

## **The Water Code of the Republic of Kazakhstan**

### *Unofficial translation*

The Code of the Republic of Kazakhstan dated 9 July, 2003 No 481.

#### **Unofficial translation**

Footnote. The table of contents is excluded by the Law of the Republic of Kazakhstan dated June 30, 2021 № 59-VII (shall be enforced from 01.01.2022).

Footnote. Throughout the text:

the words "the authorized body for use and protection of mineral resources" are replaced by the words "the authorized body for study and use of mineral resources"; the words "the authorized body for use and protection of mineral resources" are replaced by the words "the authorized body for study and use of mineral resources";

the words "the central executive body of the Republic of Kazakhstan for environmental protection" are replaced by the words "the authorized state body for environmental protection" by the Law of the Republic of Kazakhstan, dated 9 January, 2007 No 213 (the order of enforcement see Art. 2);

the words "the authorized body for use and protection of water resources" are replaced by the words "the authorized body" by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2);

the words "the authorized body for use and protection of water resources" are replaced by the words "the authorized body" by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Article 2);

the words "animal and vegetable origin" are replaced by the words "vegetable and animal origin" by the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication );

the words "for the study and use of mineral resources" shall be replaced by the words "for the study of mineral resources" in accordance with the Law of the Republic of Kazakhstan dated 27.12.2017 № 126-VI (shall be enforced upon expiration of six months after the day of its first official publication);

the words "an authorized body in the field of sanitary and epidemiological welfare of the population", "an authorized body in the field of sanitary and epidemiological welfare of the population", "an authorized body in the field of sanitary and epidemiological welfare of the population", "an authorized body in the field of sanitary and epidemiological welfare of the population" and " of the authorized body in the field of sanitary and epidemiological well-being of the population "are replaced, respectively, by the words" a state body in the field of sanitary and epidemiological well-being of the population ", " a state body in the field

of sanitary and epidemiological well-being of the population "," a state body in the field of sanitary and epidemiological well-being of the population "," state body in the field of sanitary and epidemiological well-being of the population "and" a state body in the field of sanitary and epidemiological well-being of the population "in accordance with the Law of the Republic of Kazakhstan dated 10.28.2019 № 268-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication)

## **General part**

### **Section 1. General provisions**

#### **Chapter 1. Basic provisions**

##### **Article 1. Basic definitions, used in this Code**

In this Code, the following definitions shall be used:

1) watercourse - the water body, characterized by the water flowing towards a slope in a slight depression in the earth's surface;

2) a water area - the water area, bounded by the natural, artificial or conventional boundaries;

2-1) drinking water - water in its natural condition or after processing, responsible for quality of established national standards and hygienic normative standards, intended for drinking and household needs of population;

3) non-alternative sources of drinking water supply - the only sources of drinking water supply for water users, the replacement of which is impossible or unfeasible;

3-1) drinking and (or) household drinking water supply (hereinafter - drinking water supply) - a technological process providing for diversion, preparation, storage, transportation and delivery of drinking water to water consumers;

3-2) boundary parting of balance attribution - place parting of elements of water supply and water discharge systems between owners on the grounds of ownership, economic management or operational management, which indicated on the schemes;

3-3) fish farming facilities are non-permanent structures (mobile complexes, containerised buildings, taken under one roof or freestanding) designed to house technical personnel and equipment for incubation of eggs and rearing of fish planting material for stocking, protection of the fish farm, storage of fish feed, fishing and non-fishing tools, and cages;

4) basin management principle - the management of water resources upon the hydrographic features, conducted under the distribution of water resources within river basins , lakes and other water bodies between the administrative-territorial units;

4-1) dam - supporting hydraulic structure on watercourse for raising water level and (or) creating a reservoir;

4-2) certification of organizations for the right to carry out work in the field of dam safety - official recognition by the department of the authorized body of the powers of a legal entity to perform work in the field of dam safety;

4-3) dam safety – a condition of dam protection from catastrophic destruction;

5) hydro land reclaiming system - the complex of technologically interconnected hydraulic structures, devices and equipment, designed for irrigation, watering and reclamation of lands;

6) participants of irrigation and drainage condominium - - the individuals and (or) legal entities, having a land plot in a private ownership or in the paid temporary use, irrigated by one irrigation and drainage system or its components, which is a part of irrigation and drainage condominium on the common ownership right;

6-1) hydro-reclamation measures - water regime regulation of soils with the help of hydro-reclamation systems, as well as separately located hydraulic structures;

7) hydraulic engineering structures (waterworks) - the engineering structures, used for water resources management, water supply to water users, water supply and sanitation, prevention of harmful effects of waters;

7-1) system of drinking water supply of settlements - a complex of interconnected water objects and hydraulic structures, unifying water intakes, water purification plants, clean-water reservoirs, water pumping stations and networks for providing drinking water to water consumers;

8) a coastal line - a strip of land, running along the banks of water bodies, the width of twenty meters from the coastal line, used to install navigation signs and equipment in compliance with the environmental requirements;

9) a coastline - the shoreline of a water body, formed as a result of the maximum high tide (top of the tide);

9-1) Groundwater - concentrations of water in the subsurface;

10) underground water basin - a set of water bearing stratum, located under the earth's surface;

11) fields and areas of underground waters – - the parts of water bearing strata with favorable conditions for production and extraction of underground waters;

12) drinking and household underground waters - the underground waters, which, in terms of quality in the natural condition or after processing, meet the regulatory requirements and are intended for drinking and household needs of a person or for production of drinking products;

13) surface water bodies - the permanent or temporary concentration of waters on the land surface in the form of the land relief with boundaries, volume and water regime;

13-3) multi-factor inspection - assessment of the technical condition of hydraulic structures and main equipment, determination of the residual life of their elements by visual inspection and a complex of engineering studies (geodetic, geophysical, geotechnical, hydrographic and others) in order to prevent the harmful effects of water;

13-2) authorized body in the field of public utilities - the central executive body, managing and conducting an inter-sectoral coordination in water supply area and wastewater disposal within settlements;

14) the return water - the underground and surface waters, running-off from irrigated areas, or the waters, discharged by industrial enterprises, domestic water supply installations and utilities;

15) Tubular filter well - a section of pipe with a number of holes, clogged into the first aquifer from the surface;

16) reclaimed lands - the lands, where reclamation works were carried out (agroforestral, agro-technical, hydro reclaiming and chemical);

17) mineral underground waters - the underground waters, which have positive balneologic effect due to its composition and (or) content of some specific components;

18) the channels, equivalent to the rivers - the man-made structures, designed to transfer water from one basin to another, and from one river system to another;

18-1) industrial ground waters - ground waters used for extraction of minerals contained in them (rare elements, halogens and others);

19) production and technical underground waters - the underground waters, which, due to their quality and physical properties are used or may be used for industrial water supply;

19-1) boundary parting of operational responsibility - place parting of elements of water supply and water discharge systems on the grounds of obligations (responsibility for its operation) established by agreement of the parties. In the absence of such agreement, the boundary of operational liability shall be established on boundary parting of balance attribution;

20) sanitary protection zone - the specially allotted area around the water supply source and water supply facilities, which must comply with the established regime for protection of the water source (open and underground), water supply facilities and the surrounding area from contamination to prevent degradation of water quality;

21) waste water - the water, produced as a result of human activity or in the contaminated area, discharged into the natural or artificial water bodies or onto the land;

21-1) complexes of waste water treatment unit - units for mechanical and biological wastewater treatment of settlements with or without the use of chemical reagents, including artificial water bodies intended for natural biological waste water treatment;

21-2) artificial water bodies intended for natural biological waste water treatment - containment pond, evaporation ponds, biological ponds, filtration fields, irrigation fields;

22) an irrigation canal - an artificial construction, designed for transportation of water from irrigation sources to the areas, requiring irrigation;

23) wastewater disposal - a set of measures, ensuring collection, transportation, treatment and disposal of wastewater through the drainage system to the water bodies and (or) onto the terrain relief;

23-1) local waste water treatment units - a set of units and devices of water consumer for cleaning own waste water;

24) drainage system - a set of utilities and facilities, designed for collection, transportation, treatment and disposal of wastewaters;

25) delivery point - a place of water intake from a water source by a water user, as well as a gauging station in the place of water supply from the water user to the water consumer;

25-1) water metering device - a technical equipment for measuring volume of water (drinking, industrial, waste water and other types of water), having normalized metrological characteristics, reproducing and storing a unit of physical quantity for a certain period of time allowed for use for commercial accounting of water in the manner established by the legislation of the Republic of Kazakhstan;

25-2) commercial accounting of water - accounting of amount of water necessary for mutual settlement between the parties under the contract for water supply and (or) water disposal;

26) a catchment area – the area, within the boundaries of which the water resources of a water body are formed;

27) the releases - the periodic or episodic releases of water from a water reservoir to control the flow or level of water on the underlying sector of the watercourse or the water level in the reservoir itself;

28) water protection zone - the area adjacent to water bodies where a special regime of economic activity shall be established to prevent pollution, clogging of water and depletion of water;

29) water protection strip - the territory the width of not less than thirty-five meters within the water protection zone, adjacent to the water body, that has a regime of the limited economic activity;

30) the authorized body for use and protection of water resources, water supply, sanitation (hereinafter - the authorized body) is the state body, managing and controlling the use and protection of water resources, water supply, and wastewater disposal outside the rural settlements;

31) the lands of the water fund - the lands:

occupied by water bodies (rivers, and equivalent channels, lakes, reservoirs, ponds and other inland waters, territorial waters, glaciers, wetlands), and water management facilities to control runoff, located at the water sources;

allocated for water protection zones of water bodies;

allocated for the sanitary protection zones for drinking water supply;

31-1) water service pipe - a pipeline from the distribution network of water supply, including a well with stop valves at the connection point, to the first valve in building;

32) the waters - a set of all the waters that are concentrated in water bodies;

- 33) adverse impact of waters - a flood, inundation, flooding and other negative effects of water, causing emergency situations of natural and man-made origin;
- 34) wetlands - the areas of swamps, fens, peat lands or ponds: the natural or artificial, perennial, stagnant or intermittent, static or flowing, fresh, brackish or salt, including marine water areas the depth of which does not exceed six meters at the low tide;
- 35) water supply - a set of measures, providing intake, storage, preparation, supply and distribution of water through the water supply systems to the water consumers;
- 36) particularly important group and local water supply systems - the group and local drinking water supply systems having priority and special social importance and referred to category of the particularly important water supply systems by authorized body;
- 36-1) water supply and (or) water discharge organization - water supply organization carrying out operation of water supply and water discharge systems in settlements;
- 37) water supply system - a set of engineering utilities and facilities, intended for intake, storage, treatment, supply and distribution of water to the places of consumption;
- 38) protection of water bodies - the activity, aimed at preservation, restoration and rehabilitation of water bodies, as well as prevention of harmful effects of waters; ]
- 39) the use of water bodies - the extraction of useful natural properties from water bodies to meet the material or any other needs of individual or legal entities;
- 40) water body basin - the territory, including the catchment areas of the hydraulically connected water bodies and watercourses;
- 41) water use - the use of water resources in the order, stipulated by legislation of the Republic of Kazakhstan, to meet own needs and (or) the commercial interests of individual and legal entities;
- 42) a water consumer - an individual or legal entity, who, in accordance with the legislation of the Republic of Kazakhstan, has the right to use water resources to meet his own needs and (or) commercial interests;
- 43) water regime - the temporal changes of the levels, flow rates and volumes of water in water bodies and soils;
- 43-1) water quality standards - quantitative indicators of limit hydrochemical, microbiological, physical characteristics of water, which must be observed in order to achieve the target indicators of the condition of surface water objects;
- 44) water easement - the right for a limited use of a water body;
- 45) water intake facility - a set of structures and devices, used for water intakes from water bodies;
- 46) hydro-engineering complex - a group of technologically related hydraulic structures, used for various purposes and located in the same section line;
- 46-1) specific power requirement of water consumption or water discharge - the established amount of potable waters or wastewater discharges per unit of produced product ( for a certain amount of work performed) for water use of individuals and legal entities;

46-2) enlarged norm of water consumption or water discharge - specific power requirement of water consumption or water discharge for economic sector;

47) a water user - an individual or legal entity, consuming water from water bodies or receiving services from water supply organizations through the water supply systems;

48) water saving - a system of measures, ensuring rational and efficient use of water resources;

49) water management - a branch of the economy, associated with the use, protection and rehabilitation of water bodies;

50) water management system- a complex of interconnected water bodies and hydraulic structures;

51) the safety of water systems and structures - the property of the elements of water management systems, structures, allowing to protect the life, health and legitimate interests of the population, environment and economic facilities;

52) ensuring the safety of water systems and structures - the development of measures and prevention of accidents at the water management systems and structures;

53) the safety criteria for water systems and facilities - the limits of technical indicators, assessing the status of the water systems and structures, their operating conditions, corresponding to the acceptable risk level of accidents at the water management systems and structures;

54) water facilities - the man-made hydraulic structures and devices, created to regulate the use and protection of water resources, water supply, wastewater disposal and elimination of the harmful effects of waters;

55) water management organizations - the legal entities, involved in regulation, supply, rehabilitation of waters, water supply, wastewater disposal and maintenance of water bodies;

56) water bearing zones, water-bearing strata and rock units - the waters, concentrated in the cracks and pores of rocks, that are connected hydraulically;

56-1) thermal waters - underground waters with temperature over 20<sup>o</sup> C;

57) trans-boundary impact - the adverse effects, coming from quantitative or qualitative changes in trans-boundary waters, caused by human activity, the physical origin of which is wholly or partly situated in the territory of the adjoined state or the neighboring countries;

57-1) Excluded by the Law of the Republic of Kazakhstan dated 03.01.2022 № 101-VII ( shall be enforced upon expiration of sixty calendar days after the day of its first official publication);

58) a section line - the section of the river, where hydroelectric facilities are located;

59) mine well - vertical mining, the depth of which is greater than the cross-section, created for the withdrawal of groundwater in the first from the surface of the aquifer for water supply, drainage of rocks and removal of atmospheric and surface water from the ground;

60) a capitation structure - an engineering facility, which, at the natural underground water outlet, provides opening and delivery of the waters on the earth's surface for their further use.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No 180-IV; dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 № 189-V (shall be enforced from 01.01.2015); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); № 126-VI dated 27.12.2017 ( shall be enforced upon expiration of six months after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2020 № 397-VI (shall enter into force upon the expiry of ten calendar days after the day of the first official publication); dated 03.01.2022 № 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall enter into force sixty calendar days after the date of its first official publication).

## **Article 2. Water legislation of the Republic of Kazakhstan**

1. The water 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. If the international treaties, ratified by the Republic of Kazakhstan establish the rules other than those contained in this Code, the rules of international treaties are applied.

## **Article 3. Goals and tasks of the water legislation of the Republic of Kazakhstan**

1. The goals of the water legislation of the Republic of Kazakhstan are achievement and maintaining of environmentally safe and economically optimal level of water use and protection of water resources, water supply and wastewater disposal for protection and improvement of living conditions of the population and the environment.

2. The tasks of the water legislation of the Republic of Kazakhstan shall be:

1) implementation of the state policy for use and protection of water resources, water supply and wastewater disposal;

2) regulation of water relations, the relations in water supply area and wastewater disposal ;

3) provision of the legal framework to support and develop sustainable water use and to protect water resources, water supply and wastewater disposal;

4) establishment of the basic principles and directions for use and protection of water resources, water supply and wastewater disposal;



5) management of relations in exploration, development, rational and complex use and protection of water resources, irrigation and drainage systems and water management facilities;

6) development of irrigation and hydro-technical melioration of lands;

7) protection of population and management facilities from emergencies at the water management facilities and the effects, caused by them.

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).**

#### **Article 4. Water fund of the Republic of Kazakhstan**

Water fund of the Republic of Kazakhstan includes the complex of all water bodies, located within the territory of the Republic of Kazakhstan and included or to be included in the state water cadastre.

#### **Article 5. Water sites**

The water bodies of the Republic of Kazakhstan include water concentrations in the land surface and subsurface of the earth, which have borders, volume and water regime. They are: seas, rivers, equated to them canals, lakes, glaciers and other surface and underground water bodies.

**Footnote. Article 5 of the Law of the Republic of Kazakhstan dated 27.12.2017 № 126-VI (shall be enforced upon expiration of six months after the day of its first official publication).**

#### **Article 6. Water resources**

Water resources of the Republic of Kazakhstan are the stocks of surface and underground waters, concentrated in the water bodies that are used or may be used.

#### **Article 7. The lands of water fund**

1. The lands of the water fund belong to the people of Kazakhstan. The right of ownership is exercised by the state on behalf of the people of Kazakhstan. However, the exercise of property rights by the state is realised via the state ownership regime serving the interests of the people of Kazakhstan.

2. The land plots of the water fund lands, occupied by water facilities (irrigation and drainage systems) of inter-district (regional) and inter-farm (district) significance, as well as the irrigation facilities, serving the land plot of one entity, may be in a private property of the citizens and non-state legal entities of the Republic of Kazakhstan in case of privatization of these facilities.

3. The land plots, listed in paragraph 2 of this Article, serving two or more land owners or land users, are given to them under the common ownership or common land use rights.

4. The procedure for granting the land of the water fund for ownership or land use shall be regulated by the land legislation of the Republic of Kazakhstan.

**Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan, dated 9 January, 2007 No 213 (the order of enforcement see Art. 2); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official**

publication); № 157-VII of 05.11.2022 (shall enter into force ten calendar days after the date of its first official publication).

### **Article 8. Ownership right for the water fund of the Republic of Kazakhstan**

1. The right of ownership of the water fund of the Republic of Kazakhstan is exercised exclusively by the state for the benefit of the people of Kazakhstan.

2. The right to own, use and dispose of the water fund for the benefit of the people of Kazakhstan is exercised by the Government of the Republic of Kazakhstan.

3. The actions of individual and legal entities, violating the right of the state ownership for water bodies, are void and entail responsibility, provided for by the Laws of the Republic of Kazakhstan.

**Footnote. Article 8 as amended by Law № 157-VII of the Republic of Kazakhstan of 05.11.2022 (shall be enacted ten calendar days after the date of its first official publication).**

### **Article 9. Principles of water legislation of the Republic of Kazakhstan**

The water legislation of the Republic of Kazakhstan shall be based on the following principles:

- 1) recognition of the state significance of the waters, which are the ground for life and activity of the population;
- 2) primary drinking water supply in the required quantity and the quality assured;
- 3) fair and equal access of the population to water;
- 4) an integrated and rational water use with introduction of modern technologies, allowing to reduce water intake and minimize harmful effects of waters;
- 5) the use of water bodies and their protection;
- 6) fees for special water use;
- 7) compensation for damages, caused by violation of the water legislation of the Republic of Kazakhstan;
- 8) inevitability of responsibility for violation of the water legislation of the Republic of Kazakhstan;
- 9) transparency and public involvement in resolving the problems in use and protection of water resources;
- 10) availability of information on the status of water resources of the Republic of Kazakhstan;
- 11) the use of trans-boundary waters on the basis of international standards and international treaties, ratified by the Republic of Kazakhstan;
- 12) continuity and interconnection of water supply and water discharge in engineering and construction;
- 13) service payment of water supply and (or) water discharge.

**Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 10. Relations in use and protection of water fund, water supply and wastewater disposal, regulated by the water or other legislation of the Republic of Kazakhstan**

**Footnote. The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2)**

1. The Water legislation of the Republic of Kazakhstan regulates relations in the field of usage and protection of water fund, management of water fund and water economy systems, water supply and water discharge, dam safety, irrigation and drainage works and other water relations.

2. The relations in terms of lands, forests, flora and fauna, air, arising from the use and protection of water bodies, are regulated by the special legislation and this Code.

3. The relations, arising from ensuring of environmental, sanitary and epidemiological safety of water bodies and prevention of harmful effects of economic and other activities on the natural water ecosystems, are regulated by the environmental legislation of the Republic of Kazakhstan and legislation of the Republic of Kazakhstan on sanitary-epidemiological welfare of the population, and by this Code.

4. Relations in the field of state geological study and exploration of underground waters, protection of underground structures from harmful effects of water are regulated by the Code of the Republic of Kazakhstan "On Subsoil and Subsoil Use" and the legislation of the Republic of Kazakhstan on civil protection, respectively.

5. The relations, arising in prevention and liquidation of emergency situations of natural and man-made origin on water bodies, with the exception of issues related to dam safety shall be regulated by the legislation of the Republic of Kazakhstan on civil protection.

6. The relations, arising in shipping and navigation area shall be regulated by the legislation of the Republic of Kazakhstan on water transport.

7. The relations, arising in marine waters use area shall be regulated by this Code and international treaties, ratified by the Republic of Kazakhstan.

8. The relations, associated with the use and protection of trans-boundary waters shall be regulated by this Code, the legislation of the Republic of Kazakhstan, as well as the international treaties, ratified by the Republic of Kazakhstan.

**Footnote. Article 10, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 11.04.2014 № 189-V (the order of enforcement see Article 2); № 126-VI dated 27.12.2017 (shall be enforced upon expiration of six months after the date of its first official publication).**

## **Chapter 2. Objects of water relations**

### **Article 11. The objects of water relations**

1. The objects of water relations are the water bodies, water facilities and the lands of the water fund.

2. Water bodies shall be divided into:

- 1) the surface water bodies;
  - 2) underground water bodies;
  - 3) marine waters of the Republic of Kazakhstan;
  - 4) trans-boundary waters.
3. depending on the types of use, the water bodies are divided into:

- 1) water bodies of public use;
- 2) water bodies of the joint use;
- 3) water bodies of solidary use;
- 4) water bodies of the specially protected areas;
- 5) water bodies of the special national significance;
- 6) water bodies of the state forest fund.

**Footnote. Article 11, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)**

#### **Article 12. Surface water bodies**

1. Surface water bodies shall be divided into:
  - 1) water bodies - rivers and canals, lakes, reservoirs, ponds and other inland waters, equivalent to them and territorial waters;
  - 2) glaciers, wetlands.
2. Surface water bodies consist of the surface waters, the bed and the banks.

#### **Article 13. Underground water sites**

Groundwater bodies include:

- 1) Groundwater basin;
- 2) deposits and sections of underground waters;
- 3) Aquifers and complexes;
- 4) natural outlet of groundwater on land (springs).

**Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication).**

#### **Article 14. Marine waters**

1. The marine waters of the Republic of Kazakhstan are the waters of the Caspian and Aral seas within the state border of the Republic of Kazakhstan, unless otherwise is stipulated by the international treaties, ratified by the Republic of Kazakhstan.

2. (Is excluded)

**Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.**

#### **Article 15. Trans boundary waters**

1. Trans boundary waters are the surface and underground water bodies that mark and (or) cross the state border of the Republic of Kazakhstan.

2. The order of use and protection of trans boundary waters shall established by this Code, the legislation of the Republic of Kazakhstan on the state border and the international treaties, ratified by the Republic of Kazakhstan.

