

# Modern concepts of sustainable development and «green economy» Global Challenges of the 21st Century

Module1

## ENVIRONMENTAL POLICY AND ECOLOGICAL CODE OF KAZAKHSTAN

**Subject : ECOLOGICAL PROBLEMS OF KAZAKHSTAN**

**Lecture -6**

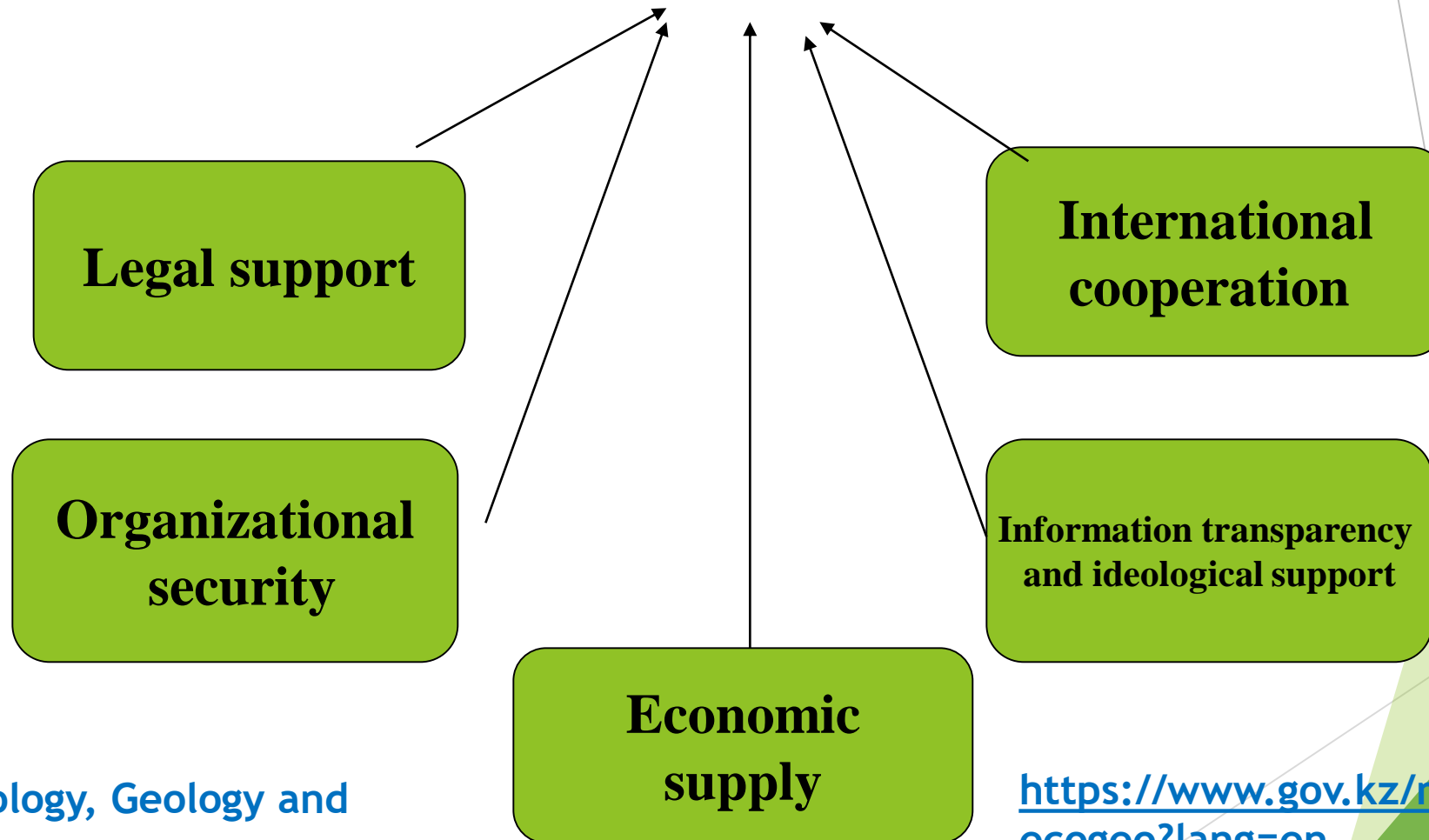
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# ENVIRONMENTAL POLICY OF THE REPUBLIC OF KAZAKHSTAN



