

Law of the Republic of Kazakhstan dated March 18, 1997 N 85 - 1 On Environmental Impact Assessment (amended and supplemented in accordance with the law o m RK of 11.05.99, the N 381-1)

This Law regulates social relations in the field of environmental impact assessment in order to prevent the negative impact of administrative, economic and other activities on the environment, life and health of the population of the Republic of Kazakhstan.

Chapter I. GENERAL PROVISIONS

Article 1. Terms definition

Environmental impact assessment - Definition of conformity of economic and other activities of standards of environmental quality and environmental requirements, the admissibility of the implementation of the object of examination in order to prevent possible negative impacts on the environment and related consequences.

Customer documents subject to environmental review, legal or natural person who issued the task of designing and carrying out the proposed activity financing of expertise.

Initiator of expertise - legal or natural person, including the customer's project to raise the question of the need for state and public environmental review.

Implementation of the object of examination - the beginning and the progress of work on the construction, operation and liquidation of industrial and other facilities, provision of services, entering into economic circulation of products and technologies in accordance with the decisions provided for preplanned, pre-project and project documentation, as well as the entry into force of legislation, other real use of the object of examination.

Environmentally hazardous activities - direct and indirect activities, including management and investment that have or likely to have harmful effects on human health and the environment.

Environmentally dangerous object - the object of the examination, the implementation of which may have or have harmful effects on human health and the environment.

Environmental risk - the likelihood of adverse environmental and health consequences of any (deliberate or accidental, gradual and catastrophic) anthropogenic changes of natural objects and factors.

Article 2. Legislation of the Republic of Kazakhstan on Environmental Impact Assessment

Legislation of the Republic of Kazakhstan on Environmental Impact Assessment based on the Constitution of the Republic of Kazakhstan and consists of this Law and other legal acts of the Republic of Kazakhstan, regulating the issues of environmental impact assessment.

Article 3. Objectives of environmental impact assessment

The objectives of the environmental assessment are:

- 1) prevention of the possible negative effects of the proposed administrative, economic investment and other activities on public health and the environment;
- 2) assessment of compliance with environmental requirements of the planned administrative, economic, investment and other activities in the stages preceding the adoption of the decision on their implementation, as well as in the process of construction and implementation;
- 3) provision of expert environment as a result of the placement and development of productive forces.

Article 4. Tasks environmental assessment

The objectives of the environmental assessment are:

- 1) determination of the completeness and correctness of performance in the examination object impact assessment of the planned administrative, economic, investment and other

activities on the environment and human health, including analysis of the possible social, economic and environmental impacts;

2) the organization of a comprehensive, science-based analysis and assessment of the impact of the planned administrative, economic, investment and other activities on the environment and public health;

3) verification of compliance with environmental requirements expertized documentation contained in the laws of the Republic of Kazakhstan, standards, rules and regulations in force in the Republic of Kazakhstan;

4) preparation of environmental expertise, the transfer of their organizations, making the decision about the realization of the object of examination and submission of the necessary information to interested bodies and individuals.

Article 5. Principles of environmental impact assessment

Environmental impact assessment is based on the following principles:

- 1) the obligation of the state ecological examination;
- 2) interaction with regulatory and supervisory bodies of the ministries, state committees and departments, other central and local executive bodies;
- 3) objectivity and scientific validity of the conclusions of the environmental assessment;
- 4) The independence of the expert bodies and experts in the exercise of their powers;
- 5) public;
- 6) integrated environmental expertise and the diversity of its species;
- 7) priority environmental and biomedical interest.

Article 6. Objects of environmental impact assessment

1. The objects of environmental expertise are:

- 1) pre-planning, design and project documentation, agreements, contracts, including international, issues relating to natural resources;
- 2) draft legislative and other normative legal acts, planned for adoption in the Republic of Kazakhstan, affecting the environment and human health;
- 3) materials for assessing compliance by the nature user requirements for the protection of the environment and health (environmental audit) in its business activities;
- 4) documentation submitted for ecological studies in obtaining licenses and certificates in the field of natural resource management and environmental protection.

2. The objects of environmental expertise and materials are comprehensive survey of areas in order to later give them a special legal status (specially protected natural territories, zones of ecological disaster, etc.).