#### **Article 16. The water bodies of the general use**

1. All water bodies are the objects of the general use, unless otherwise provided by the legislation of the Republic of Kazakhstan.

2. At the water bodies, the general use shall be carried out in the order, established by this Code.

3. Restricting the use of water objects of the general use shall be permitted in the cases, provided for by the Laws of the Republic of Kazakhstan.

#### **Article 17. Water objects of the joint use**

1. The water objects, provided wholly or partially to the individual or legal entities for the joint use shall be the water bodies of the joint use.

2. When using water bodies of the joint use, the interests of water users, located down the watercourse shall be satisfied first.

3. The water users that use the joint water bodies shall be obliged to take into account the mutual interests, not to impede exercise of the water rights and not to harm each other.

4. Joint use water objects shall be provided by local executive bodies of the regions, city of republican significance, the capital, district, city of regional significance in the manner, established by the authorized body.

5. General water use at the joint water bodies shall be carried out in the order, specified by this Code.

**Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13; dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 18. Water objects of solitary use**

1. The water objects, provided wholly or partially to an individual or a legal entity for solitary use shall be the water bodies of solitary use.

2. The water objects of solitary use may be used as public water bodies in the order, prescribed by this Code.

#### **Article 19. Water bodies of the specially protected natural areas**

The order of formation, the regime of protection of the water resources of the specially protected natural areas and their use, as well as the conditions for activity in them shall be established by the legislation of the Republic of Kazakhstan on the specially protected natural areas.

#### **Article 19-1. Water bodies of the state forest reserve**

1. The order of formation, the regime of protection of the water objects of the state forest reserve and the conditions for activity in them shall be defined by the water and forest legislation of the Republic of Kazakhstan.

2. The regimes of protection of the territories of the state forest reserve, adjacent to the water bodies shall be established in order to keep the water bodies in the condition, meeting sanitary-hygienic and environmental requirements, as well as to prevent pollution and depletion of the surface waters, in compliance with the forest legislation of the Republic of Kazakhstan.

3. The water bodies of the state forest reserve shall be provided for use in accordance with this Code.

**Footnote. Chapter 2 is supplemented by Article 19-1 in accordance with the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)**

#### **Article 20. Water objects of the special state significance**

1. The water bodies of the special national significance shall be the natural water bodies, influencing the environment and economy of the region and requiring a special legal regulation regime for economic activity.

2. The list of the water bodies of the national significance and the peculiarities of the legal regulation regime for economic activity shall be defined by the Government of the Republic of Kazakhstan.

#### **Article 21. Turnover capacity of the water bodies and the lands of the water fund**

Turnover of the water bodies, the lands of the water fund, except for the lands, specified in paragraph 2 of Article 7 of this Code, as well as the purchase, sale, pledge and other transactions, resulting in alienation of the water bodies and the lands, occupied by them, shall not be permitted.

### **Section 2. The right to use the water bodies. The right of ownership and other rights to the water facilities**

#### **Chapter 3. The right to use the water bodies**

#### **Article 22. The right to use the water bodies**

1. Individual and legal entities have the right to use the water bodies in the manner of a special, solitary or joint use, established by the water legislation of the Republic of Kazakhstan.

2. Water objects shall be provided to the individual and legal entities under the following rights:

- 1) for a short-term use;
- 2) for a long-term use.

3. The right for a short-term use is provided for up to five years, the right for a long-term use is provided for five - forty-nine years.

4. The individual and legal entities, who received the water bodies for use, cannot dispose the right to use the water body.

Footnote. Article 22, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.07.2009 No 180-IV.

### **Article 23. Water easement**

1. Water easement on water bodies is in public and private forms.
2. Everyone may use the water objects of the general use; in this case the public water easement is an integral part of the right to use the water body.
3. Public water easement for a water body, which is not a public water body, may arise from the legislation of the Republic of Kazakhstan, the act of the local executive body of the oblast (town of the republican status, the capital) or the announcement of the order for use of the water body by individual or legal entities, who received it for use.
4. The right for a long-term or short-term use of a water body may be limited in favor of other interested persons (private water servitude).
5. Private water servitude is established on the same grounds as the public water servitude , and may be established on the basis of a court judgment.
6. Public and private water servitudes may be established in order to:
  - 1) intake water without applying facilities, technical equipment and devices;
  - 2) provide watering and driving of cattle, fishery management;
  - 3) use water bodies as a waterway for ferries, boats and other small vessels.
7. In order to implement the water easements, the permits for the special water use shall not be required.

Footnote. Article 23, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.01.2007 No 222 (shall be enforced upon expiry of six months after its first official publication); dated 21.01.2010 No 242-IV (the order of enforcement see Art. 2).

## **Chapter 4. The ownership right and other rights to water facilities**

### **Article 24. Ownership right to the water facilities**

1. Water facilities may be in the state or private property.
2. The relations, associated with the use, possession and disposal of water facilities, that are privately owned, shall be regulated by the civil legislation of the Republic of Kazakhstan, unless otherwise provided in this Code.

### **Article 25. Water facilities of the particular strategic significance**

1. The water facilities of the particular strategic significance shall be in the state property and may not be leased, trust management, and shall not be subject to alienation, except for the water facilities of the particular strategic significance, specified in paragraph 2 of this Article.
2. Water intakes facilities, pumping stations, water treatment facilities, providing water supply of cities, shall be state-owned, shall not be subject to alienation and may be leased and trust management in accordance with the legislation of the Republic of Kazakhstan.

3. The list of the water facilities of particular strategic significance, including those that may be leased and trust management, shall be determined by the Government of the Republic of Kazakhstan.

**Footnote.** Article 25 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 131-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 03.07.2017 № 86-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 26. Water facilities in the republican property**

The water facilities that are in the republican property shall be assigned to the state water management organizations.

The list of water management facilities which belong to republican property is determined by the Government of the Republic of Kazakhstan upon submission of the authorized body, as well as the authorized body for subsoil study.

The water facilities that are in the republican property may be leased, placed into trust and privatized in accordance with the legislation of the Republic of Kazakhstan.

#### **Article 27. Water facilities in the communal property**

1. Water facilities that are in communal ownership shall be assigned to the public utilities enterprises, and, in accordance with the legislation of the Republic of Kazakhstan, may be provided for leasing, trust management, free use, except for the water facilities that are of particular strategic significance.

2. Water facilities of particular strategic significance, namely the water intake structures, pumping stations, water treatment facilities, providing water supply of towns that are in communal ownership shall be assigned to the public utilities, and shall not subject to alienation and may be leased and placed into trust management in accordance with the legislation of the Republic of Kazakhstan.

**Footnote.** Article 27 as amended by the Law of the Republic of Kazakhstan, dated 04.07.2013 No 131-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 28. The ownership right for a drinking water supply system**

**Footnote.** The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

1. Drinking water supply systems may be in the republican, communal property and in the property of individuals and legal entities.

2. Operation of drinking water supply systems that are in the republican property shall be carried out by the state organizations.

Operation of water supply systems that are in communal ownership shall be carried out by the state and other organizations.

3. Some of the drinking water supply systems may be a part of housing condominiums.

#### **Article 29. Water facilities, intended for agricultural water users**



1. The water facilities, designed to render services to the agricultural water users may be in the state or private property.

2. The state-owned water facilities, designed to serve the agricultural water users, may be leased, placed into trust management, free use, as well as sold or donated to the water users or their associations, maintaining these facilities, in the order and under the conditions, established by the legislation of the Republic of Kazakhstan.

### **Article 30. Interim state management of the water facilities**

1. In case of a threat to the national security interests, the life and health of the citizens and in order to stabilize certain water facilities of the special strategic significance for economy of the country or the region, upon the recommendation of the authorized body for the state property management, the Government of the Republic of Kazakhstan may initiate an interim state management in relation to these structures.

2. The order of initiation of the interim state management for the water facilities, referred to in paragraph 1 of this Article shall be defined by the Government of the Republic of Kazakhstan.

### **Article 31. State registration of the rights to the water facilities**

**Footnote. The title of Article 31 as amended by the Law of the Republic of Kazakhstan, dated 25.03.2011 No 421-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)**

1. The rights to the water facilities shall subject to compulsory state registration in accordance with the legislation of the Republic of Kazakhstan on the state registration of the real estate rights.

2. The state registration of the rights to the water facilities shall be carried out under the presence of a passport for the facility, the form of which shall be specified by the authorized body.

**Footnote. Article 31, as amended by the Law of the Republic of Kazakhstan, dated 25.03.2011 No 421-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)**

### **Article 32. Responsibility of owners of water facilities**

1. The owners of water facilities shall be responsible for compliance with the operation mode of water facilities, as well as the requirements established by regulatory legal acts in the field of dam safety.

2. Control over the observance by the owners of the operating mode of water management facilities, as well as the requirements established by regulatory legal acts in the field of dam safety, is carried out by the department of the authorized body and basin inspectorates for regulating the use and protection of water resources.

**Footnote. Article 32 is in the wording of the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced from 01.01.2015); a change made law s RK of**

28.10.2019 number 268 VI- (put into effect after ten calendar days after its first official publication).

### **Section 3. The state regulation in use and protection of water resources, water supply and wastewater disposal**

Footnote. The title of the Section 3, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

### **Chapter 5. The state management in use and protection of water resources, water supply and wastewater disposal**

Footnote. The title of Chapter 5 as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

### **Article 33. The state management in use and protection of water resources, water supply and wastewater disposal**

Footnote. The title of the Article as amended by the law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

1. State administration in the field of use and protection of water resources, water supply and wastewater disposal shall be carried out by the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, the authorized body, the department of the authorized body, the authorized body in the field of public utilities, local representative and executive bodies of regions ( cities of republican significance, the capital ) within its competence, established by the Constitution , this Code, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. The management structure for the use and protection of water resources, taking into account complexity and subordination shall be divided into the following levels:

- 1) the interstate;
- 2) the state;
- 3) the basin;
- 4) the territorial.

3. The state bodies may involve citizens and public organizations in developing programs and conducting actions for the rational use and protection of the water resources.

Footnote. Article 33, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 05.07.2011 No 452-IV (shall be enforced from 13.10. 2011); dated 22.07.2011 No 479-IV ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration after

ten calendar days after the day of its first official publication); dated October 28, 2019 № 268 -VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Article 34. Basic principles of the state management in use and protection of water resources, water supply and wastewater disposal**

**Footnote.** The title of the Article as amended by the Law of the republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

The state management in use and protection of water resources, water supply and wastewater disposal shall be based on the following principles:

- 1) the state regulation and control over the use and protection of water resources, water supply and wastewater disposal;
- 2) sustainable water consumption - a composition of careful, rational and complex use and protection of waters;
- 3) creation of optimal conditions for water use, keeping of the ecological sustainability of the environment, and sanitary-epidemiological safety of the population;
- 4) basin management;
- 5) distribution of functions of the state control and management in use and protection of water resources and functions of the economic use of water resources.

**Footnote.** Article 33, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

**Article 35. The main tasks of the state management in use and protection of water resources, water supply and wastewater disposal**

**Footnote.** The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

The main tasks of the state management in use and protection of water resources, water supply and wastewater disposal shall be:

- 1) the analysis and assessment of water supply sectors of the economy, condition of water supply and wastewater disposal at the rural settlements, detection of deficiencies and selection of measures for their resolving;
- 2) selection of the available water resources, their quality and availability of the rights to use them;
- 3) develop the main directions for improving technologies in the field of water supply, sanitation and water protection, including for adaptation to climate change;
- 4) forecast and organization of events to increase the volumes of the available water resources and their rational redistribution to cover the water deficit;
- 5) establishment of the water use structure with distribution of water resources to meet the priority needs for water, depending on the dryness of the year;
- 6) limitation of water use and discharge of return waters on the scientifically based standards;

- 7) planning and observance of environmental requirements;
- 8) monitoring over the quantity and quality condition of water bodies and the regime for their use;
- 9) effective management of water bodies and water facilities, that are state-owned;
- 10) development of water services market;
- 11) with the neighboring countries, the joint management in use and protection of trans-boundary waters;
- 12) Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 13) ensuring the safety of water systems and facilities;
- 14) monitoring of water systems and facilities, as well as their compliance with the legislation of the Republic of Kazakhstan;
- 15) ensuring a balance of interests of the participants of legal relations in the field of water supply and water discharge;
- 16) balance of rights, duties and interests of water consumers and organizations for water supply and (or) water discharge;
- 17) arrangement of conditions for introduction and priority development of energy-saving and water-saving technologies;
- 18) State support for reconstruction and development of water supply and water discharge , systems, conducting research, projecting in the field of water supply and water discharge.

Footnote. Article 35, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).

## **Chapter 6. Competence of the state bodies in use and protection of water resources, water supply and wastewater disposal**

Footnote. The title of Chapter 6 as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

### **Article 36. Competence of the Government of the Republic of Kazakhstan**

Footnote. Title of the Article is in the wording of the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

The Government of the Republic of Kazakhstan shall:

- 1) develop the main directions of the state policy in use and protection of water resources, water supply and wastewater disposal areas;

1-1) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

- 1-2) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 2) arrange management of the water facilities, that are in the republican property;
- 3) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 4) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 5) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 6) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 7) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 8) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 8-1) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 9) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 10) (Is excluded)
- 11) approves the regulations for water relations between the regions of the country;
- 12) cooperate with foreign states and international organizations on use and protection of trans-boundary waters in accordance with the legislation of the Republic of Kazakhstan;
- 12-1) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 12-2) approve general scheme of integrated use and protection of water resources;
- 13) (Is excluded);
- 14) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 15) Is excluded by the Law of the Republic of Kazakhstan, dated 10.01.2011 No 383-IV ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 15-1) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 16) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 17) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 18) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

19) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

19-1) is excluded by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V ( shall be enforced from 01.01.2016);

19-2) is excluded by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V ( shall be enforced from 01.01.2016);

19-3) is excluded by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V ( shall be enforced from 01.01.2016);

20) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

20-1) is excluded by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V ( shall be enforced from 01.01.2016);

20-2) excluded by the Law of the Republic of Kazakhstan dated 03.01.2022 № 101-VII ( shall be enforced upon expiration of sixty calendar days after the day of its first official publication);

21) carry out other functions, assigned to it by the Constitution, the Laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

Footnote. Article 36, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 19.12.2007 No 11 (the order of enforcement see Art. 2); dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 10.07.2009 No 180-IV; dated 10.01.2011 No 383-IV ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011); dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 № 189-V (shall be enforced from 01.01.2015); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 03.01.2022 № 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

### **Article 37. Competence of the authorized body, department of the authorized body**

Footnote. The title of Article 37 as amended by the Law of the Republic of Kazakhstan dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. The authorized body shall:

1) involve in development and implementation of the state policy in use and protection of water resources, water supply, wastewater disposal within its competence;

1-1) involve in coordination and management of the local executive bodies for use and protection of water reserves, water supply and wastewater disposal out of the settlements;

1-2) evaluate vulnerability to climate change within its competence;

1-3) identify, within its competence, priorities and measures for adaptation to climate change;

1-4) implement climate change adaptation measures within its competence;

1-5) monitor and evaluate the effectiveness of climate change adaptation measures defined within its competence and adjust these measures based on monitoring and assessment ;

2) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

3) develop the schemes for a complex use and protection of water resources in the basins of major rivers and other water bodies in the country;

3-1) develops and approves safety criteria for water management systems and structures, rules for determining safety criteria for water management systems and structures;

3-2) is excluded by the Law of the Republic of Kazakhstan, dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

3-3) is excluded by the Law of the Republic of Kazakhstan, dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

3-4) is excluded by the Law of the Republic of Kazakhstan, dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011);

4) is excluded by the Law of the Republic of Kazakhstan, dated 13.01.2014 No 159-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

4-1) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No 159-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

4-2) coordinate the specific power requirements of water consumption and water discharge;

4-3) develop and approve the methodology for development of specific power requirement of water consumption and water discharge;

5) develop and approve the model rules for general water use;

5-1) is excluded by the Law of the Republic of Kazakhstan dated 16.05.2014 № 203-V ( shall be enforced upon expiry of six months after its first official publication);

6) is excluded by the Law of the Republic of Kazakhstan dated 16.05.2014 № 203-V ( shall be enforced upon expiry of six months after its first official publication);

6-1) develop and approve the application form for obtaining permission for special water consumption and the form of permission for special water consumption;

7) Approves water use limits by basins and oblasts (cities of republican importance, the capital);

- 7-1) approve the method of calculating fees for use of surface water resources, established by the tax legislation of the Republic of Kazakhstan;
- 7-2) determine the procedure on lease and trust management of water facilities;
- 7-3) determine the procedure for ensuring safety of water systems and facilities;
- 7-4) determine the procedure for providing water bodies in a separate or joint use on competitive basis;
- 7-5) develop and approve the procedure for coordinating the location of enterprises and other facilities, as well as the conditions for producing construction and other works on water bodies, water protection zones and lanes;
- 7-6) develop and approve rules for navigation and production of economic, research, survey and fishing works in territorial waters;
- 7-7) develop and approve the rules for operation of water facilities located directly on water bodies;
- 7-8) develop and approve primary water accounting rules;
- 7-9) develop and approve a list of critical group of water supply systems that shall be non-alternative sources of drinking water supply;
- 7-10) determine the procedure for development and approval of general and basin schemes for the integrated use and protection of water resources and water balances;
- 8) is excluded by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 9) conduct the state control over the use and protection of water resources;
- 10) (is excluded)
- 11) determine the procedure for keeping state recording of waters and their use, the state water cadaster and the state monitoring of water bodies, carry out the state recording of waters and their use, keeping of the state water cadaster and the state monitoring of water bodies;
- 12) create a database of water bodies and provides access to it for all the interested persons;
- 13) approve the regime of use of water facilities and drinking water sources;
- 13-1) develops and approves the rules for the operation of water management, irrigation and drainage systems and structures;
- 14) organize the design, survey, research and development works in use and protection of water resources, water supply and wastewater disposal outside the settlements;
- 15) is excluded by the Law of the Republic of Kazakhstan, dated 13.01.2014 No 159-V ( shall be enforced upon expiry of ten calendar days after its first official publication);
- 16) organize the operation of water facilities, water structures, that are in the republican property;
- 17) consider the cases on administrative violations in water legislation of the Republic of Kazakhstan;



18) prepare and implements investment projects in the water sector;

19) (is excluded)

20) take part in development of priority directions of inter-state cooperation in use and protection of water resources;

20-1) participate in the development, definition and coordination of a sensitivity map and an index of environmental sensitivity to oil spills together with interested state bodies in the order determined by the authorized body in the field of environmental protection;

21) cooperate with neighboring countries on regulation of water relations, rational use and protection of trans-boundary waters in accordance with the legislation of the Republic of Kazakhstan;

22) develop and approve the rules for establishing the water protection zones and strips;

23) develop a general scheme for integrated use and protection of water resources;

23-1) develop and approve basin schemes for integrated use and protection of water resources and water balances;

24) is excluded by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

25) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

26) provide methodological support for water management organizations;

27) establish the procedure for certification of hydro land reclaiming systems and water management facilities, as well as the passport's format;

28) is excluded by the Law of the Republic of Kazakhstan dated 29.12. 2014 № 269-V ( shall be enforced from 01.01.2015);

28-1) develop and approve the requirements for organizations certified for the right to work in the field of dam safety;

28-2) conduct certification of organizations for the right to work in the field of dam safety ;

28-3) develop and approve the rules that determine the criteria for classifying dams as declared, and the rules for developing a dam safety declaration;

28-4) develop and approve regulatory legal acts in the field of dam safety;

28-5) develops and approves the rules for performing a multi-factor inspection of hydraulic structures and main equipment;

The department of the authorized body carries out its activities within the competence established by the authorized body.

29) fulfill other functions, provided by this Code, other Laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

The department of the authorized body carries out its activities within the competence established by the authorized body.

2. Decisions of the authorized body, department of the authorized body and basin inspectorates for the regulation of the use and protection of water resources, adopted within their competence, are binding on all individuals and legal entities.

Footnote. Article 37, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.01.2006 No 116 (the order of enforcement see Art. 2 of the Law No 116); dated 09.01.2007 No 213 (the order of enforcement see Art. 2); dated 12.01.2007 No 222 (shall be enforced upon expiry of six months after its official publication); dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009); dated 12.02.2009 No 132 - IV (the order of enforcement see Art. 2); dated 17.07.2009 No 188-IV (the order of enforcement see Art. 2); dated 21.01.2010 No 242-IV (the order of enforcement see Art. 2); dated 19.03.2010 No 258-IV; dated 06.01.2011 No 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011); dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 № 189-V (shall be enforced from 01.01.2015); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); № 210-VI dated 28.12.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021); dated 25.01.2021 № 411-VI (shall enter into force upon the expiry of ten calendar days after the day of the first official publication); or 23.02.2021 № 11-VII (the order of entrance into force -Article. 2).

### **Article 37-1. Competence of the authorized body in public utilities**

The authorized body in public utilities shall:

- 1) involve in development and implementation of the state policy in water supply area and wastewater disposal within the settlements;
  - 1-1) carry out coordination and organizational supervision of the local executive bodies for use and protection of water resources, water supply and wastewater disposal within the settlements;
  - 2) develop and approve the normative and technical documentation within its competence;
  - 3) organize a methodical support in water supply and wastewater disposal within the settlements;
  - 4) arrange the design, survey, applied research and development works in water supply area and wastewater disposal within the settlements;
  - 5) develop and approve the rules for use of water supply and water discharge systems within the settlements;
  - 6) develop and approve the rules for wastewater acceptance to the water discharge system in the settlements;
  - 7) develop and approve the technical operation rules for water supply and water discharge systems of the settlements;
  - 8) develop and approve the standard calculation rules for water services consumption and (or) water discharge for the consumers, that do not have metering devices;
    - 8-1) develop and approve the procedure for subsidizing the cost of drinking water supply services of the particularly special group and local water supply systems, which are the non-alternative sources of drinking water;
    - 8-2) develop and approve the procedure for leasing and trust management of water facilities that provide water supply to cities and rural settlements;
    - 8-3) develop and approve the rules for selection, installation and operation of water metering devices in water supply and water discharge systems;
    - 8-4) develop and approve the rules for credit to construction, reconstruction and modernization of water supply and water discharge systems in coordination with the central authorized body for budget planning;
    - 8-5) develop and approve the rules for subsidizing the construction, reconstruction and modernization of water supply and water discharge systems in coordination with the central authorized body for budget planning;
    - 8-6) provide credit and subsidization for the construction, reconstruction and modernization of water supply and water discharge systems;
    - 8-7) coordinates local executive bodies of regions, cities of republican significance, the capital when subsidizing the costs of water supply and sewerage organizations for repayment and servicing of loans from international financial organizations involved in the implementation of projects to expand, modernize, reconstruct, renovate, maintain existing assets and create new assets in settlements;

8-8) approves the rules for subsidizing the costs of water supply and sanitation organizations to repay and service loans from international financial organizations involved in the implementation of projects for the expansion, modernization, reconstruction, renovation, maintenance of existing assets and the creation of new assets in settlements;

8-9) develop and approve a methodology for calculating the amount of fees for one cubic meter of supplied drinking water to the population from especially important group and local water supply systems that are non-alternative sources of drinking water supply, according to lists approved respectively by the authorized body or local executive bodies of the regions, in agreement with the authorized body that exercises leadership in the areas of natural monopolies;

9) conduct other functions, provided by this Code, other Laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. The Code is supplemented by Article 37-1 in accordance with the Law of the Republic of Kazakhstan, dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 25.01.2021 № 411-VI (shall enter into force upon the expiry of ten calendar days after the day of the first official publication).

