of environmental protection, nature management and state control over environment, ascertains the procedure of their activity, as well as specifies the procedure of licensing and ecological auditing of activity;
- maintains international co-operation;
- exercises other powers in accordance with the legislation of the Republic of Kazakhstan.

Article 8. Competence of Central Executive Body of Republic of Kazakhstan in Charge of Environmental Protection

The central executive body of the Republic of Kazakhstan in charge of environmental protection coordinates the activity of other central executives engaged in environmental protection and nature management and exercises state control over subordinate central bodies.

The central executive body of the Republic of Kazakhstan in charge of environmental protection:

- pursues the single state policy in the field of environmental protection and provides for implementation of national (state) ecological programs;

approves within its competence or adjusts the environment quality standards and ecological requirements for economic and other activity;

administers in the procedure established by the Government of the Republic of Kazakhstan the republican environmental protection fund and exercises control over its activity;

issues licenses for ecologically dangerous kinds of economic activity, discharges of detrimental substances to environment in the procedure established by the Government of the Republic of Kazakhstan, concludes agreements (contracts), ascertains limits and quotes, issues permits for nature management;

performs state monitoring of environment, as well as directs the unified environment and natural resources monitoring system;

provides state ecological examination;

coordinates and exercises general methodical control over nature reserves, maintains the state cadaster of especially protected national territories;

exercises state control over protection, reproduction and use of the animal world and vegetable kingdom;

maintains the state cadaster of rare kinds of animals and vegetation and those being under the threat of vanish from the face of the Earth, provides for publication of the Red Book;

exercises state control over environmental protection within its competence;

participates in international co-operation in reference to environmental protection;

performs other functions in providing efficient environmental protection.

Article 9. Competence of Other Central Executive Bodies of the Republic of Kazakhstan in Charge of Environmental Protection and Nature Management

The legal status and competence of other central executive bodies of the Republic of Kazakhstan, which perform functions of environmental protection and nature management, are established by the Government of the Republic of Kazakhstan in accordance with legislative acts.

Article 10. Competence of Local Representative and Executive Bodies and Local Self-Government Bodies in Environmental Protection

1 - Local representative bodies:

approve the environmental protection and nature management programs on corresponding territories;

approve expenses on environmental protection and improvement within local budgets;

listen to reports of local executives about environmental protection and nature management;

establish within their competence the mandatory rules, for violation of which administrative liability for improvement of environment, protection, reproduction and efficient nature management, protection of environment objects having especially ecological, scientific and cultural value is provided by law. These rules come into force on a lapse of at least two weeks after their publication.

2. Local executive bodies:

exercise state control over environmental protection and regulate nature management within their competence;

organize elaboration and realization of environmental protection and nature management programs on corresponding territories, ecological examination, construction and reconstruction of environmental protection projects;

approve rates of payment for pollution of environment, prepare decisions on banning of construction and reconstruction of enterprises, structures and other projects for which negative decisions are taken by ecological experts, suspends economic activity in case of violation of ecological requirements and take appropriate actions;

adopt decisions or put forward proposals to higher authorities in reference to protection of environment objects having especially ecological, scientific and cultural value and organization of especially protected natural territories;

exercise other powers in accordance with law.

3. The local self-government bodies in the field of environmental protection provide for participation of population in solving local problems within powers stipulated by legislation.

Chapter IV. NATURAL RESOURCES AND NATURE MANAGEMENT

Article 11. Natural Resources

Land and its mineral wealth, vegetable kingdom and animal world, other natural resources constitute the material base of sovereignty of the Republic of Kazakhstan and are the property of the state. Land may also be private property on grounds, terms and within limits stipulated by law,

Article 12. Users of Natural Resources

The users of natural resources are subdivided into legal entities and natural persons, state and non-state users, national and foreign users.

The national users of natural resources include citizens of the Republic of Kazakhstan legal entities, including those with foreign participation, while the foreign users of natural resources include foreign citizens, foreign legal entities, foreign countries, international associations and organizations.

The users of natural resources may be:

permanent users (the right to use natural resources is permanent) and temporary users (the right to use natural resources is limited by a certain term);

primary users (the right to use natural resources is granted by the state or by other primary users of natural resources as a result of alienation of this right) and secondary users (the right to temporarily use natural resources is granted according to agreement by a primary user of natural resources, who reserves its status).

Article 13. Common and Special Nature Management

Natural resources in the Republic of Kazakhstan are in common or special use.

Common nature management is provided free of charge to satisfy vital needs of population and without providing natural resources to citizens and organizations. Restrictions of common nature management are imposed if this is directly stipulated by legislation.

In special nature management, natural resources are provided to their users in the established procedure. The right to special nature management may be permanent or temporary, be alienated or not be alienated, be acquired at a charge or free of charge, be primary or secondary.

Peculiarities of occurrence of the right to special nature management or limited nature management (servitudes) are specified by the legislation of the Republic of Kazakhstan.

Article 14. Grounds to Grant Natural Resources for Management

Natural resources are granted for management on the basis of: licenses to use natural resources and to perform separate kinds of activity in environmental protection; resolutions of local executive bodies or the Government of the Republic of Kazakhstan to grant natural resources for management; agreements (contracts) for nature management,

Article 15. Limits and Quotes for Nature Management

Limits and quotes for nature management are essentially scopes of maximum use (recovery) of natural resources, discharges of contaminating substances to environment, storage of production and consumption waste, which are established for users of natural resources for a certain period of time. Limits and quotes are established by the Government of the Republic of Kazakhstan in accordance - with effective environment quality standards and ecological requirements for economic and other activity.

