



**Ministry of Environment Protection
of the Republic of Kazakhstan**



**Organization for Security and Cooperation in Europe
OSCE Center in Almaty**

GUIDELINES

**on handling public
requests for
environmental information**

These Guidelines for public officials on handling requests for environmental information have been developed and published by the Ministry of Environmental Protection of the Republic of Kazakhstan with the assistance of the OSCE Center in Almaty.

Contents

A. What are these Guidelines about?

B. Guidelines on handling public requests for environmental information

C. Reference information on the requirements of the Aarhus Convention and Kazakhstan legislation that apply to the handling public requests for environmental information

D. ANNEXES

Annex 1. Distribution of environmental information among national agencies

Annex 2. Description of principal public authorities and organizations possessing environmental information

Annex 3. Web sites of public authorities and organizations possessing environmental information

A. What are these Guidelines about?

1. Active participation of citizens and civil society organizations in environmental activities is mandatory for achieving the ecological security of the Republic of Kazakhstan and for sustainable development of the modern international community. The society can efficiently participate in the resolution of ecological problems provided it is well informed about the existing threats to the environment and public health. It is critically important to create conditions for receiving by request information from public authorities and organizations and enterprises whose operations have or may have a negative impact on the ecological situation.

2. In the Concept for Ecological Security for 2004-2015 approved by a Presidential Decree No. 1241 of December 3, 2004, the public access to environmental information and public participation in the resolution of ecological problems is determined as one of the basic principles of ecological security. This strategic document states that the public authorities must ensure the public has necessary access to environmental information, and should carry out measures to improve the quality, timeliness and relevancy of such information.

3. The existing legislation of the Republic of Kazakhstan precisely and in detail determines a common procedure for public authorities' handling of information requests from the citizens. At the same time, the processing of requests for environmental information has important legal peculiarities, including those relating to its open and socially significant nature. The very nature of environmental information imposes additional restrictions in that it may be closed for public access or citizens may be refused to be provided with the same.

4. The issues of public access to environmental information have been reflected in a number of international ecological conventions that the Republic of Kazakhstan has ratified. *The most important one is the Convention of the UN European Commission on the Access to Environmental Information and Public Participation in Environmental Decision Making (hereinafter referred to as the Aarhus Convention).* Kazakhstan ratified this international legal document in 2000. The Convention sets strict requirements to the public authorities' and officials' handling of public requests relating to environmental information; those requirements must be complied with in Kazakhstan.

5. Not all of the regulations and provisions of the Aarhus Convention have been directly reflected in the national legislation of the Republic of Kazakhstan. However, *it is important to remember that, according to Article 4.3 of the Constitution of the Republic of Kazakhstan, the provisions of international agreements that have been ratified by the Republic of Kazakhstan have a priority force over the provisions of national legislation.* They apply directly except for cases when an international agreement states that, in order for its provisions to apply, a law must be enacted. However, sometimes even for experts in international law it is difficult to figure out how to correctly apply the provisions and norms of the international law in each particular case.

6. These Guidelines have been developed with an idea to familiarize the public servants with the requirements of the Aarhus Convention as they apply to issues and problems arising when handling environmental enquiries received from the public. These Guidelines are addressed to those who have to provide environmental information in reply to public requests. At the same time, this publication may be useful for potential

recipients, i.e. citizens, managers and employees at public organizations when preparing and filing requests for environmental information.

7. The Aarhus Convention sets only a minimal level which the member states must ensure in the sphere of public access to environmental information. Situations are possible when the provisions of a national legislation provide for stricter requirements and standards as compared to the Convention. In such cases, the Aarhus Convention prescribes applying the provisions of regulatory legal acts of the Republic of Kazakhstan ensuring more favorable conditions for the public.

B. Guidelines on handling public requests for environmental information

When handling requests for environmental information received from the public it is necessary to remember the following provisions of the Aarhus Convention:	
<p>1. The notion of environmental information includes the following types of information:</p> <ul style="list-style-type: none"> a) regarding the environment, including its particular elements (air, water, earth, soil, landscape and natural sites, biological diversity, genetically modified organisms etc.) and their mutual interaction; b) regarding factors impacting the environment (pollutants, noise, radiation, etc.); c) regarding the activities or acts, including politics, legislation, programmes and plans that may have an impact on the environment; d) regarding the health and security of the people, cultural facilities and buildings in connection with the impact or potential impact that may be caused by ecological factors. 	Convention, Article 2.3
<p>2. Any individuals and legal entities have the right of access to environmental information.</p>	Convention, Article 4.1, Article 2.4
<p>3. Environmental information must be provided by:</p> <ul style="list-style-type: none"> a) government bodies; b) natural or legal persons entrusted with government administrative functions in accordance with a regulatory legal act; c) natural and legal persons that having public responsibilities or provide public services relating to the environment, and that act under the control of public authorities and persons indicated above in sub-clauses (a) and (b). 	Article 4.1, Article 2.2
<p>4. When requesting environmental information the applicants are not obliged to state the interest he or she wants the information.</p>	Article 4.1(a)
<p>5. Environmental information must be provided to the public in the form as requested by the applicant in his/her request. At the discretion of the organization providing the information the form requested by the applicant may only be changed in the following cases:</p> <ul style="list-style-type: none"> a) there are circumstances that make it necessary to provide the information in another form, and such circumstances have been explained in the reply; b) the information has already been provided in another form. 	Article 4.1(b)
<p>6. The reply to a public request for environmental information must be provided as promptly as possible, but no later than the deadlines as specified by the legislation of the Republic of Kazakhstan and the Aarhus Convention.</p>	Article 4.2
<p>7. The holder of environmental information may only refuse to provide such information if:</p> <ul style="list-style-type: none"> a) the requested information is not available; b) information that has been requested is “For Special Service Use Only;” c) information, if issued in the public domain, will constitute a violation of the confidentiality of criminal investigation, interrogation, and preliminary investigation activities; 	Article 4.3 and 4.4

<p>d) information, if provided, will violate a commercial secret;</p> <p>e) information, if provided, will constitute a copyright infringement or infringement upon another right of intellectual property;</p> <p>f) information, if issued, will constitute an infringement upon the privacy of individuals;</p> <p>g) information, if issued, may violate the interests of a third party that has voluntarily provided the information to the public authority but did not give its consent for the release of such information.</p>	
<p>8. The Aarhus Convention presumes maximum openness of environmental information. Therefore, even if the requested materials or documents are referred to any of the above mentioned confidential categories, they may be open for public access taking into account the public interest served by disclosure.</p>	Article 4.3
<p>9. If a public authority does not hold environmental information, this public authority must as promptly as possible inform the public regarding the same.</p>	Article 4.5
<p>10. If a request concerns documents or materials containing confidential information the public must be provided with access to the non-confidential part(s).</p>	Article 4.6
<p>11. A refusal to provide environmental information must be in writing if:</p> <p>a) the request was in writing;</p> <p>b) the applicant requested that the answer be provided in writing.</p>	Article 4.7
<p>12. Generally, environmental information is provided to the public free of charge.</p>	Article 4.8
<p>13. A charge for environmental information may be established and taken only if the following conditions are met:</p> <ul style="list-style-type: none"> - the charge may not exceed a reasonable level, i.e. it must be affordable for the general public; - public authorities intending to make such a charge for supplying information must make available to applicants a schedule of charges which may be levied, indicating the circumstances in which they may be levied or waived and when the supply of information is conditional on the advance payment of such a charge. 	Article 4.8
<p>14. As of October 23, 2003, any individual or legal entity of the Republic of Kazakhstan has the right to apply to the Aarhus Convention Compliance Committee with complaints regarding the facts of violation of the Convention, including regarding the access to environmental information.</p>	Article 15 of the Convention; Decision I/7 of the Conference of the Parties to the Convention

B. Reference information on the requirements of the Aarhus Convention and Kazakhstan legislation applying to the handling requests for environmental information

What is environmental information?

