

Measures taken to take into account the comments of Decision VI / 8g in the draft Environmental Code of the Republic of Kazakhstan in a new edition

№	Compliance Committee comments	Measures taken
1.	<p>a) To ensure that the mandatory requirements of the content of the public notice, as prescribed by article 6, paragraph 2, of the Convention, are detailed in law</p>	<p>Article 96. General provisions on environmental expertise in the Republic of Kazakhstan</p> <p>1. Ecological expertise refers to expert activities aimed at establishing compliance of the documentation which is the subject to environmental expertise with environmental legislation requirements and carried out in order to prevent possible adverse effects on the environment and public health and to ensure the ecological basis for sustainable development of the Republic of Kazakhstan.</p> <p>2. Under the implementation of the documentation submitted for environmental expertise, this Code means the approval of the relevant documentation, the beginning and progress of activities in accordance with the decisions provided for by such documentation, and in relation to the draft regulatory legal act - the adoption and enforcement of such a regulatory legal act .</p> <p>3. This Code establishes the requirements for the following types of environmental expertise:</p> <p>1) state environmental expertise;</p> <p>2) public environmental expertise.</p> <p>Article 107. Conduct of Public hearings</p> <p>1. A public hearing in the process of conducting a state environmental expertise is mandatory.</p> <p>2. Public hearings within the framework of the state environmental expertise shall be held in accordance with the Rules for holding public hearings.</p>
2.	<p>b) To establish a clear and consistent requirement for all information relevant to the decision-making to be made accessible to the public, in accordance with article 6, paragraph 6, of the Convention;</p>	<p>In accordance with the current Rules for holding public hearings, public hearings are held:</p> <p>1) in the form of open meetings of the public concerned on economic activities;</p> <p>2) in the form of a survey to take into account the opinions of the public concerned for objects of categories III and IV.</p> <p>To conduct public hearings, the customer publishes an announcement in the media about holding public hearings indicating the following information:</p> <p>date, time and place of the public hearing;</p> <p>name of the local executive body and contact details of the person responsible for organizing</p>

		<p>public hearings; e-mail address of the local executive body where comments and suggestions are received; the address of the Internet resource of the local executive body where the project documentation is posted; the address of the place where members of the public can familiarize themselves with the project materials in paper form; the name of the state body for the state environmental review; name and contact details of the customer; the address of the customer’s Internet resource or email, where comments and suggestions are accepted; name and contact details of the documentation developer.</p>
3.	<p>c) To ensure that, in accordance with article 6, paragraph 7, of the Convention, the submission of comments by the public is not limited to only “reasonable” comments;</p>	<p>In accordance with current standards, the results of public hearings are drawn up in a protocol, in the form specified in Appendix 3. The protocol is compiled taking into account the opinions of people who participated in the public hearings, as well as accepted through an online resource or using other means of informing, commenting and suggesting. The Protocol reflects comments and suggestions from the public concerned relating to the project of the customer, and the position of the customer regarding each comment and proposal, as well as information about the possibility of appealing the decision. The protocol is signed by the chairman and secretary of the public hearings and posted on the Internet resource of the local executive body no later than seven business days after the public hearings.</p>
4.	<p>d) To establish appropriate procedures, which are not limited to publishing decisions only on websites, to promptly notify the public of the environmental expertiza conclusions, and to facilitate public access to these decisions, in accordance with article 6, paragraph 9, of the Convention;</p>	<p>Article 106. Publicity of State Environmental Expertise</p> <ol style="list-style-type: none"> 1. Publicity of state environmental expertise and public participation in decision-making on environmental issues and the use of natural resources are ensured through public hearings. 2. All interested individuals and legal entities, public associations are given the opportunity to express their opinions during the state environmental expertise. 3. The conclusion of the state environmental expertise should be posted on the Internet resource of the authorized body in the field of environmental protection within five business days after its issuance and be placed in public access for at least thirty business days from the date of its publication. 4. Individuals and legal entities, public associations have the right to challenge the conclusion of the state environmental expertise in the manner prescribed by the legislation of the Republic of Kazakhstan.