Article 16. Permit for Nature Management

Permit for nature management is a document issued by a specially authorized state agency in charge of environmental protection and certifying the right to use (recover) natural resources, discharge contaminating substances to environmental, storage of production and consumption waste with indication of specific terms and volumes, conditions of nature management and technology employed.

Article 17. State Regulation of Nature Management

To ensure state regulation of nature management, state mechanism is created for this purpose, patterns for complex use, reproduction and protection of natural resources are worked out, state accounting and state cadasters of natural resources are maintained, state monitoring of environment and natural resources is accomplished in accordance with national (state) programs for account of budget money resources.

Article 18. State Mechanism for Nature Management and Patterns for Complex Use, Reproduction and Protection of Natural Resources

The state mechanism for nature management is essentially a system of actions aimed at ensuring efficient use, reproduction and protection of natural resources.

Patterns for complex use, reproduction and protection of natural resources are worked out in cases stipulated by legislation.

Article 19. State Accounting and State Cadasters of Natural Resources

To ascertain the quantity and quality of natural resources used for needs of people and branches of economy, state accounting and state cadasters are maintained, which contain information on condition, use, reproduction and protection of natural resources,

Article 20. Principal Liabilities and Protection of Rights of Users of Natural Resources

1. The users of natural resources shall: use natural resources in accordance with their targeted use and conditions for their allocation; observe established ecological requirements for economic and other activity, effective standards, technical conditions and environment quality standards;

use efficiently allocated natural resources, avoid damage to environment and prevent violation of rights of other users of natural resources;

perform actions aimed at protecting environment and reproducing natural resources in the established procedure:

make timely payments for use of natural resources, pollution of environment, protection and reproduction of natural resources;

provide necessary information at request of agencies in charge of state control over environmental protection;

fulfill other requirements set forth by the legislation of the Republic of Kazakhstan.

2. The rights of users of natural resources are protected by law. No users of natural resources can be deprived of the right to use natural resources or restricted unless otherwise specified in law.

Violated rights of users of natural resources are subject to redemption in the procedure established by the legislation of the Republic of Kazakhstan.

Chapter V. LICENSING OF ACTIVITY IN USE OF NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Article 21. Kinds of Activity Subject to Licensing

1. Subject to licensing are the following kinds of activity:
 - 1) use of natural resources in accordance with legislation covering them;
 - 2) discharge of contaminating substances to environment;
 - 3) burial and storage of production and consumption waste especially endangering environment and human health;
 - 4) ecological auditing;
2. Ecologically dangerous kinds of economic activity are subject to compulsory state licensing.

Article 22. Procedure of Licensing Activity in Use of Natural Resources and Protection of Environment

Licensing the activity in nature management and protection of environment is accomplished by specially authorized state agencies, the list of which is approved by the Government of the Republic of Kazakhstan.
The conditions and procedure of issue of licenses are regulated by legislation.

Article 23. Agreement (Contract) for Nature Management

The agreement (contract) for nature management is concluded between the user of natural resources and executive bodies or the Government of the Republic of Kazakhstan in the procedure established by legislation.

The agreement (contract) for nature management is not valid if the user of natural resources did not receive preliminarily a license, nature management and performance of separate kinds of activity in respect of environmental protection require compulsory state licensing.

The term, conditions, and procedure of termination of the agreement (contract) are specified in the agreement between parties in accordance with the legislation of the Republic of Kazakhstan or licenses.

The terms and conditions of the agreement (contract), which are at variance with licensees are not valid. Cancellation of a licensee results in termination of the agreement (contract).

The agreement (contract) for nature management shall be agreed with a specially authorized state agency in charge of environmental protection prior to its signing.

Chapter VI. MONITORING OF ENVIRONMENT AND NATURAL RESOURCES

Article 24. State Monitoring of Environment and Natural Resources

1. The state monitoring of environment and natural resources is carried out by specially authorized state agencies in charge of environmental protection and control over nature management and comprises:
 - 1) observation of the condition of environment and natural resources, as well as sources of anthropogenic effect on them according to a special program,
 - 2) estimate of the condition of said objects to be monitored;
 - 3) forecasting changes of objects to be monitored;
2. The monitoring of environment and natural resources is performed to take decisions on management and economic activity with regard to environmental protection and use of natural resources.
3. The Unified state system for monitoring environment and natural resources is being set up and operating in the Republic of Kazakhstan.
4. The structure, contents and procedure of functioning of the state monitoring of environment and natural resources are established by legislation.
5. Information obtained with the aid of the Unified state environment and natural resources monitoring system is the property of the state and is used by executive bodies to prepare and take decisions on economic activity and for control over their fulfillment, as well as to inform population.

Article 25. Industrial Monitoring of Environment

1. Legal entities - users of natural resources shall carry out industrial monitoring of environment, record and report on effects of economic activity performed by them on environment.
2. Measuring tools used for industrial monitoring of environment shall meet standardization and metrology requirements.

3. Industrial monitoring data and records of effect on environment are conveyed to specially authorized agencies of the Republic of Kazakhstan, which are in charge of environmental protection, within time intervals agreed with them.

Chapter VII. ENVIRONMENTAL PROTECTION ECONOMIC MECHANISM

Article 26. Economic Methods of Environmental Protection

The economic methods of environmental protection are as follows:

planning and financing of environmental protection actions;
payment for use of natural resources;
payment for pollution of environment;
payment for protection and reproduction of natural resources;
economic stimulation of environmental protection;
ecological insurance;
creation of environmental protection funds.