Article 7. The subjects of environmental expertise

The subjects of environmental expertise are:

- 1) The central executive body of the Republic of Kazakhstan in the field of environmental protection and its local branches - in terms of organization and conduct of the state ecological examination of any objects;
- 2) ministries, state committees, other central and local executive bodies, involved in conducting the state ecological examination the central executive body of the Republic of Kazakhstan in the field of environmental protection and its field offices;
- 3) public environmental associations, scientific institutions and they create ecological and expert bodies;
- 4) individuals engaged to conduct an environmental assessment.

Article 8 Types of environmental assessment

In the Republic of Kazakhstan are carried out state ecological expertise and public ecological expertise.

Article 9 Publicity environmental assessment

1. The initiators of the environmental impact assessment for the projects are required to inform about its conduct in the media. If necessary, this is done as the body conducting the environmental assessment.

2. Expert bodies conducting the environmental impact assessment, following its completion at the request of the public report within a month on the conclusions of environmental

expertise in the media or in any other form.

CHAPTER 2. COMPETENCE OF STATE BODIES OF THE REPUBLIC KAZAKHSTAN environmental review

Article 10. Competence of the Government of the Republic of Kazakhstan and the central executive bodies in the field of environmental impact assessment

1. The Government of the Republic of Kazakhstan:

- 1) resolve issues of cooperation with foreign countries, if necessary, of the state ecological examination of objects and systems that are in their territory and affect the interests of the Republic of Kazakhstan;
- 2) establish the procedure of interaction of environmental and other public examinations;
- 3) perform other functions in the field of environmental impact assessment in accordance with the current legislation of the Republic of Kazakhstan.

2. Ministries, state committees and departments:

- 1) provide and organize the implementation of interstate and state programs in respect of the requirements of the environmental assessment;
- 2) organize the implementation of scientific and technical solutions aimed at implementing the recommendations of the environmental impact assessment;
- 3) carry out work on the organization providing the population with accurate information on the findings of the environmental assessment;
- 4) perform other functions in the field of environmental impact assessment in accordance with the current legislation of the Republic of Kazakhstan, the rules and regulations on environmental protection.

Article 11. The competence of the central executive body of the Republic of Kazakhstan in the field of environmental protection

1. The central executive body of the Republic of Kazakhstan in the field of environmental protection and its field offices have the exclusive right to conduct state ecological expertise.

2. Within the limits of their authority the central executive body in the field of environmental protection:

- 1) organizes and conducts state ecological expertise; coordinates the ecological and expert activity in the Republic of Kazakhstan, methodical management in the state on environmental impact assessment, regardless of their subordination and forms of ownership;
- 3) develop and approve the established procedure of methodical documents on assessment of impacts on the environment and the state environmental review, including the procedure for its implementation;
- 4) coordinate and approve documents regulating economic and other activity in the part of the most complete account in its environmental requirements;
- 5) coordinates scientific research on environmental impact assessment in the field of environmental impact assessment;
- 6) control and coordination of relevant departments of ministries, departments and organizations in terms of ensuring compliance with environmental rules and regulations when developing pre-project and project documentation;
- 7) in the prescribed manner interacts with the ecological and expert bodies of other countries to hold consultations, joint environmental impact assessments, exchange of scientific and methodological developments, attracting foreign experts to such works;
- 8) organize appropriate training of experts - ecologists gosudarstvennoy environmental review, associations and other interested groups;
- 9) carries out the issuance of licenses in the prescribed manner on the environmental design, regulation and operation in the field of environmental impact assessment;
- 10) defines the personal staff of expert commissions, attracted to work in them as the most competent freelance domestic and foreign scientists and experts, representatives of ministries, state committees and other central and local executive bodies, public associations and environmental movements;
- 11) receives the reference and other materials necessary for the state environmental review of the ministries, state committees, other central and local executive bodies, legal entities;

12) monitors the implementation of ministries, state committees, entities decisions and requirements of the state environmental expertise in the implementation of the object of examination.

Article 12. Competence of local representative and executive bodies in the field of environmental impact assessment

Local representative and executive bodies:

- 1) determine the sources of funding to carry out environmental impact assessments;
- 2) organize the monitoring of compliance with the requirements of current legislation in the different types of environmental impact assessment;
- 3) inform the public of the results of environmental impact assessment, which is done in accordance with their decisions.

Executive bodies conclude contracts for carrying out expert work with specialized expert bodies and individuals.