1. The description of “environmental information,” which is given in Article 2.3 of the Aarhus Convention, covers the following types of information:

- regarding the status of the environment, including on certain elements (air, water, earth, soil, landscape and natural sites, biological diversity, genetically modified organisms, etc.), as well as interaction among those elements;
- regarding the factors impacting the environment (pollutants, noise, radiation, etc.);
- regarding the activities or measures, including politics, legislation, programmes and plans, that may have an impact on the environment;
- regarding the status of the human health and security, as well as cultural sites and buildings that may be exposed to the actual or potential environmental impact.

2. For environmental information, not only its content is important but also the form in which it is provided. The Aarhus Convention provides for various forms in which to provide the public with access to environmental information. Those include paper documents, computer files, photos, illustrations, video and audio recordings, and other substantive forms. This is because in many cases it is exactly the form that is important for the applicant, and he/she may request it in a certain form. Thus, these days electronic information is being used more and more, replacing paper documents and materials.

3. It should be remembered that compared to Article 71 of the Law of the Republic of Kazakhstan “On the Environmental Protection” the Aarhus Convention sets stricter requirements with respect to the openness of the information, and primarily the information that relates to the decision making in administrative, management and business activities, and to the economic analysis and calculations that are used for substantiating such decisions. In particular, this relates to feasibility studies of projects of construction and re-construction of industrial facilities undergoing the state environmental expert examination and environmental impact assessment. In addition to that, the Convention pays a great deal of attention to the matters of availability to the public of information on pollution and other adverse impact caused by industrial and other facilities, and on the presence of genetically modified organisms in the food products.

4. Article 71 of the Law “On the Environmental Protection” determines that environmental information must be open and transparent, and be published in the mass media. However, in real life only a minor part of such information becomes publicly available through publication in various specialized printed matters and mass media, web sites, placing in the libraries and public centers. Most of environmental information is still available only through placing a request with public authorities and other organizations. These Guidelines are about legal aspects relating to the obtainment of environmental information by placing a relevant request.

Who has the right to receive environmental information under the Aarhus Convention?

1. According to Article 2.4 of the Aarhus Convention, any natural or legal person has the right of access to environmental information. In doing so, requests may be placed on behalf of an individual person as well as on behalf of several persons or a larger group of persons (individual and collective requests). According to the Convention, the public means “one or more natural or legal persons.”

2. Individuals have the right to request environmental information irrespectively of their Kazakhstan citizenship status or place of living in a certain region or inhabited area; and legal entities, irrespectively of their place of legal registration or location of their office (Article 3.9 of the Convention). A good example are public associations that are categorized into republican, regional and local; nevertheless, they have the right to request environmental information irrespectively of their territorial status.

3. The Aarhus Convention does not differentiate between commercial and non-commercial organizations in their right of access to environmental information. Also, no difference makes their legal form: a request may be filed on behalf of a public associations, fund, consumer cooperative, cooperative of the owners of apartments (KSK), production cooperative, joint stock company, or any legal entity in any other form of ownership. However, it should be noted that Article 6 of the Law of the Republic of Kazakhstan “On the Environmental Protection” specifically describes the rights of public associations, including their right to “receive from the public authorities and organizations timely, full and authentic information on the status of the environment and on the measures to improve such status.”

4. In practice, the most active users of environmental information are ecological public associations and residents of certain regions or localities, concerned about ecological consequences of a construction or reconstruction of industrial facilities, premises, or buildings, in the vicinity of their living area.

Who is obliged to provide environmental information in accordance with the Aarhus Convention?

1. The Aarhus Convention sets forth an obligation for public authorities to provide the public with access to environmental information; however, the term “public authority” in this case is used in a broader sense that it is commonly understood in Kazakhstan.

2. The Convention’s requirements apply to any public authorities which are part of the executive branch of the state power. Although in practice not all of them exercise power functions in the field of environmental protection, all of them must comply with the requirements of the Aarhus Convention. This means that even those public bodies whose functions are not closely related to the matters of environment protection are obliged to timely forward the environmental request to the relevant authority or provide an answer if the requested information is not available.

3. Individuals or legal entities entrusted with state administrative functions in accordance with a regulatory legal act are deemed by the Convention as public

authorities. Particular examples include the Council for Sustainable Development (created in 2004), Basin Councils (whose establishment was envisaged in the Water Code), environment protection funds that existed until recently, and other similar organizations. It is not necessary that such organizations carry out functions related to the environmental protection; like all of the other public authorities, they are obliged to timely respond to public requests for environmental information.

4. The Aarhus Convention extends the obligation of providing environmental information pursuant to public requests to certain individuals and legal entities which simultaneously meet these two requirements:

- a) they carry out state duties (functions) or provide services relating to the environment;
- b) they act under the control of public authorities and persons specified above in Clauses 16 and 17.

Examples of such public and private organizations include: water farms and water channels; garbage disposal companies, verdurization organizations; hydrometeorological services, etc. Their determining characteristics are that they operate in direct relation to the environment and carry out their functions or services under a certain degree of control from the public authorities. Undoubtedly, in Kazakhstan this category will include many national companies, for example those that are involved in power generation or distribution, oil and gas processing and transportation, etc.

5. The Aarhus Convention does not apply to the requests forwarded to the deputies of legislative bodies (both chambers of the Parliament and maslikhats) and judges, because they are subject to more specific rules. At the same time, this exception does not extend to the secretariats of the Mazhilis and Senate of the Parliament, and maslikhats and courts of all levels. It is worth noting that the same approach to the regulatory matters is exercised in Article 2 of the Law of the Republic of Kazakhstan N 107-II dated November 27, 2000 "On Administrative Procedures."

6. In relation to entities that are obliged to handle public requests for environmental information, it is also necessary to mention Article 5 and 6 of the Law of the Republic of Kazakhstan "On the Environmental Protection." Under this Law, the obligation to provide information on the status of environment and measures to improve it pursuant to requests from citizens and public associations extends not only to public authorities but also to state organizations. This may serve as yet another proof of the fact that in relation of environmental information the obligation to respond to public requests is not limited by public authorities but also applies to a broad range of public officials and organizations.

Which requirements apply when filing environmental requests?

1. General statutory requirements that apply when filing a request for environmental information are defined in Article 5 of the Decree of the President of the Republic of Kazakhstan having the force of a law dated 19 June 1995 "On the Procedure for Handling Inquiries from the Citizens." Those include the following requirements:

- the request must specify the authority or official to whom the request (requests) is (are) addressed:

- the request must contain the applicant's details (full name or title of organization, as well as the contact details);
- the request must demonstrate that there is a need in receiving environmental information, and specify the exact information being requested;
- the request must be signed by the applicant (in the case of a request filed by an organization, it must be stamped or be written on such organization's official letterhead).