Article 27. Planning and Financing of Environmental Protection Actions

1. Environmental protection actions are accounted for in forecasting and program-targeted documents and publications, included in projects for indicative planning of social-economic development of the Republic of Kazakhstan, national (state) programs and concepts covering different trends towards nature management.
The procedure of elaborating ecological programs and concepts covering different trends towards nature management is dictated by legislation of the Republic of Kazakhstan.
2. Financing of ecological programs and actions aimed at environmental protection is accomplished for account of:
republican and local budgets;
environmental protection fund money resources;
ecological insurance money resources;
own money resources of users of natural resources;
legal entities' and natural persons' voluntary contributions and donations;
other sources of financing, which are not prohibited by the legislation of the Republic of Kazakhstan.
Financing of environmental protection actions is pointed out by a separate line in all types of budgets.

Article 28. Payment for Use of Natural Resources

Payment for use of natural resources is effected by a user of natural resources in the form of national taxes, local taxes and charges, special payments and taxes stipulated for separate kinds of nature management.

Article 29. Payment for Pollution of Environment

Payment for pollution of environment is effected by organizations and citizens for discharge of contaminating substances, storage of production and consumption waste.

Payment for pollution of environment in excess of fixed limits is collected at higher rates in the procedure established by legislation.

Rates of payment for pollution of environment are approved by akims of regions (city of Almaty) as agreed with the central executive body in charge of environmental protection.

Article 30. Payment for Protection and Reproduction of Natural Resources

Payment for protection and reproduction of natural resources is effected by users of natural resources as reimbursement of budget expenditures on performance of said activity.

Article 31. Economic Stimulation of Environmental Protection

1. Economic stimulation of environmental protection is provided by pursuing ecologically oriented policy of granting subsidies to legal entities - users of natural resources, which efficiently protect environment and by other stimulating methods.
2. Economic stimulation of environmental protection may be provided by performing, actions not at variance with legislation.

Article 32. Ecological Insurance

1. Ecological insurance refers to protection of property of insured legal entities and natural persons at the onset of certain insured risks due to pollution of environment and inefficient use of natural resources through payment of insurance indemnity for account of money funds formed by insurers out of insurance payments made by insureds to insurers, as well as out of other sources not banned by legislation.
2. Legal entities and citizens engaged in ecologically dangerous economic and other activity are subject to compulsory ecological insurance. The compulsory insurance agreement may be concluded only with an insurer having a license for this kind of insurance.
3. Voluntary ecological insurance is effected by legal entities and citizens by virtue of their declaration of intention. Kinds, terms and procedure of voluntary ecological insurance are specified in agreements concluded between insurers and insureds.

Article 33. Environmental Protection Funds

1. Environmental protection funds are formed for financing urgent environmental protection, recovery of losses in environment, compensation for damage incurred and other actions in reference to environmental protection.
2. Environmental protection funds are legal entities and may be state and public ones.
State environment protection funds are subdivided into republican and local funds.
3. The republican environmental protection fund is formed for account of deductions made by local funds.
4. Local environmental protection funds are formed for account of money resources received from users of natural resources in the form of payment for pollution of environment, money paid for claims for damage, penalties for violation of environmental protection legislation, money gained from sale of confiscated hunting and fishing instruments, illegally obtained products, as well as other receipts which are not at variance with the legislation of the Republic of Kazakhstan.
5. The procedure of activity of state funds and use of their money resources is determined by regulations covering environmental protection funds.
6. The procedure of forming and spending money resources of public environmental protection funds is determined by regulations (charters) covering these funds.

Article 34. Use of Money Resources of State Environmental Protection Funds

1. Money resources of state environmental protection funds, which do not substitute other sources of financing, are used for:
 - 1) research, facilitating introduction of resources saving and ecologically clear technologies;
 - 2) participation in financing construction and reconstruction of natural protected objects, performed by legal entities - users of natural resources;
 - 3) reproduction of natural resources to which damage is incurred as a result of pollution of environment;

- 4) payment of compensating sums to citizens in the established procedure for damage incurred to their health due to pollution and other unfavourable effects on environment;
 - 5) share participation in working-out and implementation of programs and projects, normative-technical documents intended for improvement of environment quality;
 - 6) improvement of ecological enlightenment and education;
 - 7) creation and improvement of especially protected natural territories;
 - 8) strengthening the material-technical base of executive bodies in charge of environmental protection;
 - 9) other projects connected with environmental protection.
2. It is prohibited to spend money resources of environmental protection funds for projects not connected with environmental protection.

Chapter VIII. STANDARDIZATION OF ENVIRONMENT QUALITY

Article 35. Basic Tasks and Requirements for Standardization of Environment Quality

The standardization of environment quality has the aim to establish scientifically founded maximum permissible norms of influence on environment, which guarantee ecological safety and protection of people's health, prevent pollution of environment, provide reproduction and efficient use of natural resources.

The basic tasks of standardization of environment quality are as follows:

establishing criteria of environment quality and ascertaining its influence on people's health, protection, reproduction and efficient use of natural resources;

fixing maximum permissible -norms of detrimental effect on environment.

Increase of fixed environment quality standards or their substitution for temporary and reduced norms is not allowed.

It is permitted to change standards towards tightening versus specific ecological conditions of territories.

The approved environment quality standards are mandatory for all legal entities and natural persons and are subject to publication and free distribution.

If environment quality standards in the investor's or equipment supplier's (manufacturer's) country are less strict than in the Republic of Kazakhstan, such a project may be implemented in the Republic of Kazakhstan in accordance with foreign standards subject to ecological experts' favourable decision.

Article 36. Basic Kinds of Environment Quality Standards

The basic kinds of environment quality standards are as follows:

maximum permissible concentrations of detrimental substances in environment;

maximum permissible discharges of contaminating substances to environment;

maximum permissible levels of noise, vibration, magnetic fields and other detrimental physical effects;

maximum permissible level of radiation;

maximum permissible norms of employment of chemicals in agriculture and forestry;

standards for protected, sanitary-protected and other reserved zones.