Ministry of Ecology, Geology and  
Natural Resources

<https://www.gov.kz/memleket/entities/ecogeo?lang=en>



ЭКОЛОГИЧЕСКИЙ  
КОДЕКС  
РЕСПУБЛИКИ  
КАЗАХСТАН



# NEW ECOLOGICAL CODE OF THE REPUBLIC OF KAZAKHSTAN

The Code of the Republic of Kazakhstan dated January 2, 2021

No.400-VI LRK

## ▶ **Chapter 1. GENERAL PROVISIONS**

### ▶ **Article 1. Relations regulated by this Code**

- ▶ 1. This Code regulates public relations in the field of interaction between human and nature (environmental relations) arising in connection with the implementation of activities by individuals and legal entities that have or can have an impact on the environment. Relations regulated by this Code also include public relations in the field of monitoring the state of the environment, meteorological and hydrological monitoring, which are aimed at meeting the needs of the state, individuals and legal entities in environmental and hydrometeorological information.
  
- ▶ 2. Public relations arising in the field of the use of natural resources, as well as, to the extent applicable, their conservation, restoration and reproduction, are regulated depending on the type of natural resource, respectively, by the land, water, forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on subsoil and subsoil use, in the field of protection, reproduction and use of wildlife and other legislation of the Republic of Kazakhstan in the field of protection and use of natural resources.

- ▶ 3. Public relations arising in the field of environmental protection, and also to the extent that is necessary to ensure the sanitary and epidemiological well-being of the population and do not contradict this Code, are regulated by the legislation of the Republic of Kazakhstan in the field of healthcare.
- ▶ 4. Public relations in the field of environmental protection arising from the definition, establishment, application and implementation of mandatory and voluntary requirements for products, services, product life cycle processes (hereinafter referred to as processes), assessment and confirmation of conformity, accreditation in the field of technical regulation and in the field of standardization, as well as to the extent that does not contradict this Code, are regulated respectively by the legislation of the Republic of Kazakhstan on technical regulation and standardization.
- ▶ 5. Public relations in the field of the use of atomic energy and ensuring the radiation safety of the population are regulated by the special legislation of the Republic of Kazakhstan in the field of the use of atomic energy, ensuring radiation safety in the part that does not contradict this Code.
- ▶ 6. Public relations in the field of biological waste management are regulated by the special legislation of the Republic of Kazakhstan in the field of veterinary medicine in the part that does not contradict this Code.
- ▶ 7. The subjects of relations regulated by this Code are individuals and legal entities, the state, state bodies and officials.

## ▶ **Article 2. Environmental legislation of the Republic of Kazakhstan**

- ▶ 1. The environmental legislation of the Republic of Kazakhstan is based on the Constitution of the Republic of Kazakhstan and consists of this Code and other regulatory legal acts of the Republic of Kazakhstan.
- ▶ 2. This Code is valid throughout the territory of the Republic of Kazakhstan, including on the continental shelf and in the exclusive economic zone of the Republic of Kazakhstan in accordance with the norms of international law.
- ▶ 3. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Code, then the rules of the international treaty apply. International treaties ratified by the Republic of Kazakhstan apply directly to environmental relations, except when it follows from an international treaty that its application requires the issuance of a legislative act of the Republic of Kazakhstan.
- ▶ 4. It is prohibited to include the norms regulating environmental relations in other laws of the Republic of Kazakhstan, except for the cases provided for by this Code. In the event of a conflict between this Code and other laws of the Republic of Kazakhstan containing norms regulating environmental relations, the provisions of this Code apply.
- ▶ 5. The civil legislation of the Republic of Kazakhstan applies to environmental relations in cases where they are not regulated by the norms of this Code.

