

Action plan for decision VII /8 k (Kazakhstan)

The action plan was posted on March 31, 2022 on the website of the working body on the Aarhus Convention of Kazakhstan <https://ecogofond.kz/orhusskaja-konvencija/tekst-konvencii/orhus-konvencijasyn-zh-zege-asyru-bojynsha-esep/> and discussed on social networks - Instagram of the IAC EP https://www.instagram.com/p/CcK20_bLspa/?igshid=YmMyMTA2M2Y=.

<p>A. _ Description of the action plan preparation process</p> <p>On the website of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan (hereinafter referred to as the Ministry) https://www.gov.kz/memleket/entities/ecogeo?lang=ru and on the Internet resource of the subordinate organization of the Ministry https://ecogofond.kz/gosudarstvennyj-fond-jekologicheskoy-informacii/, as well as on social networks like Instagram https://instagram.com/iacoos.kz?utm_medium=copy_link and Facebook https://m.facebook.com/105353008146687/ the draft Action Plan for decision VII/8k was published on Kazakhstan's compliance with the recommendations contained in this decision.</p> <p>The public concerned will have the opportunity to submit their written comments on the draft Action Plan for decision VII/8k (Kazakhstan) by email. address a aarhus . kz @ mail . ru , which will be specified when publishing on official Internet resources and social networks.</p> <p>The interested public will be informed about the publication of the finalized draft Action Plan by decision VII / 8k through the official Internet resources and social networks of the Ministry and the subordinate organization.</p>	
<p>b . The general nature of the measures that will be required to implement the recommendations contained in the decision of the MOP</p> <p>In accordance with Article 31 of the Constitution of the Republic of Kazakhstan, the state aims to protect the environment that is favorable for human life and health. According to Article 13 of the Environmental Code of the Republic of Kazakhstan dated January 2, 2021 (hereinafter referred to as the Environmental Code), in order to ensure the right of every person of present and future generations to live in a favorable environment, the state <u>recognizes and guarantees the right of the public to participate in the process of adoption by state bodies and officials decisions on environmental issues.</u></p> <p>One of the principles of the environmental legislation of the Republic of Kazakhstan (<i>according to Article 5 of the Environmental Code</i>) is the principle of public participation, according to which the public has the right to participate in decision-making affecting environmental protection and sustainable development of the Republic of Kazakhstan, on the terms and in the manner established by the Environmental Code . State bodies and officials ensure the publicity of decisions planned for adoption that can have an impact on the state of the environment, on conditions that allow the public to express their opinion, which is taken into account when they are adopted.</p> <p>One of the forms of public participation in the adoption of state and managerial decisions affecting the issues of environmental protection and sustainable development of the Republic of Kazakhstan is public hearings.</p>	
<p>C. Detailed plan action</p>	
<p>Recommendation: Paragraph 2(a) of decision VII /8 k</p>	<p>In paragraph 2 (a) of decision VII /8 k , the Meeting of the Parties requests the Party concerned to take, as a matter of urgency, the necessary legislative, regulatory and administrative and practical measures to:</p>

