

# Environmental Impact Assessment in the Legal and Regulatory Framework for Nuclear Energy- Related Activities of Kazakhstan. National Perspective

FNCA Study Panel

March 7, 2019, Tokyo, Japan



Republic of Kazakhstan

# Conventions and Agreements that Kazakhstan has adhered to

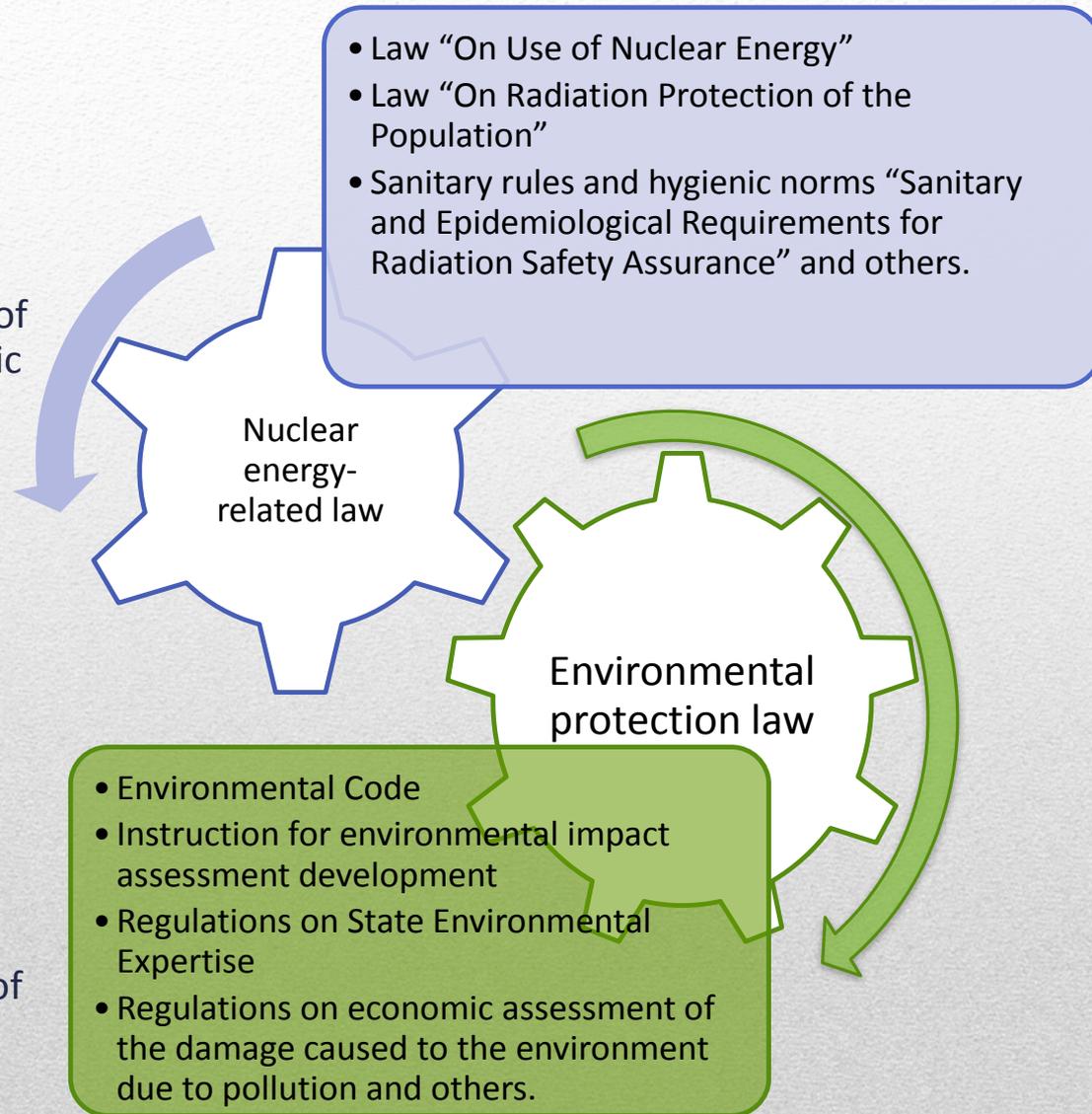
- **Environmental Conventions:**
  - Convention on Environmental Impact Assessment in a Transboundary Context
  - Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
  - \*\*\*
- **Bilateral and Multilateral Agreements:**
  - Agreement between Republic of Armenia, Republic of Belarus, Georgia, Republic of Kazakhstan, Kyrgyz Republic, Republic of Moldova, Russian Federation and Republic of Tajikistan on Informational Cooperation in Area of Ecology and Environmental Protection, August 26, 1999
  - Agreement between the Government of the Republic of Kazakhstan and Government of the People's Republic of China on Cooperation in Area of Environmental Protection, June 18, 2012
  - Agreement on Cooperation in the Field of Environmental Protection among Member-States of the Commonwealth of Independent States (Azerbaijan Republic, Republic of Armenia, Republic of Belarus, Republic of Kazakhstan, Kyrgyz Republic, Republic of Moldova, Russian Federation, Republic of Tajikistan, Turkmenistan, Republic of Uzbekistan and Ukraine), January 14, 2014
  - \*\*\*

