

№	Compliance Committee comments	Paragraph of decision	Current situation of fulfillment of obligations
1	<p>25. The Committee makes clear that the burden is on the Party concerned to demonstrate, in a clear manner, that it has in fact implemented each recommendation in decision VI/8g. If the Party concerned has failed to do so <b>by 1 October 2020</b>, the Committee must report to the seventh session of the Meeting of the Parties that the Party concerned has failed to meet the requirements of the decision and accordingly remains in non-compliance.</p>		<p>The Compliance report will be sent by 1 October 2020.</p>
2	<p>31. The Committee already made clear in its first progress review that article 57-2 is not relevant to the recommendation in paragraph 2(a) of decision VI/8g.</p> <p>* Article 57-2 Publicity of State Environmental Expertise 2. All interested citizens and public associations are given the opportunity to express their opinion during the state environmental expertise.</p>	<p><b>Paragraphs 2(a) and 5(a) of decision VI/8g*</b></p> <p>*2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures:</p> <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>5. Also welcomes the willingness of the Party concerned to accept the Committee’s recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:</p> <p>(a) The content of the public notice prescribed by the Rules of Public Hearings meets all the requirements set out in article 6,</p>	<p><b>Disagree with comments</b></p> <p><i>Article 57-2 states that holding public hearings is mandatory for projects and indicates the types of activities for which public hearings are held. We believe that paragraph 2 is partially implemented.</i></p> <p>Article 57-2 of the Environmental Code of the Republic of Kazakhstan establishes that the local executive bodies, <b>twenty days before</b> the public hearing, <b>provide</b> open access to environmental information related to the procedure for assessing the environmental impact of planned economic and other activities and the decision-making process for these activities through an Internet resource, <b>as well as using other means of informing.</b></p> <p>The rules for holding public hearings are: - a special section “Public Hearings” is created on the Internet resource of the local executive body in the form in accordance with Appendix 1 to these Rules;</p> <p>To conduct public hearings in the form of open meetings, the customer publishes an announcement in the media about holding public hearings in the</p>

		<p>paragraph 2, of the Convention;</p>	<p>form of open meetings in the state and Russian languages <b>no later than twenty business days</b> before the public hearing.</p> <p>The period for conducting public hearings in the form of a survey is <b>at least 20 working days</b>.</p> <p>The customer preliminary agrees with the local executive body <b>the time and place of the public hearing, a preliminary list of the public concerned and justifies the most effective ways of informing it (media announcements, information sheets, stands, written communications)</b>.</p> <p>The local executive body shall coordinate <b>the list of interested public, the method of informing, the time and place of the public hearing, determine the person responsible for the public hearing</b>.</p> <p>The customer <b>sends an announcement about the public hearings, project documentation</b> to be posted on the Internet resource of the local executive body.</p> <p>Twenty days before the public hearings, local executive bodies shall provide open access to environmental information related to the environmental impact assessment procedure of the planned economic and other activities and the decision-making process for these activities through an Internet resource, as well as using other means of informing.</p>
3	<p>32. With respect to the Rules for Public Hearings, the Committee in its first progress review identified a number of the notice requirements set out in article 6(2) of the Convention that it considered to be missing from the Rules for Public Hearings. The Party concerned has not put any information before the Committee to indicate that the Rules for Public Hearings have yet been amended to address the</p>	<p><b>Paragraphs 2(a) and 5(a) of decision VI/8g*</b></p> <p>*2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures:</p> <p>(a) To ensure that the mandatory requirements of the content of the public notice, as prescribed by article 6, paragraph 2, of the</p>	<p>To the Committee’s remark about not informing the Committee about amendments to the Rules, we inform you that at the Meeting of the Parties in Budva, the Kazakhstan side announced the exclusion from the Rules of public hearings from paragraphs 19 and 27 of the content of the reference to “reasonable comments and suggestions” (Order of the Minister of Energy of the Republic of Kazakhstan dated September 8, 2017 No. 307 “On Amendments</p>