## ▶ **Article 3. Purpose and tasks of environmental legislation of the Republic of Kazakhstan**

**1. The purpose of the environmental legislation of the Republic of Kazakhstan is to determine the legal framework, tasks and principles, as well as mechanisms for implementation of a unified state environmental policy in the Republic of Kazakhstan.**

### ▶ **2. Tasks of the environmental legislation of the Republic of Kazakhstan are:**

- ▶ 1) ensuring a high level of environmental protection through the implementation of state regulation aimed at preventing environmental pollution, preventing environmental damage in any form and ensuring the elimination of the consequences of environmental damage, as well as the gradual reduction of negative anthropogenic impact on the environment;
- ▶ 2) ensuring a favorable environment for human life and health;
- ▶ 3) ensuring the environmental foundations for sustainable development of the Republic of Kazakhstan;
- ▶ 4) ensuring the contribution of the Republic of Kazakhstan to strengthening the global response to the threat of climate change in the context of sustainable development, as well as to the implementation of international, regional and transboundary programs for environmental protection, adaptation to climate change and transition to a "green" economy;

- ▶ 5) protection, preservation and restoration of the environment, including territories and objects of special ecological, scientific, historical, cultural and recreational value;
- ▶ 6) formation of an effective system of public administration in the field of environmental protection, providing for the interaction and coordination of the activities of all state bodies;
- ▶ 7) encouragement and stimulation by the state of attracting "green" investments and the widespread use of the best available techniques, resource-saving technologies and practices, reducing the volume and reducing the level of danger of waste generated and effectively managing it, using renewable energy sources, water conservation, as well as implementing measures to improve energy efficiency , sustainable use, restoration and reproduction of natural resources;
- ▶ 8) ensuring the constant and systematic collection, accumulation, storage, analysis and dissemination of environmental information for the public, including using modern digital technologies, as well as observing the right of each person to access environmental information, determining the basic conditions, procedure and features of the implementation of this rights;
- ▶ 9) ensuring transparency and full participation of the public in resolving issues of environmental protection and sustainable development of the Republic of Kazakhstan;



- ▶ 10) ensuring effective environmental monitoring and environmental control;
- ▶ 11) creation of conditions for attracting investments in the environmental protection measures, modernization of existing and construction of new infrastructure that ensures a high level of environmental protection;
- ▶ 12) ensuring the fulfillment of international contractual and other obligations of the Republic of Kazakhstan, development of international cooperation in the field of environmental protection;
- ▶ 13) formation of ecological culture in society, promotion of environmental knowledge at all levels of education, development of environmental education and enlightenment in order to ensure sustainable development;
- ▶ 14) strengthening law and order in the field of environmental protection and ensuring environmental safety.

## Article 5. Principles of environmental legislation of the Republic of Kazakhstan

- ▶ **Legal regulation of environmental relations is based on the following principles:**
- ▶ 1) **the principle of prevention:** any activity that causes or may cause pollution of the environment, degradation of the natural environment, causing environmental damage and harm to life and (or) health of people is allowed within the limits established by this Code, only if all necessary measures are taken at the source of impact on the environment to prevent the occurrence of these consequences;
- ▶ 2) **the principle of correction:** environmental damage is subject to elimination in full. If it is impossible to completely eliminate the environmental damage caused, its consequences, as far as possible with the current level of scientific and technological development, should be minimized. To the extent that the consequences of the environmental damage caused have not been eliminated or minimized, their replacement is ensured through alternative remediation in accordance with this Code;
- ▶ 3) **the principle of precaution:** if there is a risk of causing environmental damage due to any activity that has significant and irreversible consequences for the natural environment and (or) its individual components, or harm to life and (or) human health, effective and proportionate measures must be taken to prevent the occurrence of such consequences at economically acceptable costs, despite the lack of modern scientific and technical knowledge, the ability to substantiate and sufficiently accurately assess the likelihood of the occurrence of these negative consequences;