**Article 38: Competence of local representative bodies of oblasts (cities of republican importance, the capital) in the field of use and protection of the water fund, water supply and water disposal**

Footnote. The title of Article 38, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).

Local representative bodies of oblasts (cities of republican importance, the capital):

1) establish the rules for general water use, taking into account the regional conditions on the standard rules basis;

2) (is excluded)

3) Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

4) establish a procedure for granting for use and withdrawal of water facilities, that are in communal property;

5) approve the price rates for use of water from surface water sources;

6) carry out other functions to ensure the rights and interests of citizens in accordance with the legislation of the Republic of Kazakhstan.

Local representative bodies of the regions shall approve the amount of fees for one cubic meter of drinking water supplied to the population from especially important group and local water supply systems, which shall be non-alternative sources of drinking water supply, according to lists approved by the authorized body or local executive bodies of the regions, respectively.

**Footnote. Article 38, as amended by the Laws of the Republic of Kazakhstan dated 20 December, 2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011); dated 30.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication); dated 25.01.2021 № 411-VI (shall enter into force upon the expiry of ten calendar days after the day of the first official publication).**

**Article 39. Competence of local executive bodies of oblasts (cities of republican importance the capital) in the field of use and protection of the water fund, water supply and water disposal**

**Footnote. The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).**

Local executive bodies of oblasts (cities of republican importance, the capital):

1) manage the water facilities, that are in communal property, and take measures for their protection;

1-1) keep records of water facilities, owned by the state; when the unclaimed water facilities are found, the procedures, provided by the civil legislation of the Republic of Kazakhstan, are conducted;

1-2) implement the state policy in use and protection of the water resources, water supply and wastewater disposal;

2) establish water protection zones, bands and zones of sanitary protection of drinking water sources in coordination with the basin inspections on regulation of use and protection of water resources, the state body in the sphere of sanitary and epidemiological welfare of the population;

2-1) establish the regime and special conditions for the economic use of water protection zones and strips in agreement with the basin inspectorates for the regulation of the use and protection of water resources;

3) provide water bodies for separate or joint use on a competitive basis in the manner determined by the authorized body;

4) take part in the work of the basin councils and in the basin agreement, submit the offers on the rational use and protection of water resources, water supply, wastewater disposal of settlements to the basin councils' consideration, study recommendations of the basin councils, take measures for their implementation;

5) ensure implementation of the actions for the rational use and protection of water resources, water supply, wastewater disposal at the settlements, including hydro-technical melioration, security of water supply systems and facilities;

5-1) evaluate vulnerability to climate change within their competence;

5-2) define, within their competence, priorities and measures for adaptation to climate change;

5-3) implement climate change adaptation measures within their competence;

5-4) monitor and evaluate the effectiveness of climate change adaptation measures defined within their competence and adjust these measures based on monitoring and assessment;

6) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

7) is excluded by the Law of the Republic of Kazakhstan dated 29.03.2016 № 479-V ( shall be enforced upon expiry of twenty one calendar days after its first official publication);

7-1) resolve the issues on security of water supply systems and facilities at the appropriate territories;

7-2) organize actions for disaster liquidation at the water management facilities;

8) inform the population about the condition of water bodies, water supply and wastewater disposal systems, located at the corresponding territory;

9) develop the price rates for use of the surface water resources;

10) implement measures to subsidize the cost of water delivery services to agricultural producers;

10-1) subsidize the costs of water supply and sanitation organizations for repayment and servicing of loans of international financial organizations involved in the implementation of projects for the expansion, modernization, reconstruction, renovation, maintenance of existing assets and the creation of new assets in settlements, in the manner determined by the authorized body in the field of communal services;

11) excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication );

12) carry out other functions, delegated to the local executive bodies by the legislation of the Republic of Kazakhstan in the interests of the local state management.

Local executive bodies of the regions:

1) develop and approve a list of particularly important local water supply systems that shall be non-alternative sources of drinking water supply;

2) develop and submit for approval to the local representative bodies of the regions the amount of fees for one cubic meter of supplied drinking water to the population from especially important group and local water supply systems, which shall be non-alternative sources of drinking water supply, according to lists approved respectively by the authorized body or local executive bodies of the regions;

3) implement measures to subsidize the cost of drinking water supply services from especially important group and local water supply systems, which shall be non-alternative sources of drinking water supply, according to lists approved respectively by the authorized body or local executive bodies of the regions;

4) provide information to the authorized body in the field of public utilities on the approval of the list of especially important local water supply systems that shall be non-alternative sources of drinking water supply, including when introducing amendments and (or) additions.

Footnote. Article 39, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.01.2006 No 116 (the order of enforcement see Art. 2 of the Law No 116); dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 10.07.2009 No 180-IV; dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication) ; dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021); dated 25.01.2021 № 411-VI ( shall enter into force upon the expiry of the calendar days after the day of its first official publication).

#### **Article 39-1. Competence of local executive bodies of districts, cities, cities of regional significance in the field of use and protection of water fund, water supply and water discharge**

Local executive bodies of district, city of regional significance shall provide water bodies located within the territory of the district, city of regional significance, for separate use or joint use on competitive basis in the manner determined by the authorized body.

Footnote. Chapter 6 is supplemented by the Article 39-1 in accordance with the Law of the Republic of Kazakhstan 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Chapter 7. Basin Inspections for Regulation of Use and Protection of Water Resources**

Footnote. The title of Chapter 7 as amended by the Law of the Republic of Kazakhstan dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Article 40. Tasks and functions of the basin inspection on water resources management and protection**

Footnote. The Title of the Article 40 in the wording of the Law of the RK dated 28.10.2019 № 268-VI (shall enter into force upon the expiry of ten calendar days after the day of the first official publication).

1. Basin Water Management Departments (hereinafter - the basin management departments) - the regional bodies (whose activities and functions shall be carried out in the territory of two or more oblasts) of the authorized body, that have offices in the regions, the main task of which is to carry out the state management in use and protection of water resources in the territory of the corresponding basin.

2. Basin management departments shall carry out the following functions:

1) an integrated management of water resources at the hydrographical basin under the watershed management principle;

2) coordination of water relations in use of water resources in order to achieve a positive economic effect, a reasonable, equitable and ecologically sustainable water use;

3) preparation and implementation of basin agreements on rehabilitation and protection of water bodies within the corresponding basin;

4) implementation of the state control over the use and protection of water resources, observance of the water legislation of the Republic of Kazakhstan by the individual and legal entities;

5) keeping the state records, the state water cadastre and the state monitoring of water bodies in the basins together with the authorized state body for environmental protection, the authorized body for study and use of mineral resources;

6) issuance, suspension of an action, extension and renewal of a permit for a special water use as well as termination of the right to special water use in the manner established by this Code;

6-1) certify the tax reporting on payment for using water resources of surface sources prior to submission to the tax authority;

7) coordination of:

plans of local executive bodies of oblasts (cities of republican significance, the capital) for rational use of water bodies of the respective basin;

suggestions for allocation of land plots for construction of enterprises and other facilities, influencing the water condition;

location of enterprises and other facilities, as well as the conditions for production of construction and other works on water bodies, water protection zones and strips;



documents on construction, dredging, blasting works for mining, extraction of water plants, laying of cables, pipes and other utilities, woodcutting, as well as drilling, agricultural, and other activities, carried out at the water bodies, water protection zones and strips;

the action plans of water users for protection and improvement of water bodies;

optimal methods of oil spill elimination, determined on the basis of the analysis of the total environmental benefit together with the territorial subdivisions of the authorized state body in the field of animal protection, reproduction and use and the authorized body in the field of environmental protection;

8) participation in the work of the state commissions on commissioning of industrial, agricultural and housing objects, influencing the water condition, as well as in liquidation of consequences, arising from natural and man-made disasters;

9) determination of the limits of water use for water users and for the corresponding basin ;

9-1) arrangement and conduction of a competition for provision of water bodies to the solitary or joint use;

10) is excluded by the Law of the RK from 27.12.2017 № 126-VI (entered into force six months after the day of its first official publication);

11) monitoring the work of the joint water reservoirs, large water reservoirs of interdisciplinary, inter-regional and interstate significance;

11-1) control over observance of the established water easements by individual and legal entities, using water facilities, provided in the solitary or joint use;

12) developing the plans for water intake and water apportioning in interregional, trans-regional, inter-state water bodies and control over their fulfillment;

13) coordination of the scheme for a complex use and protection of water of the corresponding basin, the rules for operation of water objects and water facilities;

14) participation in development of water balances for the corresponding basin;

15) coordination of proposals on provision of water bodies to the solitary and joint use and conditions of water use in them;

16) filing in accordance with the legislation of the Republic of Kazakhstan, submission of a request on termination of financing, designing and construction of water supply and other objects, influencing the water condition, carried out with violation of the established rules and regulations in use and protection of water resources, water supply and wastewater disposal;

17) submission of the materials on abuse of the water legislation of the Republic of Kazakhstan to the Law enforcement agencies and the court to bring the perpetrators to responsibility in accordance with the Laws of the Republic of Kazakhstan;

18) in case of violation of the water legislation of the Republic of Kazakhstan, to file claims to the court for the damages, caused to the state;

19) informing the population about the work accomplished for the rational use and protection of water resources, the actions, taken to improve the condition and quality of waters;

20) interaction with local executive bodies of oblasts (cities of republican importance the capital) and other interested state bodies on the use and protection of the water fund, water supply and sanitation;

21) educating and training of population for the rational use and protection of water resources;

22) (Is excluded)

23) put a seal water metering devices, installed at the facilities or devices for water uptake or discharge by individual and legal entities, having the special right for water use;

24) organization of work of the basin council, consultations with the members of the basin council on use and protection of water resources of a basin, analysis of the recommendations, made by the basin council, measures for their implementation, bringing of the basin council's recommendations to the relevant government agencies and water users;

25) register dam safety declarations to assign registration ciphers.

Footnote. Article 40, as amended by the Laws of the Republic of Kazakhstan dated 20 December, 2004 No 13; dated 9 January, 2007 No 213 (the order of enforcement see Art. 2); dated 12 January, 2007 No 222 (shall be enforced upon expiry of 6 months after its official publication); dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 10.07.2009 No 180-IV; dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the date of its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication); dated 28.10.2019 № 268-VI (shall enter into force upon the expiry of ten calendar days after the day of the first official publication); or 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).

#### **Article 41. Participation of the territorial bodies of the authorized state body for environmental protection in implementing the watershed principle of the water resources management**

1. Territorial bodies of the authorized state body for environmental protection in implementing the watershed principle of the water resources management shall be involved:

1) in adjustment of plans for rational use and protection of water bodies on the basis of the composed water balances, complex use schemes and protection of water resources of the corresponding basin;

2) in the monitoring of water bodies of the corresponding basin in conjunction with basin inspectorates;

3) in the state control for use and protection of water resources within their competence;

4) in elaboration of basin agreements and monitoring of their implementation at the subordinate territory;

5) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

2. Territorial bodies of the authorized state body for environmental protection shall implement the watershed principle in water resources management in accordance with the approved general basin schemes of a complex use and protection of water bodies.

Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2018 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 42. Basin agreements on restoration and protection of water bodies**

1. Basin agreements on the restoration and protection of water bodies (hereinafter - basin agreements) are concluded between basin inspectorates, local executive bodies of regions (cities of republican significance, the capital) and other entities located within the basin of a water body, in order to unite and coordinate their activities, as well as the implementation of measures for the restoration and protection of water bodies.

2. Basin agreements contain obligations of the parties for uniting the efforts and means, required for implementation of specific water protection measures, with indication of time frames for their execution.

3. Preparation of the basin agreements shall be based on the water balances, the schemes of the integrated use and protection of water bodies, the documents of the State planning system of the Republic of Kazakhstan, research and project developments.

4. To achieve the goals and tasks of the basin agreements, the individual and legal entities may establish foundations under the terms and the order, prescribed by the legislation of the Republic of Kazakhstan, the money funds of which are intended for rehabilitation and protection of the water bodies.

Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13; dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 210-VI dated 28.12.2018 (shall be enforced upon the expiration of ten calendar days after the date of its first official publication) ; dated 28.12.2018 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 43. Basin council**

1. Basin council is an advisory body, established within the corresponding basin.
2. The basin council, headed by the head of the relevant basin inspectorate, consists of heads of local representative and executive bodies of regions ( cities of republican significance, the capital), heads of territorial bodies of state bodies and representatives of water-users. The basin council may also include representatives of public associations and their associations. The organization of the work of the basin council is entrusted to the basin inspectorate .
3. Basin council considers current issues in use and protection of water resources, water supply and wastewater disposal, and makes suggestions and recommendations to the participants of the basin agreement.

**Footnote.** Article 43, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); № 210 -VI dated 28.12.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.12.2018 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Chapter 8. The state planning in use and protection of water resources, water supply and wastewater disposal**

**Footnote.** The title of Chapter 8, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

### **Article 44. The tasks of the state planning in use and protection of water resources, water supply and wastewater disposal**

**Footnote.** The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

1. The goals of the state planning in the use and protection of water resources, water supply and wastewater disposal shall provide:

science-based distribution of waters among the water users, taking into account the primarily needs in drinking and household waters of people;  
protection of water resources and prevention of their harmful effects.

2. Water balances, the schemes of a complex use and protection of water resources shall be drawn up for the state planning in the use and protection of water resources, water supply and wastewater disposal, as well as the forecast for use and protection of water resources are developed in the schemes for development and distribution of production forces and economic sectors.

**Footnote.** Article 44, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 45. Water balances**

1. Water balances are designed to assess presence and use of water resources in the basins of water bodies, economic regions and the country as a whole.

2. Water balances for the major basins of the rivers and for the whole on the Republic shall be developed in the order, established by the authorized body.

3. The costs associated with development of water balances, shall be covered by the budget.

**Footnote. Article 45 is amended by the law of the Republic of Kazakhstan, dated 20 December, 2004 No 13; dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 46. Schemes for the integrated use and protection of water resources**

1. The schemes for the integrated use and protection of water resources shall be developed to make decisions on the integrated water resources management.

2. Schemes for the integrated use and protection of water resources are developed by the department of the authorized body with the involvement of scientific and specialized design organizations with the participation of interested state bodies.

3. The activities, planned in the integrated schemes shall be aimed at:

1) the rational and economic use of water resources through the improvement of the production technologies;

2) the use of low water and waterless processes;

3) reduction of irretrievable losses of water resources in irrigation and water supply systems;

4) the maximum use of local water resources due to their regulation, inter-basin re-distribution of river runoff, reduction of the volumes of the uncontrolled wastewater disposal;

5) prevention of flooding and under flooding of towns, settlements, farmlands and other objects.

4. The schemes for the integrated use and protection of water resources shall be developed in the order, established by the authorized body and funded by the budget.

**Footnote. Article 46 as amended by the Law of the republic of Kazakhstan, dated 20 December, 2004 No 13; dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2018 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 47. Forecast of use and protection of water resources in the schemes for development and distribution of production forces and economic sectors**

1. As a part of the schemes for development and distribution of production forces and economic sectors, a forecast shall be elaborated for use and protection of water resources with the environmentally acceptable level of burden on water bodies.

2. Forecast of use and protection of water resources in the schemes for development and distribution of production forces and economic sectors shall be developed by the central executive bodies.

3. The forecasts for use and protection of water resources in the schemes for development and distribution of production forces and economic sectors, developed by the central executive bodies shall be agreed with the authorized body for acceptable levels of use of the water resources.

**Footnote. Article 47 as amended by the Law of the republic of Kazakhstan, dated 20 December, 2004 No 13.**

## **Chapter 9. Monitoring and expertise in the use and protection of water resources**

### **Article 48. Tasks and types of control in the use and protection of water resources**

1. The goals of control in use and protection of water resources shall be:
  - the monitoring of the status and changes in the waters, caused by economic and other activities;
  - the verification of implementing the water protection actions.
2. The state, industrial and public control in the use and protection of water resources shall be carried out in the Republic of Kazakhstan.
3. The main tasks of the department of the authorized body and basin inspectorates in the implementation of state control are to ensure:
  - 1) interaction and coordination of all ministries, agencies, departments, involved in the state control within their competence;
  - 2) monitoring of the status and changes in the waters, caused by economic and other activities, as well as the verification of implementing water protection actions;
  - 3) the established order of use of the water fund and its recording;
  - 4) water protection duties;
  - 5) prevention and elimination of harmful effects on water bodies;
  - 6) monitoring of observance of the water legislation of the Republic of Kazakhstan by all individual and legal entities.
4. State control in the sphere of use and protection of the water fund shall be exercised in the form of inspection and preventive control with a visit to the entity (facility) under state control and supervision in compliance with the Entrepreneurial Code of the Republic of Kazakhstan.
5. Public control in the field of use and protection of the water fund in the part not regulated hereunder shall be exercised by entities of public control under the Law of the Republic of Kazakhstan “On Public Control”.

**Footnote. Article 48, as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 No 125; dated 17.07.2009 No 188-IV (the order of enforcement see art. 2); dated 06.01.2011 No 378-IV (shall be enforced upon expiry of ten calendar days after its first**

official publication.); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of after ten calendar days after the day of its first official publication); dated 28.12.2018 № 268-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ); dated 02.10.2023 № 31-VIII (shall be enacted six months after its first official publication); dated 06.04.2024 № 71-VIII (shall become effective sixty calendar days after its first official publication).

#### **Article 49. The bodies, carrying out the state control over the use and protection of water resources**

1. The state control over the use and protection of water resources within their competence shall be carried out by:

- 1) the authorized body , department of the authorized body and basin inspectorates;
- 2) the authorized state body for environmental protection;
- 3) the authorized body for study and utilization of mineral resources;
- 4) the authorized body in the field of civil safety;
- 5) a state body in the field of sanitary and epidemiological welfare of the population;
- 6) the authorized state body for veterinary medicine;
- 7) the state body for phytosanitary inspection;
- 8) local executive bodies of oblasts (cities of republican importance, the capital).

2. The department of the authorized body coordinates the activities of state bodies for the implementation of state control in the field of use and protection of water resources.

3. The agency of the authorized body and basin inspectorates exercise control over:

- 1) the observance of the boundaries of the water protection zones, the set regime of economic activity on them and in the specially protected water bodies;
- 2) implementation of the conditions and requirements of the international agreements on trans-boundary waters;
- 3) compliance with water consumption and water disposal limits;
- 4) observance of the operation rules for water intake facilities, water supply systems and water reservoirs;
- 5) correctness of primary accounting of the amount of water withdrawn from water bodies and discharged into them, availability, serviceable condition and observance of terms of state certification of equipment and equipment for water consumption and discharge accounting, observance of established reporting terms by water users;
- 6) fulfillment of conditions and requirements by the individual and legal entities, established by the permits for a special water use, as well as the measures against harmful effects of waters (flooding, under flooding, destruction of banks and other harmful effects);
- 7) observance of the order, established by the legislation of the Republic of Kazakhstan, to provide a solitary and joint use of water bodies;

8) is excluded by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (to be put into effect upon expiration of ten calendar days after the day of its first official publication);

9) presence of the duly approved design documentation and compliance with it of the construction, reconstruction, technical reconstruction of economic sectors' facilities and other activities, related to the use and protection of water bodies and their water protection zones;

10) prevention of unauthorized use of water bodies.

11) is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (to be put into effect on the expiration of ten calendar days after the day of its first official publication).

The authorized bodies in the field of environmental protection, in the field of civil protection, veterinary medicine, plant quarantine, the state body in the field of sanitary and epidemiological well-being of the population and local executive bodies:

1) conduct the state control over the use and protection of water resources in accordance with their competence;

2) inspect and examine the changes in the qualitative and quantitative status of water resources;

3) take measures to eliminate violations of the water legislation;

4) participate in elaboration of the regulations on use and protection of water resources;

5) in the established order, submit proposals on suspension and prohibition of wastewater dumping into the water bodies, conducted with violation of the established requirements, as well as on prohibition of work of certain production facilities, shops and enterprises, affecting the water condition.

Footnote. Article 49 as amended by the Laws of the Republic of Kazakhstan dated 20 December, 2004 No 13; dated 31 January, 2006 No 125; dated 12 January, 2007 No 222 (shall be enforced upon expiry of six months after the date of its official publication); dated 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration after ten calendar days after the day of its first official publication); № 210-VI dated 28.12.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.12.2018 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Article 49-1. Organization and conduction of the state control in the use and protection of water resources**

Footnote. Article 49-1 is excluded by the Law of the Republic of Kazakhstan, dated 17.07.2009 No 188-IV (the order of enforcement see art. 2).

**Article 49-2. The measures against violation of the water legislation of the Republic of Kazakhstan**



Footnote. Article 49-2 is excluded by the Law of the Republic of Kazakhstan, dated 17.07.2009 No 188-IV (the order of enforcement see art. 2).

**Article 49-3. Time frames and frequency of the state control in the use and protection of water resources**

Footnote. Article 49-3 is excluded by the Law of the Republic of Kazakhstan, dated 17.07.2009 No 188-IV (the order of enforcement see art. 2).

**Article 50. The officials, involved the state control in the use and protection of water resources**

1. The officials that in accordance with this Code, are authorized to exercise the state control over the use and protection of water resources shall be:

The Chief State Inspector of the Republic of Kazakhstan for use and protection of water resources, and his deputy, the senior state inspectors of the Republic of Kazakhstan for use and protection of water resources and the state inspectors of the Republic of Kazakhstan for use and protection of water resources;

chief state inspectors for use and protection of water resources of the corresponding basin and their deputies, senior state inspectors and the state inspectors for use and protection of the water resources of the corresponding basin.

2. Is excluded by the Law of the Republic of Kazakhstan, dated 27 July, 2007 No 315 ( shall be enforced from the date of its official publication).

3. The officials referred to in paragraph 1 of this article, for the implementation of state control in the use and protection of the water resources, are provided with the appropriate service certificate or identification card. of the established form , a badge , technical means in the manner prescribed by the legislation of the Republic of Kazakhstan.

Footnote. Article 50, as amended by the Law of the Republic of Kazakhstan, dated 10.07.2009 No 180-IV; dated November 26, 2019 № 273-VI (shall be enforced upon the expiry of six months after the day of its first official publication).