2. The requests may be filed not only in writing but also orally. The Aarhus Convention does not set any specific requirements with respect to the form of the request, while Article 5 of the Decree of the President of the Republic of Kazakhstan having the force of a law "On the Procedure for Handling Inquiries from the Citizens" provides that a request may be made in writing as well as orally.

3. Oral requests may be filed by the citizens and organizations in the course of personal meetings and telephone calls being placed with the relevant holders of the environmental organizations, as well as in the course of public hearings, round tables and other collective meetings with the public representatives in attendance. When conducting public hearings, the requests for environmental information are usually recorded in the minutes of such hearings.

4. Under the Decree of the President of the Republic of Kazakhstan having the force of a law "On the Procedure for Handling Inquiries from the Citizens" the requests may be drafted in the state language, the language of inter-nation communication, applicant's native language, or any other language the applicant speaks.

5. Under Article 4.1(a) of the Aarhus Convention the applicant is not obliged to state his interest in the requested information. In this case, the principle of "*issuing the information to any interested person rather than the interested group of persons*" applies, and the applicant does not need to state the reasons for requesting environmental information.

What form should environmental information be provided in?

1. As a general rule, under the Aarhus Convention environmental information is provided to the public in the form specified by the applicant in the request. In the cases where the request does not specify the form of the answer, according to Article 16.4 of the Law "On Administrative Procedure" the public authorities and officials must give the answer in writing.

2. At the discretion of the organization holding environmental information, the form requested by the applicant may be changed only in the following cases:

a) there are grounds for providing the information in a different form, and the reasons for doing so have been provided in the answer to the request. For instance, if the technical means of converting the form into the requested form are not available, or if such conversion will result in excessive costs, efforts, and time;

b) the information has already been provided in a different form. For instance, the requested computer file with the text of a draft legal act has been placed on a web site or is otherwise easily accessible for the applicant.

3. At the applicant's request, he/she should be provided not only the answer to the questions posed but also the copies of relevant documents. An example is the requests relating to a construction within a residential area. In such cases the public would

normally be interested not only in the fact of the builder having the required permits from the public authorities but also in the copies of relevant documents, such as land allocation deeds, decisions of the state ecological expert commission, opinions of various departments, acceptance deeds, etc.

Deadlines to be met when providing environmental information pursuant to a public request

1. A public request for environmental information must be provided as promptly as possible (Article 4.2 of the Convention). This means the request must be answered promptly, without waiting for the deadline.

2. The legislation of the Republic of Kazakhstan and the Aarhus Convention set deadlines for providing environmental information for various cases, as stated in the table below. The deadlines are calculated from the day the request has been filed with the public authority. When the request has been sent by a registered letter or by fax, the date of filing is the date of receipt by the addressee; in other cases the date of filing is the date when the request has been registered by the recipient.

Nature of requested information	Examples	Deadline for providing the answer	Additional conditions	Legal basis
Does NOT require additional review and check	Requests for copies of documents, registers, databases, etc., held by the relevant public authority	No later than 15 days	None	Article 6 of Decree of the President of the Republic of Kazakhstan having the force of a law "On the Procedure for Handling Inquiries from the Citizens"
DOES require additional review and check	Requests requiring data and information to be provided by the subordinate or third-party organizations. For the answer to be provided, calculations need to be performed.	No later than one month	None	1. Article 4.2 of the Aarhus Convention 2. Article 6 of Decree of the President of the Republic of Kazakhstan having the force of a law "On the Procedure for Handling Requests from the Citizens"
Very extensive and complex information	Requests requiring expert examinations, official investigation, complex review of matters	No later than two months	1. The applicant must be informed about the deadlines and reasons for extending the one-month period of the processing of the request. 2. The deadline may only be extended by a decision of the head of the relevant public authority	1. Article 4.2 of the Aarhus Convention 2. Article 6 of Decree of the President of the Republic of Kazakhstan having the force of a law "On the Procedure for Handling Inquiries from the Citizens"

Deadlines for advising the applicant that the environmental information is not available

1. If the environmental information is not available, the public must be informed as promptly as possible (Article 4.5 of the Aarhus Convention). In reality this means the answer must be given in a prompt manner, without waiting for the deadline as provided by the national legislation or the Convention.

2. As a general rule, public authorities, if they do not have the requested information, must inform the public not later than 15 days after receiving the request, because this is the maximum time allowed for handling requests not requiring additional review and check (Article 6 of Decree of the President of the Republic of Kazakhstan having the force of a law “On the Procedure for Handling Inquiries from the Citizens”). If the requested information goes beyond the scope of authority of a public authority the answer must be provided even quicker, i.e. not later than 5 days after receipt.

3. Having received a public request which goes beyond the scope of its authority, the public authority must not only inform the applicant that the information is not available, and do it within the established deadline, but it must also perform one of the two following actions:

- point the authority or organization which may have the requested information;
- forward the request to the relevant authority or organization.

4. As far as the organizations within one and the same department are concerned, the requests for environmental information that have been mistakenly addressed must be forwarded from one division to another.

Cases when the applicant may be refused environmental information

The Aarhus Convention contains an extensive and comprehensive list of grounds for refusing access to environmental information; however, not all of them are envisaged in the Kazakhstan legislation. In the case of environmental information, the legal grounds for refusal must be provided for not only in the Aarhus Convention but also in a legal act of the Republic of Kazakhstan. The table below contains a list of such grounds.

	Ground for refusal	Description, examples	Legal basis
1	Requested information is not available	Information goes beyond the scope of authority of the public authority. The competent public authority does not hold the requested information.	1. Article 4.3(a) of the Aarhus Convention
2	Information that has been requested is considered “For Special Service Use Only”	The information may be referred to the “For Special Service Use Only” category by a	1. Article 4.4(a) of the Aarhus Convention 2. Rules for accounting, use and

		<p>decision of the head of the public authority or organization.</p> <p>Information of this kind is stamped with a special mark.</p>	<p>storage of documents, cases and publications of limited circulation, as approved by Order N 8 of the Chairman of the Agency of the Republic of Kazakhstan for the Protection of State Secrets dated 29.08.2000</p>
3	<p>Information, if issued in the public domain, will constitute a violation of the confidentiality of criminal investigation, interrogation, and preliminary investigation activities</p>	<p>The requested information is part of a preliminary investigation or interrogation.</p> <p>Permission for access to such information is given by the body which conducts the preliminary investigation or interrogation.</p>	<p>1. Article 4.4(c) of the Aarhus Convention</p> <p>2. Article 53 and 205 of the Criminal Procedural Code of the Republic of Kazakhstan</p>
4	<p>Information, if issued in the public domain, will constitute a violation of an state and commercial secret</p>	<p>Economic data on the operations of the enterprise affecting the environment</p>	<p>1. Article 4.4(d) of the Aarhus Convention</p> <p>2. Article 126 of the Civil Code of the Republic of Kazakhstan</p>
5	<p>Information, if issued in the public domain, will constitute an infringement upon a copyright or other intellectual property right</p>	<p>Ideas, documents, materials that constitute the subject matter of a copyright or patent right</p>	<p>1. Article 4.4(e) of the Aarhus Convention</p> <p>2. Article 964 of the Civil Code of the Republic of Kazakhstan</p> <p>3. Article 15, Article 20 through 20 of the Law “On Informatization”</p>
6	<p>Information, if issued in the public domain, will constitute an infringement upon the confidentiality of a private life</p>	<p>Disclosure of personal or medical information, personal life, salaries, etc., of the employees at public authorities, without such</p>	<p>1. Article 4.4(f) of the Aarhus Convention</p> <p>2. Article 11 of Decree of the President of the Republic of Kazakhstan having the force of a law “On the</p>

		employees' consent	Procedure for Handling Inquiries from the Citizens" 3. Article 15 of the Law "On Informatization"
7	Information, if issued in the public domain, might violate the interests of the party that has voluntarily provided the information to the public authority on the premise of non-disclosure	Information that the enterprises hand over to the public authority on a voluntary basis, i.e. when obtaining a license or permit	1. Article 4.4(g) of the Aarhus Convention 2. Article 15, Article 20 through 20 of the Law "On Informatization"

When can access to environmental information be limited?