	Committee's concerns	<p>Convention, are detailed in law;  5. Also welcomes the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:  (a) The content of the public notice prescribed by the Rules of Public Hearings meets all the requirements set out in article 6, paragraph 2, of the Convention;</p>	<p>and Additions to the Order of the Minister of Environmental Protection of the Republic of Kazakhstan dated May 7, 2007 No. 135-p“ On Approval of the Rules for Public Hearings ””), and upon decision VI / 8g was not taken into account by the secretariat.</p>
4	<p>33. In its table of legislative provisions submitted on 10 January 2020, the Party concerned indicates that articles 96 and 107 of its draft Environmental Code implement paragraph 2(a) of decision VI/8g.5 The Committee points out that these provisions, however, do not relate at all to the content of notice requirements for activities subject to article 6 of the Convention and thus are irrelevant to the recommendation contained in paragraph 2(a)</p>	<p><b>Paragraphs 2(a) and 5(a) of decision VI/8g*</b>  *2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures:  (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;  5. Also welcomes the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:  (a) The content of the public notice prescribed by the Rules of Public Hearings</p>	<p>The draft Environmental Code is under consideration and is being amended. Kazakhstan sent the Project to the Committee in order to inform the Secretariat that work is underway to implement the decisions.</p>

		meets all the requirements set out in article 6, paragraph 2, of the Convention;	
5	<p>34. In contrast, though not cited by the Party concerned in this context, the Committee considers that article 84(4) of the draft Environmental Code is indeed relevant. Draft article 84(4) states:</p> <ol style="list-style-type: none"> <li>1. Subject of the public hearings;</li> <li>2. The place, date and time of the start of the public hearing;</li> <li>3. The procedure for holding public hearings;</li> <li>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;</li> <li>5. Details and contact details of the initiator of the intended activity;</li> <li>6. The e-mail 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.”</li> </ol>	<p><b>Paragraphs 2(a) and 5(a) of decision VI/8g*</b></p> <p>*2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures:</p> <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>5. Also welcomes the willingness of the Party concerned to accept the Committee’s recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:</p> <p>(a) The content of the public notice prescribed by the Rules of Public Hearings meets all the requirements set out in article 6, paragraph 2, of the Convention;</p>	<p>To implement paragraphs 2 and 5 of decision VI / 8g, it is planned to take into account all recommendations within the framework of the draft new Environmental Code. At the same time, we would like to inform that many of the Committee's comments in the framework of the draft Code are planned to be taken into account in the by-laws for the draft Code. However, due to the fact that the Draft Environmental Code is pending and not yet adopted, the Committee's comments are premature.</p>
6	<p>35. While welcoming draft article 84(4), the Committee considers that a number of the notice requirements set out in article 6(2) of the Convention still appear to be missing from the draft article, namely:</p> <ul style="list-style-type: none"> <li>– The proposed activity and the application on</li> </ul>	<p><b>Paragraphs 2(a) and 5(a) of decision VI/8g*</b></p> <p>*2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures:</p>	<p>The draft Environmental Code is under consideration and is being amended. Kazakhstan sent the Project to the Committee in order to inform the Secretariat that work is underway to implement the decisions. The current Draft Code, Article 57-2, contains clauses</p>