Chapter 3. State Ecological Expertise

Article 13. State ecological expertise and forms of conduct

1. State Ecological Expertise - an expert view of the central executive body of the Republic of Kazakhstan in the field of environmental protection and its field offices. It is mandatory and must precede the adoption of legal, organizational and economic decisions in terms of natural resources and the impact on the environment and human health. Without a positive opinion of the state environmental review the project prohibited.

2. Re-state ecological examination carried out in cases of changes in the conditions of nature, after processing of materials on the observations of an earlier state ecological examination, based on the decision of the judiciary, and may be initiated by the decision of the government and the central executive body of the Republic of Kazakhstan in the field of environmental protection.

Article 14. The objects subject to mandatory state environmental expertise

Mandatory state environmental review shall be subject to the following objects:

- 1) All kinds of planning, pre-planned and pre-project documentation, project forecasting, environmental and other programs, the concept of core activities, public investment programs, agreements, contracts, including those relating to changes of ownership and other forms of privatization projects schemes of development and distribution of productive forces;
- 2) projects of complex schemes of protection and use of water, forest, land and other natural resources, including environmental rehabilitation projects and land reclamation areas;
- 3) supplies comprehensive environmental survey of parts of the territory;
- 4) master plans for development projects (development) of cities and territories, including the territories of special economic zones and territories with special regime of nature management and business activities;
- 5) feasibility studies (calculations) and projects in the placement, construction, reconstruction, development, modernization, conversion, liquidation of enterprises, facilities and complexes. buildings and structures, biological justification for extraction and use of resources of flora and fauna;
- 6) documentation justifying the environmental requirements for new techniques, technologies, materials and substances, including those purchased abroad, documentation justifying the issuance of permits (licenses) for the removal of (the use of) natural resources;
- 7) draft legislative, regulatory and legal, regulatory, technical and instructive-methodological acts in the part of the environmental, including radiation, safety, environmental protection and rational use of natural resources in the implementation of economic and other activities;
- 8) materials survey the environmental situation in the region, resulting from natural hazards, economic or other activities (at the request of community leaders, local representative and executive bodies);
- 8-1) of the development and deployment of a network of protected areas, as well as the

rationale for the creation of these areas;

9) documentation to assess the impact of existing businesses that have a detrimental effect on the environment (by the decision of regulatory authorities and local representative and executive bodies);

10) other materials and documentation by the decision of the central executive body of the Republic of Kazakhstan in the field of the environment.

Article 15. Requirements for the documentation submitted for state environmental review

1. As part of the documentation submitted for state environmental review, the customer must submit:

1) a comprehensive ecological and social and economic impact assessment of the proposed activity on the environment and public health for the whole period of implementation of these activities and the Environmental Impact Statement of the activity;

2) documents about the negotiation of the proposed activity with the central and local executive bodies, as well as the results of public opinion in accordance with the procedure established by the central executive body of the Republic of Kazakhstan in the field of environmental protection;

2. The documentation submitted for state environmental expertise, solutions should be reflected by:

1) implementation of effective materials, energy-saving, low- and non-waste technological processes;

2) rational use and reproduction of natural resources, integrated waste recycling and disposal of production and consumption;

3) ensuring efficient wastewater treatment, as well as their use for technical purposes priority non-discharge of untreated water into natural waterways and ponds on the terrain;

4) the effectiveness and warranty justifying the measures relating to air protection from pollution;

5) preservation and restoration of soil, vegetation and wildlife, continued compliance with the status of objects of natural reserve fund;

6) ensure the protection of people and the environment from the harmful effects of anthropogenic physical, chemical and biological factors.

3. Relevant expert division of the central executive body of the Republic of Kazakhstan in the field of environmental protection shall be entitled to request additional materials necessary for the state environmental review.

Article 16. The environmental impact assessment

1. Procedures for assessing impacts on the environment and human health provides the customer the planned economic activity, and for the existing facilities - the owner of the enterprise or the central and local executive bodies.

2. Evaluation of the impact on the environment and human health is a mandatory and integral part of project documentation, and for existing enterprises is an initiative of the controlling bodies of republican and regional importance, the central executive bodies and public associations of citizens living within range of the company, of judges and prosecutors as well as the company itself or by a decision of the central executive body of the Republic of Kazakhstan in the field of environmental protection and its field offices.