The legislation of the Republic of Kazakhstan may provide for other kinds of environment quality standards.

Article 37. Maximum Permissible Concentrations of Detrimental Substances In Environment

To protect people's health, vegetable kingdom and animal world, tot preserve their genetic funds, maximum permissible concentrations of potentially detrimental chemical and biological substances contaminating atmospheric air, water, soil and mineral wealth are established.

Article 38. Maximum Permissible Discharges of Contaminating Substances to Environment

To prevent pollution of environment with regard to all sources and amount of pollution on a specific territory, their complex influence on people's health, vegetable kingdom and animal world, maximum permissible discharges of contaminating substances to environment are fixed for each source of pollution.

Article 39. Maximum Permissible Levels of Noise, Vibration, Magnetic Fields and Other Detrimental Physical Effects

To preserve people's health and ability to work, to protect vegetable kingdom and animal world favourable for environment, maximum permissible levels of noise, vibration, magnetic fields and other detrimental physical effects are established.

Article 40. Maximum Permissible Levels of Radiation

To prevent danger to people's health and genetic fund, to protect vegetable kingdom and animal world, maximum permissible levels of radiation in environment and food products are established.

Article 41. Maximum Permissible Norms of Employment of Chemicals in Agriculture and Forestry

To protect people's health and genetic fund, vegetable kingdom and animal world, maximum permissible norms of employment of mineral fertilizers, plant protective chemicals, stimulators and other chemicals in agriculture and forestry in doses which ensure observance of maximum permissible residual quantities of chemicals in food products and water, are established.

Article 42. Protected, Sanitary-Protected and Other Reserved Zones

To prevent detrimental effect on environment and to protect objects requiring special protection, protected, sanitary-protected and other reserved zones are specified,

The dimensions of protected, sanitary-protected and other reserved zones, regimes of their employment are determined in accordance with legislation.

Chapter IX. STANDARDIZATION AND CERTIFICATION IN ENVIRONMENTAL PROTECTION

Article 43. Standardization and Certification Objects in Environmental Protection

The standardization and certification objects in environmental protection comprise products (works, services) manufactured (performed, rendered) on or brought to the territory of the Republic of Kazakhstan, which can endanger ecological safety, people's life and health, reproduction and efficient use of natural resources.

Article 44. Standardization in Environmental Protection

The state standards of the Republic of Kazakhstan and specifications in respect of environmental protection are worked out, approved and registered in the procedure established by legislation,

Design, manufacture, delivery (sale), storage, transportation, employment (operation) and repair of products (items), performance of works (rendering services) with infringement of requirements laid down in registered standards and specifications in respect of environmental protection are prohibited.

Article 45. Certification in Environmental Protection

To ascertain compliance with standards and specifications in respect of environmental protection, compulsory and voluntary certification is accomplished in the procedure established by legislation.

Sale of products (performance of works, rendering services) subject to compulsory certification in respect of environmental protection is prohibited, if an appropriate certificate is not available.

Chapter X. ECOLOGICAL REQUIREMENTS FOR ECONOMIC AND OTHER ACTIVITY

Article 46. Estimate of Influence on Environment

. Estimate of influence on environment is carried out to ascertain ecological and other consequences of adopted decisions on management and economic activity, to work out recommendations on improvement of environment, to prevent destruction, degradation, damage and exhaustion of natural ecological systems and natural resources.

Results of the estimate of influence on environment are drawn up in the form of a document being an integral part of pre-design and design documentation. It is prohibited to work out and implement projects exerting influence on environment without estimate of such influence.

Change of type, temporary closing down, change of property and liquidation of enterprises, structures and other projects, which can exert negative effect on environment, may be done only as agreed with specially authorized state agencies in charge of environmental protection or after checking by them of the estimate of influence on environment, elimination of revealed violations and reimbursement of damage incurred in the established procedure.

The procedure of estimating influence on environment is established by environmental protection legislation.

Article 47. Ecological Requirements When Using Natural Resources

Ecological requirements, when using land, mineral wealth, water atmospheric air, forests and other vegetation, animal world, environmental protection objects having special ecological, scientific and cultural value, especially protected natural territories and territories characterized by unfavourable ecological situation, are set forth by legislation and other normative legal acts.

It is prohibited to carry out economic and other activity resulting in destruction of natural ecological systems, people's genetic fund, vegetable kingdom and animal world, changes in environment, which are dangerous to people's life and health.

Article 48. Ecological Requirements for Designing

When designing populated localities, enterprises, buildings and structures, industrial and agricultural projects, water-supply and sewerage systems, water development facilities, transport and communication facilities, technological processes, items and equipment, other projects, account shall be made of environment quality standards and provision shall be made for disposal and recovery of detrimental waste, low-waste and waste-free technologies, efficient actions aimed at preventing pollution of environment, reproduction and efficient use of natural resources.

Projects, which lack state ecological experts' favourable decisions, are not subject to approval and financing of implementation of such projects is not allowed.

Article 49. Ecological Requirements for Location of Enterprises, Structures and Other Projects

Location of enterprises, structures and other projects is determined with due regard for environmental protection conditions and regulations, reproduction and efficient use of natural resources, ecological consequences of activity of said projects.

When locating enterprises, structures and other projects, protected, sanitary-protected and other reserved zones are established.

Article 50. Ecological Requirements for Construction and Reconstruction of Enterprises, Structures and Other Projects

Construction and reconstruction of enterprises, structures and other projects may be performed subject to state ecological experts' favorable decisions and in accordance with environmental quality standards. Changes in approved project or cost of works, which can cause damage to environment, are not allowed.