<p>5.</p>	<p>e) To maintain and make accessible to the public, through publicly available lists or registers, copies of the decisions taken and other information relevant to the decision-making, including evidence of having fulfilled the obligation to inform the public and provide it with opportunities to submit comments</p>	<p>Article 106. Publicity of State Environmental Expertise</p> <p>1. Publicity of state environmental expertise and public participation in decision-making on environmental issues and the use of natural resources are ensured through public hearings.</p> <p>2. All interested individuals and legal entities, public associations are given the opportunity to express their opinions during the state environmental expertise.</p> <p>3. The conclusion of the state environmental expertise should be posted on the Internet resource of the authorized body in the field of environmental protection within five business days after its issuance and be placed in public access for at least thirty business days from the date of its publication.</p> <p>4. Individuals and legal entities, public associations have the right to challenge the conclusion of the state environmental expertise in the manner prescribed by the legislation of the Republic of Kazakhstan.</p>
<p>6.</p>	<p>Appropriate practical and/or other provisions are made for the public to participate during the preparation of plans within the scope of article 7 of the Convention, including clear requirements to ensure that: (i) The necessary information is provided to the public; (ii) The public that may participate is identified by the relevant public authority; (iii) The requirements of article 6, paragraphs 3, 4, and 8, of the Convention are applied</p>	<p>Article 78. Environmental Impact Assessment Steps</p> <p>Environmental impact assessment includes the following stages:</p> <p>1) consideration of the application for the proposed activity in order to determine its compliance with the requirements of this Code, as well as, in cases provided for by this Code, screening of the effects of the intended activity;</p> <p>2) determination of the scope of the environmental impact assessment;</p> <p>3) preparation of a report on potential impacts;</p> <p>4) assessment of the quality of the report on possible impacts;</p> <p>5) making an opinion on the results of the environmental impact assessment and its accounting;</p> <p>6) post-project analysis of the actual impacts of the implementation of the proposed activity, if the need for its implementation is determined in accordance with this Code.</p> <p>Article 79. Application for the planned activity</p> <p>1. A person intending to carry out activities for which this Code provides for a mandatory environmental impact assessment or mandatory screening of the effects of an planned activity is required to submit an application for the planned activity to an authorized body in the field of environmental protection, after which this person is recognized as the initiator of the corresponding environmental impact assessment on the environment or screening the impact of the planned activity (hereinafter - the initiator).</p>

2. An application for the planned activity is submitted in electronic form should contain the following information:

1) for an individual: last name, first name, patronymic (if any), address of the place of residence, individual identification number, phone, email address;

2) for a legal entity: name, location address, business identification number, information about the first leader, phone, email address;

3) a general description of the types of the planned activity and their classification in accordance with Appendix 1 or a description of significant changes made to such types of activities in accordance with subparagraph 4) of paragraph 1 of Article 76 of this Code;

4) information about the proposed location for the implementation of the planned activity, the rationale for choosing a place and the possibilities of choosing other places;

5) the general expected technical characteristics of the planned activity, including the capacity (productivity) of the object, its length, area, product characteristics;

6) a brief description of the proposed technical and technological solutions for the planned activity;

7) the estimated date of commencement of the implementation of the planned activity and its completion;

8) a description of the types of resources needed to carry out activities, including water, land, soil, minerals, vegetation, raw materials, energy, indicating their estimated quantitative and qualitative characteristics;

9) a description of the proposed types, volumes and qualitative characteristics of emissions into the environment and waste that may be generated as a result of the implementation of the intended activity;

10) a list of permits, the presence of which is supposedly required for the implementation of the intended activity and state bodies, whose competence includes the issuance of such permits;

11) a description of possible alternatives for achieving the goals of the indicated planned activity and options for its implementation (including the use of alternative technical and technological solutions and the location of the facility);

12) a description of the possible forms of negative and positive impact on the environment as a result of the intended activity, their nature and expected scope, taking into account their probability, duration, frequency and reversibility;

13) a description of the possible forms of transboundary environmental impact, their nature and expected scale, taking into account their probability, duration, frequency and reversibility;

14) a brief description of the current state of the environmental components in the territory

and (or) the water area within which the proposed activity is expected to be carried out, as well as, if any, the initiator, the results of background studies;

15) the proposed measures to prevent, eliminate and reduce possible forms of adverse effects, as well as to eliminate their consequences.