	(a) To ensure that the mandatory requirements for the content of a public notice under Article 6(2) of the Convention are detailed in the law;
Proposed action to implement the recommendation	<p>In accordance with Article 6 (2) of the Convention, in the Rules for Conducting Public Hearings dated August 3, 2021 No. 286 (hereinafter referred to as the Rules), the heading “Public Hearings” was developed on the Unified Environmental Portal (ecoportal . kz).</p> <p>Annex 1 of the Rules took into account the requirements of public notification, namely:</p> <ol style="list-style-type: none"> 1) dissemination of the announcement of holding public hearings in the media, including at least one periodical print publication (newspaper); 2) dissemination of an announcement about holding public hearings through at least one TV or radio channel; 3) dissemination of the announcement of holding public hearings in places accessible to the interested public (information stands, bulletin boards).
Brief description of the steps required to implement the proposed measures	Fulfilled
Persons involved	Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, interested state bodies, local executive bodies, RSE "Information and Analytical Center for Environmental Protection", the public.
Final date when the implementation of the recommendation will be completed	Fulfilled
Recommendation: Paragraph 2(b)(i) of decision VII /8 k	<p>In paragraph 2(b)(i) of decision VII / 8k , the Meeting of the Parties requests the Party concerned to take, as a matter of urgency, the necessary legislative, regulatory and administrative and practical measures to:</p> <ol style="list-style-type: none"> (a) Ensure that the time limits set for decision-making procedures under Articles 6 or 7 of the Convention are sufficient to enable the public to prepare and participate effectively, and: (i) To the extent possible, they should not coincide with public holidays and other non-working days;
Proposed action to implement the recommendation	<p>According to paragraph 5 of the Rules for holding public hearings, the Unified Environmental Portal (hereinafter referred to as the Portal) operates around the clock, except for weekends, holidays and technical breaks associated with repair work.</p> <p>There are terms for posting an announcement of holding public hearings on the Portal and the official Internet resource of local executive bodies of the relevant administrative-territorial units, as well as on the Internet resource of the state body-developer no later than thirty calendar days from the date of placement.</p> <p>Also, at least 20 working days before the announcement of the public hearing is distributed in the media.</p>

Brief description of the steps required to implement the proposed measures	Fulfilled
Persons involved	Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, interested state bodies, local executive bodies, RSE "Information and Analytical Center for Environmental Protection", the public.
Final date when the implementation of the recommendation will be completed	Fulfilled
Recommendation: Paragraph 2(b)(ii) of decision VII /8 k	<p>In paragraph 2(b)(ii) of decision VII /8 k , the Meeting of the Parties requests the Party concerned to take, as a matter of urgency, the necessary legislative, regulatory and administrative measures and practical measures to:</p> <p style="padding-left: 40px;">(b) Ensure that the time limits set for decision-making procedures under Articles 6 or 7 of the Convention are sufficient to enable the public to prepare and participate effectively, and that:</p> <p style="padding-left: 80px;">i) the scope and complexity of the project or plan, program or policy are taken into account when setting the appropriate time frame;</p>
Proposed action to implement the recommendation	<p>According to paragraph 18 of the Rules for holding public hearings, interested state bodies and the public send their comments and suggestions in writing to the documents submitted for public hearings through open discussions, no later than three working days before the start date of the public hearings.</p> <p>According to paragraph 45 of the Rules, drafts subject to public discussion are available from the date of their posting for comments and suggestions during:</p> <p>1. 20 working days - for the objects specified in subparagraphs 3-8 of Article 87 of the EC RK:</p> <p>“3) draft regulatory legal acts of the Republic of Kazakhstan developed by central state bodies and local government bodies, the implementation of which may lead to negative impacts on the environment;</p> <p>4) projects of natural-scientific and feasibility studies on the creation and expansion of specially protected natural areas, including their functional zoning and general infrastructure development plans, the transfer of lands of specially protected</p>

	<p>natural areas into reserve lands, the abolition or reduction of territories of state nature reserves of the republican and local values and state protected areas of republican significance, management plans of an environmental organization, developed in accordance with the Law of the Republic of Kazakhstan "On Specially Protected Natural Territories";</p> <p>5) materials of survey of territories, substantiating the attribution of these territories to zones of ecological disaster or ecological emergency;</p> <p>6) projects of economic activity that may have an impact on the environment of neighboring states or for the implementation of which it is necessary to use natural objects common with neighboring states or that affects the interests of neighboring states, including the Baikonur complex, defined by international treaties of the Republic of Kazakhstan;</p> <p>7) materials of a comprehensive environmental survey of lands where nuclear weapons tests were carried out in the past, as well as which were affected by military test sites;</p> <p>8) forest management projects of state forest holdings and forest management and (or) special surveys to classify the state forest fund into categories, transfer from one category to another, as well as allocate especially protective areas where forest use is prohibited or limited";</p> <p>2. 20 working days for projects of environmental efficiency improvement programs;</p> <p>3. As part of the procedure for issuing environmental permits during: 15 working days - for project documentation for the construction and (or) operation of objects of the 2nd category; 15 working days - according to project documentation for the construction and (or) operation of civil and residential facilities, provided for in paragraph 9 of the Rules for determining the general procedure for classifying buildings and structures as technically complex and (or) technologically complex facilities, approved by order of the Minister of National Economy of the Republic of Kazakhstan dated February 28, 2015 No. 165 ; 10 working days - for the objects specified in subparagraph 9 of article 87 of the EC RK: "9) project documents for activities that do not require an environmental permit, for which the laws of the Republic of Kazakhstan provide for the mandatory presence of a positive conclusion of the state environmental expertise." ;</p> <p>4. 5 working days - for the objects specified in subparagraph 2 of article 87 of the EC RK: " 2) design documentation for the construction and (or) operation of objects of category III and other design documents provided for by this Code, necessary when preparing an environmental impact statement; " ;</p> <p>5. 10 working days - for project guides on best available techniques.</p>
Brief description of the steps required to implement the proposed measures	Fulfilled