When performing construction work, provision shall be made for recultivation of land, reproduction and efficient use of natural resources, improvement of territories and environment.

Article 51. Allowing for Ecological Requirements in Privatization of State Property

1. When privatizing state property, the agency authorized to carry on privatization shall provide observance of ecological requirements.
2. Enterprises and other projects are privatized with due regard for results of checking ecological condition. Checking the ecological condition of an enterprise or another project is provided by the plan of privatization of an enterprise or another project and is performed with participation of a state ecological control agency.
3. Operations, which render an enterprise or another project to be privatized harmless, are performed for account of the state and (or) with the consent of a new owner from the following sources:
 - 1) money resources, reinvested by a new owner of the enterprise in construction, reconstruction and re-equipping of nature protected projects;
 - 2) money resources allocated to the privatized enterprise and another project in the form of targeted loans, interest-free loans and targeted financing of nature protection needs;

- 3) money resources allocated to the enterprise through the ecological insurance system;
- 4) for account of money resources gained from sale of state block Of shares;
- 5) other sources provided by legislation.

Article 52. Allowing for Ecological Requirements and Liabilities in Case of Bankruptcy

1. When instituting bankruptcy proceedings against a legal entity - user of natural resources, checking ecological condition of an enterprise or another project is accomplished.
2. Checking ecological condition of an enterprise or another project is the responsibility of an agency performing sanitation or outward manager.
3. The objective to be checked is results of economic activity, caused bankruptcy, as well as observance by an enterprise of ecological requirements.
4. In bankruptcy proceedings against a legal entity - user of natural resources, account is made of creditors' interests in respect of ecological liabilities.

Article 53. Allowing for Ecological Requirements and Liabilities in Case of Liquidation and Reorganization of Legal Entity

1. Liquidation and reorganization of a legal entity - user of natural resources are accomplished with due regard for ecological requirements, on the basis of data on checking an enterprise and (or) ecological examination, with mandatory representation of their results in the liquidation balance sheet which is drawn up in reorganization of a legal entity.
2. Checking ecological condition of a legal entity to be liquidated or reorganized is done with participation of state ecological experts.
3. When reorganizing a legal entity, succession of a new owner in respect of ecological liabilities in accordance with the separating balance sheet is provided.
4. Liquidation of a legal entity is performed with due regard for creditors' interests in respect of ecological liabilities.

Article 54. Ecological Requirements in Commissioning and Operation of Enterprises, Structures and Other Projects

Enterprises, structures and other projects are commissioned subject to fulfillment of all ecological requirements provided by the project, according to certificates of an acceptance commission set up with participation of a special authorized state agency in charge of environmental protection.

It is prohibited to commission enterprises, structures and other projects which are not provided with facilities and equipment designed for treatment, disposal and recovery of detrimental waste, contaminating substances up to maximum permissible norms, facilities designed for checking pollution of environment, without completion of designed works on recultivation of land, reproduction and efficient use of natural resources.

Article 55. Ecological Requirements in Operation of Industrial and Power Projects, Transport and Communication Facilities, Agricultural and Land Improvement Projects

Industrial and power projects, transport and communication facilities, agricultural and land improvement projects shall be operated with due regard for established ecological requirements and with use of ecologically founded technologies, necessary treatment works and sanitary-protected zones preventing pollution of environment. In operation of said projects, use shall be made of low-waste and waste-free technologies and production. Said projects shall be provided with efficient facilities designed for treatment, disposal and recovery of detrimental waste and contaminating substances, employ safe fuel, make efficient use of natural resources, ensure ecological safety.

It is prohibited to design and construct nuclear and water-power stations on territories characterized by high concentration of population, in seismic dangerous zones, traditional people's rest and medical treatment zones.

Article 56. Ecological Requirements When Building Up Towns and Other Populated Localities

The design, construction and reconstruction of town and other populated localities shall provide for most favourable conditions for life, labour and rest of population with due regard for ecological safety and environment protection requirements.

When planning and building up towns and other populated localities, provision shall be made for sanitary treatment, disposal, recovery, storage, safe removal, processing and burial of production and utility waste. Forest-parks, green and protected zones featuring restricted nature management regime shall be provided at large towns and industrial centers,

Article 57. Ecological Requirements When Using Radioactive Materials

Organizations and citizens shall observe the established rules for production, storage, transportation, use, recovery, removal and burial of radioactive materials, prevent excess of maximum permissible levels of radiation, warn about and eliminate radioactive contamination of environment.

It is prohibited to bring to radioactive waste and materials for the purpose of storage or bury radioactive waste and materials from other countries into or in the Republic of Kazakhstan. Radioactive waste and materials shall not be buried or stored on earth surface and in soil if actions aimed at avoiding occurrence of radioactive substances in environment are not performed.

In case radioactive contamination of environment is detected, organizations and citizens shall immediately inform agencies in charge of radioactive contamination control about this fact.

Article 58. Ecological Requirements in Production and Employment of Probably Dangerous Chemical and Biological Substances

Production and employment of probably dangerous chemical and biological substances are allowed after necessary toxicological-hygienic and ecology-toxicological research, regulation of hygienic handling of these substances, specifying hygienic and ecological standards and state registration of these substances in the procedure established by the Government of the Republic of Kazakhstan.

Cultivation and location of biological objects which are not inherent in local nature, as well as those obtained artificially are allowed subject to appropriate ecological substantiation and permits issued by special authorized state agencies in charge of environmental protection.