**Article 51. The rights of the officials, exercising the state control over the use and protection of water resources**

1. The officials, exercising the state control over the use and protection of water resources shall be entitled to:

1) inspect observance of the requirements of this Code, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan, specify requirements to the state bodies, individuals, officials and legal entities on performance of the water legislation standards of the Republic of Kazakhstan, to conduct corresponding measures for rational use and protection of water resources, observance of the maximum permissible levels of collector and drainage and wastewater discharge in the volumes, defined by the normative legal acts of the Republic of Kazakhstan, organize a laboratory quality control over the water resources and wastewater in accordance with the Entrepreneurial Code of the Republic of Kazakhstan;

2) submit proposals on suspension of permits for special water use and termination of the right of special water use in the order, established by the Laws of the Republic of Kazakhstan;

3) inspect organizations and other objects for the state control, to monitor the water resources status, to issue mandatory recommendations on elimination of violations of the rules for water resources use and their protection. In case of the unauthorized water intake, emergency situations of natural and man-made origin at the water bodies, they are to make proposals on suspension of business activities of the water users;

3-1) monitor compliance with the established water-use limits, the regime of retaining hydraulic structures, the rules for the operation of water facilities located directly on water bodies, and the operation of water management, irrigation and drainage systems and structures, the use of the boundaries of water protection zones and strips, the established mode of economic activity on them;

3-2) issue recommendations on elimination of the revealed violations of the rules for water resources use and their protection;

3-3) make a decision to impose an administrative penalty;

3-4) file a claim for damages, caused by violation of the water legislation of the Republic of Kazakhstan;

4) get the necessary information from individuals, officials and legal entities to clarify conditions for use and protection of water resources, including the laboratory results in the order, established by the legislation of the Republic of Kazakhstan;

5) draw up protocols on administrative violations in the water legislation of the Republic of Kazakhstan;

6) make proposals to limit, suspend and prohibit waste water discharge into the water bodies, conducted with violation of the established requirements, as well as to terminate work of certain production facilities, shops and enterprises, adversely affecting the water bodies status;

7) make proposals to the officials, heads of organizations, on bringing to responsibility of those, who have violated the norms and rules for the use and protection of water bodies, and submit materials to the appropriate Law enforcement bodies to address the issue of bringing to responsibility in accordance with the Laws of the Republic of Kazakhstan;

7-1) make proposals for development of the draft Laws and other normative legal acts, regulating relations in the use and protection of water resources;

8) (Is excluded).

2. Decisions taken by officials exercising state control over the use and protection of the water fund within their authority are binding on all natural and legal persons and may be appealed in accordance with the procedure established by the Laws of the Republic of Kazakhstan.

Footnote. Article 51, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 31.01.2006 No 125; dated 12.01.2007 No 222 (shall be enforced

upon expiry of six months from the date of its official publication); dated 17.07.2009 No 188-IV (the order of enforcement see art. 2); dated 06.01.2011 No 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 28.12.2018 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.06.2020 № 351-VI (shall enter into force from 01.07.2021).

## **Article 52. Duties of the officials, exercising the state control over the use and protection of water resources**

The officials, exercising the state control over the use and protection of water resources, shall:

- 1) monitor the execution of the requirements of the water legislation of the Republic of Kazakhstan;
- 2) interact with the individual and legal entities when monitoring the use and protection of water resources;
- 3) inform the state bodies on violations of legislation of the Republic of Kazakhstan on use and protection of water resources within their competence;
- 4) assist individual and legal entities in development of measures for the rational use and protection of water resources;
- 5) (Is excluded).

Footnote. Article 52 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.

## **Article 53. Production control in use and protection of water resources**

1. Operational control in use and protection of water resources shall be carried out on the basis of the rules of the primary recording of water use.

2. Operational control in use and protection of water resources is provided by the individual and legal entities that have a right for special water use.

3. Production control in the field of use and protection of the water fund is carried out on the basis of water meters that have passed type approval or metrological certification in accordance with the procedure established by the Law of the Republic of Kazakhstan "On Ensuring the Uniformity of Measurements".

4. Production control over the quality of drinking water and treated wastewater shall be carried out by accredited laboratories of the organization for water supply and (or) drainage, as well as other accredited laboratories according to the concluded agreements.

Footnote. Article 53, as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 No 125; dated 09.01.2007 No 213 (the order of enforcement see Art. 2); dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011); dated 15.06.2015 № 322-V (

shall be enforced upon expiry of ten calendar days after its first official publication); № 184-VI dated 05.10.2018 (shall be enforced upon the expiration of six months after the day of its first official publication); dated 30.12.2020 № 397-VI (shall enter into force upon the expiry of the calendar days after the day of its first official publication).

#### **Article 54. Expertise in use and protection of water fund**

Footnote. Title of the Article 54 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

1. The following types of the expertise shall be carried out in use and protection of water fund:

1) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015);

2) complex non-departmental expertise of engineering -economics objectivities and project and estimate documentation for construction and reconstruction, operation, conservation and liquidation of economic and other facilities affecting the water bodies' condition;

3) the state examination of underground water reserves and geological information about the underground water bodies;

4) is excluded by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication);

5) the state sanitary-epidemiological and environmental expertise.

2. Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 №269-V (shall be enforced from 01.01.2015).

3. The complex non-departmental expertise of engineering-economics objectivities and project and estimate documentation for construction and reconstruction, operation, conservation and liquidation of economic and other facilities, influencing the water bodies' condition, shall be carried out to check its compliance with the original data, technical specifications and requirements, as well as the provisions of regulatory documents approved in the manner determined by the legislation of the Republic of Kazakhstan.

4. The state expertise of underground water reserves and geological information about underground water bodies shall be carried out by the authorized body for study and use of mineral resources.

5. Is excluded by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).

6. State sanitary-epidemiological and environmental expertise is carried out, respectively, by the state body in the field of sanitary-epidemiological welfare of the population and by the authorized state body in the field of environmental protection.

7. The procedure for carrying out a complex non-departmental expertise (engineering-economics objectivities and project-estimate documentation) of projects intended for the construction of new facilities, as well as reconstruction (expansion, technical upgrade,

modernization) or overhaul repairs of existing buildings and structures, their complexes, engineering and transport communications shall be carried out in the manner determined by the legislation of the Republic of Kazakhstan.

**Footnote.** Article 54, as amended by the Law of the Republic of Kazakhstan, dated 26.05.2008 No 34-IV (the order of enforcement See Art. 2); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

## **Chapter 10. The requirements, providing the rational use, protection and improvement of water condition**

### **Article 55. Environmental requirements for use of water bodies and water facilities**

**Footnote.** The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

1. Placement of productions and other facilities (buildings, structures, and their systems, communications), influencing the water bodies' condition is made in compliance with the environmental requirements, conditions and rules for protection of mineral resources, sanitary-epidemiological, industrial safety, rehabilitation and rational use of water resources, taking into account the environmental consequences, caused by these facilities' work.

2. Construction, reconstruction (expansion, modernization, technical re-equipment, re-profiling), operation, conservation, liquidation ( post-utilization ) of objects affecting the state of water bodies are carried out in the presence of a positive opinion of the authorized state body in the field of environmental protection, the authorized body for the study subsoil, a state body in the field of sanitary and epidemiological welfare of the population and an authorized body in the field of civil protection.

3. When performing the construction works, the measures shall be taken on land rehabilitation, reclamation and rational use of water resources, land improvement and enhancement of the environment.

**Footnote.** Article 55, as amended by the Law of the Republic of Kazakhstan, dated 10.07.2009 No 180-IV; dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 56. Requirements for reduction of pollutants discharge into water bodies**

1. Use and protection of water resources are based on the norming of pollutants in the discharge points, on the total normalization of water-related activities of all organizations within the corresponding basin, a watercourse or a land plot.

2. Requirements to the purification rate and quality of the discharged waters are defined by the directions of the possible use of the water body and by the calculations, and shall take into account the real condition of the water body, technical and economic possibilities and time frames for the planned indexes' achievement.

3. The agency of the authorized body shall develop and approve, in agreement with the authorized body in the field of environmental protection for surface water objects, water quality standards in them on the basis of a unified system of water quality classification in water objects approved by the agency of the authorized body.

4. Local executive bodies of regions, cities of republican significance, the capital in the field of environmental protection shall developing target indicators of water quality in surface water bodies and measures for achieving them based on the methodology, approved by the authorized body together with the authorized state body for environmental protection.

**Footnote. Article 56 as amended by the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); dated 28.12.2018 № 268-VI (shall enter into force upon the expiry of the calendar days after the day of its first official publication); dated 30.12.2020 № 397-VI (shall enter into force upon the expiry of the calendar days after the day of its first official publication).**

#### **Article 57. Feasibility of the integrated water discharge to meet the requirements of economic sectors and environment**

1. An integrated water discharge shall be carried out, taking into account the sanitary and epidemiological and environmental requirements, as well as the needs of economic sectors.

2. Environmental and sanitary-epidemiological discharges shall be prioritized.

3. Environmental water discharge must preserve the natural condition of the water body. Apart from keeping of a minimum flow, the environmental water release shall provide periodic flushing of water bodies during floods.

4. The volumes of environmental and sanitary-epidemiological releases are established for the basins of water bodies by the department of the authorized body and basin inspections.

5. Emergency water release shall maintain the normal water level at the water body during floods and flushing of the water bodies' beds.

**Footnote. Article 57, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 28.12.2018 № 268-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).**

#### **Chapter 11. The state recording of surface and underground waters, the state water cadaster, the state monitoring of water bodies. Scientific and innovative and informative support of the rational use and protection of water resources, water supply and wastewater disposal**

**Footnote. The title of Chapter 11, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).**

#### **Article 58. The state recording of the surface and underground waters**

1. The state recording of the surface and underground waters is a systematic estimation and fixation of quantitative and qualitative indicators of water resources, available in the

territory of the Republic of Kazakhstan, in the order, defined by the legislation of the Republic of Kazakhstan.

2. The data of the state recording of the surface and underground waters characterize the status of the surface and underground water bodies in qualitative and quantitative indexes, the level of their industrial and environmental safety for human life and health, their study and use.

3. State registration of surface and ground waters is carried out by the department of the authorized body together with the authorized body for the study of subsoil and the authorized state body in the field of environmental protection.

**Footnote. Article 58 with the change introduced by the Law of the Republic of Kazakhstan dated 27.12.2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication); dated 28.12.2018 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 59. State water cadaster**

1. The state water cadaster is a set of systematic official data on condition and use of water bodies, their water resources, and water users.

2. The state water cadaster is kept under a single system and shall be based on the data, received from the state recording of waters.

3. A water body, included in the state water cadastre, has a passport, containing a registration number, name and complex characteristics, indicating physical and geographical, geological and hydrological, technical, legal and economic indexes.

4. Maintaining the state water cadastre is carried out by the department of the authorized body jointly with the authorized body for the study of subsoil, the authorized state body in the field of environmental protection and hydrometeorological services.

5. Water-users are obliged to submit to the basin inspectorates and the authorized body for the study of subsoil all the necessary data to be included in the state water cadastre.

6. The department of the authorized body is obliged to ensure access of interested individuals and legal entities to the information contained in the state water cadastre.

**Footnote. Article 59 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 60. State monitoring of water bodies**

1. The state monitoring of water bodies is an integral part of the state monitoring system for environment and natural resources.

2. Monitoring by the State of water bodies is a system of regular observations of hydrological, hydrogeological, hydrogeochemical, sanitary-chemical, microbiological, parasitological, radiological and toxicological indicators of their state, collection, processing and transfer of the data obtained, using Earth remote sensing data, to detect negative processes in a timely manner, assess and predict their development, make recommendations

for the prevention of harmful effects and determine the efficiency of the water management measures in place.

3. State monitoring of water bodies is carried out by the department of the authorized body jointly with the authorized state body in the field of environmental protection, the state body in the field of sanitary and epidemiological welfare of the population, the authorized body for the study of subsoil, the authorized body in the field of space activities according to the jointly developed methodology.

**Footnote.** Article 60 as amended by the Law of the Republic of Kazakhstan dated 08.04.2016 № 490-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 167-VII of 21.12.2022 (shall enter into force ten calendar days after the date of its first official publication).

### **Article 61. Scientific and innovative-informative support of the rational use and protection of water resources, water supply and wastewater disposal**

**Footnote.** The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

1. The tasks of scientific support for the rational use and protection of water resources, water supply and wastewater disposal shall be:

- 1) foundation of an integrated and rational use of water resources;
- 2) assessment and forecast of development of the water sector;
- 3) development of scientific, methodological and technological grounds for water saving;
- 4) development of regulatory legal base for water management system;
- 5) working out of recommendations for taking management decisions.

#### **2. (Is excluded)**

3. Innovative activity in the field of use and protection of water resources, water supply and wastewater disposal shall be carried out in accordance with legislation of the Republic of Kazakhstan and shall be provided by:

- 1) formation of the organizational conditions;
- 2) the state support through implementation of investment projects, provided by the documents of the State planning system of the Republic of Kazakhstan.

4. For a long-term and medium-term planning of the integrated and rational use and protection of water resources, information support of water organization and water users, the authorized body together with the concerned government agencies may create a national information-analytical system for water resources' use.

5. In order to create a database, individual and legal entities - water users provide the necessary information under the approved forms in the order, established by the legislation of the Republic of Kazakhstan.

#### **6. (Is excluded)**

**Footnote.** Article 61, as amended by the Laws of the Republic of Kazakhstan dated



20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 12. The rights and duties of individuals and work of public associations in use and protection of water resources**

### **Article 62. The rights and responsibilities of individuals in the use and protection of water resources**

1. The individuals have the right to:

- 1) use water bodies, to take measures for their protection and rehabilitation in the order, specified by the legislation of the Republic of Kazakhstan;
- 2) apply to the state agencies and organizations with inquiries, complaints and offers on use and protection of water bodies and require their consideration;
- 3) make suggestions on organization of a public environmental expertise of the use and protection of water resources and to take part in it;
- 4) demand abolition of decisions on placement, construction, reconstruction and commissioning of productions and other facilities, that do not meet the requirements for use and protection of water resources, as well as limitation or termination of business and other activities of individual and legal entities, affecting the water bodies in administrative or legal process;
- 5) exercise other rights, provided for by the Laws of the Republic of Kazakhstan for use and protection of water resources.

2. The individuals are obliged to comply with the legislation of the Republic of Kazakhstan on use and protection of water resources and environmental protection.

### **Article 63. Activities of public associations in use and protection of water resources**

1. The activities of public associations for use and protection of water resources shall be carried out in accordance with their statutes and in the order, established by the legislation of the Republic of Kazakhstan.

2. Representatives of public associations may take part in the work of basin councils.

3. Public associations, at their own initiative, may conduct public control in use and protection of water resources.

4. The order of public control in use and protection of water resources shall be defined by the public associations in accordance with their statutes and in consultations with the authorized state bodies, involved in the state control over the use and protection of water resources.

## **Section 4. Water management**

### **Chapter 13. The right to water use**

## **Article 64. Types of the rights for water use**

1. For the circle of subjects there may be:
  - 1) the right for general water use;
  - 2) the right for special water use;
  - 3) the right for solitary water use;
  - 4) the right for joint water use.
2. For the grounds of origin there may be:
  - 1) the right for primary water use;
  - 2) the right for secondary water use.
3. For the time frames there are:
  - 1) the right for permanent water use;
  - 2) the right for temporary water use.
4. The right for general water use for a citizen arises from the moment of his birth and may not be alienated under any circumstances.
5. The right for special water use arises from the moment of receipt of a permit, issued in the order, established by this Code.

**Footnote. Article 64, as revised by the Law of the Republic of Kazakhstan, dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)**

## **Article 65. General water use**

1. General water use shall be provided to meet the needs of the public without assignment of water bodies for certain individual or legal entities and without the use of facilities or technical devices, influencing the waters' condition.

2. A special permit to provide the general water use is not required.

Individual and legal entities are not allowed to limit public access to water bodies of general water use via installation of barriers, security units, prohibition signs, except for the cases, provided by this Code.

3. General water use may be restricted or prohibited for environmental, technical and sanitary-epidemiological safety of the population.

4. The conditions and rules for common water use are established by the local representative bodies of oblasts cities of republican importance and the capital).

In order to protect the life and health of citizens, local representative bodies of oblasts (cities of republican importance and the capital), taking into account the specific features of regional conditions in the rules of general water use, may determine the places where bathing, water intake for drinking and household needs, watering stock, riding on small vessels and other floating facilities on water bodies located in the territory of the respective region are prohibited.

**Footnote. Article 65, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.07.2009 No 180-IV; dated 15.06.2015 № 322-V (shall be**

enforced upon expiry of ten calendar days after its first official publication); № 210-VI dated 28.12.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

## **Article 66. Special water-use**

1. Special water-use includes the use of surface and underground water resources directly from a water body with or without withdrawal to meet the drinking and economic needs of the population, the water needs of agriculture, industry, energy, fish farming and transport, as well as for the discharge of industrial, economic - domestic, drainage and other effluents using the following structures and technical devices:

1) stationary, mobile and floating structures for mechanical and gravity water intake from surface and sea waters;

2) drainage structures intended for discharge into surface and sea waters of industrial, household, collector-drainage, storm and other effluents;

3) structures for the discharge of effluents into artificial water bodies intended for natural biological treatment of wastewater, and on the terrain;

4) dams and other water retaining and water regulating structures (including temporary blocking structures);

5) hydraulic power plants;

6) water facilities of thermal and nuclear power plants intended for water supply, effluents discharge, as well as for water cooling;

7) irrigation, watering, irrigation-watering and drainage systems;

8) water intake facilities equipped with pumping units and other water-lifting means for the extraction of groundwater and other purposes, including the production of drainage, water reduction and environmental protection measures that affect the state of groundwater;

9) spillway structures (wells, wells, mines) intended for the discharge of waste and other waters into the subsoil;

10) drainage structures of operated mine workings intended for extraction from mines, quarries, adits, open-pit mines;

11) self-flowing wells, mine wells, capturing springs and other small structures for the extraction of groundwater, operating without forced lowering of the water level;

12) absorption wells and wells for the discharge of industrial, household, drainage and other effluents, technological solutions into underground aquifers and rock voids;

13) injection wells to maintain reservoir pressure during the development of hydrocarbons and underground leaching during the extraction of solid mineral deposits;

14) other technical devices affecting the state of waters.

2. Special use of water shall be carried out by individuals and legal entities on the basis of permission exclusively for the purposes specified in it and must not violate the rights and legitimate interests of other persons and cause environmental damage.

A permit for the use of drinking-quality groundwater for purposes not related to meeting the drinking needs of the population shall be issued in accordance with the requirements of paragraph 5 of Article 90 of this Code.

**3. Excluded by the Law of the Republic of Kazakhstan dated December 27, 2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication).**

4. Permits for special water-use are not required for:

1) using the following intake structures: and the tubular shaft of filter wells, and also catchment structures, working without forced lowering with withdrawal of water in all cases, not more than fifty cubic meters per day from the surface of the first aquifer is not used for centralized water supply;

2) water intake by vessels from water bodies to ensure the operation of the vessel and its technological equipment;

3) the intake (pumping out) of underground waters (mine, quarry, mine), incidentally taken during the exploration and (or) extraction of solid minerals.

5. Permits for special water-use are issued by the basin inspectorates.

6. Permits are issued for the following types of special water-use:

1) discharge of groundwater (mine, quarry, mine), incidentally taken during the exploration and (or) extraction of solid minerals, industrial, household, drainage, waste and other waters into surface water bodies, subsoil, water facilities or terrain ;

2) the intake and (or) use of groundwater with the use of structures or technical devices specified in paragraph 1 of this article;

3) the intake and (or) use of surface water with the use of structures or technical devices specified in paragraph 1 of this article (hereinafter - the intake and (or) use of surface water).

**7. Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

8. Permits for special water-use are issued to individuals or legal entities who have:

1) on the balance sheet corresponding to the established requirements and standards of structures or technical devices with the help of which special water-use is carried out;

2) water meters;

3) a list of secondary water-users with applications for the supply or reception of wastewater;

4) a sanitary and epidemiological conclusion on compliance with sanitary and epidemiological requirements for the intake of surface and (or) groundwater for domestic drinking water supply;

5) coordination of the conditions for water-use with the territorial divisions of the authorized body for the study of subsurface resources during the intake and (or) use of groundwater. No approval is required for the intake and (or) use of groundwater in a volume of up to fifty cubic meters per day, with the exception of mineral groundwater.

9. Excluded by the Law of the Republic of Kazakhstan dated December 27, 2017 № 126-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

10. To obtain a permit for special water-use, the applicant submits the following documents to the basin inspectorates:

1) an application for the issue of a permit for special water-use in the form established by the authorized body;

2) a certificate of state registration (re-registration) of a legal entity;

3) a passport of a water management facility, irrigation and drainage systems or devices;

4) excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

5) excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

6) calculations of specific rates of water consumption and wastewater disposal, with the exception of individuals or legal entities carrying out the withdrawal of water resources for water treatment and ( or ) delivery to water consumers for drinking needs , activities to regulate surface runoff using retaining hydraulic structures, the use of water bodies without withdrawal from them water resources, discharge of incidentally abstracted underground waters (mine, quarry, mine), which represent calculations to justify the volume of water consumption and water disposal;

7) a sanitary and epidemiological conclusion on compliance with sanitary and epidemiological requirements for the intake of surface and (or) groundwater for domestic and drinking water supply;

8) a list of secondary water-users with applications for the supply or reception of wastewater;

9) information on the availability of metering devices for water intake .

10-1. Basin inspectorates after receiving documents for issuing a permit for special water-use for the intake and (or) use of groundwater with withdrawal limits of fifty cubic meters per day, with the exception of mineral groundwater, within three working days send a request to the appropriate territorial subdivision of the authorized body for study of the subsoil to agree on the conditions for this water-use.

The territorial divisions of the authorized body for the study of subsoil within five working days are obliged to submit a positive or negative conclusion to the basin inspectorates.

In the absence of balance reserves of groundwater for wells drilled before June 29, 2018, the approval is issued for a period of up to three years with the condition of conducting monitoring studies within the framework of the issued permit for special water-use in order to assess and examine groundwater reserves in the authorized body for the study of subsoil.

11. Is excluded by the Law of the Republic of Kazakhstan dated March 29, 2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day of its first official publication).

12. To obtain a permit for special water-use related to the use of water bodies for hydropower purposes, in addition to the documents specified in paragraph 10 of this article, the following shall be submitted:

- 1) data on the installed capacity of the hydroelectric power plant;
- 2) information on the carrying capacity of power, waste and other structures;
- 3) information about fish protection and fish pass structures ;

4) excluded by the Law of the Republic of Kazakhstan dated March 29, 2016 № 479-V ( shall be enforced upon expiry of twenty one calendar days after the day of its first official publication);

5) data on the indicators of the declared use of water resources for the needs of hydropower.

13. To obtain a permit for special water-use related to the use of surface water bodies without water withdrawal, in addition to the documents specified in paragraph 10 of this article, the following shall be submitted:

1) technical characteristics of the vessel;

2) permission of the Register of Shipping for the operation of the vessel, indicating the port of its registration (place of registration);

3) data on the provision of coastal and swimming facilities for receiving the entire volume of wastewater, waste and waste generated on the ship;

4) information on the availability of means of control (observation) over the quality of water in the water area during the operation of facilities and the production of work that have or may have a negative impact on the state of the water body and the environment.