3. For the purpose of submitting an application for an intended activity, screening the impacts of an intended activity or assessing the environmental impact, the initiator does not need to have the rights to a land plot to carry out the planned activity.

4. If the implementation of the planned activity requires obtaining an environmental permit, the initiator has the right to submit an application for the planned activity as part of the procedure for issuing the appropriate environmental permit. In such cases, the period for consideration of the application for the issuance of an appropriate environmental permit is suspended for the period of the environmental impact assessment.

5. Within two working days after receiving an application for the planned activity, the authorized body in the field of environmental protection checks it for the availability of information specified in paragraph 2 of this article, and:

1) in the absence of one or more details required in accordance with clause 2 of this article in the application for the planned activity, informs the initiator about the need to eliminate the shortcomings and re-submit the application for the planned activity;

2) if the initiator submits a statement on the planned activity, containing all the necessary information in accordance with paragraph 2 of this article, places a statement on the planned activity on the official Internet resource and sends a copy of it to the relevant interested state bodies.

Interested government bodies in this Section are understood as the departments of the authorized body in the field of environmental protection, the authorized body in the field of health, government bodies whose competence includes the regulation of one or more activities that are part of the planned activity, issuing permits or receiving notifications for such activities, as well as local executive bodies of administrative-territorial units (cities, districts), which fully or partially located within the affected area.

Affected Territory in this Section refers to the territory within which the environment and population may be significantly affected by the intended activity.

6. The local executive bodies of the respective administrative-territorial units (cities, districts), within two working days after receiving from the authorized body in the field of environmental protection a copy of the application for the proposed activity, post it on official Internet resources.

7. The application for the planned activity should be posted on the Internet resource of the authorized body in the field of environmental protection and local executive bodies of the respective administrative-territorial units (cities, districts) **within thirty consecutive calendar days from the date of placement.**

An application on the planned activity posted on the Internet resource should be accompanied by an official message to the public about the receipt of comments and suggestions regarding the application on the planned activity, indicating the type of the planned activity, the mailing address and email addresses at which comments and suggestions are received, as well as the end date receiving comments and suggestions.

8. **No later than three working days from the date the application for the intended activity is posted on official Internet resources the local executive bodies of the respective administrative-territorial units (cities, districts), additionally organize the distribution of the official message referred to in paragraph 7 of this article in one of the mass media information, as well as in other ways in accordance with the Law of the Republic of Kazakhstan “On access to information”.**

9. **Reception of comments and suggestions from interested state bodies and the public regarding the application for the planned activity is carried out by the authorized body in the field of environmental protection.**

Interested state bodies and the public are entitled to submit their comments and suggestions regarding the application for the planned activity within thirty business days from the date the initiator submits the application for the planned activity to the authorized body in the field of environmental protection.

Comments and suggestions from interested state bodies and the public received upon completion of the deadline for accepting comments and suggestions specified in part two of this paragraph shall not be accepted for consideration by the authorized body in the field of environmental protection.

10. **Within two business days from the date of expiration of the acceptance of comments and suggestions, the authorized body in the field of environmental protection shall submit all comments and suggestions to the application for the planned activity, accepted for consideration from interested state bodies and the public, in the protocol, drawn up in the form of a summary the table of comments and suggestions, as well as within the same period, places such a protocol on the official Internet resource and sends a copy to the local executive bodies of the respective administrations proliferative and territorial units (cities, districts).**

Local executive bodies of the respective administrative-territorial units (cities, regions), within two working days after receiving from the authorized body in the field of environmental protection a copy of the protocol specified in the first part of this paragraph, post it on official Internet resources.

11. If there is reason to initiate an assessment of transboundary impacts, the authorized body in the field of environmental protection shall initiate an assessment of transboundary impacts in accordance with Article 91 of this Code.

Article 80. Screening of the effects of the planned activity

1. Screening of the impacts of the planned activity is the process of identifying potential significant environmental impacts of the implementation of the proposed activity, carried out in order to determine, on the basis of the criteria established in Article 81 of this Code, the necessity or absence of the need to conduct an environmental impact assessment.