Article 59. Protection of Environment From Detrimental Physical Effects

Organizations and citizens shall take necessary actions at preventing and eliminating detrimental effect of noise, vibration, magnetic fields and other similar physical effects in production, public and living premises, in streets, yards, on city squares and in other populated localities, in people's rest zones and wild animals inhabited areas.

When planning and building up towns and other populated localities, designing, constructing, reconstructing and operating industrial or other projects, manufacturing, testing and operating new equipment, transport and communication facilities, account shall be made of maximum permissible levels of noise, vibration, magnetic fields and other detrimental physical effects.

Article 60. Ecological Requirements When Handling Production and Consumption Waste

1. Waste is stored, destroyed and buried in areas allocated by decision of local executive bodies as agreed with special authorized agencies in charge of environmental protection and other executives of the Republic of Kazakhstan, which are in charge of environment protection.
2. Waste may be brought into the Republic of Kazakhstan for processing, burial or storage only by special permit issued by the Government of the Republic of Kazakhstan.
3. Import of products, for which the technology of their disposal or recovery after use is not available, is prohibited.
4. Ecological requirements for handling waste, alongside this Law, are set forth by appropriate legislation and normative legal acts.
5. Accumulation and employment of production and utility waste are subject to state accounting.

Article 61. Ecological Requirements for Military and Defense Installations, Military Activity

Ecological requirements set forth by this Law fully apply to military and defense installations and military activity, apart from particular situations provided by the legislation of the Republic of Kazakhstan.

Article 62. Preservation of Climate and Ozone Layer of the Earth

Climate and ozone layer of the Earth are preserved in accordance with the legislation of the Republic of Kazakhstan and international agreements ratified by the Republic of Kazakhstan.

Chapter XI. ECOLOGICAL EXAMINATION

Article 63. Ecological Examination and its Kinds

Ecological examination establishes compliance of economic and other activity with environment quality standards, admissible realization of object to be examined for the purpose of preventing probable negative effects of this activity on environment and consequences connected with them.

State and public ecological examination is carried out in the Republic of Kazakhstan.

Article 64. State Ecological Examination

State ecological examination is carried out by a special authorized state agency in charge of ecological examination.

The list of objects subject to compulsory state ecological examination, the procedure of carrying out examination are established by the legislation of the Republic of Kazakhstan.

It is prohibited to manufacture or to bring into the Republic of Kazakhstan products (to perform works, to render services) in respect of environmental protection, if these products are subject to compulsory state examination, without receipt of favourable decisions on such products.

Ecological experts' decisions are official documents which are subject to mandatory execution and may be contested at court.

Article 65. Public Ecological Examination

Public associations or other groups of people may carry out public ecological examination.

Organizational forms of public ecological examination and powers of public associations in the field of ecological examination are specified by ecological examination legislation.

- Public ecological examination decision is of informative and recommendative character.

Chapter XII. ENVIRONMENTAL PROTECTION OBJECTS HAVING SPECIAL ECOLOGICAL, SCIENTIFIC AND CULTURAL VALUE

Article 66. State Nature Reserve Fund

The state nature reserve fund is a totality of environment objects to be specially protected by the state, which have special ecological, scientific and cultural value as nature standards, unique objects and relics, genetic fund, objectives of scientific study, enlightenment and recreation.

Protection of nature reserve fund is provided by banning and restricting the use of environment objects having special ecological, scientific and cultural value.

Article 67. Especially Protected Natural Territories

1. Especially protected natural territories are plots of land, water, forest areas and -mineral wealth featuring special protection legal regime or controlled economic activity regime, which ensure preservation and reproduction of state nature reserve fund.

2. Established in the Republic of Kazakhstan are the following types of especially protected natural territories:

- state nature reserves, including biospheric ones;
- state national and nature parks;
- state nature relics;
- state nature reserve zones;
- state nature sanctuaries;
- state zoological parks;
- state botanical gardens and dendrological parks.

The legislation of the Republic of Kazakhstan may provide for other kinds of especially protected natural territories.

Special protected territories may be republican or local ones.

3. The procedure of establishing, regimes of protection and use, conditions of activity of especially protected natural territories are ascertained by legislative and other normative legal acts of the Republic of Kazakhstan.

Chapter XIII. EMERGENCY ECOLOGICAL SITUATION AND ECOLOGICAL DISASTER ZONES

Article 68. Emergency Ecological Situation

Emergency ecological situation is unfavourable ecological situation arising on a specific territory as a result of people's activity or natural calamities, characterized by profound and stable negative changes in environment, dangerous for life and health of people, preservation of vegetable kingdom and animal world.

In emergency ecological situation on separate territories, some kinds of economic activity and nature management may be banned or restricted, prompt actions may be taken to restore (reproduce) natural resources, to improve environment and social protection of population in the procedure provided by legislation.

Article 69. Ecological Disaster Zones

1. Territories characterized by emergency ecological situation are announced ecological disaster zones, if due to unfavourable ecological situation considerable damage is incurred to people's health and (or) natural ecological systems are destroyed, flora and fauna become degraded.

2. In each separate case, ecological disaster zones are subdivided in their turn into subzones (ecological catastrophe subzone, ecological crisis subzone, ecological pre-crisis condition subzone and etc.) depending on complexity and burden of emergency ecological situation or factors causing this situation.

3. Actions aimed at reproducing natural resources, improving environment, medical aid to population are planned and carried out in a different way in respect of specific sub-zones of ecological disaster zone according to republican targeted programs approved by the Government.