Persons involved	State bodies, local executive bodies, the public
Final date when the implementation of the recommendation will be completed	Fulfilled
Recommendation: Paragraph 2(c) of decision VII /8 k	In paragraph 2(c) of decision VII /8 k , the Meeting of the Parties requests the Party concerned to take, as a matter of urgency, the necessary legislative, regulatory and administrative and practical measures to: (a) establish a clear and consistent requirement that all information relevant to decision-making be made available to the public, in accordance with Article 6(6) of the Convention;
Proposed action to implement the recommendation	In accordance with paragraph 3 of the Rules for Conducting Public Hearings, the Portal has a special section “Public Hearings”, which contains information on public hearings and protocols of public hearings. Also, information is posted on the official Internet resources of local executive bodies of regions, cities of republican significance, the capital and state bodies that develop projects of state programs in the sectors listed in paragraph 3 of Article 52 of the Code (agriculture, forestry, fisheries, energy, industry (including exploration and mining), transport, waste management, water management, telecommunications, tourism, urban and rural development planning, land use and protection), territorial development programs and master plans for settlements.
Brief description of the steps required to implement the proposed measures	Fulfilled

Persons involved	Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, interested state bodies, local executive bodies, RSE "Information and Analytical Center for Environmental Protection", the public.
Final date when the implementation of the recommendation will be completed	Fulfilled
Recommendation: Paragraph 2(d) of decision VII /8 k	In paragraph 2 (d) of decision VII /8 k , the Meeting of the Parties requests the Party concerned to urgently take the necessary legislative, regulatory and administrative and practical measures to: (b) ensure that, in accordance with Article 6(7) of the Convention, the submission of comments by the public is not limited to reasoned or “well-founded” comments;
Proposed action to implement the recommendation	In accordance with paragraph 18 of the Rules for holding public hearings (hereinafter referred to as the Rules), the interested state bodies and the public send their comments and suggestions in writing (on paper or electronic media) to the documents submitted to public to the subordinate organization of the authorized body in the field of environmental protection. hearings, no later than three business days before the start date of the public hearings. In accordance with paragraph 19 of the Rules, the received comments and suggestions are posted on the Portal under the heading "Public hearings" and sent to local executive bodies of the relevant administrative-territorial units (oblasts, cities of republican significance, the capital) for posting on the official Internet resource . Also, in the process of holding public hearings, the public has the right to voice their questions, comments and suggestions. Comments and suggestions received before and during the public hearings are recorded in a summary table, which is an integral part of the minutes of the public hearings. Comments and suggestions that are clearly not related to the subject of public hearings are entered in the table with the mark "not related to the subject of public hearings" based on the results of voting by a simple majority of all participants in the hearings.
Brief description of the steps required to implement the proposed measures	performed
Persons involved	Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, interested state bodies, local executive bodies, RSE "Information and Analytical Center for Environmental Protection", the public.