3. The environmental impact assessment is carried out at all stages of planning and taking into account:

1) the state of the environment at the place of the proposed activity;

2) alternative ways of achieving the objectives of the proposed activity, including the abandonment of these activities;

3) the prospects of socio-economic development of the region;

4) other requirements of the current legislation of the Republic of Kazakhstan in the field of environmental protection.

4. The environmental impact assessment should include:

1) identification of types and levels of impact of a proposed activity on the environment, including environmental risks;

2) the prediction of environmental change in the event of the implementation of the planned activities and their socio-economic impacts;

3) develop measures to ensure the protection of the environment during the proposed activity;

4) the elaboration of all the regulatory requirements in this area.

5. The results of the environmental impact assessment be prepared and submitted by the customer as part of the exported materials Environmental Impact Statement proposed or existing business activities are the basis for the preparation of decisions on its implementation.

Article 17. Rights of the expert units carrying out state environmental review

1. The Head of the expert departments have the right to:

1) in the prescribed manner to create ecological and expert committees, groups, and other formations for conducting environmental assessments, to involve in the work of highly qualified domestic and foreign experts and scholars, including foreign persons and legal entities on a contractual basis;

2) monitor the activities of the expert departments (institutions, organizations), created committees and groups;

3) heads the Council of ecological expertise, to organize their activities;

4) determine the methods of examination;

5) to reject submitted for environmental review materials that do not meet environmental standards and regulations;

6) return on completion documents and materials containing calculation errors and other irregularities, the correction of which requires further research, prospecting or additional funding;

7) sign the conclusion of the environmental assessment;

8) to withdraw the previously issued positive opinion of environmental expertise in connection with newly revealed circumstances, constitute a danger to the environment, or in the event of failure by the customer to sign the above-mentioned requirements;

9) request necessary for the examination of additional materials research, design, methodological or otherwise;

10) submit to the Bank and other funding agencies materials for the projects that have not received a positive conclusion of the state ecological examination;

11) to prepare and transmit the relevant materials to law enforcement and other authorities to address the issue of bringing to justice those responsible for violations of the current legislation of the Republic of Kazakhstan.

2. The head of the expert departments are the main state environmental experts, district, city, region and the Republic of Kazakhstan.

Article 18 guarantees the independence of the heads of state environmental expertise in the performance of expert activities

1. When organizing and conducting environmental impact assessment of the expert bodies are independent and act in accordance with this Law and other normative legal acts of the Republic of Kazakhstan.

2. The independence of the expert bodies is also provided provisions for them to be approved by the central executive body of the Republic of Kazakhstan in the field of environmental protection, including:

1) the procedure for their appointment and dismissal;

2) other conditions which do not contradict the current legislation of the Republic of Kazakhstan on public service.

Article 19. The expert commission of the state ecological examination

1. The expert commission is formed to carry out environmental impact assessment of a particular object body having the right to appoint, to initiate and pursue a state or public environmental review. The composition of the expert committee formed groups in areas of research expertise.

2. The results of the expert committee are set out in a consolidated conclusion of the expert commission. The structure, content and implementation of the order to appeal the conclusion of the expert commission determined the expert body that organizes the environmental impact assessment, which also establishes a specific procedure for the work of the expert committee.

3. The expert commission has rights and duties vested by its parent body in accordance with the current legislation of the Republic of Kazakhstan.

Article 20. The expert of state ecological expertise

1. Experts state ecological expertise is a person who has special knowledge and has the experience necessary to carry out environmental impact assessment and the involvement in the prescribed manner an expert body to conduct environmental impact assessment.
2. An expert of state ecological expertise may not be representative of the customer documentation to be environmental review, or the developer of the object of the state ecological expertise, as well as legal entities and individuals, consisting of the customer or the developer of an employment or other contractual relationship.
3. An expert of state ecological expertise is responsible for the activities undertaken in the examination procedure established by the legislation of the Republic of Kazakhstan.
4. The expert of state ecological expertise shall be entitled to:
 - 1) require the submission of additional documents relevant to a comprehensive and objective assessment of the expertized object in accordance with Article 15 of this Law;
 - 2) further involve conducting environmental expertise of highly qualified specialists;
 - 3) submit proposals for improving the organization of the examination, methodology, procedure and principles for its implementation;
 - 4) to form a dissenting opinion on the project of the state ecological expertise, which is attached to the state ecological expertise.
5. The expert of state ecological expertise is required to:
 - 1) to provide a comprehensive, objective, high-quality environmental impact assessment;
 - 2) comply with the law on ecological expertise and other legislative acts;
 - 3) to examine, based on existing standards, rules and regulations;
 - 4) comply with the deadlines and procedures for environmental impact assessment;
 - 5) To prepare a reasoned conclusion of environmental review and promptly transmit them to bodies taking decisions on the implementation of the examination object, and customers;
 - 6) rejecting expertized objects from further consideration or justifying their return on completion of materials to objectively assess and convincingly justify the conclusion of the environmental assessment;
 - 7) ensure the safety of materials and coordinate their actions in relation to confidential documents to their owner, to prevent the disclosure of information entrusted to him.