- ▶ 4) **the principle of proportionality:** environmental protection measures are provided to the extent that they are sufficient to achieve the purpose and tasks of the environmental legislation of the Republic of Kazakhstan. In this case, preference is given to the option that is the least burdensome;
- ▶ 5) **the “polluter pays” principle:** a person whose activity causes or may cause pollution of the environment, degradation of the natural environment, causing environmental damage in any form or harm to life and (or) health of people, bears all costs for implementation of requirements of the environmental legislation of the Republic of Kazakhstan for prevention and control of the negative consequences of their activities, including the elimination of environmental damage caused in accordance with the principle of correction;
- ▶ 6) **the principle of sustainable development:** nature and its resources constitute the wealth of the Republic of Kazakhstan and their use must be sustainable. The state ensures balanced and rational management of natural resources for the benefit of present and future generations. When making decisions on environmental protection, priority is given to the preservation of natural ecological systems and ensuring their sustainable functioning, water saving, energy saving and energy efficiency, reducing the consumption of non-renewable energy and raw materials, using renewable energy sources, minimizing waste generation, as well as their use as secondary resources;
- ▶ 7) **the principle of integration:** the state policy of the Republic of Kazakhstan in all spheres of economic and social activity is formed and implemented subject to a balance between the tasks of socio-economic development and the need to ensure the environmental foundations of sustainable development of the Republic of Kazakhstan, including a high level of environmental protection and improvement of its quality;

- ▶ 8) **the principle of accessibility of environmental information:** the state, based on international treaties of the Republic of Kazakhstan, ensures that the public's right to access environmental information is observed on the grounds, conditions and within the limits established by law;
- ▶ 9) **the principle of public participation:** the public has the right to participate in decision-making affecting the issues of environmental protection and sustainable development of the Republic of Kazakhstan, on the terms and in the manner established by this Code. Public participation in decision-making on issues affecting the interests of environmental protection and sustainable development of the Republic of Kazakhstan is ensured from an early stage, when all possibilities are open for consideration of various options and when effective public participation can be ensured. State bodies and officials ensure the publicity of decisions planned for adoption that can have an impact on the state of the environment, on conditions that allow the public to express their opinion, which is taken into account in their adoption;
- ▶ 10) **the principle of the ecosystem approach:** when planning and making decisions by state bodies and officials, as a result of which negative consequences for the state of the environment occur or may occur, the integrity and natural interconnections of natural ecological systems, living organisms, natural landscapes, other natural, natural-anthropogenic and anthropogenic objects and the need to preserve the natural balance of the natural environment must be taken into account. At that, priority should be given to the conservation of natural landscapes, natural complexes and biodiversity, the conservation and sustainable functioning of natural ecological systems, as well as the prevention of negative impact on the services provided by such ecological systems.

## ▶ Chapter 2. GENERAL PROVISIONS ON ENVIRONMENT AND ITS PROTECTION

### ▶ Article 6. Environment

- ▶ 1. The environment is a set of conditions, substances and objects of the material world surrounding a person, including the natural environment and the anthropogenic environment.
- ▶ 2. The components of the natural environment are atmospheric air, surface and underground waters, the earth's surface and soil layer, subsoil, flora, fauna and other organisms, all layers of the Earth's atmosphere, including the ozone layer, as well as the climate, providing in their interaction the favorable conditions for the existence of life on Earth.
- ▶ The components of the natural environment do not include anthropogenic objects, as well as living organisms artificially reproduced by humans and not living in a state of natural freedom.
- ▶ 3. The set of individual interrelated components of the natural environment, having certain boundaries, conditions and mode of existence, is distinguished into natural and natural-anthropogenic objects.
- ▶ 4. Natural objects are recognized as natural ecological systems and natural landscapes, as well as their constituent elements that have retained their natural properties.
- ▶ Functionally and naturally interconnected natural objects, united by geographical and other relevant features, constitute separate natural complexes.

- ▶ 5. Natural and anthropogenic objects include:
  - ▶ 1) natural objects specially modified as a result of human activity, but retaining the properties of a natural object;
  - ▶ 2) artificially created objects having the properties of a natural object, having a recreational value and (or) performing a protective function for the natural environment.
- ▶ 6. Anthropogenic environment is a set of artificially created conditions and anthropogenic objects, which is a daily human habitat. Anthropogenic objects are recognized as objects of the material world created or modified by man to meet his social needs and that do not have the properties of natural objects.
- ▶ **Article 7. Quality of environment**
  - ▶ 1. The quality of the environment is understood as a set of properties and characteristics of the environment, which are determined on the basis of physical, chemical, biological and other indicators that reflect the state of its components in their interaction.
  - ▶ 2. The environment is considered favorable for human life and health if its quality ensures environmental safety and the natural balance of the natural environment, including the sustainable functioning of ecological systems, natural and natural-anthropogenic objects and natural complexes, as well as the conservation of biodiversity.