Final date when the implementation of the recommendation will be completed	performed
Recommendation: Paragraph 2(e) of decision VII /8 k	In paragraph 2 (e) of decision VII /8 k , the Meeting of the Parties requests the Party concerned to take, as a matter of urgency, the necessary legislative, regulatory and administrative and practical measures to: (c) establish appropriate procedures, which are not limited to the publication of decisions only on websites, to promptly notify the public of the findings of environmental expertise and facilitate public access to these decisions, in accordance with Article 6 (9) of the Convention;
Proposed action to implement the recommendation	The module "Public hearings" has been created on the Unified Environmental Portal. The objective of the "Public Hearings" module is to centralize all letters of inquiry and announcements of planned management, economic, investment and other activities, as well as protocols of public hearings.
Brief description of the steps required to implement the proposed measures	Fulfilled
Persons involved	Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, interested state bodies, local executive bodies, RSE "Information and Analytical Center for Environmental Protection", the public.

Final date when the implementation of the recommendation will be completed	Fulfilled
Recommendation: Paragraph 2(f) of decision VII /8 k	In paragraph 2 (f) of decision VII /8 k , the Meeting of the Parties requests the Party concerned to take, as a matter of urgency, the necessary legislative, regulatory and administrative and practical measures to: (d) keep and make available to the public, through publicly available lists or registers, copies of decisions subject to Article 6, after they have been taken, and other information relevant to the decision-making;
Proposed action to implement the recommendation	According to paragraphs 13, 30, 39 and 48 of the Rules for holding public hearings, the subordinate organization of the authorized body in the field of environmental protection (RSE "Information and Analytical Center for Environmental Protection") all materials of public hearings, including (signed Protocols, video and audio recordings public hearings) are posted on the Unified Environmental Portal and sent to local executive bodies of the respective administrative-territorial units for posting on their official Internet resources Also, this information is stored in the State Fund for Environmental Information and is provided free of charge at the request of the public as part of the state service "Providing environmental information".
Brief description of the steps required to implement the proposed measures	Fulfilled
Persons involved	Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, interested state bodies, local executive bodies, RSE "Information and Analytical Center for Environmental Protection", the public.

Final date when the implementation of the recommendation will be completed	executed
Recommendation: Paragraph 2(g)(i) of decision VII /8 k	<p>In paragraph 2(g)(i) of decision VII / 8k , the Meeting of the Parties requests the Party concerned to take, as a matter of urgency, the necessary legislative, regulatory and administrative and practical measures to:</p> <p>(e) (e) Ensure that appropriate practical and/or other provisions are in place for public participation in the preparation of plans under Article 7 of the Convention, including clear requirements to ensure that:</p> <p>(i) necessary information provided the public ;</p>
Proposed action to implement the recommendation	<p>One of the principles of the environmental legislation of the Republic of Kazakhstan (<i>according to Article 5 of the Environmental Code</i>) is the principle of public participation, according to which the public has the right to participate in decision-making affecting environmental protection and sustainable development of the Republic of Kazakhstan, on the terms and in the manner established by the Environmental Code . State bodies and officials ensure the publicity of decisions planned for adoption that can have an impact on the state of the environment, on conditions that allow the public to express their opinion, which is taken into account when they are adopted.</p> <p>According to paragraph 13 of the Rules for holding public hearings, the subordinate organization of the authorized body in the field of environmental protection RSE "Information and Analytical Center for Environmental Protection " within two working days, places documents on the Unified Environmental Portal and sends them to local executive bodies of the respective administrative-territorial units for placement on the official Internet resource .</p> <p>In accordance with paragraph 4 of Article 18 of the Law "On Legal Acts", as well as paragraph 10 of the Rules for the development, approval of draft by-laws of regulatory legal acts, approved by the Decree of the Government of the Republic of Kazakhstan dated October 6, 2016 No. 569, the developed drafts of by-laws of regulatory legal acts, together with explanatory notes and comparative tables to them (in cases of amendments and (or) additions to by-laws), before being sent for approval to the interested state bodies, are posted for public discussion on the Internet portal of open regulatory legal acts, as well as on the Internet resource state body-developer.</p>
Brief description of the steps required to implement the proposed measures	Fulfilled