Article 21. Guarantees of realization and protection of the state environmental review expert

1. Interference in the work of the expert associated with the environmental impact assessment, public bodies, legal entities and officials shall be prohibited, except for cases of violations of the expert of the Kazakhstan legislation.
2. Violated rights expert of state ecological expertise, including financial losses and non-pecuniary damage, to be protected by judicial and administrative proceedings, and those responsible for this breach, bear responsibility in accordance with the current legislation of the Republic of Kazakhstan.

Article 22. The Expert Council of the State Ecological Expertise

1. When subdivisions of the state ecological expertise of the central executive body of the Republic of Kazakhstan in the field of environmental protection are expert advice, is an advisory body and acting in accordance with them.
2. The provisions on the advisory councils of the central executive body, regional, city and district departments of their personal compositions developed and approved by the leaders, respectively, of the central executive body of the Republic of Kazakhstan in the field of environmental protection and its field offices.
3. The members of the expert advice can be officials of environmental protection agencies, scientists of research institutions, universities, highly qualified specialists - practitioners and representatives of the public.

Article 23. Powers of the expert councils of state ecological expertise

1. The jurisdiction of the expert councils of state ecological expertise are:
 - 1) discussion of the complex problems of environmental safety, environmental protection, use and reproduction of natural resources in the environmental assessment;
 - 2) consideration of the conclusions of the relevant environmental impact assessment concerning the objects of increased environmental hazards;
 - 3) preparation of proposals for the improvement of environmental impact assessment.

2. Expert advice environmental assessment exercise other functions stipulated by its regulations.

Article 24. The procedure of the state ecological examination

1. The procedure of the state ecological examination consists of successive stages, during which expert bodies examine and evaluate the objects of examination and prepare an informed, objective expert advice.

2. Procedure of state ecological expertise includes:

- 1) an application for registration of the state ecological examination;
- 2) a preliminary examination (predekspertizu), is to verify the existence and completeness sent for examination of necessary materials, details, including the environmental impact assessment of the proposed economic activity, and to determine compliance with the current legislation of the Republic of Kazakhstan and regulatory requirements;
- 3) examination of the main stage, providing the required level of expertise, analytical processing of materials, comparative analysis and individual assessments of ecological danger of planned or existing activities, the adequacy and accuracy of studies realization of objects of examination;
- 4) The final stage of examination, including a compilation of the individual expert assessments and environmental impact assessment, preparation of expert opinion agreeing with the conclusions of the materials or their rejection.

3. The expert body has the right to reject an application for the state ecological examination of the object in the case of:

- 1) failure by the customer of the documents specified in Article 15 of this Law;
- 2) If the submitted environmental impact assessment and the environmental impact statement does not meet the requirements or contains erroneous data, without which the adoption of an objective decision is not possible.

Article 25. Organizational forms of the state ecological examination

State environmental expertise is carried out:

- 1) full-time employees of expert services of the central executive body of the Republic of Kazakhstan in the field of environmental protection and its local branches;
- 2) expert commissions established by the central executive body of the Republic of Kazakhstan in the field of environmental protection and its field offices with the assistance of external experts;
- 3) inter-sectoral expert commissions established by the central executive body of the Republic of Kazakhstan in the field of environmental protection.

Article 26. Date of the state ecological examination

1. The term of the state ecological examination shall not exceed three months with a possible extension depending on the size and complexity of the documents, but not more than six months. Extension of the state ecological expertise of more than six months is carried out only at the request of the customer documentation and the presence of its safeguards to additional paying expert evaluation.