<p>which a decision will be taken (article 6(2)(a) of the Convention);</p> <ul style="list-style-type: none"> <li>- The nature of possible decisions or the draft decision (article 6(2)(b), of the Convention);</li> <li>- The commencement of the envisaged procedure (article 6(2)(d)(i) of the Convention)</li> <li>- An indication of the time schedule for transmittal of comments or questions (article 6(2)(d)(v) of the Convention);</li> <li>- An indication of what environmental information relevant to the proposed activity is available (article 6(2)(d)(vi) of the Convention);</li> <li>- The fact that the activity is subject to a national or transboundary environmental impact assessment procedure (article 6(2)(e) of the Convention).</li> </ul>	<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>5. Also welcomes the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:</p> <p>(a) The content of the public notice prescribed by the Rules of Public Hearings meets all the requirements set out in article 6, paragraph 2, of the Convention;</p>	<ol style="list-style-type: none"> <li>1. Public hearings are mandatory for the projects:       <ol style="list-style-type: none"> <li>1) in the fields of agriculture and forestry, mining and manufacturing, construction, transport, electricity, heat supply, water supply, wastewater disposal, waste management and other sectors of the economy in accordance with the list determined by the authorized body in the field of environmental protection;</li> <li>2) providing for the placement of objects in water protection zones and lanes and zones of sanitary protection of water supply sources;</li> <li>3) providing for the placement of objects on lands of the state forest fund;</li> <li>4) providing for logging on the lands of the state forest fund, including greening plantings within the boundaries of settlements;</li> <li>5) providing for activities in specially protected natural territories and the territory of the former Semipalatinsk nuclear test site;</li> <li>6) which are the objects of state environmental expertise referred to in subparagraphs 6), 8), 9) and 10) of paragraph 1 of Article 47 of this Code.</li> </ol> </li> <li>2. The customer (initiator) of the planned activity has the right to engage public associations on a contractual basis for public awareness events to participate in public hearings.</li> <li>3. Twenty days before the public hearings, local executive bodies shall provide open access to environmental information related to the environmental impact assessment procedure of the planned economic and other activities and the decision-making process for these activities through</li> </ol>
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			<p>the Internet resource, as well as using other means of informing .</p> <p>4. The procedure for holding public hearings is determined by the authorized body in the field of environmental protection.</p>
7	<p>36. The Committee accordingly invites the Party concerned in its final progress report to clearly specify which provisions of its Environmental Code or Rules for Public hearings implement each of the above notice requirements, or otherwise to provide an amended version of article 84(4) or the Rules for Public Hearings in which each of the above notice requirements are clearly set out.</p>	<p><b>Paragraphs 2(a) and 5(a) of decision VI/8g*</b></p> <p>*2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures:</p> <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>5. Also welcomes the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:</p> <p>(a) The content of the public notice prescribed by the Rules of Public Hearings meets all the requirements set out in article 6, paragraph 2, of the Convention;</p>	<p>This information will be submitted to the Committee after the entry into force of the Code.</p>
8	<p>38. With respect to paragraph 2(b) of decision VI/8g, in its second progress report the Party concerned refers to some provisions of its Rules for Public Hearings. The Committee points out that none of the provisions referred to by the Party concerned, however, are relevant to the recommendation in paragraph 2(b) of decision</p>	<p><b>Paragraphs 2(b) of decision VI/8g*</b></p> <p>*2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures:</p> <p>(b) To establish a clear and consistent requirement for all information relevant to</p>	<p>In its second progress report, Kazakhstan indicated that the Rules took into account requirements in terms of:</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>

	VI/8g.	the decision-making to be made accessible to the public, in accordance with article 6, paragraph 6, of the Convention;	<p>name of the local executive body and contact details of the person responsible for organizing public hearings;</p> <p>e-mail address of the local executive body where comments and suggestions are received;</p> <p>the address of the Internet resource of the local executive body where the project documentation is posted;</p> <p>the address of the place where members of the public can familiarize themselves with the project materials in paper form;</p> <p>the name of the state body for the state environmental review;</p> <p>name and contact details of the customer;</p> <p>the address of the customer's Internet resource or email, where comments and suggestions are accepted;</p> <p>name and contact details of the documentation developer.</p> <p>We believe that these paragraphs reflect the requirements of paragraph 6 of Article 6 of the Convention.</p>
9	41. In the light of the above, while the Party concerned has not yet met the requirements of paragraph 2(b) of decision VI/8g, the Committee considers that if article 79(2), (5) and (6), article 83(4), (5) and (8) and article 84(2)(1) of the draft Environmental Code are adopted in their current form, they will together fulfil the requirements of paragraph 2(b) of decision VI/8g.	<p><b>Paragraphs 2(b) of decision VI/8g*</b></p> <p>*2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures:</p> <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>	Despite the fact that the Code is under development, the country will make every effort to ensure that these points are adopted.
10	«44. .... Having reviewed the version of the Rules for Public Hearings currently in force, the Committee welcomes that rules 19 and 27 no longer contain a reference to “reasonable	<p><b>Paragraphs 2(c) of decision VI/8g*</b></p> <p>*2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and</p>	<p>Kazakhstan is always committed to participating in open meetings of the Committee or participates in audio conferences.</p> <p>To the Committee's remark about not</p>

