

Measures taken to incorporate the comments of Decision VI / 8g.

№	Compliance Committee comments	Measures taken
1.	<p>a) The Party complies with the requirement to notify the public of decision-making in a timely manner, but does not guarantee the mandatory content of the public notification, i.e. providing the concerned public with the full information necessary for decision-making (Article 6, paragraph 1 of the Convention).</p>	<p>According to paragraph 12 of the Rules for Conduction of Public Hearings (further referred to as the Rules), local executive bodies provide open access to environmental information related to the procedure in order to assess the environmental impact of planned economic and other activities and that of decision – making process for these activities. Information is published on the official internet resource, as well as on other means of public notification. In order to ensure that full information is provided, in accordance with the paragraph 13 of the Rules, the concerned public submits comments and suggestions (if any) on the project documentation to the Customer within 3 business days before the public hearing.</p>
	<p>b) The Party partially complies with the requirements for allowing the public to provide comments on the environmental impact assessment report (hereinafter referred to as the EIA) and other project documentation without the obligation of validity, but has not excluded the obligation of "sensitivity" of comments (paragraph 7 of the Convention)</p>	<p>According to paragraphs 17-19 of the Rules, everyone can speak at public hearings in accordance with the established Rules and ask questions. The local executive body provides an electronic record of the session of the public hearings. Opinions expressed during the session as well as comments and suggestions received through internet resources are compiled into a Protocol. The Protocol reflects comments and suggestions from the concerned public related to the Customer's project, and the Customer's position on taking into account each comment and suggestion, as well as information on the possibility of appealing the decision. The Protocol is signed by the Chairman and Secretary of the public hearing and posted on the Internet resource of the local executive body no later than seven working days after the public hearing. The obligation of "sensitivity" of comments is excluded, and all incoming comments are accepted and processed.</p>

	c) The party did not provide a mechanism and regulation to inform the public by state bodies about how the public can get access to the information. There is also no list or register of the decisions taken.	The Rules regulate the conduct of public hearings. According to paragraph 3 of the Rules, local executive bodies organize public hearings. According to paragraph 19 of the Rules, the Customer submits one copy of the Protocol of public hearings to the local executive body for publication on the Internet resource no later than seven working days after the public hearing.
2.	The party did not take the necessary legislative and administrative measures	
	a) to guarantee compliance with the requirements of article 6, paragraph 2 of the Convention, it is necessary to set them out in legislation	Compliance with the requirements of paragraph 2 of article 6 of the Convention is reflected in the draft of the Environmental Code (hereinafter referred to as the draft EC). Currently the draft EC is under review by deputies of the Mazhilis of the Republic of Kazakhstan. On September 1, 2020, the President of Kazakhstan Kassym-Zhomart Tokayev has charged the Parliament to consider and adopt the document by the end of 2020.
	b) clear and consistent regulations should be developed to ensure that the public is fully aware of decision-making	According to paragraph 20 of the Rules, the Customer submits one copy of the Protocol of public hearings to the local executive body for publication on the Internet resource no later than seven working days after the public hearing.
	d) diversify the sources of public information publication (not limited to Internet resources), notify about the conclusions of environmental expertise, and promote public participation in decision-making (article 6 of the Convention)	According to paragraph 20 of the Rules, the Customer submits one copy of the Protocol of public hearings to the local executive body for publication on the Internet resource no later than seven working days after the public hearing. Diversification of the sources is regulated by the new draft of EC.
3	a) As a result of the Party's failure to comply with the	During the implementation of the project for the construction of the "Kok-Zhailau" ski resort, the public took an active part in the decision-making procedure. As a result, in accordance with the law "On amendments and additions to some legislative acts of Kazakhstan on specially protected

<p>requirements of article 6 paragraph 2 of the Convention, the Party violated the requirements of the Convention regarding current legislation and the procedure for public participation in the decision-making process to build the “Kok-Zhailau” ski resort</p>	<p>natural territories", the land of the project "Kok-Zhaylau" is returned in the protected areas.</p>
<p>b) the Party did not provide sufficient time for public to prepare and participate in the decision-making process on the “Kok-Zhailau” project (article 6 paragraph 3 of the Convention)</p>	<p>According to paragraphs 9-10 of the Rules, the local executive body coordinates the list of the concerned public, the means of informing the public, the time and place of public hearings, and determines the person responsible for conducting public hearings. For public hearings in the form of open meetings, the Customer publishes an announcement in the media about public hearings in the form of open meetings in the Kazakh and Russian languages no later than twenty working days before the public hearings.</p>
<p>c) the lack of a legislative framework for taking into account the results of public participation in decision-making process violated the requirements of article 6, paragraph 8, and article 7 of the Convention</p>	<p>In accordance with current regulations, the results of public hearings are recorded in the Protocol (in the form specified in Annex 3). The Protocol includes the opinions of public hearings’ participants and those received through the Internet resource or other means. The Protocol reflects comments and suggestions from the concerned public related to the Customer's project, and the Customer's position on taking into account each comment and suggestion, as well as information on the possibility to appeal the decision. The Protocol is signed by the Chairman and Secretary of the public hearing and posted on the internet resource of the local executive body no later than seven working days after the public hearing.</p> <p style="text-align: center;">In addition, the draft environmental code introduces a new tool, Strategic environmental assessment (SEA), which will allow the public to participate at the early stage of planning.</p>
<p>d) Failure to develop regulations and policies in the field of environmental</p>	<p>Compliance with the requirements of article 7 of the Convention is reflected in the draft Environmental Code (hereinafter referred to as the draft EC). Currently the draft EC is under consideration by deputies of the Mazhilis of the Republic of Kazakhstan. On September 1, 2020, President of Kazakhstan Kassym-Zhomart Tokayev delegated to the Parliament to consider and adopt the document by the end of 2020.</p>

	<p>protection, the Party did not comply with the requirements of article 7 of the Convention</p>	<p>The draft code ensures public participation at various stages of composing environmental documentation, starting from the document for compliance with the Strategic environmental assessment report (hereinafter referred to as SEA) to public hearings on the draft EIA report with the possibility of repeated hearings. In other words, the public will be able to participate at any stage of the EIA. In addition, public monitoring capabilities are constantly improved.</p>
	<p>e) Failure to ensure effective public participation in the development of the "world-class ski resort development Plan in the Almaty region and near Almaty»</p>	<p>During the implementation of the project for the construction of the “Kok-Zhailau” ski resort, the public took an active part in the decision-making process. As a result, in accordance with the law "On amendments and additions to some legislative acts of Kazakhstan on specially protected natural territories", the land of the project "Kok-Zhaylau" is returned in the protected areas.</p> <p>In addition, we note that the new version of the draft Environmental code provides for Strategic environmental assessment (SEA) procedures to prevent or reduce significant negative impacts on the environment, as well as to ensure the availability of environmental information to the concerned public.</p> <p>At the same time, it is important to inform the public at early stages of the program development, ensure the availability of documents submitted by the program developer at each stage of Strategic environmental assessment, of decisions taken at each stage, and of the results of taking into account comments and suggestions. Informing the public (not only by publishing on the official websites of state bodies, but also on paper in public places), the ability to submit comments and suggestions in a timely manner, obligation to inform the public about the results of consideration, are necessary to ensure the rights of citizens to obtain a favorable environment.</p>