2. Submission of an application for a planned activity for screening purposes is mandatory:

1) for the types of planned activities in accordance with Section 2 of Appendix 1 to this Code, taking into account the quantitative threshold values indicated in it (if any);

2) for changes made to the types of planned or ongoing activities specified in Section 2 of Appendix 1 to this Code, as a result of which the corresponding quantitative limit values are achieved;

3) for significant changes to the planned or ongoing activity specified in Section 2 of Appendix 1 to this Code, in respect of which the impacts of the planned activity were previously screened, the results of which showed that there was no need for a mandatory environmental impact assessment;

4) in the case specified in subparagraph 4) of paragraph 1 of Article 76 of this Code.

The implementation of such activities without screening the impacts of the planned activity is prohibited.

3. Screening of the planned activity is organized by the authorized body in the field of environmental protection in accordance with paragraphs 5 - 10 of Article 79, Article 80 of this Code and the Instructions for the organization and conduct of environmental assessment.

4. The deadline for screening the effects of the planned activity is thirty business days from the date of posting a copy of the application for the proposed activity on the Internet resource of the authorized body in the field of environmental protection in accordance with subparagraph 2) of paragraph 5 of Article 79 of this Code.

5. When screening the impact of the planned activity, the authorized body in the field of environmental protection takes into account all the comments and suggestions **made to the protocol in accordance with paragraph 10 of Article 79 of this Code.**

6. An authorized body in the field of environmental protection, no later than the deadline specified in paragraph 4 of this article, shall issue a conclusion on the results of screening of the impacts of the planned activity, containing a conclusion on the necessity or absence of the need for a mandatory environmental impact assessment, shall forward it to the initiator and interested state bodies, and also, within two working days after that, post **a copy of it on the official Internet resource.**

7. The conclusion on the results of screening the impacts of the planned activity should include a reasoned justification for the necessity or absence of the need for a mandatory environmental impact assessment.

8. If the conclusion on the results of screening the impacts of the planned activity concludes that it is necessary to conduct a mandatory environmental impact assessment, the authorized body in the field of environmental protection together with the conclusion on screening results sends the initiator an opinion on the scope of the environmental impact assessment prepared by in accordance with Article 82 of this Code.

9. If there are several alternative options for the implementation of the planned activity in the application on the planned activity, a separate conclusion is made for each of the options in the conclusion on the screening results.

10. Individuals and legal entities have the right to challenge the conclusion on the screening results in the manner prescribed by the legislation of the Republic of Kazakhstan.

Article 82. Determination of the scope of the environmental impact assessment

1. The purpose of determining the scope of an environmental impact assessment is to determine the degree of detail and the types of information that must be collected and studied during environmental impact assessment, research methods and the manner in which such information is presented in a report on possible impacts.

2. Thirty business days from the date the application for the proposed activity is posted on the official Internet resource with regard to the mandatory environmental impact assessment of activities subject to this Code, the authorized body in the field of environmental protection shall make an opinion on determining the scope of the environmental impact assessment environment on the basis of the information contained in the application for the planned activity, taking into

account the comments and suggestions of interested bodies and the public and which have been made to the protocol in accordance with paragraph 10 of Article 79 of this Code, the initiator sends a conclusion, and places a copy on the official Internet resource.

3. In determining the scope, the current level of knowledge, advanced research methods, existing technical capabilities in the relevant sector of the economy and the availability of data on the state of the environment should be taken into account.

4. In determining the scope of the environmental impact assessment, taking into account the localization, nature and extent of possible environmental impacts, a decision may be made on:

1) refusal to present specific requirements for the content of the report on possible impacts;

2) instructions:

alternative options for achieving the objectives of the proposed activity and its implementation, which should be studied when performing an environmental impact assessment;

types of effects and environmental objects that require detailed study;

areas of assessment and its methods.

Article 83. Report on Possible Impacts

1. In accordance with the conclusion on determining the scope of the environmental impact assessment, the initiator shall ensure that the measures necessary to assess the environmental impact of the planned activity are carried out and a report on possible impacts is prepared based on their results.

2. The preparation of a report on possible impacts is carried out by individuals and (or) legal entities licensed to perform work and provide services in the field of environmental protection (hereinafter - the compilers of the report on possible impacts).

3. Organization and financing of work on environmental impact assessment and preparation of a draft report on possible impacts are provided by the initiator at his own expense.