	<p>comments and suggestions”. The Committee regrets however that the Party concerned did not itself inform the Committee of this positive development in its second progress report..”</p>	<p>administrative measures: (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>informing the Committee about amendments to the Rules, we inform you that at the Meeting of the Parties in Budva, the Kazakhstan side announced the exclusion from the Rules of public hearings from paragraphs 19 and 27 of the content of the reference to “reasonable comments and suggestions” (Order of the Minister of Energy of the Republic of Kazakhstan dated September 8, 2017 No. 307 “On Amendments and Additions to the Order of the Minister of Environmental Protection of the Republic of Kazakhstan dated May 7, 2007 No. 135-p “On Approval of the Rules for Public Hearings ””), and upon decision VI / 8g was not taken into account by the secretariat.</p>
11	<p>«49. ..the Committee is concerned that draft article 84(8) may effectively require that, in order to be taken into account, comments will still need to be reasonable and reasoned...</p> <p>50. The Committee invites the Party concerned <b>in its final progress report to provide some examples of comments which it considers are “formulated in a too general way, which does not allow to clarify the essence of the comments or suggestions”</b> and to explain how a restriction on taking into account such comments is consistent with the requirement in article 6(8) of the Convention to take due account of all comments. Alternatively, the Committee invites the Party concerned to amend article 84(8) of the draft Environmental Code to remove the restriction on taking into account such comments and to provide the amended text of article 84(8) together with its final progress report.»</p>	<p><b>Paragraphs 2(c) of decision VI/8g*</b> *2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures: (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>The draft Environmental Code is under consideration and amended. Kazakhstan sent the Project to the Committee in order to inform the Secretariat that work is underway to implement decisions, and therefore this norm cannot be indicated in the Report until it comes into force Code. At the same time, the country will take measures to amend this paragraph of the draft.</p>

12	<p>53. The Committee points out that, in its report on decision V/9i to the sixth session of the Meeting of the Parties and again in its first progress review on decision VI/8g, it has already made clear that counting the time period for informing the public of the state environmental expertise conclusion from the date of its receipt by the developer and <b>publishing such conclusions only on websites is not sufficient</b></p> <p>55. With respect to the deadline for the publication of environmental expertiza conclusions, the Committee welcomes <b>that article 106(3)</b> of the draft Environmental Code no longer calculates the time from the date that the decision is received by the project proponent, but rather the date that the expertiza conclusion is issued.</p> <p>56. Regarding the means through which the public is to be notified, the Committee notes that draft <b>article 106(3)</b> requires not only that the environmental expertiza conclusion is published on the local executive body's website but is also to be physically available to the public for at least thirty days from the date of its publication.</p>	<p><b>Paragraphs 2(d) of decision VI/8g*</b>  *2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures:  (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>The draft Environmental Code is under consideration and is being amended. Kazakhstan sent the Project to the Committee in order to inform the Secretariat that work is underway to implement the decisions. The country will take measures to amend this paragraph of the draft.</p>
13	<p>59. The Committee notes that both appendices 3 and 4 of the Rules for Public Hearings require evidence to be provided of the comments received from the public and also of how the public was notified of the hearings. The</p>	<p><b>Paragraphs 2(e) of decision VI/8g*</b>  *2. Reaffirms decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures:  (e) To maintain and make accessible to the public,</p>	<p>In accordance with the Rules for Public Hearings, Chapter 1, Clause 5, a special section "Public Hearings" is created on the Internet resource of the local executive body.</p>

	<p>Committee points out, however, neither rule 27 or the appendices address the main focus of paragraph 2(e) of decision VI/8g, which is that the Party concerned maintain, and make accessible to the public through publicly available lists or registers, copies of the decisions taken.</p> <p>60. ...Rather, in order to fulfil paragraph 2(e) of decision VI/8g, the Party concerned will need to establish a <b>permanent list or register</b> through which the public is easily able to access environmental expertiza conclusions, and other information relevant to the decision-making, on an ongoing basis.</p>	<p>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>	
14	<p>64. The Committee considers that for most activities subject to article 6 of the Convention, a timeframe of 30 business days for the public to prepare and submits their comments on the proposed activity should be sufficient. The Committee however expresses concern that the 30 business days in draft article 79(9) starts to run not from the date the application is publicly notified, but rather from the date of the application's submission to the competent authority. The Committee accordingly invites the Party concerned to amend draft article 79(9) so that the time starts to run from the date the application is publicly notified. The Committee also invites the Party concerned to provide the text of amended article 79(9) together with its final progress report.</p>	<p><b>Paragraphs 5(b) of decision VI/8g*</b></p> <p>* 5. Also welcomes the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:</p> <p>(b) Time frames set for decision-making procedures subject to articles 6 or 7 of the Convention are sufficient to enable the public to prepare and to participate effectively and:</p> <p>(i) To the extent possible, they do not overlap with holiday periods and other non-working days;</p> <p>(ii) The volume and the complexity of the project or plan, programme or policy is considered when setting the relevant time</p>	<p>The draft Environmental Code is under consideration and is being amended. Kazakhstan sent the Project to the Committee in order to inform the Secretariat that work is underway to implement the decisions. The country will take measures to amend this paragraph of the draft.</p>