Persons involved	Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, interested state bodies, local executive bodies, RSE "Information and Analytical Center for Environmental Protection", the public.
Final date when the implementation of the recommendation will be completed	Fulfilled
Recommendation: Paragraph 2(g)(ii) of decision VII /8 k	In paragraph 2(g)(ii) of decision VII /8 k , the Meeting of the Parties requests the Party concerned to take, as a matter of urgency, the necessary legislative, regulatory and administrative and practical measures to: (g) Ensure that appropriate practical and/or other provisions are in place for public participation in the preparation of plans under Article 7 of the Convention, including clear requirements to ensure that: (ii) (ii) the public that may participate is determined by the relevant public authority;
Proposed action to implement the recommendation	Paragraph 9 of Article 73 of the Environmental Code stipulates that public hearings are open to any person wishing to take part in them, regardless of their place of residence . In the process of holding public hearings , any person participating in them has the right to voice their comments and suggestions. In accordance with paragraph 7 of the Rules, public hearings on documents, the planned activity on which may have an impact on the territory of more than one administrative-territorial unit (oblasts, cities of republican significance, the capital, districts, cities of regional, district significance, rural districts, towns, villages) are held on the territory of each such administrative-territorial unit, including: 1) in each administrative center of regions, cities of republican significance and the capital, if the territory of the entire republic is affected; 2) in each administrative center of regions, cities of republican significance and (or) the capital, if the territory of several regions, cities of republican significance and (or) the capital is affected; 3) in each administrative center of the districts, if the territory of several districts is affected; 4) in each village (rural district), township, city of regional and district significance, if the territory of several villages (rural districts), towns, cities of regional and district significance is affected.
Brief description of the steps required to implement the proposed measures	Fulfilled

Persons involved	State bodies, the public
Final date when the implementation of the recommendation will be completed	Fulfilled
Recommendation: Paragraph 2(g)(iii) of decision VII /8 k	<p>In paragraph 2(g)(iii) of decision VII /8 k , the Meeting of the Parties requests the Party concerned to take, as a matter of urgency, the necessary legislative, regulatory and administrative and practical measures to:</p> <p>(f) Ensure that appropriate practical and/or other provisions are in place for public participation in the preparation of plans under Article 7 of the Convention, including clear requirements to ensure that:</p> <p>(iii) the requirements of Article 6 (3), (4) and (8) of the Convention apply;</p>
Proposed action to implement the recommendation	<p>Paragraphs 15 and 17 of the Rules provide for the timing of posting an announcement of holding public hearings on the Portal and the official Internet resource of local executive bodies of the relevant administrative-territorial units, as well as on the Internet resource of the state body-developer no later than thirty calendar days from the date of placement, as well as not less than 20 working days notice of the public hearing is distributed in the media.</p> <p>According to paragraph 13 of the Rules for holding public hearings, the subordinate organization of the authorized body in the field of environmental protection, within two working days, places documents on the Portal and sends them to local executive bodies of the relevant administrative-territorial units for placement on the official Internet resource .</p> <p>According to paragraph 45 of the Rules, projects subject to public discussion will be available from the date of their placement for comments and suggestions during:</p> <ol style="list-style-type: none"> 6. 20 working days - for the facilities specified in subparagraphs 3-8 of Article 87 of the EC RK; 7. 20 working days for projects of environmental efficiency improvement programs; 8. As part of the procedure for issuing environmental permits during: <ul style="list-style-type: none"> 15 working days - for project documentation for the construction and (or) operation of objects of the 2nd category; 15 working days - according to project documentation for the construction and (or) operation of residential and civil facilities, provided for in paragraph 9 of Regulation No. 165; 10 working days - for the facilities specified in subparagraph 9 of Article 87 of the EC RK; 9. 5 working days - for the objects specified in subparagraph 2 of Article 87 of the EC of the Republic of Kazakhstan; 10 working days - for project guides on best available techniques.

	<p>According to paragraph 18 of the Rules, the interested state bodies and the public send their comments and proposals in writing to the documents submitted for public hearings through open discussions to the subordinate organization of the authorized body in the field of environmental protection no later than three working days before the start date of public hearings.</p> <p>According to Appendix 5 to the Rules for Conducting Public Hearings, the rules for conducting public hearings include registration of participants in public hearings, as well as discussion of reports, following which comments and suggestions from participants in public hearings are heard.</p>
Brief description of the steps required to implement the proposed measures	Fulfilled
Persons involved	State bodies, the public
Final date when the implementation of the recommendation will be completed	Fulfilled