1. Environmental information may not be categorized as a state secret – this requirements is envisaged by Article 17.1.2 of Law N 349-1 of the Republic of Kazakhstan dated March 15, 1999 "On State Secrets."

2. Certain types of information held by public authorities and organizations that are related to environmental information may be closed for publication in the mass media and for public access due to the fact that such information is deemed as "For Special Service Use Only." Public access may be restricted on these grounds because of the damage that might be caused to the interests of the public authorities and organizations, or because the confidentiality of their activities might be violated.

3. Information related to the rights, freedoms and responsibilities of the citizens may not be categorized as "For Special Service Use Only" (see the Rules of Record-Keeping, Use and Storage of Restricted-Use Documents, Cases and Publications dated August 29, 2000).

4. Information and data that are not state secrets but that, if disclosed, may cause damage to the economic interests of enterprises and organizations, may be closed for public access by being categorized as a commercial secret.

5. For information to be categorized as a commercial secret, it must comply with all the mandatory requirements, as follows:

- it must have an actual or potential commercial value, i.e. it must bring a certain income or have a potential of bringing it;

- it must not be known to third parties, in particular it may not be part of the mandatory reports submitted to the public authorities or be open for third parties in any other form;

- it may not be legally accessible; in the context of these Guidelines, it may not infringe upon the rights of the citizens for a favorable and healthy living environment;

- with respect to the information a regime of commercial confidentiality has been established; for instance, a certain internal document has been adopted which contains the list of information categorized as a commercial secret and the employees are familiarized with such document, or the regime of confidentiality has been established by some other means.

6. The requested information may concern the data related to the private lives of the individuals, for example it may concern personal details of the employees of the public authority. In this case, the information is acknowledged as confidential unless the concerned person gives his/her consent for public access to the same.

7. A public request may concern information that has been given to the public authority by third parties on a voluntary basis, for example following a certain agreement or joint project. The example of such information is an state secret—information on technologies, production, financial or other activities of enterprises and organizations, the access to which has been obtained by public authorities and officials within the scope of their functions. The information of this kind may be categorized as confidential only when the following conditions are met:

- the third party is not obliged to provide such information to the state; in particular, such information may not be part of mandatory reports submitted to public authorities;

- the third party has not given its consent to disclosure and public access to such information.

When does the public have access to restricted information?

1. If the requested materials or documents relate to one of the above mentioned categories of restricted information, they may, in certain circumstances, be made available for public access. This means that the commonly accepted confidential clauses, in the case of environmental information, are applied with certain limitations as provided in accordance with the last paragraph of Article 4 of the Aarhus Convention.

2. The Convention requires that persons handling requests for environmental information should use the criterion of public interest when deciding on providing access to confidential information. If the public interest in the environmental information exceeds the necessity of keeping such information confidential, then such information may be made available for public access, pursuant to a decision of the public authority.

3. The Aarhus Convention attaches a special importance to the openness of information relating to various types of pollution of the environment. First, this information may not be treated as a commercial secret; second, this serves as an additional reason when making a decision to open the confidential information (Information For Service Use Only; information provided by a third party on a voluntary basis) to the public.

4. The Convention envisages that restricted documents and materials should contain confidential and non-confidential parts. This means that if the public authority has received a public request for a document containing confidential information, the public authority should exclude from it the restricted part, and provide to the public the rest of the document.

In what form and within what deadlines should the refusal to provide environmental information be made?

1. Under the Aarhus Convention, a refusal to provide environmental information must be made in writing in the following cases:

- the public request has been made in writing;
- the applicant has requested that the answer be provided in writing.

The refusal to provide the environmental information must contain the reasons for such refusal, and options that are available for the applicant to protest such decision at a higher public authority or court.

2. The refusal to provide environmental information must be given by the public authorities as promptly as possible, but not later than one month after the request has been received. If the requested information is of a complex nature, the negative answer to the enquiry may be provided within two months. That being the case, the applicant must be informed on the extension of the process of handling his/her request, with reasons for extension being explained, within one month after the request has been received.

When do public authorities charge a fee for the environmental information?

1. Under the Aarhus Convention, access to the information included in publicly-accessible lists, registers and archives should be provided to the public on a free of charge basis (Article 5.2(c) of the Convention). In particular, those publicly-accessible lists and registers may include documents relating to the issuance of permits and licenses, state ecological expert examination, controlling and inspecting activities, protocols of various sessions, etc. That being the case, a fee may only be charged for copying the materials; the public should still be provided with free access to the materials for familiarization purposes, for instance at specially equipped centers, premises or public libraries.

2. In general, the Convention allows for charging a fee for the environmental information, however, subject to the following mandatory conditions:

- the fee may not exceed a reasonable level, i.e. it should be affordable for the public;
- the authority or organization charging the fee should inform the applicants of the established fee rates, information on the available benefits, exemptions, and advance payment (if advance payment is used).

3. The legislation of the Republic of Kazakhstan provides for paid services to be provided by public authorities in accordance with the Rules approved by Resolution N 651 of the Government of the Republic of Kazakhstan dated July 9, 1998.

4. State enterprises and other organizations that are subject to the Aarhus Convention with respect to the access to environmental information quite often enjoy a predominant position on the market. The prices for information services provided by such organizations are regulated in accordance with the legislation on monopolistic activities and protection of the competition.

Responsibility for failure to provide access to environmental information

1. Failure to provide the public with access to environmental information without good grounds to do is a violation of Kazakhstan's international obligations in the context of the Aarhus Convention. It should be noted that the Convention envisages a compliance mechanism to consider the facts of alleged non-compliance at the sessions of the Compliance Committee and the Meeting of the Parties, pursuant to the submissions from the Parties, Secretariat's referrals, and communications from citizens and legal entities.

2. Under the Kazakhstan legislation, failure to provide, untimely provision, or provision of incomplete or unauthentic environmental information is subject to material, administrative and criminal liability.

3. Article 84 of the Administrative Code of the Republic of Kazakhstan envisages administrative liability for the following acts by the public authorities and officials hindering public access to the environmental information:

- ungrounded refusal to provide documents and materials directly concerning the rights and freedoms of the citizens;
- provision of incomplete or deliberately false information;
- unlawful referral of publicly-accessible information to the category of restricted information.

**Code of the Republic of Kazakhstan on Administrative Violations
N 155-II dated January 30, 2001
(Excerpt)**

Article 84. Refusal to provide the citizens with information and unlawful restriction of the right to access to information resources

Unlawful refusal to provide the duly collected documents and materials directly concerning the rights and freedoms of the citizens, or provision to the citizens of incomplete or deliberately false information and also unlawful referral of publicly-accessible information to the category of restricted information, if such act has no features of a criminal deed –

shall entail a penalty on the officials in the amount of five to ten monthly calculation indices.