4. Based on the content of the conclusion on determining the scope of the environmental impact assessment, the draft report on possible impacts should contain:

1) a description of the planned activity for which the report has been drawn up, including:

a description of the proposed location for the planned activity, its coordinates, determined according to the geographic information system, with vector files, as well as a description of the state of the environment in the proposed location for the planned activity at the time of writing;

information on the category of land and the purpose of land use during the construction and operation of facilities necessary for the implementation of the planned activity;

information on indicators of facilities necessary for the implementation of the intended

activity, including their capacity, dimensions (occupied land, height), information on the production process, including the expected productivity of the enterprise, its energy needs, natural resources, raw materials and materials;

a description of the post-utilization of existing buildings, constructions, structures, equipment and methods for their implementation, if these works are necessary for the implementation of the proposed activity;

information on expected emissions into the environment and other harmful anthropogenic environmental impacts associated with the construction and operation of facilities for the implementation of the activity under consideration, including exposure to water, atmospheric air, soil, subsoil, as well as vibration, noise, electromagnetic, thermal and radiation impacts;

information on the expected types, characteristics and amount of waste that will be generated during the construction and operation of facilities in the framework of the intended activity, including waste generated as a result of post-utilization of existing buildings, constructions, structures, equipment;

2) a description of possible options for implementing the planned activity, taking into account its features and its possible impact on the environment, including:

the option chosen by the initiator for use, the rationale for his choice, a description of other possible rational options, including the rational option, the most favorable from the point of view of environmental protection and human health;

based on available information and scientific knowledge, a description of possible future changes in the state of the environment in the event the initiator refuses to carry out the planned activity;

3) information on environmental components and other objects that may be significantly affected by the planned activity, including human health, their living and working conditions, biodiversity (including flora and fauna, natural areas of plants and wild animals, ecosystems), land (including land acquisition), soil (including organic composition, erosion, compaction, other forms of degradation), water (including hydromorphological changes, water quantity and quality), atmospheric air, resistance to change climate of ecological and socio-economic systems, tangible assets, objects of historical and cultural heritage (including architectural and archaeological), landscapes, as well as the interaction of these objects;

4) a description of the possible significant impacts (direct and indirect, cumulative, transboundary, short-term and long-term, positive and negative) of the planned activity on the objects listed in subparagraph 3) of this paragraph resulting from:

construction and operation of facilities intended for the implementation of the planned

		<p>activity, including work on post-utilization of existing facilities, if necessary; use of natural resources (including land, subsoil, soil, water, objects of flora and fauna, depending on the availability of these resources and their location); emissions into the environment, waste accumulation and disposal; cumulative impacts from existing and planned production and other facilities; the application in the process of implementing the planned activity of technical, organizational, managerial and other design decisions, including in the cases provided for by this Code, the best available techniques in the relevant areas of their application;</p> <p>5) substantiation of the limiting quantitative and qualitative indicators of emissions, physical impacts on the environment;</p> <p>6) substantiation of the maximum amount of waste accumulation by their types;</p> <p>7) substantiation of the maximum volumes of waste disposal by type, if such disposal is provided for in the framework of the planned activity;</p> <p>8) information on determining the likelihood of accidents and natural hazards characteristic of the planned activity and the intended location, as part of the planned activity, a description of the possible significant harmful effects on the environment associated with the risks of accidents and natural hazards, taking into account the possibility of taking measures to prevent and eliminate them;</p> <p>9) a description of the measures envisaged for the periods of construction and operation of the facility to prevent, reduce, mitigate the identified significant environmental impacts of the planned activity, including the proposed waste management measures, as well as, if there is uncertainty in the assessment of possible significant impacts, the proposed measures for impact monitoring (including the need for a post-project analysis of the actual impacts after the implementation of the proposed activity in comparison with the formation given in the report on possible impacts);</p> <p>10) assessment of possible irreversible impacts on the environment and justification of the need to carry out operations involving such impacts, including a comparative analysis of losses from irreversible effects and the benefits of operations that cause these losses in environmental, cultural, economic and social contexts;</p> <p>11) methods and measures of environmental restoration in cases of cessation of the planned activity, identified at the initial stage of its implementation;</p> <p>12) a description of measures aimed at ensuring compliance with other requirements specified in the conclusion on determining the scope;</p> <p>13) a description of the research methodology and information on the sources of</p>
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environmental information used in the preparation of the report on possible impacts;

14) a description of the difficulties encountered during the research and related to the lack of technical capabilities and the insufficient level of modern scientific knowledge;

15) a short non-technical summary with a summary of the information specified in subparagraphs 1) -12) of this paragraph, in order to inform the public in connection with its participation in the assessment of environmental impact;

16) a list of primary sources of information used in preparing the report on possible impacts.