		frames	
15	<p>69. The Committee points out, however, that draft <b>article 71(3)(2)</b> does not require that the timeframes be set so that, to the extent possible, they do not overlap with holiday periods and other nonworking days. Nor does it require that the volume and complexity of the plan, programme or policy is considered when setting the relevant timeframes. It may be that the Party concerned intends to address each of these aspects through the Instructions for the organization and conduct of environmental assessment. However, since the Instructions have not to date been put before it, the Committee is not in a position to assess whether the Instructions will satisfactorily address each of these aspects or not.</p>	<p><b>Paragraphs 5(b) of decision VI/8g*</b></p> <p>* 5. Also welcomes the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:</p> <p>(b) Time frames set for decision-making procedures subject to articles 6 or 7 of the Convention are sufficient to enable the public to prepare and to participate effectively and:</p> <p>(i) To the extent possible, they do not overlap with holiday periods and other non-working days;</p> <p>(ii) The volume and the complexity of the project or plan, programme or policy is considered when setting the relevant time frames</p>	<p>The draft Environmental Code is under consideration and is being amended. Kazakhstan sent the Project to the Committee in order to inform the Secretariat that work is underway to implement the decisions. The country will take measures to amend this paragraph of the draft.</p> <p>However, at the moment Kazakhstan is planning to introduce a new tool - SEA (strategic economic assessment), according to the Committee, we would like to note that since the Strategic Economic Assessment is a new tool introduced by Kazakhstan, and the Instructions on the organization and conduct of environmental assessment will be submitted to the Committee after the entry into force of these standards.</p> <p>Draft instructions developed as part of a project with UNECE.</p>
16	<p>71. The Party concerned in its second progress report does not report on its implementation of paragraph 5(c)(i) of decision VI/8g which requires that it put in clear requirements to ensure that the necessary information is provided to the public. However, having reviewed the draft Environmental Code, the Committee notes that draft article 71(6) sets out a list of information to be provided to the public.</p> <p>75. In the light of the above, the Committee considers that, while the Party concerned has not yet fulfilled paragraph 5(c)(i) of decision VI/8g, if article 71(6) of the draft Environmental Code</p>	<p><b>Paragraphs 5(c)(i) of decision VI/8g*</b></p> <p>* 5. Also welcomes the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:</p> <p>(c) 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:</p> <p>(i) The necessary information is provided to the public</p>	<p>The draft Environmental Code is under consideration and is being amended. Kazakhstan sent the Project to the Committee in order to inform the Secretariat that work is underway to implement the decisions. The country will take measures to amend this paragraph of the draft.</p> <p>However, at the moment Kazakhstan is planning to introduce a new tool - SEA (strategic economic assessment), according to the Committee, we would like to note that since the Strategic Economic Assessment is a new tool introduced by Kazakhstan, and the Instructions on the organization and conduct of environmental assessment will be submitted to the Committee after the entry into force of these standards.</p>