Unlawful restriction of the right to access to information resources --

Shall entail a penalty, in the amount of five to ten monthly calculation indices to be applied to the individuals, ten to fifty monthly calculation indices to be applied to public officials, and twenty to two hundred monthly calculation indices to be applied to legal entities.

4. Under certain conditions as envisaged by Article 154 of the Criminal Code of the Republic of Kazakhstan, unlawful refusal to provide the environmental information, provision of incomplete or deliberately false information may entail criminal liability.

**Criminal Code of the Republic of Kazakhstan N 167-1 dated July 16, 1997
(Excerpt)**

Article 154. Refusal to provide information to the citizens

Unlawful refusal by a public official to provide duly collected documents and materials directly concerning the rights and freedoms of the citizens, or provision to the citizens of incomplete or deliberately false information, if such acts have caused damage to the rights and law-protected interests of the citizens --

shall entail a penalty in the amount of two hundred to five hundred monthly calculation indices, or in the amount of a monthly salary or other income of the accused person for the period of two to five months, or prohibition to take certain public positions or be engaged in certain activities for a period of two to five years.

5. The legislation of the Republic of Kazakhstan also provides that the citizens and legal entities have the right to demand compensation of damage and moral damage caused by certain acts (failure to act) of the public authorities with respect to such persons' and legal entities' requests for environmental information.

What is the procedure to protest the refusal to provide environmental information?

1. Failure to provide environmental information, provision of incomplete or unauthentic information, or untimely provision of environmental information may be protested at the higher public authority (superior official) or court. In doing so, applying to the higher authority should not prevent the citizens/legal entities from applying to the court at the same time.

2. In accordance with Article 17.2 of the Law of the Republic of Kazakhstan “On Administrative Procedure,” the protest against acts (failure to act) of public officials and decision of the public authorities with respect to the requests for environmental information must be filed with the superior official, higher authority, or court, no later than three months after the applicant became aware of the unlawful acts or making the unlawful decision by the relevant public official or authority. If the applicant fails to file the protest within the prescribed deadline it does not prevent the public authority, official or court from accepting the protest. The reasons for the applicant’s failure to meet the prescribed deadline are considered when the protest is considered on its merits; those reasons might become the basis for dismissing the protest.

3. Higher public authorities and officials must consider the complaints with respect to information requests within the same deadlines as apply to the handling of requests for environmental information.

4. Public authorities and official must not use the protest to cause damage to the applicant by whom or in the interest of whom the protest has been filed; they must not forward the protest to the officials whose acts have been protested. An administrative liability is envisage for failure to comply with these requirements.

Code of the Republic of Kazakhstan on Administrative Violations
N 155-II dated January 30, 2001
(Excerpt)

Article 96. Using the protest filed by a citizen to cause damage to such citizen
Using the protest filed by a citizen by whom or interests of whom the grounded protest has been filed to cause damage to such citizen --
shall entail a penalty to be applied to the public official in the amount of five to ten monthly calculation indices.

5. In the event of failure to provide access to environmental information, for the citizens and legal entities of the Republic of Kazakhstan there is a procedure for handling the relevant case at an international channel, the Aarhus Convention Compliance Committee. As of October 23, 2003, any individual or legal entity of the Republic of Kazakhstan may apply to this body with a communication regarding the non-compliance with the Convention, including its provisions concerning the access to environmental information.

6. More detailed information on this can be found in the information sheet “Communications form the members of the public” and other materials published on the Aarhus Convention’s web site: <http://www.unece.org/env/pp>.

D. ANNEXES

Annex 1. Distribution of environmental information among the central departments

Type of information	Sub-type	Competent bodies and organizations
Information on the status of the environment	◆ Surface water	Kazgidromet State Enterprise. Republican Sanitary and Epidemiological Station
	◆ Groundwater	Committee for Geology and Use of Underground Resources of the Ministry of Energy and Mineral Resources
	◆ Atmospheric air	Kazgidromet State Enterprise. Republican Sanitary and Epidemiological Station
	◆ Land, soil	Center for Land Resources and Land Management of the Agency for Land Management. Kazgidromet State Enterprise. Republican Sanitary and Epidemiological Station
	◆ Background radiation	Kazgidromet State Enterprise. Republican Sanitary and Epidemiological Station
	◆ Biodiversity	Committee of Forestry and Hunting and Committee of Fisheries of the Ministry of Agriculture; Center for Land Resources and Land Management of the Agency for Land Management; Agency on Statistics
	◆ Landscape and environment	Committee of Forestry and Hunting of the Ministry of Agriculture; Ministry of Environment Protection
	◆ Climate change	Kazakhstan Scientific and Research Institute of Ecology and Climate, Kazgidromet State Enterprise
	◆ Use of surface water	Committee for Water Resources of the Ministry of Agriculture; Agency on Statistics
	◆ Land use	Agency for Land Management; Agency on Statistics
	◆ Use of groundwater	Committee for Water Resources of the Ministry of Agriculture; Committee for Geology and Use of Underground Resources of the Ministry of Energy and Mineral Resources; Agency on Statistics

Factors impacting the environment	◆ Use of forest resources	Committee for Forestry and Hunting of the Ministry of Agriculture; Agency on Statistics
	◆ Atmospheric emissions	Ministry of Environment Protection; Republican Sanitary and Epidemiological Station; Agency on Statistics; Ministry of Internal Affairs
	◆ Noise	Republican Sanitary and Epidemiological Station
	◆ Soil contamination	Ministry of Environment Protection; Agency on Statistics
	◆ Waste	Ministry of Environment Protection; Ministry of Energy and Mineral Resources; Agency on Statistics
	◆ Waste discharge into water	Ministry of Environment Protection; Agency on Statistics
	◆ Use of hazardous substances	Ministry of Environment Protection; Republican Sanitary and Epidemiological Station; Ministry for Emergencies; Agency on Statistics
	◆ Use of sources of radiation	Committee for Atomic Energy of the Ministry of Energy and Mineral Resources; Republican Sanitary and Epidemiological Station; Ministry for Emergencies
	◆ Quality and safety of food products	Ministry of Healthcare
	◆ Emergency situations	Ministry for Emergencies
Measures/Activities impacting the environment	◆ Finding violations and holding responsible wrongdoers	Ministry of Environment Protection; Ministry of Agriculture; Ministry of Energy and Mineral Resources; Agency for Land Management; Ministry of Internal Affairs; General Prosecutor's Office
	◆ Legislation	Mazhilis and Senate of the Parliament; Government; Ministry of Environment Protection; Ministry of Agriculture; Ministry of Energy and Mineral Resources; Ministry of Healthcare; Ministry for Emergencies; Committee for Forestry and Hunting; Committee for Fisheries; Committee for Atomic Energy; Committee for Geology and Use of Underground Resources

	◆ Strategies, plans, programs	President; Government; Ministry of Environment Protection; Ministry of Economy and Budget Planning
	◆ Ecological education	Ministry of Education and Science; Ministry of Environment Protection
	◆ Planned business activities impact assessment	Ministry of Environment Protection
Environment impact on...	◆ Health and safety of people, and conditions of life	Ministry of Healthcare; Ministry for Emergencies
	◆ Cultural facilities, buildings and premises	Ministry for Emergencies; Ministry of Culture, Information and Sports

Annex 2. Description of principal public authorities and organizations possessing environmental information

Ministry of Environment Protection

The Ministry of Environment Protection is a central executive body that manages, coordinate and acts as a state controlling entity in the field of environment protection. The Ministry has territorial divisions in all oblast centers and in the cities of Astana and Almaty, and a republican inspectorate administration in the city of Astana.