2. Commencement of the state environmental expertise is established from the transfer of expert bodies of all necessary documentation, held a preliminary examination, and presentation of the customer copies of the documents on payment of expert works. In this period of preliminary examination should not exceed two weeks.

3. Definition and extension of state environmental expertise within the competence of the central executive body of the Republic of Kazakhstan in the field of environmental protection.

Article 27. Conclusion of the state ecological examination

1. The results of the state ecological examination expert prepared a report containing conclusions on the admissibility and the possibility of a decision on the sale of property, environmental review.

2. The conclusions and proposals of the state environmental expertise after its adoption by the central executive body of the Republic of Kazakhstan in the field of environmental protection is mandatory for all legal entities and individuals.

3. A negative conclusion of state ecological expertise the customer is obliged to ensure their completion in accordance with the proposals of the expert opinion in the specified period of time to present all the material on repeated environmental review or reject the

proposed activity.

4. It is prohibited to fund and implement projects of public, commercial banks and other financial institutions of any property without a positive conclusion of the state ecological expertise.

Article 28. The validity of conclusions of the state ecological examination
A positive conclusion of the state ecological examination of project documentation is valid up to two years from the date of issue up to the start of construction, and documentation of existing and construction companies - up to five years.

Chapter 4. The public environmental review

Article 29. Application of public environmental review

1. Public Environmental Review - activity undertaken on a voluntary basis by expert commissions established on the initiative of individual population groups, voluntary associations and scientific organizations for the environmental assessment of any activities. It can be carried out regardless of the conduct of the same objects of the state ecological expertise.

2. The conclusion of public examination is an information and recommendation.

Article 30. The powers of public associations in the field of environmental impact assessment

Controls public associations in the field of environmental impact assessment is carried out environmental impact assessment in accordance with the statutes and regulations about them in accordance with the current legislation of the Republic of Kazakhstan.

Article 31. The procedure of public environmental review

1. The procedure for public environmental review includes:

- 1) the state registration of the public environmental review;
- 2) a statement of its beginning in the media;
- 3) preparation of the conclusion of the public environmental review;
- 4) report on the results of environmental impact assessment to the media.

2. The statement said the initiator of the public environmental review, the location of public facilities and the formation of an expert environmental review.

Article 32. The state registration of the public environmental review

1. The state registration of the public environmental impact assessment is carried out by local executive authorities on whose territory the planned activity expertized, in the manner prescribed by the central executive body of the Republic of Kazakhstan in the field of environmental protection.

2. The application for registration shall contain information on the composition of public ecological expert-formation, the name of the object for which planned environmental review, the timing of its implementation.

Chapter 5. FINANCING ENVIRONMENTAL EXPERTISE

Article 33. Financing of the state ecological examination

1. Financing of the state ecological examination carried out at the expense of the republican and local budgets, payments for conducting expert works.

2. Payment of expert work conducted by state environmental review, the initiator performs economic activity (the customer) in accordance with the procedure established by the Government of the Republic of Kazakhstan.

Article 34. Financing of public environmental review

Funding for public environmental impact assessment is carried out at the expense of own funds of public environmental associations and foundations and volunteer.

Chapter 6. RIGHTS AND OBLIGATIONS OF THE CUSTOMER DOCUMENTATION SUBJECT TO ENVIRONMENTAL EXPERTISE

Article 35. The right of the customer documentation to be ecological expertise

Customers have the right to:

- 1) to provide written or oral explanations, comments and suggestions on expertized objects or for individual study and examination facilities justifications;
- 2) examine the conclusions of the preliminary and final environmental impact assessment;
- 3) declare the feasibility of an additional, repeated or control environmental impact assessment;
- 4) to make timely adjustments, changes that do not require detailed research and calculations;
- 5) terminate the contract if the delivery of public expertise in cases of violation of the current legislation of the Republic of Kazakhstan, the terms of the contract or of their rights;
- 6) bring an action in court for damages caused by the violation of the current legislation of the Republic of Kazakhstan in the environmental assessment.

Article 36. Duties of the customer documentation to be ecological expertise

Customers are required to:

- 1) to provide high-quality preparation and presentation of the environmental review necessary materials;
- 2) submit the subjects of environmental expertise necessary materials and counseling, information, calculations, additional development in relation to exported objects;
- 3) to decide on further implementation of the object of examination, taking into account public opinion.