5. The information contained in the report on possible impacts must comply with the requirements for the quality of information, including being reliable, accurate, complete and current. Information contained in reports on potential impacts is publicly available, with the exception of the information specified in paragraph 8 of this article.

6. A draft report on possible impacts should be submitted to the authorized body in the field of environmental protection no later than three years from the date of the conclusion by the authorized body in the field of environmental protection on determining the scope of the environmental impact assessment. If the initiator misses the specified period, the authorized body in the field of environmental protection stops the process of assessing the environmental impact, returns to the initiator a draft report on possible impacts and informs him of the need to submit a new application for the proposed activity.

7. After completion of the development of the draft report on possible impacts, the initiator or the drafter of the report on possible impacts, acting under an agreement with the initiator, sends to the authorized body in the field of environmental protection:

1) a draft report on possible impacts in order to assess its quality and determine the need for improvement, taking into account the comments and suggestions of interested state bodies and the public, the results of public hearings and, in cases provided for in Article 87 of this Code, the protocol of the expert commission;

2) a cover letter indicating the proposed places, date and time of the start of the public hearings, agreed with the local executive bodies of the respective administrative-territorial units (cities, districts).

8. If there is a commercial, official or other protected by law secret in the report, the initiator or executor of the initiator acting under an agreement with the initiator, together with the draft report on possible impacts, shall submit to the authorized body in the field of environmental protection:

1) a statement in which reference should be made to specific information in the draft report

on potential impacts, not subject to disclosure, and an explanation of which secret protected by law refers to this information;

2) the second copy of the draft report on possible impacts, in which the relevant information should be deleted and replaced with the text "Confidential Information".

Moreover, in order to ensure the right of the public to access environmental information, the authorized body in the field of environmental protection must ensure public access to a copy of the report on possible impacts specified in subparagraph 2) of paragraph 8 of this article.

The information on the quantitative and qualitative indicators of emissions, physical impacts on the environment, as well as on the generated, accumulated and buried waste specified in the report on possible impacts cannot be recognized as commercial or other protected secrets.

The authorized body in the field of environmental protection is responsible for ensuring the confidentiality of information specified by the initiator, in accordance with the legislation of the Republic of Kazakhstan.

Article 84. Public Hearings Concerning the Draft Report on Possible Impacts

3. The draft report on possible impacts is to be submitted to public hearings with the participation of representatives of interested state bodies and the public, which are held in accordance with this article and the rules for holding public hearings approved by the authorized body in the field of environmental protection (hereinafter - the Rules for holding public hearings).

4. The authorized body in the field of environmental protection within two business days after receipt of the documents referred to in paragraph 7 of Article 83 of this Code:

1) places the draft report on possible impacts on the official Internet resource along with the announcement of the public hearing;

2) sends a draft report on possible impacts to interested state bodies.

5. The local executive bodies of the respective administrative-territorial units (cities, districts), after receiving the draft report on possible impacts from the authorized body in the field of environmental protection, post it on official Internet resources within one business day.

6. The initiator is obliged to organize the distribution of announcements of public hearings in the state and Russian languages in at least one newspaper and through at least one television or radio channel distributed in the territory of administrative-territorial units (cities, regions), fully or partially located within the affected territory.

An announcement of a public hearing must be distributed by the methods specified in the first part of this **article no later than fifteen business days** before the start of the public hearing.

A public hearing announcement must contain the following information:

- 1) subject of public hearings;
- 2) the place, date and time of the start of the public hearing;
- 3) the procedure for holding public hearings;
- 4) a link to the page of the Internet resource of the authorized body in the field of environmental protection, for which you can familiarize yourself with the draft report on possible impacts;
- 5) details and contact details of the initiator of the intended activity;
- 6) the email address and phone number by which you can get additional information about the planned activity, conduct public hearings, as well as request copies of documents related to the planned activity.