The principal tasks of the Ministry are:

- exercising state control in the field of environment protection, and control over the compliance with environment legislation and ecological requirements;
- improvement of the system of state management and control in the field of environment protection, and of economic methods of environment protection, within the scope of its competence;
- optimization of the system of environment protection and participation in the optimization of the system of nature management;
- improvement of the existing environment legislation;
- development of and participation in international cooperation in the field of environment protection;
- development of a system of distribution of information and education in the field of environment protection.

The main flow of environmental information comes to the Ministry from its republican state enterprises, Kazgidromet, Kazaviamet and Kazakh Scientific and Research Institute of Ecology and Climate. Also, the Ministry's information fund is formed from the materials and documents on the:

- state policy in the field of environment protection and sustainable development;
- international ecological law, national legislation in the field of environment protection, and ecological regulations;
- state ecological expertise and environment impact assessment;
- permits for emissions (discharge) of pollutants into the environment, burial and storage of industrial and consumer waste, licensing of environmental activities;
- controlling and monitoring activities in the field of environment protection;
- implementation of plans and measures aimed at protecting and improving the environment; reproduction and rational use of natural resources;
- ecological education and enlightenment, and research in the field of ecology;
- cooperation with international organizations and foreign states in the field of environment protection.

The Republican State Enterprise "Information and Analytical Center for the Protection of Environment" has been established as part of the Ministry with the purpose of processing, publishing and distributing the environmental information.

This Center is responsible for the implementation in Kazakhstan of a number of international ecological convention, including the Aarhus Convention.

Kazgidromet Republican State Enterprise

Kazgidromet is a republican state enterprise which reports to the Ministry of Environment Protection. Among its principals tasks, as they relate to the environmental

information, are the monitoring of the environment, keeping a fund of hydrometeorological and pollution data, and participation in the keeping of the water register. Kazgidromet has regional divisions in all oblast centers except Taldykorgan and Kokshetau, and in the cities of Almaty and Astana.

Being a national hydrometeorological service, Kazgidromet conducts hydrometeorological and ecological monitoring and keeps the state records of the water and the water register in the Republic of Kazakhstan. Aside from that, the work of Kazgidromet is also aimed at the implementation of international obligations of the Republic of Kazakhstan within the framework of the Convention of the World Meteorological Organization.

The basis of the ground sub-system of acquisition of the environmental and climate data consists of Kazgidromet's network organizations:

- 244 meteorological stations;
- one background monitoring station;
- three hydrometeostations at-sea;
- one station at-lake;
- eight aerological stations;
- two avalanche research stations;
- 23 meteorological posts;
- 206 hydrological posts;
- nine agrometeorological posts.

Kazgidromet collects the following environmental data:

Surface water (sampling at rivers, lakes, water reservoirs, canals, and the Caspian Sea).
Soil – sampling on agricultural lands (pollution with pesticides) and in industrial towns (heavy metals).
Atmospheric air – sampling at stationary sites and at 20 inhabited areas
Atmospheric rainfall – sampling at meteostations
Radiation monitoring – sampling of atmospheric rainfall (aggregate beta-activity) and gamma-background at meteostations.

Physical and chemical analysis is done at 10 complex laboratories; at nine laboratories, on the air, and at two laboratories, on surface water; radiological analysis is done at a laboratory in Almaty. Final processing and analysis is done at the Center for Monitoring of Environmental Pollution in the city of Almaty. Information is stored on paper and electronic bearers and in a computer database.

Kazgidromet collects data on surface waters for the water register, and also carries out final processing of those data, prepares and publishes reference books, and supplies data to the electronic banks. The surface water data from certain sections of the water register for the period from 1948 to 1990 are available at public libraries. More recent data are provided by Kazgidromet on a contractual basis.

The enterprise also publishes topical periodicals: the Surface Water Quality Annuary; the Annuary on the Pollution of the Atmospheric Air in Cities and Industrial Centers of the Republic of Kazakhstan; the Monthly Bulletin of the State of the

Environment in the Republic of Kazakhstan; the Annuary on the Regime and Resources of Surface Water; the Multi-Year Data on the Regime and Resources of Surface Water (once every 5-10 years).

Ministry for Emergencies

The Ministry for Emergencies is a central executive body in charge of intersectoral coordination and special executive and approval functions in the field of prevention and liquidation of emergency situations, either naturally-caused or industrial, civil defense; fire safety, control of safe operations in the industry and mining. The Ministry has territorial divisions in all oblast centers, in the cities of Astana and Almaty and in some other cities, and also district departments in the cities of Astana, Almaty and Karaganda. Among the organizations that subordinate to the Ministry and play an important role in collecting and distributing information on the emergencies are the State Enterprise “Republican Crisis Center,” Republican State Enterprises “Center for Computing, Telecommunications, Informatics and Situational Analysis” (VTTISA), and the State Enterprise “KazSeleZashshita.”

The information on the threats of emergencies, as well as on emergencies themselves, comes from the enterprises and organizations, including public authorities, to the territorial divisions and then to the central office of the Ministry. The territorial divisions collect information from emergency zones in accordance with an established schedule, including information on the status of the environment and potentially hazardous objects, sanitary and epidemiological situation and medical and sanitary consequences, background information on the radiation, chemical and biological situation, and then transfer such information to the Ministry. The information on the threats of potential industrial emergencies is also gathered in the course of controlling and inspection checks of the facilities and enterprises.

The information on emergencies is processed at the level of territorial divisions as well as at the Republican Crisis Center. The information is stored in an automated information management system for the prevention and liquidation of emergencies (AIUS ChS), which is supported by the VTTISA. Automated data banks are also kept at the level of the territorial divisions.

Committee for Water Resources

The Committee for Water Resources is a department that carries out special executive and control and monitoring functions, and also intersectoral coordination in the field of use and protection of the water fund. At present, the Committee reports to the Ministry of Agriculture.

The Committee has basin water-management administrations in the cities of Almaty, Astana, Atyrau, Karaganda, Kyzylorda, Kostanai, Semipalatinsk, and Taraz. Plans are to establish, in the near future, representative offices in all oblast centers of Kazakhstan. As far as the information gathering and processing goes, the Committee has in its structure the State Enterprise “Republican Methodical Center “Kazagromelpodvodkhoz” and Subsidiary State Enterprise “Institute of Water Farming;” both entities are located in Taraz.

At present, the Committee is an important source of the following environmental materials and information:

- plans, programs, short-term and prospective water-management balance sheets; schemes of complex use, and drafts of relevant documents relating to the management and protection of the water resources;
- regulatory documents and regulatory drafts in the field of protection and use of the water resources;
- permits and licenses for special use of surface and ground waters;
- documents relating to the construction of facilities and premises impacting the waters;
- materials of control and inspection checks of the compliance with requirements in the field of use and protection of the water fund; primarily in the field of compliance with the regime of water-protection zones and stripes, license requirements and permits for water use.

The initial information from water users comes to the Committee in the course of the procedure of issuance of permits and licenses for special water use; this procedure is carried out by the basin water-management administrations and, for certain large facilities, directly by the Committee for Water Resources. The materials gathered in the course of such procedure are stored at the agency that has issued permits for the relevant object of water use. The summarized information on special water use gets entered into an automated data bank.