▶ **Article 8. Environmental protection**

- ▶ Environmental protection is a system of measures implemented by the state, individuals and legal entities aimed at preserving and restoring the natural environment, preventing environmental pollution and damage in any form, minimizing the negative anthropogenic impact on the environment and eliminating its consequences, ensuring other environmental foundations of sustainable development of the Republic of Kazakhstan.

▶ **Article 9. Objects of environmental protection**

- ▶ 1. All components of the natural environment, biodiversity, gene pool and genetic resources of living organisms, natural and natural-anthropogenic objects are to be protected from destruction, degradation, depletion, damage, pollution or other harmful effects.
- ▶ 2. Separate objects are subject to special protection in accordance with the legislation of the Republic of Kazakhstan in the field of specially protected natural areas.

▶ **Article 10. General provisions on anthropogenic impact on environment**

- ▶ 1. Anthropogenic impact on the environment means the direct or indirect impact of human activities on the environment in the form of:
- ▶ 1) emissions, which are understood as the pollutants released from anthropogenic objects into the atmospheric air, water, on the ground or under its surface;
  - ▶ 2) physical effects of objects on the environment, which are understood as the effects of noise, vibration, electromagnetic fields, ionizing radiation, temperature and other physical factors that cause a change in the natural temperature, energy, wave, radiation and other physical properties of the components of the environment;
  - ▶ 3) waste disposal, their illegal placement on the earth's surface or discharge into water bodies;
  - ▶ 4) discharge of greenhouse gases released from anthropogenic objects into the atmospheric air;
  - ▶ 5) construction and operation of objects (buildings, structures, facilities, communications), as well as post-utilization (demolition) of objects that have exhausted their resource;
  - ▶ 6) use of natural resources and beneficial properties of the natural environment, including through their temporary or irretrievable withdrawal;
  - ▶ 7) introduction into the natural environment of objects of the animal and plant world, including deliberate release into the environment and sale (placement) on the market of genetically modified organisms;
  - ▶ 8) holding events on environmental protection.



▶ 2. Harmful are any forms of anthropogenic impact on the environment, as a result of which harm may be caused to human life and (or) health, property and (or) which leads or may lead to environmental pollution, environmental damage and (or) other negative changes in the quality of the natural environment, including in the form of:

1) depletion or degradation of components of the natural environment;

2) destruction or disruption of the sustainable functioning of natural and natural-anthropogenic objects and their complexes;

▶ 3) loss or reduction of biodiversity;

▶ 4) the occurrence of obstacles to the use of the natural environment, its resources and properties for recreational and other purposes permitted by law;

▶ 5) reducing the aesthetic value of the natural environment.

## **Article 11. Pollution of environment**

- ▶ 1. Environmental pollution is understood as the presence in the atmospheric air, surface and ground waters, soil or on the earth's surface of pollutants, heat, noise, vibrations, electromagnetic fields, radiation in quantities (concentrations, levels) exceeding the environmental quality standards established by the state.
- ▶ 2. Pollutants are any substances in solid, liquid, gaseous or vapor state, which, when they enter the environment, due to their qualitative or quantitative characteristics, violate the natural balance of the natural environment, degrade the quality of the components of the natural environment, and are capable of causing environmental damage or harm to human life and (or) health.
- ▶ Substances in this Code mean chemical elements present in their natural state in the natural environment or formed as a result of human activities, their compounds, mixtures, solutions and aggregates.
- ▶ The list of pollutants whose emissions are subject to environmental regulation (hereinafter referred to as the list of pollutants) is approved by the authorized body in the field of environmental protection for a period of ten years and is subject to revision based on updated scientific knowledge about the environment and anthropogenic factors affecting its quality, and also taking into account the development of methods, techniques and technologies for monitoring and controlling pollutants. The list of pollutants is also subject to revision no later than the first year after the entry into force of the international obligations of the Republic of Kazakhstan in the field of environmental protection, requiring the adoption of state regulation measures in relation to pollutants that are not in the current list at that time.