14. A permit for special water-use is issued by the basin inspectorates no later than ten working days from the date of submission of the application with all the necessary documents submitted by the applicant in accordance with this Code.

14-1. The validity period of a permit for special water-use is determined in accordance with Article 70 of this Code.

15. Changing the name of a legal entity and (or) changing its location, changing the last name, first name, patronymic (if any) of an individual, re-registration of an individual entrepreneur require re-issuing a permit for special water-use on the basis of a written application from an individual or legal entity.

An application to the basin inspectorate is sent within thirty calendar days from the date of the changes that occurred with the attachment of supporting documents on changing the name of a legal entity and (or) changing its location, changing the last name, first name, patronymic (if any) of an individual, re-registration of an individual entrepreneur.

Upon renewal of a permit for special water-use, its number, conditions and validity period remain unchanged. In the upper right corner of the permit document, the mark "Reissued" is made.

Changing the conditions for special water-use requires obtaining a new permit for special water-use.

Re-issuance of a permit for special water-use is carried out by basin inspectorates no later than three working days from the date of submission of an application with all the necessary documents submitted by the applicant in accordance with this Code.

15-1. If the conditions for water-use remain unchanged, the validity period of the permit for special water-use may be extended on the basis of a written application from an individual or legal entity.

The extension of the permit for special water-use is carried out by the basin inspectorates no later than three working days from the date of submission of the application with all the necessary documents submitted by the applicant in accordance with this Code.

16. The Basin Inspectorate, which issued a permit for special water-use, suspends its validity in the manner prescribed by the laws of the Republic of Kazakhstan, in the following cases:

1) establishing the inaccuracy of the information provided for obtaining a permit for special water-use;

2) revealing violations of the requirements of water and environmental legislation of the Republic of Kazakhstan;

3) restrictions on the right to water-use, provided for in Article 74 of this Code.

If the facts specified in subparagraphs 1) and 2) of the first part of this paragraph are revealed during the verification, the basin inspectorate issues an order to eliminate them, indicating the time frame. After the expiration of the established period, the basin inspectorate conducts a second check to determine whether the violation has been eliminated.

In case of failure to comply with the order within the specified time period, the basin inspectorate, within ten working days from the date of the repeated inspection, sends a notice of suspension of the permit for special water-use, indicating the reason and period of suspension.

In case of suspension of the permit for special water-use on the basis of subparagraph 3) of the first part of this paragraph, the basin inspection is limited only to notifying an individual or legal entity indicating the reason for the suspension of the permit.

**Footnote. Article 66 is in the wording of the Law of the Republic of Kazakhstan, dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.12.2012 No 60-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No 132-V (shall be enforced from**

01.01.2014); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after its first official publication); № 126-VI of 27.12.2017 (shall be enforced upon six months after the day of its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).

#### **Article 67. Solitary water use**

1. The right to solitary water use arises during provision of water bodies or their parts to one individual or legal entity for use.

2. At the water bodies provided for separate water use, the general water use is allowed on the conditions established by local representative bodies of oblasts (cities of republican significance, the capital).

3. The water user carrying out the separate water use shall be obliged in the order established by the legislation of the Republic of Kazakhstan to announce the conditions or prohibition of the general water use, unless otherwise is established by the decisions of local representative bodies of oblasts (cities of republican importance, the capital).

**Footnote.** Article 67 as amended by the Law of the Republic of Kazakhstan dated 20.12.2004 No 13; № 210-VI dated 28.12.2018 (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).

#### **Article 68. Joint water use**

1. The right of joint water use arises during provision of water bodies or their parts to several individuals and (or) legal entities for use.

2. Under the joint water use, the interests of water users, involved in drinking water supply of the population are met first, as well as the interests of the downstream water users.

3. At the water bodies provided for joint water use, the general water use is allowed on the conditions established by local representative bodies of oblasts (cities of republican significance, the capital).

4. Water users conducting joint water use shall be obliged to announce conditions or prohibition of joint water use, unless otherwise established by decisions of local representative bodies of oblasts (cities of republican significance, the capital).

**Footnote.** Article 68 as amended by the Law of the Republic of Kazakhstan dated 20.12.2004 No 13; № 210-VI dated 28.12.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

#### **Article 69. Primary and secondary water use**



1. Primary water use shall be the water consumption by individual and legal entities, carrying out water intake directly from the water bodies to meet their own needs and (or) supply it to the secondary water users.

2. Secondary water use shall be the water consumption by individual and legal entities, who receive water from other water users on the basis of a contract.

3. The contract for secondary water use specifies the purpose for the water use, and the basic conditions for its use with regard of volumes, specified in the permits for special water use.

The contract for secondary water use must contain requirements for the secondary water user on carrying out payment for water resources use.

**Footnote. Article 69 is in the wording of the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 70. Timeframes for water use**

1. Water bodies shall be provided for regular or temporary water use.

2. Regular water use is the water consumption without the time limits.

3. Temporary water use may be short-term - up to five years and long-term – from five to forty-nine years.

4. If necessary, the time frames for water use may be extended.

5. The time limits for a special water use depend on the resource potential and current ecological status of the water body.

6. General water use is regular.

#### **Article 71. The rights of water users**

Water users are entitled to:

1) use water bodies for the purposes, they are provided for, with observance of the conditions and requirements, provided by the water legislation of the Republic of Kazakhstan;

2) provide their right to use water objects at their discretion, while not violating the rights and legitimate interests of other persons, causing harm to water bodies and environmental damage;

3) use the lands of the water reserves in the order, established by the legislation of the Republic of Kazakhstan;

4) establish associations, unions (associations) and other non-profit organizations of water users;

5) receive data on the water bodies' condition for water management in the order, established by the legislation of the Republic of Kazakhstan;

6) check quality and quantity of the supplied water;

7) protect their rights to water use;

8) receive compensation for damage, caused by violation of rights, including the rights to water in accordance with the established limit and the supply regime;

9) exercise other rights, provided by the Laws of the Republic of Kazakhstan on use and protection of water resources, water supply and wastewater disposal.

**Footnote. Article 71, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 02.01.2021 № 401-VI ( shall enter into force from 01.07.2021).**

#### **Article 72. Responsibilities of water users**

Water users shall:

- 1) use water resources rationally, take measures to reduce water losses;
- 2) take care of the water bodies and water facilities to prevent their harm;
- 3) comply with the established limits, allowed volumes and water use conditions;
- 4) not violate the rights and interests of other water users and users of natural resources;
- 5) keep water facilities and technical equipment in good working condition, influencing the water condition, improve their performance, and keep record of the water use, provide measurement and water metering devices to the intakes, outfalls and water facilities and discharging facilities for waste and drainage waters;
- 6) take water protection measures;
- 7) carry out the conditions of water use timely and fully, defined by a permit for a special water use and or by a contract for secondary water use, as well as prescriptions of regulatory bodies;
- 8) prevent the discharge of harmful substances exceeding the established standards, with the exception of pollutants coming from the elimination of emergency oil spills;
- 9) provide accurate and complete information on water use to the authorized bodies, in the form, prescribed by the legislation of the Republic of Kazakhstan;
- 10) take measures to introduce water-saving technologies, advanced irrigation techniques, recycling and re-use water supply systems;
- 11) prevent pollution of the intake area of surface and underground waters;
- 12) ensure compliance with the established mode of economic and other activities at the protection zones of the water bodies;
- 13) prevent the use of drinking-quality groundwater for purposes not related to drinking water supply, unless otherwise provided by this Code;
- 14) comply with the requirements, established by the legislation of the Republic of Kazakhstan on civil safety at the water facilities and water management facilities;
- 15) ensure safety of individuals at the water bodies and water facilities;
- 16) inform immediately the territorial bodies of the authorized body in the field of civil safety and local executive agencies of regions (city of republican significance, the capital) about all the emergency situations and violations of technology regime of water use, as well as to take measures to prevent damage of water bodies;
- 17) make timely payments for the water use;

17-1) obtain an environmental permit for emissions into the environment in accordance with the Environmental Code of the Republic of Kazakhstan;

18) perform other duties, provided by the Laws of the Republic of Kazakhstan for use and protection of water resources, water supply and wastewater disposal.

**Footnote.** Article 72, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 09.01.2007 No 213 (the order of enforcement see Art. 2); dated 12.01.2007 No 222 (shall be enforced upon expiry of 6 months after the date of its official publication); dated 26.05.2008 No 34-IV (the order of enforcement see Art. 2); dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).

### **Article 73. Protection of the rights of water users**

1. The right to water use is protected by the Law. No one shall be deprived of the rights for water use, except for the grounds, defined in this Code and other Laws of the Republic of Kazakhstan.

2. Interference of the state bodies into the work of water users, associated with the impairment of their right to water use, shall be prohibited, except for the cases, provided by this Code.

### **Article 74. Restriction of the rights for water use**

1. The right to water use may be limited in the order, established by the Laws of the Republic of Kazakhstan, in order to ensure security and defense of the state, public health, environment, historical and cultural heritage, rights and legal interests of other persons, as well as in lack of water, emergency situations of natural and man-made origin.

2. Restriction of the right to water use should not worsen the conditions for the use of water resources for drinking and economic needs of the population.

**Footnote.** Article 74 as amended by the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 75. Termination of the right for a special water use**

1. The right to a special water use shall be terminated in the following cases:

- 1) a water user's waiver of the right for water use;
- 2) expiry of time-limit for water use;
- 3) death of an individual - water user;
- 4) liquidation of a legal entity - water user;
- 5) natural or artificial disappearance of water bodies;

6) transfer of the right to use water bodies to other individual and legal entities in the order, prescribed by the Laws of the Republic of Kazakhstan.

In the event of the occurrence of grounds for the termination of the right to special water-use, provided for in subparagraphs 1), 2), 5) and 6) of the first part of this paragraph, the basin inspectorate sends a written notice to an individual or legal entity about the termination of the permit for special water-use.

2. The right to a special water use shall be terminated by revocation of a permit for a special water use in the following cases:

- 1) non-use during a year of water resources intended for drinking water supply;
- 2) non-use of water resources for three years;
- 3) arising of the need to use water resources for the state requirements;
- 4) non-elimination of violations that were grounds for suspension of a permit for special water use.

3. Grounds for revocation of a permit for a special water use, provided by subparagraphs 1) and 2), of paragraph 2 of this Article shall be revealed during a state inspection of the use and protection of water resources.

Revocation of a permit for a special water use shall be carried out in accordance with the Code of the Republic of Kazakhstan on Administrative infractions.

4. Decision on termination of the right to a special water use shall be the ground for termination of a water use contract.

**Footnote.** Article 75 is in the wording of the Law of the Republic of Kazakhstan dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Article 76.** *Excluded by the Law of the Republic of Kazakhstan dated 12.01.2007 No 222 ( shall be enforced upon expiry of six months after the date of its official publication.)*

## **Section 5. Organization of water management**

### **Chapter 14. Water supply organizations**

#### **Article 77. The state water supply organizations**

The state water supply organizations shall be established by the Government of the Republic of Kazakhstan to fulfill the following activities:

- 1) the state monitoring of water bodies;
- 2) drawing up of the state water cadaster;
- 3) development and improvement of monitoring of the water bodies' condition;
- 4) development and improvement of water use technology and upgrading of its efficiency in various economic sectors;
- 5) development of water management regulations;

6) maintenance, operation and safety of water systems and facilities, that are in the republican property;

7) timely and uninterrupted water supply to water users from cross-border, inter-state, inter-regional water bodies and water facilities, that are in the republican property;

8) equity participation in reparation of the interstate water bodies with the neighboring states.

**Footnote. Article 77, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).**

#### **Article 78. Public water supply organizations**

Public water supply organizations shall be established by local executive bodies of oblasts (city of republican status, the capital) in order to conduct the following activities:

1) maintenance, operation, and security of water supply facilities, that are in public property;

2) timely and uninterrupted water supply to water users from water bodies;

3) collection, treatment and discharge of the used, sewage and drainage waters.

**Footnote. Article 78, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).**

#### **Article 79. Non-state water supply organizations**

1. Non-state water supply organizations shall be established by individual and legal entities, including by the foreign ones, to provide water supply services, maintenance of water facilities and entrepreneurial activity in use and protection of water resources, water supply and wastewater disposal.

2. Business activity in use and protection of water resources, water supply and wastewater disposal shall be carried out in the following directions:

1) intake of water resources for use;

2) intake of water resources for water conditioning and purification and (or) its supply to water users, and (or) to water consumers;

3) collection, treatment and discharge of the used, wastewater and drainage waters;

4) use of water bodies without water intake;

5) improvement of water quality and water facilities' condition;

6) provision of services in water and environmental marketing;

7) and other directions in compliance with the legislation of the Republic of Kazakhstan.

3. The state support to entrepreneurship in use and protection of water resources, water supply and wastewater disposal is carried out in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 79, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).**

#### **Article 80. Requirements to the water supply organizations**

1. Water supply organizations are the natural monopolies, conducting their activities in accordance with this Code, the legislation of the Republic of Kazakhstan, the statutes of the organization and the agreements of the parties.

2. Water supply organizations shall:

1) ensure proper technical condition of water supply systems and facilities, as well as their safety;

2) provide water users with water according to the contract within the timeframes;

3) in consultation with water users to install water metering devices at the delivery points;

4) take measures to prevent pollution, contamination and depletion of water bodies and harmful effects of waters;

5) have a passport of the irrigation and drainage systems, the water management facility.

**Footnote. Article 80, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).**

## **Chapter 15. State standardization in use and protection of water resources, water supply and wastewater disposal**

**Footnote. The title of Chapter 15, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).**

### **Article 81. Standardization in use and protection of water resources, water supply and wastewater disposal**

**Footnote. The title of Article 81, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).**

1. A uniform system of normative-technical, sanitary-epidemiological and metrological support in the use and protection of water resources, water supply and wastewater disposal shall be established in order to regulate the requirements to quantity and quality of waters, standards of measurement accuracy of their indexes and the limits of influence of production and other activities on the water bodies.

2. Standardization in use and protection of water resources, water supply and wastewater disposal shall be carried out by the authorized body and other state bodies within their competence.

**Footnote. Article 81, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).**

### **Article 82. Limits of water use**

1. Limits of water use in the context of basins and regions, cities of republican significance, the capital shall be set for a ten-year period in accordance with basin schemes and shall be approved by the authorized body.

2. On the basis of water-use limits established in accordance with paragraph 1 of this article, basin inspectorates establish water-use limits in the context of regions, cities of republican significance, the capital, districts and primary water-users, taking into account the

forecast of water content of the current year, ecological and sanitary and epidemiological state of water bodies, as well as the level of socio-economic development of the regions.

The annual formation of water needs shall be carried out at the request of primary water users, based on calculations to justify the volume of water consumption and water discharge of secondary water users. The volumes of water supply for secondary water users shall be determined under the contracts for secondary water use, taking into account established water use limits.

3. For the purpose of operative regulation of water-use in dry years, the basin inspectorate takes measures to limit or suspend water intake from a water body by sending an official notification to primary water-users. Priority after drinking water supply and environmental releases are industrial enterprises, designed for guaranteed supply in dry years, irrigated agriculture, designed for guaranteed supply in medium- water years , and estuary irrigation, designed for guaranteed supply in an average water content year.

After adoption of operational regulatory measures, the water use limit shall be subject to adjustment.

**Footnote. Article 82 is in the wording of the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); amended law s RK of 28.10.2019 number 268 VI- (put into effect after ten calendar days after its first official publication).**

### **Article 83. Normative-technical, sanitary-epidemiological and metrological support of water control and recording**

1. The system of normative-technical, sanitary and epidemiological and metrological control and water metering includes the national standards, sanitary and epidemiological regulations and norms and other regulatory legal acts of the Republic of Kazakhstan.

2. The requirements of normative-technical, sanitary and epidemiological and metrological control and water measurement shall be developed in accordance with the international treaties, ratified by the Republic of Kazakhstan.

3. The requirements of normative-technical regulations, sanitary and epidemiological and metrological control and water measurement shall be developed, agreed and approved in the order, prescribed by the authorized body.

**Footnote. Article 83, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No 31-V (shall be enforced upon expiry of ten calendar days after its first official publication.); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 84. Maximal emission limits for adverse impacts on water bodies**

1. Maintenance of surface and underground waters in a state that meets environmental and sanitary and epidemiological requirements is ensured by compliance with the standards for maximum permissible harmful effects on water bodies established by the department of the authorized body in agreement with the authorized state body in the field of environmental

protection, the authorized body for the study of subsoil , a state body in the field of sanitary and epidemiological well-being of the population and an authorized body in the field of civil protection.

2. The standards of maximum permissible adverse impacts on water bodies shall be established on the basis of:

1) the maximum permissible volume of anthropogenic load, the long-lasting effect of which would not change the ecological system of the water body;

2) the maximum permissible weight and concentration of harmful substances that may enter the water body and its catchment area.

3. The procedure for development and approval of the standards for maximum permissible adverse impacts on water bodies shall be established by the authorized body.

**Footnote. Article 84 as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 85. Standardization and validation of compliance in the use and protection of water fund, water supply and sanitation**

1. National standards for the use and protection of water resources, water supply and sanitation shall be developed and approved in accordance with the procedure established by the legislation of the Republic of Kazakhstan in the field of standardization.

2. Confirmation of compliance with the requirements of national and interstate standards with respect to individual domestic and group technical means of water treatment and decontamination, as well as materials, reagents, technological processes, equipment and other means used in drinking water supply systems shall be carried out in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation.

**Footnote. Article 85 in the wording of the Law of the RK dated 30.12.2020 № 397-VI ( shall enter into force upon the expiry of the calendar days after the day of its first official publication).**

#### **Article 86. Requirements for reduction of water intake volumes and water use**

1. The requirements for reduction of water intake volumes and water use from water bodies shall be achieved via revising of the water consumption standards for various technological processes and specific water consumption standards in all sectors of economy.

2. The requirements for reduction of water intake volumes and water use shall be achieved by:

1) reduction of losses and leak offs in all transporting, distributing networks and at each water consumption point;

2) water saving due to introduction of efficient methods and technologies of water use and total water metering.



3. The state bodies, local executive bodies of regions, city of republican significance, capital and water users shall be obliged to analyze annually recording of water discharge, water losses in transportation networks, water consumption points and the possibility of reducing the water intake volumes from water bodies.

The authorized body at least once every five years develop and approve the integrated water consumption and water discharge standards for certain sectors of the economy. Integrated water consumption and water discharge standards shall be taken into account when developing schemes for the integrated use and protection of water resources and documents of the State planning system.

Water users, on the basis of integrated water consumption and water discharge standards, at least once every five years develop specific water consumption and water discharge standards in accordance with the methodology approved by the authorized body.

Specific norms of water consumption and water discharge shall be considered in calculating upon objection of volumes for water consumption and water discharge.

**Footnote. Article 86 as amended by the Law of the Republic of Kazakhstan, dated 20.12.2004 No 13; dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 87. Requirements to improvement of the drinking water quality**

The department of the authorized body, together with other interested state bodies, develops requirements for improving the quality of drinking water, which include:

- 1) maintenance in a good working condition of technology and capacity of facilities, meeting the certain quality of a water body;
- 2) reduction of faults of the water supply and wastewater systems;
- 3) appliance of reliable equipment and materials with high-quality construction works;
- 4) periodic improvement of standards and national standards of the potable water.

**Footnote. Article 87, as amended by the Laws of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 10.07.2012 No 31-V ( shall be enforced upon expiry of ten calendar days after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 88. Prohibition of commissioning of facilities, negatively affecting the status of water bodies**

1. The following facilities shall not be permitted to commission:

- 1) the new and reconstructed facilities that are not provided with the equipment and devices, able to prevent the harmful effects, water pollution and contamination, as well as those, not equipped with water and wastewater discharge metering devices;
- 2) water-intake and wastewater disposal facilities without fish protection devices;
- 3) cattle farms and other production complexes, that do not have water and wastewater treatment facilities and sanitary protection zones;

4) irrigation, watering and drainage systems, reservoirs, dams, canals and other waterworks prior to the actions, planned under the project to prevent flooding, underflooding, water logging and salinization and soil erosion;

5) water intake facilities, related to the underground water use, that are not provided with water regulating equipment and measuring devices;

6) water intakes and other hydro-technical facilities, not provided with sanitary protection zones and observation stations to record indicators of water bodies' and water facilities' condition;

7) facilities and devices for transportation and storage of oil, chemical and other products, not equipped with special devices for water pollution prevention.

2. Commissioning of wastewater irrigation systems shall not be allowed without establishment of observation stations to record the indicators of water bodies' condition.

3. Commissioning of water facilities is not permitted without completion of land reclamation works and water reservoirs - without preparation of a bed for flooding.

4. A decision to ban commissioning of enterprises and other facilities, influencing the water bodies' condition, shall be taken in the order, established by the legislation of the Republic of Kazakhstan.

#### **Article 89. The use of surface water bodies for wastewater discharge**

1. The use of surface water bodies for wastewater discharge shall be prohibited, except for the cases, provided for in paragraph 2 of this Article.

2. Discharge of wastewater into surface water bodies is allowed if there is a permit for special water-use with the condition of their purification to the limits established by the authorized state body in the field of environmental protection and the state body in the field of sanitary and epidemiological welfare of the population .

3. The organizations, that have ponds for industrial contaminated wastewater, mine, or wastewaters shall be obliged to take the necessary measures to clean, treat and recycle them, as well as to reclaim the lands, occupied by these ponds.

**Footnote. Article 89, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its first official publication.); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **The special part**

#### **Section 6. The use of water bodies and water facilities**

#### **Chapter 16. Drinking, technical water supply and water discharge of settlements**

Footnote. Title of the Chapter 16 is in the wording of the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 90. Use of water facilities and water facilities for drinking water supply**

Footnote. Title of the Article 90 as amended by the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The surface and underground waters and water facilities, protected from pollution and contamination, the water quality of which meets the national and hygiene standards are available for drinking water supply.

2. In order to provide the population with the drinking water, in case of emergency situations of natural and man-made origin, reservation of drinking water sources shall be carried out on the basis of the underground water bodies protected from pollution and contamination. At the reserved water supply sources, a special regime for water protection and control over their condition is established in accordance with the water and other legislation of the Republic of Kazakhstan.

3. The safety of surface and underground waters for drinking water supply is determined by the state body in the field of sanitary and epidemiological welfare of the population.

4. The classification of a water body as a source of drinking water supply is carried out taking into account its reliability and the possibility of organizing sanitary protection zones in the manner established by the state body in the field of sanitary and epidemiological welfare of the population.

5. The use of groundwater suitable for drinking water supply for other purposes is not allowed, except in the absence of other sources of water supply and when these groundwaters are not an uncontested source of drinking water supply.