7. The initiator is obliged to provide the public, upon request, with a copy of the application for the planned activity, a conclusion on the results of the screening of the impacts of the proposed activity (if any), a conclusion on determining the scope of the environmental impact assessment and a draft report on possible impacts in electronic form.

8. The costs of organizing a public hearing, including the distribution of announcements of a public hearing in the media, providing a venue for the hearing, the necessary equipment and materials, are borne by the initiator.

9. Interested state bodies and the public are entitled to send their written comments and suggestions to the authorized body in the field of environmental protection (on paper or electronic media) to the draft report on possible impacts no later than three working days before the date of the start of public hearings or to voice their comments and suggestions orally during public hearings.

Written comments and suggestions received from interested state bodies and the public are entered by the authorized body in the field of environmental protection in the summary table, which is submitted to the public hearing along with the draft report on possible impacts.

10. The public hearings do not take into account the comments and suggestions of interested state bodies and the public, which are formulated in too general a form that does not allow to clarify the essence of the comments or suggestions, or are clearly not related to issues to be studied in the framework of environmental impact assessment.

11. Public hearings are open to any persons who wish to participate 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 on the draft report on possible impacts in accordance with the established rules for conducting public hearings.

12. The procedure for holding public hearings, including approving the regulations, drawing up the protocol, transmitting the protocol to the authorized body in the field of environmental protection and bringing the protocol to the public, is established by the rules for holding public hearings approved by the authorized body in the field of environmental protection (hereinafter - the Rules for public hearings).

13. Public hearings are chaired by a representative of the local executive body of the relevant administrative-territorial unit (city, district).

The local executive body of the relevant administrative-territorial unit (city, district) provides video and audio recordings of the entire course of the meeting of public hearings. Electronic media with video and audio recordings of meetings of public hearings shall be attached to the minutes of public hearings.

14. The duration of public hearings shall **not exceed five consecutive working days**.

15. After the completion of public hearings, **a protocol** shall be drawn up in the form established by the Rules for public hearings, which shall include:

1) all comments and suggestions of interested state bodies and the public, submitted in writing in accordance with paragraph 7 of this article or voiced during a public hearing, with the exception of comments and suggestions that were withdrawn by their authors during a public hearing;

2) responses and comments of the customer on each comment and proposal made in the protocol in accordance with subparagraph 1) above;

3) information on the right to appeal the protocol in the manner prescribed by the legislation of the Republic of Kazakhstan.

16. The Secretary of the public hearings draws up the protocol of the public hearings and is responsible for the completeness and accuracy of the information reflected therein. The protocol is signed by the chairman and secretary of the public hearing within two business **days** from the date of completion of the public hearing.

17. The local executive body of the corresponding administrative-territorial unit (city, district) places the signed protocol on the official Internet resource no later than two working days after its signing.

18. After signing the protocol of the public hearing:

1) in the absence of comments and suggestions from interested state bodies and the public in the protocol that were not withdrawn by their authors during the public hearings, the chairman of

the public hearings sends the signed protocol to the authorized body in the field of environmental protection within two working days to prepare a conclusion on the results of the assessment environmental impact in accordance with Article 87 of this Code;

2) if the protocol contains comments and suggestions from interested state bodies and the public that were not withdrawn by their authors during the public hearings, the initiator ensures completion of the draft report on possible impacts in accordance with such comments and proposals and sends the finalized draft report on possible impacts to authorized body in the field of environmental protection.

19. After the authorized body in the field of environmental protection has received a revised draft report on possible impacts, repeated public hearings are organized, which are held in accordance with paragraphs 1 - 14, 18 of this article.

20. In the process of holding repeated public hearings, the draft report on possible impacts is considered in the finalized in accordance with the comments and suggestions made to the protocol of the initial public hearings part. If, when finalizing the draft report on possible impacts, any comments and suggestions made to the protocol of the initial public hearings were not taken into account, the process of conducting a repeated public hearing also considers the reasons for the initiator to refuse to finalize the draft report on possible impacts in this part.

In the process of holding repeated public hearings, any person participating in them has the right to voice their comments and suggestions within the scope of issues to be considered during repeated public hearings in accordance with part one of this clause. Comments and suggestions that are not relevant to these issues are not subject to accounting during the repeated public hearings

21. If the initiator disagrees with the comments and suggestions of interested state bodies and the public, which were not withdrawn by their authors during the repeated public hearings, the corresponding opinion of the initiator is entered into the protocol of the repeated public hearings, after which disagreements on controversial issues are resolved in accordance with Article 85 of this Code.