When conducting the state ecological expertise:

- 1) pay the established procedure expert work;
- 2) comply with the instructions, recommendations environmental review as set out in the expert opinion in a timely manner to remedy deficiencies and shortcomings;
- 3) within the deadlines expert bodies to submit projects for re environmental assessment.

**Chapter 7. DISPUTE RESOLUTION IN THE FIELD
Ecological Expertise**

Article 37. Resolution of differences in the implementation of environmental impact assessment

1. Disputes arising between the state environmental expertise and customers, designed the protocol, considered a central executive body of the Republic of Kazakhstan in the field of environment protection with the participation of the state ecological expertise conclusion issued, as well as the customer.
2. The term of consideration of disputes should not, as a rule, more than one month from the date of receipt of the list of disagreements and other necessary materials. Where necessary, it may be extended by the decision of the central executive body of the Republic of Kazakhstan in the field of environmental protection, but not more than three months.
3. A disagreement can be appealed to a court, which determines the degree of responsibility of organizations and officials in accordance with the applicable legislation of the Republic of Kazakhstan.
4. Property disputes in the field of environmental impact assessment shall be settled in court.
5. Disputes arising in the implementation of public environmental review may be authorized in accordance with this article.

Article 38. Recognition of the environmental impact assessment findings invalid

1. The conclusions of environmental expertise may be invalidated when the admitted in their preparation:
 - 1) violation of the procedure of environmental impact assessment;
 - 2) failure or distortion of environmental rules and regulations, the requirements of ecological safety, environmental protection, efficient use and reproduction of natural resources;
 - 3) violation of the rights of citizens to a healthy life and healthy environment, other environmental rights and interests of the population, human ecology and expert participants of the process;
 - 4) other cases that violate the rights of the parties involved in the environmental

review.

2. The environmental impact assessment body responsible for its decisions in accordance with the applicable legislation of the Republic of Kazakhstan.

Chapter 8. Types of violations of environmental laws REPUBLIC OF KAZAKHSTAN IN THE FIELD OF ENVIRONMENTAL EXPERTISE

Article 39. Types of violations of environmental legislation of the Republic of Kazakhstan in the field of environmental impact assessment

1. Violation of environmental legislation of the Republic of Kazakhstan in the field of environmental impact assessment are:

- 1) violation of the mandatory state environmental expertise;
- 2) falsification of the results of an environmental impact assessment;
- 3) violation of the order of publication of the conclusions of environmental expertise, including before the final conclusion;
- 4) the issuance of licenses in the field of environmental protection or implementation of construction projects and other activities without a positive conclusion of the state ecological examination;
- 5) violation of the procedure for the creation and organization of expert committees;
- 6) Implementation of the environmental impact assessment organizations, public associations and other units that do not have licenses;
- 7) violation of the requirements of environmental safety, environmental protection, efficient use and reproduction of natural resources in the environmental assessment;
- 8) creation of obstacles in the organization and conduct of environmental impact assessment public associations;
- 9) failure to provide expert bodies and the formation of the necessary materials, information and data;
- 10) forcing an expert to conduct unwarranted environmental review or preparation of deliberately distorted and biased conclusions;
- 11) failure to comply with the law provided for expert functions or obligations imposed by the contract for the provision of ecological and expert services;
- 12) refusing to register for state and public environmental review.

2. The legislation of the Republic of Kazakhstan may establish other types of violations of environmental legislation regarding environmental expert activity.

Article 40. Responsibility for violation of environmental legislation of the Republic of Kazakhstan on Environmental Impact Assessment

Legal and natural persons, foreigners and stateless persons who leased and management of economic activities in the territory of the Republic of Kazakhstan, for the violation of laws and other regulations in the field of environmental impact assessment shall be liable in accordance with the current legislation of the Republic of Kazakhstan.

Chapter 9. INTERNATIONAL COOPERATION Ecological Expertise

Article 41. International cooperation in the field of environmental impact assessment

1. International cooperation in the field of environmental impact assessment is carried out in order to ensure the environmental safety of human and environmental protection and rational use of natural resources on the basis of appropriate agreements.

2. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in the legislation of the Republic of Kazakhstan on Environmental Impact Assessment, the rules of the international treaty.

3. At the initiative of the Government of the Republic of Kazakhstan or the central executive body in the field of environmental protection can be carried out in international environmental assessments.

President

The Republic of Kazakhstan Nursultan Nazarbayev