	is adopted in its current form, the Party concerned will indeed meet the requirements of paragraph 5(c)(i) of decision VI/8g.		Draft instructions developed as part of a project with UNECE.
17	<p>76. The Party concerned in its second progress report does not report on its implementation of paragraph 5(c)(ii) of decision V/8g, which requires that it put in place clear requirements to ensure that the public that may participate is identified by the relevant public authority. However, having reviewed the draft Environmental Code, the Committee notes that draft article 71(3)(1) requires the state authority-developer to determine the public concerned and that, according to draft article 71(4), the criteria for determining the public concerned are to be defined in the Instructions for the organization and conduct of strategic environmental assessment, which have not so far been provided to the Committee.</p> <p>77. In the light of the above, the Committee welcomes articles 71(3)(1) and article 71(4) of the draft Environmental Code as positive steps. However, having not yet been provided with the Instructions for the organization and conduct of strategic environmental assessment, the Committee considers that the Party concerned has not yet</p>	<p><b>Paragraphs 5(c)(ii) of decision VI/8g*</b>  * 5. Also welcomes the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:  (c) 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:  (ii) The public that may participate is identified by the relevant public authority</p>	<p>The draft Environmental Code is under consideration and is being amended. Kazakhstan sent the Project to the Committee in order to inform the Secretariat that work is underway to implement the decisions. The country will take measures to amend this paragraph of the draft.</p> <p>However, at the moment Kazakhstan is planning to introduce a new tool - SEA (strategic economic assessment), according to the Committee, we would like to note that since the Strategic Economic Assessment is a new tool introduced by Kazakhstan, and the Instructions on the organization and conduct of environmental assessment will be submitted to the Committee after the entry into force of these standards.</p> <p>Draft instructions developed as part of a project with UNECE.</p>
18	80. The Committee welcomes the requirement in draft article 71(3)(2) to ensure reasonable timeframes for all stages of the SEA procedure. The Committee considers that draft article	<p><b>Paragraphs 5(c)(iii) of decision VI/8g*</b>  * 5. Also welcomes the willingness of the Party concerned to accept the Committee's recommendation, namely, that the</p>	<p>The draft Environmental Code is under consideration and is being amended. Kazakhstan sent the Project to the Committee in order to inform the Secretariat that work is underway to implement the decisions. The</p>

	<p>71(3)(2), if adopted in its current form, would constitute significant progress by the Party concerned. However, bearing in mind the considerations outlined in paragraph 69 above, the Committee considers that the Party concerned has not yet demonstrated that it has fully met the requirements of paragraph 5(c)(iii) of decision VI/8g with respect to article 6(3) of the Convention.</p>	<p>Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:</p> <p>(c) 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:</p> <p>(iii) The requirements of article 6, paragraphs 3, 4, and 8, of the Convention are applied</p>	<p>country will take measures to amend this paragraph of the draft.</p> <p>However, at the moment Kazakhstan is planning to introduce a new tool - SEA (strategic economic assessment), according to the Committee, we would like to note that since the Strategic Economic Assessment is a new tool introduced by Kazakhstan, and the Instructions on the organization and conduct of environmental assessment will be submitted to the Committee after the entry into force of these standards.</p> <p>Draft instructions developed as part of a project with UNECE.</p>
19	<p>82. The Committee welcomes draft article 71(2). However, it is not clear to the Committee from the wording of this provision that the public will be ensured the opportunity to participate when all options, including the zero option, are open. In this respect the Committee notes that draft article 71(2) stipulates that the public will have an opportunity to participate with respect to the alternatives “which are available” rather than when all options are available. The Committee invites the Party concerned either <b>to amend article 71(2) of the draft Environmental Code</b> to make clear that public participation will be provided at a time when <i>all</i> options, including the zero option, are open or, otherwise, to explain what provisions it has put in place to ensure that the public will be entitled to participate when all options, including the zero option, are still open .</p>	<p><b>Paragraphs 5(c)(iii) of decision VI/8g*</b></p> <p>* 5. Also welcomes the willingness of the Party concerned to accept the Committee’s recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:</p> <p>(c) 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:</p> <p>(iii) The requirements of article 6, paragraphs 3, 4, and 8, of the Convention are applied</p>	<p>The draft Environmental Code is under consideration and is being amended. Kazakhstan sent the Project to the Committee in order to inform the Secretariat that work is underway to implement the decisions. The country will take measures to amend this paragraph of the draft.</p> <p>However, at the moment Kazakhstan is planning to introduce a new tool - SEA (strategic economic assessment), according to the Committee, we would like to note that since the Strategic Economic Assessment is a new tool introduced by Kazakhstan, and the Instructions on the organization and conduct of environmental assessment will be submitted to the Committee after the entry into force of these standards.</p> <p>Draft instructions developed as part of a project with UNECE.</p>