6. Excluded by the Law of the Republic of Kazakhstan dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

7. Water supply to the districts of a city, district towns, settlements, villages, rural districts shall be arranged by the heads of these territories.

State control over the quality of drinking water in urban and rural settlements is carried out by the territorial subdivision of the state body in the field of sanitary and epidemiological welfare of the population .

Footnote. Article 90, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.07.2012 No 31-V (shall be enforced upon expiry of ten calendar days after its first official publication.); by the Constitutional Law of the Republic of Kazakhstan, dated 03.07.2013 No 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2015 № 322-V (shall be

enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); № 126-VI dated 27.12.2017 (shall be enforced upon the expiration of six months after the day of its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 91. Centralized drinking water supply of the population**

Footnote. Title of Article 91 as amended by the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Centralized drinking water supply of the population shall be carried out by legal entities that having the appropriate water pipeline network.

2. Legal entities carrying out centralized drinking water supply are obliged to organize accounting of the withdrawn water, conduct regular monitoring of the condition of water in sources and water supply systems, immediately report to local representative and executive bodies of the region (city of republican significance, the capital), the department of the authorized body, state body in the field of sanitary and epidemiological well-being of the population, an authorized state body in the field of environmental protection, an authorized body for the study of subsoil on the deviation of water quality in sources and water supply systems from established national standards and hygienic standards.

Footnote. Article 91, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 10.07.2012 No 31-V (shall be enforced upon expiry of ten calendar days after its first official publication.); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 92. Non-centralized drinking water supply of the population**

Footnote. Title of Article 92 as amended by the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. With decentralized drinking water supply to the population, individuals and legal entities have the right to take water directly from surface and ground water bodies in the presence of a positive conclusion of the state body in the field of sanitary and epidemiological well-being of the population as a whole on these water bodies with mandatory registration of water-use by local executive bodies of regions, cities of republican significance, the capital in the manner prescribed by the authorized body.

Individuals carrying out non-centralized drinking water supply for own needs, shall carry out registration on a voluntary basis.

Non-centralized drinking water supply of the population shall not require a permit for a special water use during the water intake from water facilities in the amount of up to fifty cubic meters per day.

2. The intake of water from surface and ground water bodies with decentralized drinking water supply of the population is carried out in accordance with the rules approved by the local representative bodies of the region (city of republican significance, the capital), on the proposal of local executive bodies of the region (city of republican significance, the capital), as agreed with basin inspectorates and a state body in the field of sanitary and epidemiological welfare of the population.

**Footnote. Article 92, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.01.2007 No 222 (shall be enforced upon expiry of six months from the date of its official publication.); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V ( shall be enforced upon expiry of sixty calendar days after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 92-1. The composition of water supply and water discharge systems of settlements**

1. Water supply and water discharge systems of settlements are classified among the facilities of life support of settlements.

2. The constituent elements of the water supply system of the settlement shall be:

- 1) water intake facilities;
- 2) water treatment facilities;
- 3) regulatory capacity;
- 4) pumping stations;
- 5) local waterways;
- 6) distribution networks;
- 7) inlet to buildings;
- 8) internal water supply systems;
- 9) water metering units.

3. The constituent elements of water discharge system of settlement shall be:

- 1) building internal water discharge systems;
- 2) releases from buildings;
- 3) intra and street networks;
- 4) collectors;
- 5) pumping stations;
- 6) wastewater treatment facilities complexes;
- 7) facilities for the disposal of treated wastewater into water facilities (water disposal).

Footnote. Chapter 16 is supplemented by Article 92-1 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 92-2. The drinking water supply systems of settlements**

1. The drinking water supply systems of settlements shall be divided into centralized, non-centralized, differing in the type of water supply source and the composition of the elements included in the system.

2. Centralized water supply system shall be a complex of engineering networks and facilities intended for intake, preparation, storage, transportation and drinking water supply to water consumers.

3. Non-centralized water supply system shall be water intake and water treatment facilities intended for the intake and preparation of drinking water, without transporting it through pipelines.

Footnote. Chapter 16 is supplemented by Article 92-2 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 92-3. Technical water supply systems**

1. Technical water supply systems shall be created for providing water of production needs of individual entrepreneurs and legal entities according to the established standards of technological process.

2. The water reuse, recycling water supply shall be provided upon choosing a technical water supply scheme.

Footnote. Chapter 16 is supplemented by Article 92-3 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 92-4. The water discharge systems of settlements**

1. The water discharge systems of settlements serve for joint and (or) separate uninterrupted discharge of wastewater.

2. The conditions and procedure for waste water collection in the water discharge system of settlements shall be determined in accordance with the rules for the reception of wastewater in the water discharge system of settlements.

3. Liquid household waste from residential buildings (residential buildings) that are not connected to the drainage system of the settlement should be discharged into watertight cesspools with subsequent removal by special vehicles and drainage at drainage stations, the locations of which are determined by the territorial divisions of the state body in the field of sanitary - the epidemiological well-being of the population, the territorial body of the authorized state body in the field of environmental protection and the organization for water supply and (or) wastewater disposal.

4. Waste water collection of individual entrepreneurs and legal entities into the water discharge systems of settlements shall be allowed upon condition:

1) compliance of wastewater with the requirements for the content in them of the permissible concentration of harmful substances in accordance with the rules for waste water collection into water discharge system of settlements. In case of non-compliance of wastewater, individual entrepreneurs and legal entities shall be obliged to carry out their treatment at their local water discharge treatment facilities;

2) meeting the requirements of the technical conditions of the organization for water supply and (or) water discharge.

**Footnote. Chapter 16 is supplemented by Article 92-4 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 92-5. Guarantees for providing the drinking water supply to the population and domestic wastewater discharge**

1. Individuals on the territory of the Republic of Kazakhstan shall be provided with drinking water in accordance with the established standards of water consumption domestic wastewater discharge in availability of attached water supply and (or) water discharge networks.

2. The owner of water supply and water discharge systems of settlements shall be a guarantor for providing drinking water to the population and domestic wastewater discharge.

**Footnote. Chapter 16 is supplemented by Article 92-5 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 92-6. Ensuring drinking water quality**

The quality of drinking water shall be ensured by:

1) selection of the source of drinking water supply;

2) using it for the preparation of drinking water of relevant technology, equipment, materials, reagents, having documents confirming the safety in their use and compliance with the established requirements of sanitary rules, hygienic standards and technical regulations;

3) implementation of measures to restore drinking water supply;

4) qualified technical operation of water supply systems of settlements;

5) conducting quality control of water in drinking water supply sources and systems for compliance with sanitary rules and hygienic standards.

**Footnote. Chapter 16 is supplemented by Article 92-6 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 92-7. General provisions for water metering of water supply and water discharge of settlements**

1. In water supply systems a complete metering of the water volumes, taken from sources, supplied into the distribution network and to water consumers shall be organized.

2. The water metering shall be obligatory:

1) at pumping stations of the first, second, third and subsequent rises;

2) at parting borders of the balance sheet membership or operational responsibility with the water supply systems of the water user;

3) in multi-dwelling houses (residential buildings) by means of a general house water metering device.

3. Requirements for water metering devices shall be established by this Code, technical regulations, rules for selection, installation and operation of water metering devices in water supply and water discharge systems.

4. Settlements with water consumers for discharged water shall be carried out on the basis of contracts, taking into account the readings of water metering devices installed at the water consumer and approved for operation as commercial.

5. The volume of provided water supply services and (or) water discharge shall be determined according to the method of calculating the volume of provided water supply services and (or) water discharge of settlements, approved by the authorized body for public utilities.

6. Organizations for water supply and (or) water discharge annually, on the basis of water metering data, shall analyze water losses in distribution networks and at water consumer.

**Footnote. Chapter 16 is supplemented by Article 92-7 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 92-8. Organizations of commercial water metering**

1. Compulsory installation of general household and individual (apartment) water metering devices to organize commercial water metering shall be provided in the projects for construction, reconstruction, technical re-equipment, modernization, and overhaul repair of multi-family dwelling houses (residential buildings).

2. In newly commissioned facilities, shall be provided installation of water metering devices, having a high metrological class with a low sensitivity threshold with remote data transmission. This requirement also applies in the case of replacement of inoperative or spent fixed life of common house water metering devices.

3. When replacing inoperative or spent fixed life of individual (apartment) water metering devices, shall be provided installation of water metering devices, having a high metrological class with a low sensitivity threshold, equipped with devices for the possibility of subsequent remote data transmission.

4. Acceptance for operation a facility connected to water supply and (or) water discharge networks of the settlement, without water metering devices shall not be allowed.



Footnote. Chapter 16 is supplemented by Article 92-8 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 92-9. Rights and obligations of water users**

1. Water consumers, using water supply and (or) water discharge services in settlements shall have the right to:

1) uninterrupted supply of water from drinking water supply systems in accordance with sanitary rules for drinking water consumption in accordance with the concluded agreement;

2) receipt of a payment document for payment for the provided water supply and (or) water discharge services;

3) obtaining information on the quality of drinking water and possible interruptions in its supply;

4) filing a lawsuit in court;

5) participation in public hearings held to discuss the draft tariffs for water supply and (or) water discharge;

6) termination of the contract unilaterally, subject to written notification to the organization for water supply and (or) water discharge not later than one month;

7) provision of drinking water as a matter of priority from the drinking water supply systems, if their objects are related to the housing stock, shall used by health care entities, as well as for the production of food products;

8) appeal to the organization for water supply and (or) water discharge to adjust payment for the provided services;

9) other the rights provided for by the legislation of the Republic of Kazakhstan.

2. Water consumers using water supply and (or) water discharge services in settlements shall be obliged to:

1) conclude a contract for water supply and (or) water discharge with the organization for water supply and (or) water discharge;

2) maintain safety and proper sanitary and technical condition of its own water supply and water discharge systems, control units thereto, water metering devices in accordance with the established requirements;

3) pay for water supply and (or) water disposal services timely and in full in accordance with the concluded agreement and established tariffs;

4) have technical conditions for connection to water supply and water discharge systems, executive survey of own water supply networks and (or) water discharge, including water consumers living in private house building, with the exception of water consumers living in multi-family dwelling houses (residential buildings);

5) observe the rules for using water supply and water discharge systems, sanitary rules, as well as comply with the requirements established by the water legislation of the Republic of Kazakhstan;

6) prevent discharge of wastewater with contaminants exceeding the permissible concentrations of harmful substances;

7) prevent discharge of storm and drainage water into the water discharge system of household waste water;

8) not connect other water consumers to their own water supply and (or) water discharge networks without permission of the organization for water supply and (or) water discharge;

9) comply with the technical requirements of the organization for water supply and (or) water discharge;

10) fulfill other requirements established by the legislation of the Republic of Kazakhstan.

3. Water consumers - legal entities, in addition to the duties provided by paragraph 2 of this Article, shall be obliged to:

1) ensure unimpeded access of representatives of the organization for water supply and (or) water discharge to water metering devices for taking testimony and performance testing, monitoring the technical condition and safety of all elements of water supply and water discharge systems located on the territory or under economic jurisdiction for sampling waters, as well as to disconnect networks of water consumers having debt;

2) request technical conditions or technical requirements of the organization for water supply and (or) water discharge upon increasing volumes in water consumption and (or) water discharge in excess of the established in the contract.

*Footnote. Chapter 16 is supplemented by Article 92-9 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).*

### **Article 92-10. Rights and obligations of the organization for water supply and (or) water discharge**

1. The organization for water supply and (or) water discharge shall have the right to:

1) charge for the provided water supply and (or) water discharge services in the manner established by the legislation of the Republic of Kazakhstan;

2) check the water metering devices;

3) sue in court;

4) have other the rights provided by the legislation of the Republic of Kazakhstan.

2. The organization for water supply and (or) water discharge shall be obliged to:

1) ensure the preparation of drinking water and its supply to water consumers in accordance with hygienic standards;

2) ensure the uninterrupted provision of water supply and (or) water discharge services in settlements;

3) provide accounting of water intake from sources, its supply to the network and water consumers;

4) observe the regime of economic and other activities established for the zones of sanitary protection of sources, sanitary protection lines of pipelines of water supply systems and sanitary protection zones of elements of water discharge systems;

5) to ensure the proper operation of water supply and water discharge systems;

6) issue a permit for connecting water consumer facilities to the water supply and water discharge systems subject to the condition of the water consumer's networks and facilities and (or) compliance with the technical conditions of the water supply and (or) water discharge organization;

7) fulfill other requirements established by the legislation of the Republic of Kazakhstan.

**Footnote. Chapter 16 is supplemented by Article 92-10 in accordance with the Law of the Republic of Kazakhstan, dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 92-11. Water supply and discharge systems included in housing condominiums**

1. The structure of housing condominiums include:

1) for water supply - internal water supply systems within the boundaries of the external walls of dwelling houses (residential buildings), including group installations for additional purification of drinking water, pumping the pump installations;

2) for water discharge - in-house systems, including releases to the first well in the place of connection to water discharge network of the settlement.

2. The operation of the internal water supply and water discharge systems of dwelling houses (residential buildings) is carried out by the owners of apartments and premises, the management body of the condominium object, and on a contractual basis.

**Footnote. Chapter 16 is supplemented by Article 92-11 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 92-12. Water supply and water discharge systems being owned by water consumer**

1. The elements of water supply and water discharge system of the water consumer from the border of the balance accessory to the points of water analysis and wastewater discharge from sanitary and technical devices to the water discharge system shall be related to the water supply and water discharge systems of the water consumer and shall service on their own and on a contractual basis.

2. The device of water supply and water discharge systems of a water consumer must comply with the requirements established by the legislation of the Republic of Kazakhstan.

**Footnote. Chapter 16 is supplemented by Article 92-12 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 92-13. Ownerless water supply and water discharge system of settlement and (or) its constituent elements**

1. The ownerless shall be water supply and water discharge system of settlement and (or) its constituent elements, not having an owner or owner of which is unknown either the owner of the right to which the owner refused.

2. The local executive body of the city of republican significance, capital, district, city of regional significance, when detecting ownerless water supply and water discharge systems of a settlement and (or) its constituent elements, shall conduct procedures for registering them as ownerless immovable things in accordance with Article 242 of the Civil Code of the Republic of Kazakhstan.

3. At the time of registration as ownerless immovable things, the water supply and water discharge system of the settlement and (or) its constituent elements shall be transferred to operation of the municipal organization for water supply and (or) water discharge.

4. The utility provider for water supply and (or) water discharge ensures the quality of drinking water supplied to a water consumer through an ownerless water supply system and (or) its constituent elements that handed over to it for operation.

**Footnote. Chapter 16 is supplemented by Article 92-13 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 17. Use of water bodies for health and recreational purposes**

### **Article 93. Use of water bodies for recreational purposes**

1. The water bodies, that have natural therapeutic qualities and that are favorable to health-care purposes shall be classified as health-improvement ones and used for healing purposes in accordance with the legislation of the Republic of Kazakhstan.

2. The list of water bodies, intended for recreational purposes, upon the recommendations of the authorized body for healthcare, for environmental protection, for study and use of mineral resources shall be established of:

- 1) the republican significance - by the authorized body;
- 2) local significance – by the local executive agencies of regions (cities of republican significance, the capital).

3. Provision of water bodies for the recreational purposes shall be carried out in accordance with this Code and legislation of the Republic of Kazakhstan.

**Footnote. Article 93 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13; dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 94. Use of water bodies and water facilities for recreational purposes**

1. Use of water bodies and water facilities for recreational purposes shall be allowed without a special permit, except for the water bodies, posing a potential mudflow hazard.

2. Places for mass recreation, tourism and sports on water bodies and water facilities are established by local executive bodies of the region (city of republican significance, the capital

) in agreement with the basin inspectorates, an authorized state body in the field of environmental protection, a state body in the field of sanitary and epidemiological well-being of the population in compliance with environmental requirements and safety of human life .

3. Excluded by the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced from 01.01.2018).

Footnote. Article 94, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 10.07.2009 No 180-IV; dated 15.06.2017 № 73-VI (the order of enforcement see Art. 2); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Chapter 18. Use of water bodies and water facilities for agriculture**

### **Article 95. Use of water bodies and water facilities for agriculture**

1. The use of water bodies for agricultural purposes shall be carried out as a general and special water use.

2. Primary water-users, on the basis of water-use plans of secondary water-users, draw up annual applications for receiving water volumes. The Basin Inspectorate, taking into account the forecasted water content of the year and on the basis of the applications of the primary water-users, sets the water-use limits for them. The volumes of water supplies for secondary water-users are determined by agreements concluded between primary and secondary water-users, taking into account the established limits.

3. Individuals and legal entities, possessing the water facilities for collection of melt, storm and flood waters in order to use them for agricultural purposes shall have a permit for a special water use.

4. The use of surface and underground water bodies for irrigation of pastures shall be carried out as a special water use.

5. The use of water bodies for livestock watering shall be allowed outside the sanitary protection zone and in the presence of watering sites and other devices, preventing water bodies' pollution and contamination in the form of general water use.

6. The individuals, having private farms and engaged in gardening and horticulture, receive water for irrigation in the form of a special water use in accordance with the established limits. In the absence of sufficient water resources for irrigation, the water may be given through redistribution of limits of other water users.

7. Irrigation, drainage, flushing of the saline soils and other reclamation works shall be carried out in conjunction with environmental measures, protecting water bodies and their catchment areas. Monitoring and evaluation of irrigated lands shall be conducted by the specialized government agencies at the expense of the budget funds.

8. The use of wastewaters for irrigation shall be carried out in accordance with the established environmental and sanitary-epidemiological requirements.

9. In the irrigated area, the water users forecast the volume and quality of the return flows, plan the volumes of water discharge into the water bodies, create accumulating ponds and use them at the place of formation.

Footnote. Article 95, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its first official publication.); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 95-1. Hydro-technical amelioration**

1. Hydro-technical amelioration shall be carried out to improve condition of dry, eroded, salinized, waterlogged, too wet lands, the status of which depends on influence of the water.

2. The types of hydro-technical amelioration include irrigation, land drainage and flushing of salinized soils.

Footnote. The Code is supplemented by Article 95-1, in accordance with the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 96. Irrigation and drainage condominium**

Irrigation and drainage condominium is a special form of property of a real estate as a single property complex (hereinafter - the object of irrigation and drainage condominium), where the property rights to land shall be owned by the individual and legal entities, and an irrigation and drainage system or its elements belong to them under the common share ownership.

#### **Article 97. Formation and termination of irrigation and drainage condominium**

1. Irrigation and drainage condominium may be formed at the irrigated land plots, which are under one irrigation canal or its division, belonging to two or more land users or land owners.

2. Each of the owners of property rights to the land plots shall be entitled to exercise their rights to the land plot at their own discretion, regardless of their participation in irrigation and drainage condominium.

The land plots, occupied by water facilities that are a part of an irrigation and drainage condominium shall be related to the right-of-way and owned by the members of the irrigation and drainage condominium under the common share ownership right.

3. The number of shares of a participant of the irrigation and drainage condominium in common property shall be defined by the ratio of the irrigated land's area, which belongs to the participant, to the total area of the whole irrigated land plot. Such a share in the property of the irrigation and drainage condominium may not be apportioned by physical demarcation (an ideal share).

4. An agreement of all participants of an irrigation and drainage condominium may not define the share in the common property, and in this case the irrigation and drainage condominium's property is under the common ownership, which shall not subject to division.

5. Transfer of the property right to the irrigated land plot (except for the termination of the secondary rights to temporary land use) to another person entails the transfer of the share in irrigation and drainage condominium to the purchaser.

6. A member of an irrigation and drainage condominium shall not be entitled to alienate its share in the irrigation and drainage condominium separately from the right to the irrigated land plot.

7. The use of the common property of the irrigation and drainage condominium as a collateral is possible under the consent of all the participants.

8. Irrigation and drainage condominium may be liquidated when transferring a property right for all irrigated land plots (except for the secondary right for temporary land use), serviced by the irrigation and drainage condominium, and a property right for the irrigation and drainage condominium to one person.

#### **Article 98. Registration of an object of an irrigation and drainage condominium**

1. An object of an irrigation and drainage condominium shall be registered as a single set in accordance with the legislation of the Republic of Kazakhstan on registration of rights to immovable assets.

2. Registration of an object of an irrigation and drainage condominium shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 98, as amended by the Law of the Republic of Kazakhstan, dated 25.03.2011 No 421-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)**

#### **Article 99. Rights of the participants of an irrigation and drainage condominium**

1. All participants of an irrigation and drainage condominium have the right to manage the common property, proportionate to the share of their participation in irrigation and drainage condominium.

2. Each participant of an irrigation and drainage condominium has the right to use the common property. The order for using the common property of the irrigation and drainage condominium shall be defined by an agreement of the participants.

Transfer of a land plot for lease to other persons (the secondary right of temporary land use) does not entail termination of the landowner's participation in the irrigation and drainage condominium.

3. Participants of the irrigation and drainage condominium also have other rights that do not contradict the Laws of the Republic of Kazakhstan.

#### **Article 100. Responsibilities of the participants of an irrigation and drainage condominium**

1. Participants of an irrigation and drainage condominium shall:

1) participate in all the expenses, required for maintenance of the common property;

2) ensure safety and safe use of the common property.

2. The participants of the irrigation and drainage condominium also have other duties, specified by the Laws of the Republic of Kazakhstan.

#### **Article 101. Particularities of participation in an irrigation and drainage condominium**

1. The expenditures for maintenance of common property shall be specified in proportion to the participant's share in the common property, unless otherwise provided by the agreement of the participants of an irrigation and drainage condominium.

2. In case if an irrigated land plot in the irrigation and drainage condominium is not used by its participant, the participant shall not be released from the expenditures, required for maintenance of the common property. ]

3. Land tenants of the irrigated land plots have no voting rights and may not otherwise manage the object of the irrigation and drainage condominium, but shall comply with the rules, common for all the participants of the irrigation and drainage condominium.

4. Participants of the irrigation and drainage condominium do not have the right to alienate common property of the condominium on her/his own name.

#### **Article 102. Management of an object of an irrigation and drainage condominium**

1. Within a month after the registration of the irrigation and drainage condominium, the participants of the irrigation and drainage condominium shall be required to decide an issue on the form of its management. ]

2. The form of management of the irrigation and drainage condominium shall be specified by an agreement of the participants in accordance with the legislation of the Republic of Kazakhstan.

### **Chapter 19. Use of water bodies and water facilities for industry and energy**

#### **Article 103. Use of water bodies and water facilities for industry and heat-and-power engineering**

1. Water bodies and water facilities for industry and thermal power engineering shall be used in the order of a special water use.

2. Industrial and heat-and-power organizations shall be obliged to have recycling water supply, with the exception of existing or reconstructed heat-and-power organizations that use water supply systems for cooling from water bodies or cooling ponds.

Organizations that do not have circulating water supply, with the exception of operating or reconstructed heat and power organizations using water supply systems for cooling from water bodies or cooling ponds, are obliged to submit to the basin inspection , an authorized state body in the field of environmental protection, a state body in the field of sanitary epidemiological well-being of the population; a plan for the transition to circulating water supply with specific dates.