4. In ecological disaster zone:
 - 1) operation of industrial projects causing the onset of unfavourable ecological situation is terminated;
 - 2) operation of organizations, shops, units and equipment which exert detrimental effect on people's health and environment may be suspended;
 - 3) some kinds of nature management are restricted;
 - 4) if required, actions aimed at evacuating people are taken.
5. Citizens suffered from emergency ecological situation, as well as residing in ecological disaster zones have the right for reimbursement of damage incurred to them, including compensations, privileges and other forms of social protection.

The procedure of classifying citizens as victims of emergency ecological situation, forms of their social protection are established by legislation.

Article 70. Procedure of Announcing Emergency Ecological Situation and Ecological Disaster Zones

Emergency ecological situation on one or another territory of the Republic of Kazakhstan is announced by the Government.

Ecological disaster zones are given notice by laws of the Republic of Kazakhstan.

Boundaries of ecological disaster zones are ascertained by the Government on the basis of an appropriate decision taken by special authorized agencies in charge of environment, health and science protection.

Chapter XIV. INFORMATION AND STATE STATISTICS IN REFERENCE TO OF ENVIRONMENT PROTECTION

Article 71. Information in Reference To Environment Protection

Information in reference to, environment protection is information on the condition, pollution and improvement of environment, financing (sources of financing), spending money resources on environment protection and improvement, condition, reproduction and use of natural resources, effects on environment, standardization of environment, quality and ecological requirements for economic and other activity. This information is accessible, made known and subject to publication through mass media.

It is not allowed to conceal, untimely submit or submit to officials the deliberately false information on environment protection,

Article 72. State Statistics in Reference To Environment Protection

In reference to environment protection, special state authorized agencies maintain state statistics on the basis of objectivity of statistical information and comparability with international statistics.

Statistical information is provided in a certain volume to legal entities and natural persons within specified time limits in the form of state statistical reporting for account of money resources of information sender.

Minimum state statistics indicators and the procedure of maintaining state statistics in reference to environment protection are established by legislation and other normative legal acts.

Chapter XV. ECOLOGICAL ENLIGHTENMENT AND EDUCATION, RESEARCH IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 73. Universal Character and Continuity of Ecological Enlightenment and Education

To enhance ecological culture of the society and vocational training of specialists, the universal and continuous enlightenment and education system is implemented, which cover the whole process of pre-school, general secondary education, vocational training, specialized secondary and higher education, retraining and development of vocational training of specialists.

Popularization of ecological knowledge among population is provided by state agencies and public associations through mass media and in the other procedure which is not at variance with legislation.

Article 74. Ecological Education

Ecological subject teaching shall be conducted at all educational institutions irrespective of their specialization and forms of property,

Officials and specialists involved in activity exerting detrimental effect on environment shall take necessary ecological vocational training and possess knowledge of fundamentals of environment protection legislation. Vocational ecological training of executives and specialists is accounted for when appointing them to the post, in attestation and re-attestation.

Article 75. Research in the Field of Environment Protection

To elaborate and lay scientific foundations of environment protection, research is accomplished in the procedure established by legislation.

Research and development works as well as work on their application in the field of environment protection, if they are included in national (state) programs, are financed for account of republican budget.

Chapter XVI. ENVIRONMENTAL CONTROL

Article 76. Tasks and Kinds of Environmental Control

1. The environmental control provides for monitoring of environment, its changes due to economic and other activity, checking execution of environmental protection and improvement plans and actions, reproduction and efficient use of natural resources, observance of environment protection legislation, environment quality standards and ecological requirements.
2. In the Republic of Kazakhstan, state, departmental control, industrial inspection and public control in the field of environmental protection are exercised.

Article 77. State Control in the Field of Environmental Protection

1. State control in the field of environmental protection is exercised by special authorized state agencies within their competence and by local executive bodies.
2. Officials of special authorized state agencies in charge of environment protection are entitled:
 - to freely visit (while showing a certificate of employment) organizations and other objects irrespective of forms of property and subordination (including military and defense installations), to request and free of charge receive for familiarization documentation, analysis results and other information required for exercising state control;
 - to check execution of plans covering environment protection and improvement, reproduction and use of natural resources, observance of environmental protection legislation, environment quality standards and ecological requirements, operation of treatment works and other similar facilities, measuring tools;
 - to check observance of conditions specified by licenses for use of natural resources and execution of separate kinds of activity in environmental protection, fulfillment of agreements (contracts) and permits for nature management, to cancel permits in the established procedure, to give directions or make proposals to cancel them;
 - to make proposals for conduct of state ecological examination and to check execution of experts' decisions;
 - to give directions to ban. import to the territory of the Republic of Kazakhstan, as well as transit (further transportation) of ecologically dangerous cargo (items), waste and raw materials, which are brought with violation of environment quality standards and ecological requirements;
 - to raise demands to legal entities and natural persons, to give directions to eliminate infringements in the field of environmental protection;
 - to give directions to restrict and suspend operation of enterprises and projects, to ban their commissioning, to restrict or suspend economic and other activity performed with violation of ecological requirements or to make proposals to cease such activity;

to consider in the established procedure the cases concerning administrative violation of law in respect of environmental protection, to apply to relevant agencies to institute administrative or criminal proceedings against guilty persons;

to assess (to participate in assessment) amount of damage incurred due to violation of environmental protection legislation and on the basis of such assessment, to demand voluntary reimbursement of damage from guilty persons or to make claim to court;

to give directions to terminate financing of construction and operation of projects, economic and other activity performed with violation of ecological requirements or without ecological examination decisions to relevant finance--lending institutions;

to check observance of departmental and industrial inspection rules and norms in the field of environmental protection;

to exercise other rights granted by effective legislation.

3. Decisions taken by officials of special authorized state agencies in charge of environmental protection, which are taken within their powers, are mandatory for execution by all legal entities, officials and citizens and may be appealed in the order of subordination or at court.