The information of the state record-keeping of the waters and use thereof is replenished by:

- exercising control of the water users over the correctness of the initial record-keeping of the quantities of water that has been taken from, and discharged into, water reservoirs; availability and condition of the equipment used in keeping records of the water consumption and discharge;
- keeping records of the use of water based on the reports from the water users.

The Committee for Water Resources also keeps records of data relating to the division of the water register based on the reports from water users, and is primarily responsible for drafting and publishing the water register.

Committee for Forestry and Hunting

The Committee for Forestry and Hunting is a department carrying out special executive and control and monitoring functions, and also intersectoral coordination in the sector of forestry, hunting, and special protected natural territories. The Committee, which reports to the Ministry of Agriculture, has 14 territorial divisions in all oblast centers of Kazakhstan. It also has seven state national natural parks, ten state natural reserves, and a number of other state establishments and enterprises.

The principal tasks of the Committee are:

- participation in the drafting and implementation of the state policy on the forestry, hunting, and special protected natural territories;
- state regulation in the field of the use of forest and hunting resources, other flora and fauna resources, and special protected territories;
- carrying out state control over the protection, reproduction and use of flora and fauna resources, and over the status and activities of special protected natural territories;
- preservation of biological diversity, typical, unique and rare landscapes.

Within the scope of its functions, the Committee gathers, processes, analyses, stores and distributes information on the following main aspects:

- the legislation on the wildlife, forests and special protected natural territories;
- records and cadastres of forests, special protected natural territories; plants and animals (except fish and water life);
- data on the monitoring of forest ecosystems;
- newly created and already existing protected natural territories;
- control and inspection activities in the field of compliance with legislation on the protection on reproduction of the wildlife, special protected natural territories, and forest protection;
- limits of take and export of wild animals, provision and export of medicinal herbs, and use of forests;
- permits for the use, import and export of objects of wildlife and licensing of activities associated with the wood logging within the boundaries of state forestry fund;
- forest management and forest reproduction;
- forest pathological surveillance and record-keeping of the sites of pests and forest diseases;
- scientific research on the wildlife, forest, and special protected natural territories.

Data on various types of usage of the forests and wildlife, including those on the limits, permits and licenses are collected in the course of issuance of relevant permits by the Committee and its territorial divisions. In addition, the Committee for Forestry and Hunting plays a role of the Administrative Body for Kazakhstan within the context of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). By virtue of those authority, the Committee possesses information on the permits issued for the import into the country and export from the country of endangered wild animals and plants, as well as their parts and derivatives.

Aside from that, the Committee for Forestry and Hunting keeps and publishes the Red Book of Animals and the Red Books of Plants.

Committee for Fisheries

Committee for Fisheries is a department that carries out state management of the fishery, special executive and control and monitoring functions, and also intersectoral coordination in the field of fisheries. The Committee, which reports to the Ministry of Agriculture, includes three inter-oblast basin fishery administrations and four territorial fishery inspectorates.

The principal tasks of the Committee are:

- participation in the drafting and implementation of the state policy on the fishery;
- exercising state control over the protection, reproduction and use of fish resources and other water animals, and fishery management;
- state regulation of fishery and fish-breeding and reproduction; organization of activities aimed at fish stocking and acclimatization of new species of fish, melioration and technical and other measures in the field of fishery.

Environmental resources of the Committee include:

- documents, both drafted and already approved, on the state policy in the field of fisheries, including programs and plans;

- projects and existing regulatory acts relating to the protection and regulation of fishing and reproduction of fish reserves;
- record-keeping and monitoring of fish resources;
- limits and quotas for the use of fish resources and other species of water animals;
- permits for fishing and taking other species of water animals;
- documents for the performance of work aimed at acclimatization of fish and other species of water animals, and at stocking water reservoirs with fish.

In addition, since 2004 the Committee, based on its approved forms, has collected on a quarterly basis and processed the information on fishing, on control and inspection activities to comply with the fish-protecting legislation, as well as the information on violations committed by fishing enterprises. Also, the Committee collects on an annual basis the reports on fishing and fish-processing enterprises.

Kazakhstan Republican Sanitary and Epidemiological Station (SES)

"Kazakhstan Republican Sanitary and Epidemiological Station" is a state enterprise and it reports to the Committee of State Sanitary and Epidemiological Control under the Ministry of Healthcare. The SES has 344 sanitary-epidemiological stations, including 14 oblast stations, 30 city stations, 228 village stations, the Central SES on Transport, two SESs on Air Transport, and stations at 14 facilities of the Ministry of Internal Affairs.

The Republican SES possesses the following types of environmental information:

A. Status of the environment:

- Atmospheric air (within the working area);
- Potable water;
- Surface water at the places of water use.

B. Factors and measures impacting the environment:

- Content of pesticides and nitrates in the soil, water, and agro produce;
- Radiation;
- Noise within the building territory;
- Vibration;
- Electromagnetic fields;
- Regulatory documents and drafts of regulatory documents that regulate the matters of sanitary-epidemiological well-being of the population; primarily, those are sanitary and epidemiological norms and standards (SanPiNs).

C. Environment impact on the human health

- Infections and professional ailment.

Information is gathered by means of regular sampling and laboratory control at the level of district and oblast stations, territorial bodies on the transport, and the Central SES. Also, information is gathered from individuals and legal entities pursuant to special requests from state sanitary and epidemiological agencies.

At the district and oblast level the information gathered is summarized for the relevant monitored territory. The information on the quality of potable water, water reservoirs, food products, and public catering, is summarized and forwarded on to the higher SES on a weekly basis.

The analysis of information is performed primarily at the level of the Republican SES, and also at the oblast SES in accordance with the "Sanitary and Epidemiological Monitoring" program. The program allows performing an assessment of the sanitary-epidemiological situation over periods of time (week, month, year, etc.), separate oblasts, problematic territories (districts, inhabited areas, regions) using particular criteria, e.g. percentage of sick children, etc.

At the district level, the information is stored on paper bearers. Computerized databases are maintained at the level of oblast SES and the Republican SES.

Committee for Atomic Energy

The Committee for Atomic Energy is a central department carrying out special executive, control and managerial functions in the field of non-proliferation of nuclear weapons, and regulation of safe use of atomic energy in Kazakhstan. The Committee, which reports to the Ministry of Energy and Mineral Resources, does not have any territorial divisions at present.

The main tasks of this state agency are:

- state regulation in the field of the use of atomic energy;
- ensuring the functioning of the state system of record-keeping and control of nuclear materials and sources of ionizing radiation;
- state control over export and import of goods and services in the field of the use of atomic energy, within the scope of its competence;
- participation in the export control of nuclear materials, technologies, equipment, devices, special non-nuclear materials, goods, equipment and technologies of dual-use whose lists are approved by international regimes of non-proliferation, and of the sources of radioactive radiation and isotopic products;
- state control over the nuclear and radiation security, control of emergency planning at nuclear facilities, and also control of the physical safety of nuclear materials and facilities.

The Committee for Atomic Energy is a very important source of information on the:

- activities in the use of nuclear energy (sale and purchase, export and import, production, use, processing, transportation (domestic and transit), placement, scientific research, control of the radiation situation);
- sources of ionizing radiation;
- regulatory documents and drafts of regulatory documents that regulate the activities associated with the use of atomic energy.