3. Groundwater not classified as drinking and mineral water, as well as water taken along with other minerals (mine, quarry, mine water) may be used for technical water supply and



for other industrial needs under special water use conditions in compliance with environmental requirements.

4. Underground water, mined simultaneously with other minerals, posing a threat to public health and the environment shall be subject to mandatory recycling.

5. The use of drinking water for industry, if it is possible to use water of a different quality, is not allowed, with the exception of those organizations where it is provided by the technological process. In emergency situations of a natural and man-made nature, local executive bodies of the region (city of republican significance, the capital) have the right to temporarily permit the consumption of drinking water for industrial purposes, taking into account the priority satisfaction of the drinking and household needs of the population. The terms of consumption of drinking water for industrial needs are established in agreement with the basin inspection.

6. In the event of emergency situations of natural and man-made origin, the Government of the Republic of Kazakhstan and local executive bodies of oblast (city of republican status, the capital), in the order, prescribed by the Laws of the Republic of Kazakhstan shall be entitled to restrict, suspend or prohibit industrial and heat power enterprises to use the water bodies and water facilities.

**Footnote. Article 103, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement See Art. 2); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 126-VI dated 27.12.2017 (shall be enforced upon the expiration of six months after the date of its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 104. Use of water bodies and water facilities for hydropower engineering**

1. The use of water bodies and water facilities for hydropower is carried out in the order of special water-use, taking into account the interests of other sectors of the economy, compliance with the requirements of the integrated use of water and their protection in agreement with the basin inspectorate and other interested state bodies, and in mudflow hazardous areas - with the authorized body in the sphere of civil protection.

2. The organizations, using hydropower and hydraulic facilities at the water bodies shall provide:

1) the established regime of filling and drawdown of reservoirs, observing the priority of drinking water supply;

2) the need of fisheries in the areas of the rivers and reservoirs, that are essential for preservation and reproduction of fish resources in the flood plains and deltas;

3) unimpeded passage of ships and rafts;

4) implementation of the established environmental, sanitary and epidemiological and emergency releases.

3. If, due to the changes in the natural level of water bodies, resulting from filling and drawdown of reservoirs, the individual and (or) legal entities were damaged, the Law breakers shall reimburse the damage in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 104, as amended by the Law of the Republic of Kazakhstan, dated 26.05.2008 No 34-IV (the order of enforcement see Art. 2); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Chapter 20. Use of water bodies and water facilities for transport, timber rafting, anti-fire needs**

### **Article 105. Use of water bodies and water facilities for transport and timber rafting**

1. Surface water bodies of the Republic of Kazakhstan, classified as the navigable waterways, are public waterways, except for the cases when their use is prohibited wholly or partially for this purpose or when they are given to solitary use.

2. Is excluded by the Law of the Republic of Kazakhstan, dated 28.12.2010 No 369-IV ( shall be enforced upon expiry of ten calendar days after its first official publication.)

3. Approval of the procedure for classifying water bodies as navigable and the list of navigable waterways is carried out by the authorized body for water transport.

4. Timber rafting on water bodies used for navigation without ship's propulsion is prohibited. Mole rafting on water bodies is prohibited. Organizations that carry out timber rafting are obliged to regularly clean water bodies from sunken wood. The list of water bodies used for timber rafting, and the procedure for their cleaning are determined by the local executive bodies of regions ( cities of republican significance, the capital) in agreement with the basin inspectorate and the authorized state body in the field of environmental protection.

5. The water bodies are used for boating and for take-off (landing) of aircraft in accordance with the legislation of the Republic of Kazakhstan.

6. When using the water bodies and water management facilities, intended for shipping, timber rafting, take-off (landing) of aircraft, the water users shall:

- 1) ensure the rational use and protection of waters;
- 2) comply with the requirements of the bodies, regulating navigation;
- 3) prevent discharge of household waste and pollutants into the water bodies;
- 4) prevent destruction of the beds and banks of water bodies and water management, hydraulic engineering and other facilities;
- 5) not violate the rights of other individuals and legal entities.

Footnote. Article 105, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 28.12.2010 No 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication.); dated 29.09.2014 № 239-V (shall be

enforced upon expiry of ten calendar days after its first official publication); № 210-VI dated 28.12.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 106. Use of water bodies and water facilities for anti-fire needs**

1. Water intake for firefighting shall be allowed from any water body without a special permission.

2. The choice of a place for water intake for the purposes provided for in paragraph 1 of this article, its arrangement (piers, entrances, light indicators) should be carried out by local executive bodies of regions, cities of republican significance, the capital in agreement with the territorial divisions of the authorized body in the field of civil protection in compliance with conditions set by the department of the authorized body and the authorized body in the field of environmental protection.

3. Legal entities with appropriate facilities and anti-fire equipment at their water supply systems shall be required to maintain them in good condition.

4. It is prohibited to use for other purposes the water from water bodies and water facilities, designed especially for firefighting needs.

**Footnote.** Article 106 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13; dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Chapter 21. Use of water facilities or their parts for fisheries and hunting**

**Footnote.** Chapter 21 is in the wording the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 107. Use of water facilities or their parts for fisheries and fishing resources and other aquatic animals**

1. The right to use fish resources and other aquatic animals and to fish on water facilities or their parts important for the conservation, reproduction and extraction of fish resources and other aquatic animals (including for fishing), fisheries and technological reservoirs shall be granted in accordance with the legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of the animal world.

The user of fish resources and other aquatic animals shall have the right to receive water facilities or their parts for use in accordance with this Code.

2. Individuals and legal entities, who received water facilities or the parts for fisheries and fishing resources and other aquatic animals shall be obliged to:

1) carry out, in agreement with the basin inspectorate and the authorized state body in the field of protection, reproduction and use of wildlife, stocking and fishery reclamation,

ensuring the improvement of the condition of water bodies or their parts, and reproduction of fish resources and other aquatic animals;

2) keep the shores of water facilities or their parts at the places of their use in accordance with the sanitary-epidemiological and environmental requirements, established by the legislation of the Republic of Kazakhstan.

3. Water facilities or their parts, except for those located in the territory of state natural reserves, fish farms, pond, lake and other fisheries, as well as the water reservoirs of drinking and domestic water supply, may be used by individuals for amateur (sport) fishing in compliance with the established rules of fishing.

**Footnote. Article 107 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 № 399-VI (shall enter into force upon the expiry of ten calendar days after the day of the first official publication).**

#### **Article 108. Use of water facilities or their parts for conduct of hunting**

1. Water bodies or their parts are provided for the use of individuals and legal entities for hunting management by the local executive body of the region, city of republican significance, the capital in agreement with the local representative body, the basin inspectorate and the authorized state body in the field of protection, reproduction and use of wildlife.

2. Upon operation of reservoirs, lakes and other water facilities or their parts, as well as facilities located in the water area of water facilities, the regime of use of which affects the habitats of birds and water animals, shall compliance with the necessary hydrological regime of wetlands and the interests of hunting farms.

3. Carrying out fishery reclamation, cultivation of plants on water bodies or their parts, useful for hunting in the habitats of valuable, rare and endangered species of animals, shall be carried out in agreement with the basin inspectorate and the authorized state body in the field of protection, reproduction and use of the animal world.

4. In the habitats of valuable, rare and endangered species of animals, as well as in areas where activities for the reproduction and protection of fauna are carried out, local executive bodies of regions, cities of republican significance, the capital in agreement with the basin inspection, an authorized state body in In the area of protection, reproduction and use of the animal world, the stay of individuals, amateur (sports) and commercial hunting, construction of the coastal strip and other actions that worsen the condition of water bodies or their parts, and hunting management may be limited.

**Footnote. Article 108 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Chapter 22. Use of water bodies of the specially protected natural areas. Use of water reservoirs and retaining hydraulic structures in rivers and canals**

## **Article 109. Use of water bodies of the specially protected natural areas**

Use of water bodies of the specially protected areas shall be carried out in the order, specified by the legislation of the Republic of Kazakhstan on the specially protected natural territories.

## **Article 110. Reservoirs' operation**

1. The water reservoirs shall be created in order to regulate surface runoff and meet the needs of water users.

2. Design, construction and operation of water reservoirs shall be carried out, taking into account all the possible negative consequences of such interference into the existing natural and economic systems.

3. The water reservoirs are available for use under the requirements of hydro-geological and engineering and geotechnical conditions and the conditions for conservation of environmental sustainability, sanitary and epidemiological and radiological safety, satisfaction of the interests of the population and industries.

4. The procedure for the operation of reservoirs is determined by the rules of organizations operating reservoirs, developed in accordance with the rules specified in subparagraphs 7-7) and 13-1) of paragraph 1 of Article 37 of this Code.

5. The organizations, operating the water reservoirs, water-pipe and water intake facilities at them shall be obliged to observe the regime of filling and discharge of the reservoirs, established for the interests of water users and land users, located in the zones of the reservoirs' influence.

6. Control over the observance of the rules for the operation of reservoirs is carried out by the department of the authorized body and basin inspections .

7. This article's provisions shall be also applied to the operation of lakes and other water bodies, used as water reservoirs.

**Footnote. Article 110 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Article 111. Operation of retaining hydraulic structures on rivers and canals**

1. Operation of retaining hydraulic structures in rivers and canals shall be conducted in accordance with their intended use, conditions and norms, elaborated during designing of these structures.

2. Regulation by water-users of surface runoff with the help of retaining hydraulic structures is carried out taking into account shipping, integrated use and protection of water resources of a given river basin on the basis of a permit for special water-use.

**3. Is excluded by the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V ( shall be enforced upon expiry of sixty calendar days after its first official publication).**

3-1. The owners of retaining hydraulic structures that meet the criteria for classifying dams as declared ones approved by the authorized body are required to declare their safety.

4. The development of the dam safety declaration (hereinafter - the declaration) is carried out by the owner independently, or at his expense by a third-party organization certified for the right to carry out works in the field of dam safety.

5. The declaration is subject to examination in an organization certified by the department of the authorized body for the right to carry out works in the field of dam safety, at the expense of the applicant organization.

6. To assign a registration code to the declaration, the applicant submits to the basin inspectorate an application and a copy of the declaration together with a copy of the expert opinion.

The Basin Inspectorate, having considered the submitted documents, makes a decision on the registration of the declaration or presents a reasoned refusal.

A copy of the declaration registered by the basin inspectorate is kept by the basin inspectorate .

7. The list of dams and organizations that have registered dam safety declarations shall be posted on the internet-resources of the authorized body.

8. In case of change the conditions affecting for safety of dam, the declaration shall be subject to change.

While amendments to the declaration, it shall be subject to re-examination and registration no later than three months after amendment.

**Footnote. Article 111 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13; dated 11.04.2014 № 189-V (shall be enforced from 01.01.2015); dated 28.04.2016 № 506-V (the order of enforcement see Article 2); dated 28.12.2018 № 210 -VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Section 7. Protection of water bodies and the fight against harmful effects of waters**

### **Chapter 23. Water protection activities**

#### **Article 112. Protection of water bodies**

1. Water bodies shall be protected from:

1) natural and man-made pollution by harmful hazardous chemicals and toxic substances and their compounds, heat, bacteria, radiation and other contaminations;

2) pollution by solid, insoluble objects, industrial wastes, household and other wastes;

3) exhaustion

2. Water facilities shall be protected in order to prevent:

1) misbalance of environmental sustainability of the natural systems;

2) harm to the life and health of the population;

3) reduction of fish stocks and other aquatic animals;

- 4) deterioration of water supply;
- 5) reduction of ability of water bodies to the natural rehabilitation and purification;
- 6) deterioration of hydrological and hydro-geological regime of water bodies;
- 7) other adverse events that negatively affect the physical, chemical and biological properties of water bodies.

3. The water bodies shall be protected through:

- 1) making general requirements for protection of water bodies to all water users, engaged in any kind of water use;
- 2) making special requirements for certain types of economic activity;
- 3) improvement and use of water protection measures with introduction of new technology and environmentally, epidemiologically safe technologies;
- 4) establishment of protection zones, shelterbelts of water bodies, sanitary protection zones of the drinking water sources;
- 5) the state and other control over the use and protection of water bodies;
- 6) sanctions for failure to comply with the requirements for the water bodies' protection.

4. Central and local executive bodies of oblasts (cities of republican importance, the capital), in accordance with the legislation of the Republic of Kazakhstan, shall take measures compatible with the principle of sustainable development to preserve water bodies, prevent their pollution, pollution and depletion, as well as to eliminate the consequences of these phenomena.

5. Individuals and legal entities, whose activities affect the status of water bodies shall be obliged to observe the environmental requirements, set by the environmental legislation of the Republic of Kazakhstan, and to conduct organizational, technological, forest reclamation, land treatment, hydraulic, sanitary-epidemiological and other measures to protect water bodies from pollution, contamination and depletion.

**Footnote. Article 112, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 09.01.2007 No 213 (the order of enforcement see Art. 2); dated 21.01.2010 No 242-IV (the order of enforcement see Art. 2); № 210-VI dated 28.12.2018 ( shall be enforced upon the expiration of ten calendar days after the date of its first official publication).**

### **Article 113. Protection of water bodies from pollution**

1. Pollution of water bodies is the dumping or input of contaminants into the water bodies, worsening the quality of water and impeding the use of water bodies.

2. The water bodies shall be carried out from all kinds of pollution, including diffuse pollution (pollution through the surface of the earth and air).

3. In order to protect the water bodies from contamination, it is prohibited:

- 1) the use of pesticides, fertilizers on the water protection zones of water bodies .  
Disinfection , disinsection and deratization measures in the catchment area and the sanitary

protection zone of water bodies are carried out in agreement with the state body in the field of sanitary and epidemiological welfare of the population ;

2) discharge and disposal of radioactive and toxic substances in the water bodies;

3) discharge of wastewater of industrial and food production facilities into the water bodies, that do not have water treatment plants and do not provide effective cleaning in accordance with the regulations;

4) performance of blasting works at the water bodies, when nuclear and other types of technology are used, accompanied by the release of radioactive and toxic substances;

5) the use of equipment and technology in water bodies and facilities that pose a threat to human health and the environment.

**Footnote. Article 113 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 114. Protection of water bodies from pollution**

1. Pollution of water bodies is the transfer of solid, industrial, household and other wastes, and the suspended particles, worsening hydrological condition of the water body and aggravating the water use.

2. Discharge and burial of solid, industrial, household and other wastes into the water bodies shall be prohibited.

3. Clogging of catchment areas of water bodies, ice water bodies, glaciers with solid, industrial, household and other wastes, the washout of which shall entail deterioration of surface and underground water bodies is prohibited.

#### **Article 115. Protection of water bodies from depletion**

1. Depletion of water bodies is the lowering of the minimal level of runoff, surface water reserves or reduction of underground water reserves.

2. In order to prevent depletion of water bodies, the individuals or legal entities, using the water bodies, shall:

1) avoid above-limit irrevocable water intake from the water bodies;

2) in water protection zones and plowing lands, sanitation of livestock, construction and other types of economic activity, leading to depletion of water bodies is prohibited;

3) take water protection measures.

3. Water protection measures, aimed at prevention of water from exhaustion, conducted by individuals and legal entities, previously agreed with the basin inspection , the authorized state body in the field of environmental protection and the authorized body for the study of the subsoil .

**Footnote. Article 115 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 116. Water protection zones and the strips of water bodies**



Footnote. Title of Article 116 as amended by the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication).

1. In order to maintain the water bodies in the condition, meeting the sanitary and environmental requirements, to prevent pollution and depletion of surface waters and protect flora and fauna, the protection zones and strips shall be established with the special conditions of use, except for the water bodies, included in the list of the specially protected areas and the state forest fund.

2. Water protection zones, stripes and the mode of their economic use are established by local executive bodies of regions, cities of republican significance, the capital on the basis of approved project documentation agreed with basin inspectorates, a state body in the field of sanitary and epidemiological welfare of the population, an authorized state body in the field of environmental protection environment, by the authorized body for land relations, and in mudflow hazardous areas - with the authorized body in the field of civil protection.

While, the development of project documentation shall be carried out in a period not exceeding ten months. The term of consideration, coordination and approval of project documentation shall not exceed two months from the date of its submission to the local executive bodies of regions, cities of republican significance, the capital. The establishment of water protection zones and strips, as well as the regime of their economic use shall be carried out within one month from the date of approval of the project documentation.

In cases of natural or artificial changes in the boundaries of a water body, the established boundaries of water protection zones and strips shall be specified in the manner and time determined in the part one of this paragraph.

3. Is excluded by the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV ( shall be enforced upon expiry of ten calendar days after its first official publication.)

4. Is excluded by the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV ( shall be enforced upon expiry of ten calendar days after its first official publication.)

5. The rules for establishing the boundaries of water protection zones and strips shall be approved by the authorized body.

Footnote. Article 116, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 26.05.2008 No 34-IV (the order of enforcement see Art. 2); dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 10.07.2009 No 180-IV; dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication.); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 117. Sanitary protection zones of waters**

1. In order to protect waters used for drinking water supply, therapeutic, resort and other health-improving needs of the population, local executive bodies of oblasts (cities of republican importance, the capital) shall establish sanitary protection zones.

2. The procedure for establishing sanitary protection zones and sanitary protection zones is determined by the state body in the field of sanitary and epidemiological welfare of the population .

**Footnote. Article 117 amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13; № 210-VI dated 28.12.2018 (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).**

### **Article 118. The zones of ecological emergency situation or ecological disaster on water bodies**

1. The water bodies, where in the result of an economic activity or natural processes, various changes are happening, threatening public health, flora and fauna and the environment, are the zones of ecological emergency or environmental disaster.

2. Environmental emergency on water bodies or river basins and underground water fields shall be declared by the Government of the Republic of Kazakhstan.

### **Article 119. Provision of land plots in water protection zones and strips for temporary use and control over compliance with the requirements for regime of economic activities at the water protection zones and strips**

**Footnote. Title of Article 119 is in the wording the Law of the Republic of Kazakhstan dated 20.02.2017 № 48-VI (shall be enforced upon expiry of sixty calendar days after its first official publication).**

1. Land plots in water protection zones of water bodies may be provided for temporary use to individuals and legal entities in the manner prescribed by the land legislation of the Republic of Kazakhstan, subject to compliance with the established requirements for the regime of economic activity.

1-1. Agricultural land in water protection zones can be provided to individuals and legal entities for land use for haymaking and grazing by local executive bodies in accordance with the Plan for the management of pastures and their use in agreement with the basin inspectorates.

2. State control over compliance with the requirements for the regime of economic activity in water protection zones and lanes shall be carried out by the agency of the authorized body, basin inspections, the authorized state body in the field of environmental protection, the territorial subdivision of the department of the central authorized body for land management within their competence.

**Footnote. Article 119, as amended by the Law of the Republic of Kazakhstan, dated 10.07.2009 No 180-IV; dated 20.02.2017 № 48-VI (shall be enforced upon expiry of ten**

calendar days after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.06.2021 № 59-VII shall enter into force from 01.01.2022).

#### **Article 120. Peculiarities of protection of underground water bodies**

1. Individuals and legal entities, whose industrial activity may have an adverse impact on underground waters, are obliged to monitor underground waters and to take timely measures to prevent pollution and depletion of water resources and the harmful effects of waters.

2. In the contours of the fields and groundwater areas, which are used or may be used for drinking water supply, it is prohibited to carry out operations on subsoil use, placement of burials of radioactive and chemical wastes, landfills, cemeteries, cattle burials (biothermal pits) and other objects affecting the condition of groundwater.

3. It is prohibited to irrigate lands with wastewaters if it affects or may affect the status of underground waters.

4. Hydrogeological wells, including self-discharging and exploratory wells, as well as wells, which are not suitable for operation or use of which is stopped, are subject to equipment with preservation devices or are liquidated.

Elimination and preservation of hydrogeological wells shall be carried out by the well owners.

Liquidation and preservation of ownerless self-discharging hydrogeological wells shall be carried out by the authorized body for the study of subsurface resources at the expense of the budget funds.

5. At carrying out of operations on subsoil use the subsoil user is obliged to take measures on protection of underground waters.

6. Individuals and legal entities, operating the underground water intake facilities shall organize the sanitary protection zones and underground water monitoring.

7. Underground water intake during construction and operation of drainage systems at the reclaimed land plots shall be allowed with a permit for a special water use.

8. During placement, designing, construction, and commissioning of water intake structures, associated with the use of underground waters, the measures shall be taken to prevent their harmful effect on surface water bodies and the environment.

9. During geological study of subsoil, prospecting and mining, construction and operation of underground facilities, not related to mining, the subsurface users shall be obliged to take measures to prevent pollution and depletion of underground waters.

**Footnote.** Article 120 as amended by the Law of the Republic of Kazakhstan, dated 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 126-VI of 27.12.2017 (

shall be enforced upon the expiration of (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).

## **Chapter 24. Small water bodies and peculiarities of their protection**

### **Article 121. Small water bodies**

1. Small water bodies are the natural water bodies that have the following sizes:  
the closed water bodies - a water surface area of up to ten hectares;  
the rivers – the streams of up to two hundred kilometers.
2. Water resources of small water bodies shall be carried out in order of general water use.
3. The use of water resources of small water objects as a special water use shall be possible after the authorized body has studied the impact of the consequences of such water use on the state of water resources and if there is a positive conclusion of a state environmental assessment or environmental permit, mandatory in accordance with the Environmental Code of the Republic of Kazakhstan.

**Footnote. Article 121 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).**

### **Article 122. Peculiarities of protection of small water bodies**

1. The general water-use and mode of economic activity in the range of water protection zones and strips of small water bodies, as well as to prevent and eliminate pollution of their actions, contamination and exhaustion established by local executive bodies of regions ( cities of republican status, capital) by agreement with the basin inspections , an authorized state body in the field of environmental protection and a state body in the field of sanitary and epidemiological well-being of the population, and in mudflow-prone regions - with an authorized body in the field of civil protection.
2. In order to prevent depletion, pollution and degradation of small water bodies, the local executive bodies of oblasts, cities of republican significance, the capital take a number of measures for their protection and rehabilitation in accordance with the documents of the state planning System of the Republic of Kazakhstan.
3. Individuals and legal entities whose economic activities affect the state and regime of small water bodies are obliged to carry out measures agreed with the department of the authorized body to restore water resources of small water bodies and preserve the purity of their waters.

**Footnote. Article 122, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 26.05.2008 No 34-IV (the order of enforcement see Art. 2); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2018 № 210-VI (shall be**

enforced upon the expiration after ten calendar days after the day of its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Chapter 25. Prevention and elimination of harmful effects of waters**

### **Article 123. Duties of the state bodies, individual and legal entities for prevention and elimination of harmful impacts of waters**

State bodies, individual and legal entities shall take measures to prevent and eliminate the following harmful effects of waters:

flood, under flooding;

destruction of banks, dams and other facilities;

water logging and salinization;

erosion of soil and water bodies, formation of gullies, landslides, mudslides and other harmful events.