## **Environmental Code of the Republic of Kazakhstan, 9 January 2007**

- rights and obligations, the competence of state bodies
- licensing in the field of environmental protection, ecological rationing, technical regulation, environmental impact assessment, impact statement, environmental permit and environmental audit
- economic regulation
- environmental control
- environmental monitoring
- areas of environmental emergency situation and environmental disaster
- environmental education and awareness, research and international cooperation in the field of the environmental protection
- environmental requirements on implementing the economic and other activities
- liability for environmental offences and settlement of ecological disputes

- **Nuclear energy-related activities in Environmental Code**

- Article 205. Environmental requirements for the placement of nuclear, thermal and hydroelectric power stations
- Article 270. Cross-border movement of radioactive waste and materials
- Article 271. The environmental requirements for the use of radioactive materials
- Article 272. The environmental requirements for storage and disposal of radioactive materials and waste
- Article 273. The environmental requirements on transportation of radioactive materials and waste
- \*\*\*



# Environmental Impact Assessment

- EIA procedure is identified in Environmental Code of the Republic of Kazakhstan and Instruction on EIA development
- EIA procedure is provided by Customer (Initiator) for the planned economic activity
- EIA is obligatory and integral part of pre-project and project documentation and is conducted considering:
  - environmental conditions at the proposed activity location
  - alternatives for achieving the proposed activity's objectives, including the "no project" alternative
  - prospects for the region's economic and social development
  - other requirements of the environmental protection legislation in force of the Republic of Kazakhstan

- EIA Stages

## Stage 1.

- Preliminary EIA accompanying investment justification (feasibility studies of projects)

## Stage 2.

- Impact assessment, made for the purpose of full and complex analysis making for, possible effects of project implementation or further performance of economic and other activity

## Stage 3.

- Section "Environmental Protection" as part of detailed design, including technical decisions towards prevention the negative environmental impacts



- Environmental Code
  - **Article 43.** Features of the impact assessment on the environment of objects with transboundary impacts
    - *Features of the impact assessment on the environment of objects with transboundary effects shall be determined by international treaties, ratified by the Republic of Kazakhstan*
  - **Article 57-2.** Holding public hearings
    - *Holding public hearings shall be obligatory for the projects of economic activity, which may have an impact on the environment of neighboring countries or for which you want to use in common with the neighboring states of natural objects, or which affect the interests of neighboring states as defined by international treaties of the Republic of Kazakhstan*
- Instruction on environmental impact assessment
  - **Article 8.** Public participation in the environmental impact assessment procedure
    - *Public opinion shall be considered during EIA materials development for pre-project and project documentation for an economic or other activity*
    - *Public opinion consideration is provided by public participation while preparing and discussing EIA materials and specified economic or other activity planned by Customer*

- License for work performance and service rendering in area of environmental protection
- License for work performance associated with nuclear energy use objects life cycle stages
- License for radioactive wastes management activity
- License for special personnel training, responsible for nuclear and radiation safety
- License for activity performance at the territory of the former nuclear test sites and other territories contaminated as a result of nuclear tests conduction
- License for service rendering in area of nuclear energy use
- License for handling devices and facilities, generating ionizing radiation
- License for handling of radioactive substances, devices and facilities, containing radioactive substances
- License for transportation, including transit, nuclear materials, radioactive substances, radioisotope sources of ionizing radiation, radioactive wastes within the territory of the Republic of Kazakhstan
- License for physical security provision for nuclear facilities and nuclear materials
- License for nuclear materials management

## Plans to Correct the National Legislation

- A working group has been established consisting of representatives from concerned governmental authorities to develop significant amendments to the Environmental Code in force. In December 2019 it will be introduced in Parliament for consideration
- Adoption of new version of the Code will enable to bring requirements of acting environmental legislation in accordance with OECD's requirements
- The draft Code will include a radically new EIA complex scheme, based on the Espoo and Aarhus Conventions, used in legislations of developed countries. For example, the following will be considered:
  - Compulsory application of EIA new scheme to the largest, ecologically hazardous enterprises
  - Simplification of EIA procedures for medium-size projects on preliminary individual assessment basis, the so-called "screening"
  - Optimization of EIA procedures, environmental expertise and, when appropriate, permissions granting (for example, complex environmental permissions)
  - Compulsory use the "scoping" procedure mechanism in EIA report etc.

**THANK YOU  
FOR YOUR ATTENTION!**