Article 78. Departmental and Industrial Inspection in the Field of Environmental Protection

Departmental and industrial inspection is exercised on the basis of its regulations approved by central executive bodies or organizations as agreed with special authorized state agencies in charge of environmental protection.

Article 79. Public Control in the Field of Environmental Protection

Public control is exercised by public associations on their initiative, under agreements with users of natural resources and special authorized state agencies in charge of environmental protection.

The procedure of exercising public control is determined by public associations in accordance with their charters.

Article 80. Protection of Persons Exercising Control in the Field of Environmental Protection

Persons exercising state control in the field of environmental protection are subject to compulsory insurance, have the right to reimbursement of damage in the established procedure and in case of death or injury.

In cases stipulated by legislation, persons exercising control in the field of environmental protection have the right to keep, carry and employ special means and weapons.

Chapter XVII. ECOLPG19AL AUDIT

Article 81. Ecological Audit

Ecological audit is independent inspection of economic and other activity of organizations and citizens to make sure that they observe environmental protection norms and regulations, ecological requirements, including correct reporting on use and reproduction of natural resources.

Article 82. Ecological Audit Activity

Ecological audit is performed by independent persons (ecological auditors) and auditing organizations according to agreements with customer. Audit is mandatory in cases stipulated by legislation.

Foreign auditors and auditing firms may be engaged for ecological audit.

Ecological auditing activity is subject to state licensing and an ecological auditor may be a natural person or legal entity attested by a competent commission and having a certificate to carry out audit on the territory of the Republic of Kazakhstan.

Article 83. Procedure of Carrying Out Audit

The procedure and conditions of auditing activity, attestation of auditors, performance of audit, rights and liabilities, responsibility of ecological auditors and auditing firms are established by legislation.

Chapter XVIII. SETTLEMENT OF DISPUTES IN THE FIELD OF ENVIRONMENTAL PROTECTION AND LIABILITY FOR VIOLATION OF ENVIRONMENTAL PROTECTION LEGISLATION

Article 84. Settlement of Disputes in the Field of Environmental Protection

Disputes referring to environmental protection are settled at courts or in the procedure established by the legislation of the Republic of Kazakhstan.

Article 85. Liability for Violation of Environmental Protection Legislation

Natural persons and legal entities guilty of violation of the environmental protection legislation bear liability in accordance with the legislation of the Republic of Kazakhstan.

Article 86. Reimbursement of Damage Incurred Due To Violation of Environmental Protection Legislation

1. Legal entities and natural persons guilty of damage to environment, citizens' health, property belonging to organizations, citizens and the state due to violation of environmental protection legislation shall reimburse them for damage in accordance with effective legislation.

Damage incurred due to violation of environmental protection legislation is reimbursed voluntarily or by decision of court in accordance with rates and procedure of assessment of damage, which are approved in the established order and if rates are not fixed, versus expenses on recovery of disturbed environment with regard to losses suffered.

Collected amounts of reimbursement for damage are transferred in the established procedure to environment protection funds or to a legal entity or natural person having suffered.

2. Legal entities or natural persons, whose activity is connected with raised danger for environment protection, shall reimburse damage incurred by them, if they fail prove that damage occurred due to unforeseen circumstances or intent of those having suffered.
3. Damage incurred to citizens' health and property due to violation of environmental protection legislation shall be fully reimbursed with regard to loss of ability to work, expenses on their treatment, recovery, care, other expenses and losses.

Amount of damage to citizens' health and property is assessed in accordance with effective legislation while reimbursement of harm, by decision of court.

Moral injury incurred due to violation of environmental protection legislation is subject to reimbursement in the procedure established by the legislation of the Republic of Kazakhstan.

Chapter XIX. INTERNATIONAL CO-OPERATION IN ENVIRONMENTAL PROTECTION

Article 87. International Co-Operation in Environmental Protection

The Republic of Kazakhstan maintains international co-operation in the field of environmental protection, acting in accordance with the principles of observing priority of universal ecological safety.

Article 88. Activity of Foreign Organizations and Citizens in Environmental Protection on Territory of Republic of Kazakhstan

Activity of foreign organizations and citizens is allowed on the territory of the Republic of Kazakhstan, if this activity is not at variance with the legislation of the Republic of Kazakhstan or is regulated by international agreements ratified by the Republic of Kazakhstan.

Article 86. Reimbursement of Damage Incurred Due To Violation of Environmental Protection Legislation

1. Legal entities and natural persons guilty of damage to environment, citizens' health, property belonging to organizations, citizens and the state due to violation of environmental protection legislation shall reimburse them for damage in accordance with effective legislation.

Damage incurred due to violation of environmental protection legislation is reimbursed voluntarily or by decision of court in accordance with rates and procedure of assessment of damage, which are approved in the established order and if rates are not fixed, versus expenses on recovery of disturbed environment with regard to losses suffered.

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2. Legal entities or natural persons, whose activity is connected with raised danger for environment protection, shall reimburse damage incurred by them, if they fail prove that damage occurred due to unforeseen circumstances or intent of those having suffered.
3. Damage incurred to citizens' health and property due to violation of environmental protection legislation shall be fully reimbursed with regard to loss of ability to work, expenses on their treatment, recovery, care, other expenses and losses.

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Article 89. International Agreements of Republic of Kazakhstan in the Field of Environmental Protection

In case the international agreements ratified by the Republic of Kazakhstan establish norms other than those which contained in the legislation of the Republic of Kazakhstan, the norms contained in the international agreements are in force.

President
of the Republic of Kazakhstan
N. Nazarbaev

Almaty, July 15, 1997