### **Article 124. The procedures for prevention and elimination of harmful effects of waters**

1. Water supply organizations, water users, individuals and legal entities shall be obliged to plan and conduct preventive and current activities for protection of human settlements, industrial facilities, agricultural lands, the protected territories from the harmful effects of waters.

Funding of preventive and current activities on prevention and elimination of harmful effects of waters shall be provided at the expense of water users and the budget.

When conducting the actions on prevention and elimination of harmful effects of waters, individuals and legal entities shall:

1) comply with the safety standards and rules of water management systems and facilities during their construction, commissioning, operation, reparation, reconstruction, conservation, decommissioning and liquidation;

2) analyze systematically the lowering safety of water systems and facilities;

3) conduct regular inspections of water systems and facilities;

4) create financial and material reserves, intended for liquidation of emergencies at the water management systems and facilities;

5) maintain local emergency warning systems for water systems and facilities in constant readiness.

2. Emergency situations of natural and man-made origin, caused by the harmful effects of waters shall be liquidated in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 124, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).**

## **Chapter 26. The order of works at water bodies, water protection zones and strips**

**Article 125. Conditions for placement, designing, construction, reconstruction and putting enterprises to operation and other facilities at the water bodies, water protection zones and strips**

1. Within the water protection strips the following activities shall be prohibited:

1) economic and other activities, worsening the quality and hydrological condition of water bodies (pollution, contamination, depletion);

2) construction and operation of buildings and structures, excluding water management and water intake structures and their communications, bridges, bridge structures, berths, ports, piers and other transport infrastructure facilities related to the activities of water transport, commercial fishing, fish farming facilities associated with the location and maintenance of fish farms and communications thereto, fishery technological reservoirs, facilities for the use of renewable energy sources (hydrodynamic water energy), as well as recreational zones on a water body, not involving the construction of buildings and structures for leisure and (or) recreational purposes;

3) provision of land plots for gardening and dacha construction;

4) operation of the existing facilities, that are not provided with equipment and devices to prevent pollution of water bodies and water protection zones and strips;

5) the works, disturbing the soil and grass cover (including plowing, grazing, mining), except for cultivation of lands for grassing of separate land plots, sowing and planting of forest;

6) placement of campsites, permanent parking for vehicles, summer camps for livestock;

7) application of all types of pesticides and fertilizers.

2. Within the water protection zones shall be prohibited:

1) to commission new and renovated facilities, that are not provided with equipment and devices to prevent pollution and contamination of water bodies and their water protection zones and strips;

2) reconstruction of buildings, structures, communications and other facilities, as well as the production of construction, dredging and blasting operations, mining, laying cables, pipelines and other communications, drilling, land and other works without projects agreed in the prescribed manner with local executive bodies, basin inspectorates, an authorized state body in the field of environmental protection, a state body in the field of sanitary and epidemiological welfare of the population and other interested bodies;

3) placement and construction of warehouses for storing fertilizers, pesticides, oil products, maintenance points, washing vehicles and agricultural machinery, mechanical workshops, arranging landfills for household and industrial waste, sites for refueling equipment with pesticides, runways for conducting aviation chemical works, as well as the placement of other objects that negatively affect the quality of water;

4) to place livestock farms and complexes, sewage ponds, wastewater irrigation fields, cemeteries, animal burial grounds, as well as other objects, posing threat of microbial contamination of surface and underground waters;

5) cattle grazing in excess of the normal load, bathing and sanitization of livestock and other economic activities, worsening the water bodies' regime;

6) application of the method of aerial treatment with pesticides and aerial fertilization with mineral fertilizers of agricultural crops and forest plantations at a distance of fewer than two thousand meters from the water edge in a water source;

7) the application of pesticides, which are not set the maximum allowable concentration, fertilization on snow cover, as well as use as a fertilizer uncleaned manured effluents and persistent organochlorine pesticides .

During the forced decontamination, the use of low- and average-toxic non-persistent pesticides shall be allowed at the water protection zones.

3. Design, construction and placement of new facilities (buildings, structures, their complexes and communications) on water bodies and ( or ) water protection zones ( except water protection zones ), as well as reconstruction (expansion, modernization, technical re-equipment, re-profiling) of existing facilities, erected before the land plots occupied by them are classified as water protection zones and strips or other specially protected natural areas, are coordinated with the basin inspectorates, the authorized state body in the field of environmental protection, the authorized body for the study of subsoil, the state body in the field of sanitary and epidemiological welfare of the population, authorized body in the field of veterinary medicine, local executive bodies of the region (city of republican significance, the capital).

The approval procedure shall be determined by the rules of the organization of construction and pass of licensing procedures for construction, approved in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities.

The same activities on water facilities, posing a potential mudflow hazard shall be agreed with the authorized body for civil safety, and at navigable waterways - with the authorized body for water transport.

4. Construction projects of new or reconstruction (expansion, modernization, technical re-equipment, conversion) of the existing facilities, the use of which may have a negative impact on the status of water bodies, shall provide the closed (undrained) technical water supply systems.

5. Conservation and liquidation ( post-utilization ) of existing ( under construction ) facilities that may have a negative impact on the state of water bodies are carried out in agreement with the basin inspectorates, an authorized state body in the field of environmental

protection, a state body in the field of sanitary and epidemiological welfare of the population, by the authorized body for the study of subsoil and other state bodies in the manner prescribed by the laws of the Republic of Kazakhstan.

6. Construction projects of transport or engineering infrastructure through the water bodies shall provide the actions for flood waters' passing, operating regime of water bodies, prevention of pollution and depletion of water, prevention of their harmful effects.

These projects are subject to approval by the basin inspectorates, the authorized state body in the field of environmental protection, the authorized body for the study of subsoil, the state body in the field of sanitary and epidemiological welfare of the population, the authorized body in the field of energy supply.

7. Construction (reconstruction, overhaul repair) of enterprises, buildings, facilities and engineering communications shall be prohibited in the protection water zones and strips without the projects, agreed in accordance with the established legislation of the Republic of Kazakhstan, and received a positive conclusion of the comprehensive private expertise of construction projects (technical and economic feasibility, design and estimate documentation), including the conclusions of industry expertise.

**Footnote.** Article 125 is in the wording the Law of the Republic of Kazakhstan dated 10.07.2009 No 180-IV; as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication.); dated 04.07.2013 No 128-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 28.10.2015 № 366-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 № 399-VI ((shall enter into force upon the expiry of ten calendar days after the day of the first official publication).); dated 06.04.2024 № 71-VIII (shall take effect sixty calendar days after the date of its first official publication).

#### **Article 126. Performance of work on water bodies and their water protection zones and belts**

1. Building, dredging and blasting, mining and other resources, the laying of cables, pipelines and other communications, logging, drilling and other work on water facilities and water protection zones, impact on the state of water bodies, made by agreement with the basin inspections, an authorized state body in the field of environmental protection, a state body in the field of sanitary and epidemiological well-being of the population, local executive bodies of the region (city of republican significance, the capital), on water bodies classified as navigable - in addition to the water transport authorities.



2. The procedure for carrying out work on water bodies and their water protection zones is determined for each water body separately, taking into account their condition, the requirements for maintaining the environmental sustainability of the environment in agreement with the basin inspectorates, an authorized state body in the field of environmental protection, a state body in the field of sanitary-epidemiological well-being of the population, local executive bodies of the region (city of republican significance, the capital) and other interested state bodies.

**Footnote. Article 126 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No 13; dated October 28, 2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Section 8. Peculiarities of the legal regulation of economic activities on water bodies of the special national significance**

### **Chapter 27. Water bodies of the special national significance**

#### **Article 127. The legal regime of economic activity in water bodies of the special state significance**

The legal regime of economic activities' regulation on the water bodies of the special national significance shall include:

- 1) the stable development of the region on the basis of the balance between the economic interests and environmental, cultural and historical components;
- 2) maintenance of the water level in the water bodies of a natural water complex at the level of not lower than the set one;
- 3) effective use of water resources through the continuous improvement of technological schemes and organizational and economic forms of the facilities' operation;
- 4) improvement of the water basin and the water body;
- 5) enhancement of the role of society in preservation of economic and resource potential of the region and its sanitary and epidemiological and environmental welfare;
- 6) preservation and reproduction of fish resources, flora and fauna;
- 7) development of a recreational complex;
- 8) strengthening of Law and environmental Law order.

#### **Article 128. Peculiarities of protection of water bodies of the special national significance**

The peculiarities of protection of the water bodies of special national significance shall be:

- 1) zoning and establishment of water and environmental standards separately for each zone;
- 2) regulation of anthropogenic load on water bodies and their eco-system;
- 3) recording of peculiarities of the water bodies of the region by local executive bodies in establishing the rules for using them;
- 4) integrity in wastes disposal;

5) protection of the basin of the water body from water and wind erosion, desertification, waterlogging, secondary salinization, pollution from industrial and domestic wastes and other substances;

6) reclamation of the disturbed water bodies and lands of water resources;

7) priority of environmental and sanitary water releases on the beds of the water bodies to economic entities.

**Footnote. Article 128 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.**

### **Article 129. Requirements to economic activities in the water bodies area of the special state significance**

In order to protect the water bodies of the special national importance, a special regime of economic activity shall be set there, which provides:

1) priority of activities, aimed at preservation and improvement of sanitary-epidemiological and environmental situation;

2) continuous reduction of impact of economic activities on the ecological system of the water bodies;

3) balanceness of social and economic tasks and protection of water bodies of the special national significance on the sustainable development principles.

### **Article 130. The activities, prohibited in the water bodies of the special state significance**

In the water bodies of the special national significance the following actions shall be prohibited:

1) economic and other activity, destructing the natural ecological systems of the basin, changing of the environment, that are dangerous to life and health of the population;

2) importation, storage or disposal of radioactive waste and products, that may not be neutralized, into the water bodies of the special national significance;

3) reed mowing and burning of dry greenery, uprooting of the forest, development of river channels that are of spawning value;

4) economic activity and production on the territory of works and services without mandatory sanitary and epidemiological examination.

**Footnote. Article 130 as amended by the Law of the RK dated 02.01.2021 № 401-VI ( shall enter into force from 01.07.2021).**

### **Article 131. The state participation in regulation of economic activities in the water bodies of special national significance**

1. In order to preserve and rehabilitate the ecological system of the water bodies of special national significance, the central and local executive bodies of oblasts, cities of republican significance, the capital take into account the particularities of the zone when developing the river basin schemes for integrated use and protection of water bodies.

2. In order to coordinate the activities of the state bodies, public associations and business entities at the national level, the Government of the Republic of Kazakhstan may establish a National Coordination Council.

**Footnote.** Article 131, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication)

## **Section 9. Economic regulation mechanism for use and protection of water resources, water supply and wastewater disposal**

**Footnote.** The title of Section 9, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

## **Chapter 28. Economic leverages for water use regulation**

### **Article 132. The types of economic regulation in use and protection of water resources, water supply and wastewater disposal**

The main types of economic regulation shall be as follows:

1) charging the water users with the fees and charges, provided by the tax legislation of the Republic of Kazakhstan;

2) development of the documents of the state planning System of the Republic of Kazakhstan, providing the rational use and protection of water resources, water supply and wastewater disposal in settlements;

3) in accordance with the legislation of the Republic of Kazakhstan, provision of credit and other benefits to the individual and legal entities, introducing and developing resource-saving, low-waste technologies and non-traditional energy forms, taking other effective measures for protection and rational use of water resources, water supply and wastewater disposal;

4) creation of public funds and their involvement in rehabilitation and protection of water bodies.

**Footnote.** Article 132, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 03.07.2013 No 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 133. Fee for water use**

1. General water use in the Republic of Kazakhstan is free of charge.

2. Special water use in the Republic of Kazakhstan is on a fee paid basis in accordance with the tax legislation of the Republic of Kazakhstan.

### **Article 134. Payment for water services to water users, water supply, wastewater disposal**

1. The services, related to water supply to water users, water supply, wastewater disposal, rehabilitation and reconstruction works and other water activities shall be carried out on a fee paid basis.

2. The tariffs for water supply services to water users, water supply and water discharge shall be approved in accordance with the legislation of the Republic of Kazakhstan on natural monopolies.

3. The procedure and conditions of charging for water services shall be determined by the agreements of the parties.

**Footnote. Article 134, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 No 174; dated 29.12.2008 No 116-IV (shall be enforced from 01.01.2009); dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2; dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 135. Types of state support to water economy, water supply and water discharge and principals of investment policy for rational use and protection of water fund**

**Footnote. Title of Article 135 as amended by the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

1. The main types of the state support for water economy, water supply and water discharge shall be:

- 1) maintenance of the state institutions of water management system;
- 2) funding of the expenditures for trans-boundary water facilities and water facilities of the national significance, not related to the water supply;
- 3) funding of restoration of very emergency water facilities and hydro-reclamation systems;
- 4) attraction of funds, including loans for construction of new and reconstruction of the existing water facilities and hydro-reclamation systems;
- 5) subsidizing the cost of drinking water supply services from particularly important group and local water supply systems, which shall be non-alternative sources of drinking water supply, according to lists approved respectively by the authorized body or local executive bodies of the regions;
  - 5-1) subsidizing of construction, reconstruction and modernization of water supply and water discharge systems on a grant and non-refundable basis, carried out at the expense of budget;
- 6) provision of benefit and long-term loans and other preferences to the water economy subjects, organizations for water supply and water discharge in the order, defined by the legislation of the Republic of Kazakhstan;
- 7) funding of the measures for safety of water systems and facilities, owned by the state;
- 8) is excluded by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

2. The basic principles of investment policy for the rational use and protection of water resources, irrigated land reclamation, safety of water management systems and facilities shall be as follows:

1) the state support for water sector' development at the expense of the centralized investment on the return basis;

2) stimulation of own sources of organizations for using them in investment water management activities;

3) expansion of attraction of loans, including under the state guarantees;

4) the state control over disbursement of the budget funds, allocated for investment.

3. The state support for water management and investment policy for the rational use and protection of water resources, as well as elimination of not exploited and unsalvageable water supply systems and facilities, that are the state-owned, are conducted in accordance with the legislation of the Republic of Kazakhstan.

**Footnote.** Article 135, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.01.2006 No 116 (the order of enforcement see Art. 2 of the Law No 116); dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2021 № 411-VI (shall enter into force upon the expiry of ten calendar days after the day of the first official publication).

#### **Article 135-1. Subsidizing of construction, reconstruction and modernization of water supply and water discharge systems**

1. Subsidizing of construction, reconstruction and modernization of water supply and water discharge systems shall be carried out as an economic incentive for the development of water supply and water discharge.

2. Subsidizing of construction, reconstruction and modernization of water supply and water discharge systems shall be carried out in the following areas:

1) technical support of projects, which includes the development of technical feasibility, design and estimate documentation, implementation of technical and architectural supervision ;

2) capital-intensive expenses, including the expenses for construction and installation work, purchase of equipment and materials.

**Footnote.** Chapter 28 is supplemented by Article 135-1 in accordance with the Law of the Republic of Kazakhstan dated 15.06.2015 № 322-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 136. Insurance in the use of and protection of water resources**

1. Insurance in the use and protection of water resources is a complex of relations, aimed at protection of property interests of individual and legal entities, upon the occurrence of the risk of liability for obligations, arising from the contract due to the damaging the objects of the water relationships, life, health and property of others.

2. Voluntary insurance shall be carried out by individual and legal entities in view of their willingness. Types, conditions and procedure for voluntary insurance in the use and protection of water resources shall be defined by the agreements, signed between the insurer and the insuree.

## **Section 10. Water disputes and responsibility for violation of the water legislation of the Republic of Kazakhstan**

### **Chapter 29. Settlement of water disputes**

#### **Article 137. Water disputes**

1. Water disputes are the disputes, arising between the subjects of water relations on the use and protection of water bodies, water facilities and water parting.

2. Water disputes between the subjects of water relations are resolved through negotiations between the parties, their consideration in the bodies, established by the associations of water users, in local executive bodies of the oblast (town of republican status, the capital) and the authorized body or in the courts.

**Footnote. Article 137 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.**

#### **Article 138. Return of illegally occupied water bodies and water facilities**

Illegally occupied water bodies and water facilities are returned to their owners with compensation for damage, caused by violation of the water legislation of the Republic of Kazakhstan during their illegal use. Return of the illegally occupied water facilities shall be made in the order, prescribed by the Law s of the Republic of Kazakhstan.

### **Chapter 30. Liability for violation of the water legislation of the Republic of Kazakhstan**

#### **Article 139. Infringement in the use and protection of water resources**

**Footnote. The Article is excluded by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).**

#### **Article 140. Responsibility for violation of the water legislation of the Republic of Kazakhstan**

Violation of the water legislation of the Republic of Kazakhstan entails liability in accordance with the Law s of the Republic of Kazakhstan.

**Footnote. Article 140 as revised by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).**

## **Section 11. International cooperation in the use and protection of trans-boundary waters**

### **Chapter 31. Use and protection of trans-boundary waters**

#### **Article 141. The main directions of international cooperation in protection of trans-boundary waters**

The main directions of international cooperation in the use and protection of trans-boundary waters shall be:

- 1) protection of the interests of the Republic of Kazakhstan in the use and protection of trans-boundary waters on the basis of conclusion of international agreements;
- 2) fulfillment of obligations of the Republic of Kazakhstan under the international treaties, ratified by the Republic of Kazakhstan;
- 3) harmonization of water legislations of the bordering countries in the part of inter-state relations for trans-boundary waters;
- 4) scientific and technical cooperation, joint development and implementation of programs, regulations, standards, projects, and monitoring of the use and protection of trans-boundary waters.

**Footnote. Article 141 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 142. Principles of international cooperation in the use and protection of trans-boundary waters**

The Republic of Kazakhstan in its policy in the use and protection of trans-boundary waters shall have the following principles:

- 1) environmental, sanitary and epidemiological safety and development of international environmental cooperation;
- 2) to ensure the rights of all countries of trans-boundary watercourses to fair, reasonable and mutually beneficial water use in accordance with the generally recognized principles and norms of the international water Law;
- 3) water resources management, taking into account the needs of the present generation without detriment to the needs of future generations;
- 4) balance of environmental rights, interests, rights and needs of economic development of water systems of trans-boundary river basins;
- 5) mutual and peaceful settlement of disputes in addressing the use and protection of trans-boundary waters;
- 6) organization of measures to prevent potential cross-border impacts on the trans-boundary waters' status;
- 7) international liability and compensation for damage, caused by the trans-boundary effects.

### **Article 143. Mechanism of inter-state cooperation in the use and protection of trans-boundary waters**

The mechanism of inter-state cooperation in the use and protection of trans-boundary waters shall provide for:

- 1) reasonable and equitable use of trans-boundary waters, taking into account their cross-border origin in activities, that have or are likely to have trans boundary impact;
- 2) the use of trans-boundary waters on the basis of their environmentally sound and rational management, conservation and protection of the environment;
- 3) the measures on suppression, prevention, restriction and reduction of pollution of trans-boundary waters, which should not pollute other parts of the environment;
- 4) maintenance and, if necessary, rehabilitation of ecosystems, disturbed by trans-boundary effects;
- 5) establishment of the maximum permissible discharge of effluents, strict water conservation standards, complying with the modern technical achievements and economically feasible conditions of water use;
- 6) development and coordination of programs for monitoring of trans-boundary waters and water bodies and involvement in their implementation;
- 7) joint financial and technical participation in management, regulation and protection of trans-boundary waters;
- 8) exchange of information on the water situation in trans-boundary river basins, prompt notification and mutual assistance in water emergency situations;
- 9) cooperation with neighboring countries in harmonization of the legal framework, creation of common monitoring systems, development and implementation of joint programs for protection and rehabilitation of trans-boundary waters and the related environmental systems, attraction of international organizations' funds for the purposes;
- 10) development, coordination and implementation of measures for joint exploitation of trans-boundary waters and water facilities;
- 11) if necessary, to establish an inter-state body for management of trans-boundary waters for joint implementation of inter-state and inter-governmental agreements on the use and protection of trans-boundary waters, ratified by the Republic of Kazakhstan;
- 12) establishment of a regional and national database for the use and protection of trans-boundary waters;
- 13) conduction of joint scientific and technological research to resolve water problems;
- 14) any other activity, related to the use and protection of trans-boundary waters.

### **Article 144. Economic grounds for international cooperation in use and protection of trans-boundary waters**

The economic grounds for international cooperation in the use and protection of trans-boundary waters shall provide:



- 1) effective and rational use of trans-boundary waters in order to keep, rehabilitate and maintain biological balance in this water body and the surrounding area;
- 2) compensation liability for damage, caused by the guilty party, in the result of trans-boundary impact;
- 3) reimbursement of costs to the state, carrying out the one-way operation of water facilities for management, regulation and protection of trans-boundary waters, used by other states, on the equity participation principle in the use of water resources;
- 4) on a compensation base, to provide a share (part thereof) of trans-boundary waters of one state to another state, specified by the relevant ratified international treaties.

#### **Article 145. Adjustment of disputes on the use and protection of trans-boundary waters**

1. The disputes on the use and protection of trans-boundary waters between the Republic of Kazakhstan and other states are settled on the principle of goodwill, mutual respect and good neighborly relations, through negotiation or other ways, acceptable to the parties, involved in the disputes.

2. If it is impossible to achieve the mutually acceptable solutions in the negotiations, it is advised to use arbitral procedure to resolve the water disputes, unless otherwise provided by the relevant international agreements on the use and protection of trans-boundary waters, ratified by the Republic of Kazakhstan.

#### **Chapter 32. Final and transitional provisions**

**Footnote. The title of Chapter 32 as amended by the Law of the Republic of Kazakhstan, dated 10.07.2009 No 180-IV.**

#### **Article 145-1. Transitional provisions**

The provisions of subparagraph 2) of paragraph 1 of Article 125 of this Code shall not be applied to the operation of buildings and facilities, constructed within the boundaries of water protection zones until 1 July, 2009. At that, their operation shall be allowed only if there is an organized centralized waste-water disposal system, other drainage and waste-water treatment systems or a water-proof cesspool, which is regularly treated.

**Footnote. The Code was supplemented by Article 145-1 in accordance with the Law of the Republic of Kazakhstan, dated 10.07.2009 No 180-IV.**

#### **Article 146. The order of implementation of this Code**

1. This Code enters into force on the day of its official publication.
2. Is repealed:

The Water Code of the Republic of Kazakhstan dated 31 March, 1993 (Bulletin of the Supreme Council of the Republic of Kazakhstan, 1993, No 7, Art. 149; Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No 22, art. 408, 1999, No 11, Art. 357, 2001, No 3, Art. 20; No 24, art. 338);

Resolution of the Supreme Council of the Republic of Kazakhstan dated 31 March 1993 " On implementation of the Water Code of the Republic of Kazakhstan" (Bulletin of the Supreme Council of the Republic of Kazakhstan, 1993, No 7, Art. 150).

The President  
of the Republic of Kazakhstan

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