The main part of the information comes in the form of annual mandatory reports from licensees regarding their activities involving the use of atomic energy, and from data on registration of sources of ionizing radiation. The information is then entered into a computer database which is categorized by sources of ionizing radiation. The database is built on the basis of individual requests sent to the organizations regarding the activities involving the use of the sources of ionizing radiation, measures that are taken to

ensure radiation protection of the employees, and data on individual dosimetric control of the service personnel. Government Resolution N 1285 dated October 18, 1996 envisages establishment of a cadastre of radioactive waste burial sites which will include the information on the waste's general and physical characteristics, data on the organizations where the waste is accumulated, and on the characteristics of the radioactive waste.

The public, on basis of requests, is provided with the information on the status of nuclear or radiation safety of the atomic energy facilities, status of records and control of the nuclear and radioactive materials, and other information relating to the security in the field of the use of atomic energy.

Agency on Statistics

The Agency on Statistics is a central executive body that carries out managerial functions in the field of national statistics and, subject to the law-established limits, intersectoral coordination and other special executive and approval functions. The Agency has territorial divisions in all oblast centers and in the cities of Almaty and Astana.

The Agency's information fund includes the following principal data and information relating to the protection of the environment and use of the nature:

A. Status of the environment:

Water: data on water take from natural resources and from underground — based on the data from the Committee for Water Resources, consumption of fresh water, use of water for industrial purposes, use of water for agricultural purposes, saving fresh water through recycling water supply and recurring-consecutive water supply, consecutive water supply, discharge of sewage water into the surface reservoirs and subsoil.

Atmospheric air: quantitative characteristics of stationary sources of emissions into the atmospheric air, emissions of specific pollutants, disposal of hazardous substances after they have been caught in the waste treatment facilities.

Forests: indices of forest rehabilitation in national-importance forests, stocking of forest seeds, forest fires and territories exposed thereto, maintenance and sanitary wood cutting, planned cut-over land and actual wood cutting; principal use and forest-rehabilitation wood cutting — based on the data from the Committee for Forestry and Hunting.

Flora and fauna: status of the hunting, biological, and technical and hunting measures aimed at protection of the animals; location and principal characteristics of the special protected natural territories.

Factors and measures impacting the environment:

Waste: presence, formation and disposal of toxic waste.

Environment protection measures: putting into functioning environment protection

facilities, investment into the environment protection activities, current expenses for the environment protection, ecological payments, and fees for the use of natural resources.

Most of the information is collected by territorial divisions in the form of nation-wide statistics reports, in accordance with approved forms. On an irregular basis, the information may also be collected by means of specially organized statistics observations, questionnaires, record-keeping, inventory, etc.

The collected data are transferred from the statistics blanks to the computer databases. The processed and controlled information for the current year is stored on the hard disks of the personal computers. As time comes, the information is copied onto compact disks and is then stored on them.

On a periodical basis, the Agency publishes statistical bulletins, including those in the series "Environment Protection," "Agriculture, Forestry and Fishery." The environment protection series includes semi-annual statistical bulletins:

- on the protection of the environment;
- on ecological accidents, suspended facilities, and violations of the environment legislation;
- on current expenses being spent on the environment protection, ecological payments, and fees for the use of natural resources;
- on the formation and disposal of toxic waste.

The Agency also provides access to statistical data stored in electronic format, on a fee basis.

Agency for the Management of Land Resources

The Agency for the Management of Land Resources is a central executive body carrying out special executive, approval and control and monitoring functions, and also intersectoral coordination, in the field of state regulation of land resources, topographic and geodesic and cartographic activities. The Agency has territorial divisions (committees) in all oblasts, the cities of Astana and Almaty, and the districts. The Agency's key division with respect to information is the Scientific and Research Center for Land Resources and Land Management.

The principal tasks of the Agency are:

- implementation of a uniform state policy in the field of management of land resources, regulation of land relations, geodesy and cartography;
- organization and carrying out works to implement the land reform, to provide scientific, personnel and methodological support to such reform, to develop and implement measures on the land management, geodesy and cartography;
- organization of monitoring of the lands, and of the state land cadastre;
- creation and maintenance of a bank of data on the status of land resources;
- organization of land zoning activities;
- implementation of the state control over the use and protection of the lands in the established procedure;
- implementation of the state geodesic control and protection of the relevant information;
- organization of land management activities.

The Agency for the Management of Land Resources is an extremely important source of information on the status of the land fund, and on the use of land. The land use information is collected and stored at the Agency's district divisions. The information on the status of the land fund is collected by territorial bodies for the management of land resources. Another large information block in the Agency's possession is formed based on the data on the control and monitoring over the compliance of legislative requirements relating to the protection of land.

The land use information is requested and provided on-site, i.e. at the district divisions, while the information on the matters of land management, organizations of farms, and legal matters, is requested and provided at oblast divisions, in the cities of Almaty and Astana.

Republican State Enterprise "State Scientific and Production Center for Land Resources and Land Management" (GosNPTszem)

This enterprise reports to the Agency for the Management of Land Resources. It has subsidiaries in all oblast centers, in the cities of Almaty and Astana, cadastre branches attached to the oblast/city subsidiaries, and also subsidiary companies "SapProekt" and "Complex and Research Division" (KIO).

The enterprise's information fund includes the following environmental data and information:

On the status of:

- lands, fields and land plots;
- land within the territory of inhabited areas, industrial facilities, toxic waste and radioactive waste burial sites;
- the biodiversity (natural plantation);
- the soil.

On the processes of:

- changes of soil fertility, including desertification, salinization, paludification, contamination of soil with pesticides, heavy metals, radio nuclides and other toxic substances, industrial, household and other waste;
- changes in plantation on natural pastures.

The Scientific and Production Center for Land Resources and Land Management and its subsidiaries carry out work on monitoring the lands based on a state contract formed by the Agency for the Management of Land Resources and its territorial divisions on-site, and also based on individual requests from customers. The information on the status of the land fund and agricultural land, eroded lands, and also geobotanical information, is collected by the Subsidiary Enterprise "Complex and Research Division."

The Cadastre Department of the Center for Land Resources and Land Management keeps the State Land Cadastre. GosNPTszem maintains an automated GIS-based information system of the land cadastre.

The Center for Land Resources and Land Management distributes information on a fee basis in the form of various maps and publications, e.g. "Natural Forage Resources," "Geobotanical Works in the Land Management System."

Annex 3. Web sites of public authorities and organizations possessing environmental information

Public authority	Web site
President	www.president.kz
Parliament	www.parlam.kz
Supreme Court	www.supcourt.kz
General Prosecutor's Office	www.procuror.kz
Government	www.government.kz
Ministry of Internal Affairs	www.mvd.kz
Ministry of Healthcare	www.dari.kz/
Ministry of Education and Science	www.edu.gov.kz
Ministry of Environment Protection	www.nature.kz
Ministry of Agriculture	www.minagri.k
Ministry for Emergencies	www.emer.kz
Ministry of Economy and Budget Planning	www.minplan.kz
Ministry of Energy and Mineral Resources	www.minenergo.kz
Agency for Land Management	www.auzr.kz
Agency on Statistics	www.stat.kz
Kazgidromet State Enterprise	www.meteo.kz
“State Scientific and Production Center for Land Resources and Land Management” State Enterprise (GosNPTszem)	www.lands.kz
Complex Research Division—Subsidiary of KIONNPTszem State Enterprise	www.kiozem.kz