Article 87. Conclusion on the results of environmental impact assessment

1. The authorized body in the field of environmental protection within ten working days following the day of receipt of the minutes of public hearings, which established the absence of comments and suggestions from interested state bodies and the public, or after the day of signing

the minutes of the meeting of the expert commission in accordance with Article 85 of this Code , makes a conclusion on the results of the environmental impact assessment.

When making an opinion on the results of an environmental impact assessment, the authorized body in the field of environmental protection is based on a draft report on possible impacts, taking into account its possible refinement in accordance with this Code, the minutes of public hearings, which established the absence of comments and suggestions from interested state bodies and the public, the minutes of the meeting of the expert commission (if any), and in cases where it is necessary to conduct an assessment of transboundary impacts s - the results of this assessment.

2. The conclusion on the results of the environmental impact assessment should contain the following information:

1) a description of the types of operations provided for in the framework of the proposed activity, and the place of their implementation;

2) conclusion about:
possible significant environmental impacts of the planned activity;
the admissibility of the implementation of the planned activity subject to the conditions specified in the conclusion;

3) the conditions under which the implementation of the planned activity is recognized as permissible, including:

environmental and human health conditions, the observance of which is obligatory for the initiator in the implementation of the planned activity, including the stages of design, construction, reconstruction, operation, post-utilization of the facilities and liquidation of the consequences of the planned activity, as well as information on the necessary measures aimed at ensuring compliance with such conditions environmental protection and human health, which should be taken into account by state bodies when making decisions related to the planned activity;

limit quantitative and qualitative indicators of emissions, physical impacts on the environment;

the maximum amount of waste accumulation by type;

the maximum amount of waste disposal by type, if such disposal is provided for in the framework of the intended activity;

in the event that the report on possible impacts establishes the need for post-project analysis: the objectives, scope and timing of its implementation, requirements for its content, deadlines for submitting reports on post-project analysis to the authorized body in the field of

environmental protection and, if necessary, to other state bodies;
conditions and necessary measures aimed at preventing accidents, limiting and eliminating their consequences;
the initiator's obligations to prevent, reduce and (or) mitigate the negative environmental impacts of the planned activity, as well as to eliminate potential environmental damage if the planned activity may lead to its causing;

- 4) information on the results of the assessment of transboundary impacts (if any).

3. The conclusion based on the results of the environmental impact assessment is accompanied by a justification containing:

- 1) the main arguments and conclusions that served as the basis for the conclusion;
- 2) information on holding public hearings (distribution of announcements on holding public hearings, providing the public with information and documents, the process of holding public hearings), reviewing comments and suggestions from the public, and conclusions drawn from consideration;
- 3) a synthesis of information obtained as a result of consultations with interested state bodies, public hearings and assessment of transboundary impacts (if any), consideration of the draft report on possible impacts by an expert commission, with an explanation of how this information was taken into account when making conclusions on the results of environmental impact assessment.

4. Уполномоченный The authorized body in the field of environmental protection within two business days following the day of the conclusion on the results of the environmental impact assessment:

- 1) publishes an opinion on the results of environmental impact assessment on the official Internet resource;
- 2) sends an opinion on the results of the environmental impact assessment in electronic form to the initiator;
- 3) sends a conclusion on the results of the environmental impact assessment to local executive bodies of the respective administrative-territorial units (cities, districts) located in whole or in part within the affected territory, which publish the conclusion on official Internet resources no later than the business day following the day obtaining an opinion.

5. Findings and conditions contained in the conclusion on the results of the environmental impact assessment are necessarily taken into account by all state bodies when issuing permits, accepting notifications and other administrative procedures related to the implementation of the intended activity.

		<p>6. The project documents developed for the implementation of the planned activity should include technical, technological, organizational, managerial and other design decisions, including the use, in cases specified by this Code, of the best available techniques to ensure compliance with the environmental legislation of the Republic of Kazakhstan and compliance with conclusions and conditions contained in the report on the results of the environmental impact assessment.</p> <p>7. The validity of the conclusion on the results of the environmental impact assessment is three years.</p>
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