- ▶ 3. The list of pollutants is determined based on the following criteria:
  - ▶ 1) taking into account the level of toxicity, carcinogenic and (or) mutagenic properties of substances, including those that tend to accumulate in the environment, as well as their ability to convert in the environment into compounds with greater toxicity;
  - ▶ 2) taking into account the natural properties of the natural environment and its ability to maintain and restore its quality by absorbing, cleaning, otherwise eliminating pollution and other forms of negative impact in a certain area without human intervention;
  - ▶ 3) taking into account the data of state environmental monitoring and sanitary and epidemiological monitoring;
  - ▶ 4) in the presence of scientifically based methods (methods), techniques and technologies for measuring the quantitative and qualitative characteristics of pollutants.

## Article 12. Categories of objects that have a negative impact on environment

1. Objects that have a negative impact on the environment, depending on the level and risk of such impact, are divided into four categories:

- ▶ 1) objects that have a significant negative impact on the environment (objects of category I);
- ▶ 2) objects that have a moderate negative impact on the environment (objects of category II);
- ▶ 3) objects that have an insignificant negative impact on the environment (objects of category III);
- ▶ 4) objects that have a minimal negative impact on the environment (objects of category IV).

2. Appendix 2 to this Code establishes the types of activities and other criteria on the basis of which objects that have a negative impact on the environment are classified as objects of categories I, II or III.

- ▶ Types of activities that are not listed in Appendix 2 to this Code or do not meet the criteria set forth in it, refer to objects of category IV.

3. With regard to objects of categories I and II, the term "object" means a stationary technological object (enterprise, production), within which one or more types of activities are carried out, specified in section 1 (for objects of category I) or section 2 (for objects of category II) of Appendix 2 to this Code, as well as technologically directly related to any other types of activities that are carried out within the same industrial site where the facility is located, and may have a significant impact on the volume, quantity and (or) intensity of emissions and other forms of negative impact of such an object on the environment.

- ▶ In relation to objects of category III, the term "object" means a construction object (building, structure or their complex) or a site within which the types of activities specified in section 3 of Appendix 2 to this Code are carried out.

4. The assignment of an object to categories is carried out in accordance with the requirements of paragraph 2 of this article:

- ▶ 1) in relation to the planned activity subject to mandatory environmental impact assessment in accordance with this Code - when conducting a mandatory environmental impact assessment;
- ▶ 2) in relation to the planned activity, in accordance with this Code, subject to mandatory screening of the impacts of the planned activity, - when screening the impacts of the planned activity;
- ▶ 3) in relation to other planned activities not specified in subparagraph 1) or 2) of this paragraph - independently by the operator, taking into account the requirements of this Code.

The instruction for determining the category of an object that has a negative impact on the environment is approved by the authorized body in the field of environmental protection.

5. When assigning objects to the appropriate category, the following are taken into account:

- ▶ 1) levels of negative impact on the environment by type of activity (industry, part of the industry, production, facility);
- ▶ 2) the level of toxicity, carcinogenic and mutagenic properties of pollutants contained in emissions, discharges of pollutants, as well as the classification of waste.

6. The operator of an object in this Code means an individual or legal entity that owns or otherwise legally uses an object that has a negative impact on the environment.

- ▶ Individuals and legal entities are not recognized as the object's operators, involved by the object operator to perform certain works and (or) provide certain services during the construction, reconstruction, operation and (or) liquidation (post-utilization) of an object that has a negative impact on the environment.



обязательное получение КЭР  
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**I категории с 2021 года**



**\* комплексное  
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Лицензирование субъектов  
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на проверку

**+10 дней** при необходимости  
получения результатов  
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**15** дней

**+10** дней





**ЭКОЛОГИЧЕСКИЙ КОДЕКС РК: РАСХОДОВАНИЕ ПЛАТЕЖЕЙ,  
ИЕРАРХИЯ ОТХОДОВ И ДОСТУПНЫЕ ТЕХНОЛОГИИ**