On approval of the Provisions on the State Ecological expertise in the Kazakh SSR

Resolution of the Cabinet of Ministers of the Kazakh SSR
as of October 25, 1991, #637

The Cabinet of Ministers of the Kazakh SSR decrees:

Approve the attached Provisions on the state ecological expertise in the Kazakh SSR.

Prime-Minister of the Kazakh SSR

Approved by the Resolution of the Cabinet of Ministers of the Kazakh SSR
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Provisions on the state ecological expertise in the Kazakh SSR

1. State ecological expertise - is the type of expert activities of the bodies of the system of the State Committee of the Kazakh SSR on ecology and nature usage (State ecological committee of the Kazakh SSR), the purpose of which is implementation of the requirements of nature protective legislation and rational nature usage in the process of making decisions on social-economic development of the Republic, particular regions, branches of national economy and their enterprises.
2. The aim of the state ecological expertise is the evaluation of ecological groundness of the planned economic or other activity, the implementation of which directly or indirectly will have influence at the present time or in future on the condition of environmental and natural resources and also sufficiency and groundness of the suggested measures on their preservation and rational usage.
3. State ecological expertise has the obligatory character and has to precede the approval of economic and other decisions.
4. The following are subject to state ecological expertise:

drafts of the state plans, ecological and other programes, conception of the main directions and schemes of location of the productive forces of the region and branches of the national economy;

pre-planning, pre-drafting and drafting documentation on the development of economic and other activity, implementation of which may have a bad influence on the condition of the environment of the region;

feasibility studies (calculations), drafts of the construction (reconstruction, extension, usage of new technology) and liquidation of national economy objects and complexes irrespective of the sources of financing, departmental subordination, forms of property including joint-ventures;

drafts of instructive-methodological and normative-technical documents, which regulate economic and other types of activity;

documentation on creation of new engineering, technologies, materials and substances including purchased abroad, other documentation and technologies;

ecological situation in the region, appeared as a result of economic or other type of activities;

operating enterprises, institutions and organizations, which have bad influence on the environment.

5. Ecological expertise carried out by public organizations on their own initiative, by other institutions at the request of the applicant or by nature protection bodies has the force of recommendations and become legally obligatory for implementation after the approval of their results by the State Committee on ecology bodies of the Kazakh SSR.

Organizations, which carry out expertise and also collectives of experts carry out the full range of responsibilities for the rightness and groundness of their expert conclusions according to the current legislation.

6. State ecological expertise is carried out by the bodies of state ecological expertise system of the State Committee of ecology of the Kazakh SSR with the attrection on the negotiating basis legal and natural entities (experts), included in expert commissions.

Legal and natural entities (experts), participated in carrying out the state ecological expertise, provide the groundness and objectivity of the submitted by them conclusions and in accordance with the current legislation bear the responsibility for their rightness and groundness.

the work procedure and the authorities of experts and also distribution of the volumes of works between state ecological expertise bodies are determined by the state Committee of ecology of the Kazakh SSR.

7. For consideration the most important drafts of expert conclusions in the State Committee of the ecology of the Kazakh SSR, its bodies in the regions and cities the councils of state ecological expertise are operating, in the composition of which, except stuff employees of the Committee, leading scientists and highly qualified specialists are working.

Provisions on state ecological expertise bodies, their stuff are approved by the decisions of corresponding Committees on ecology and nature usage.

8. Deputies chairmen of the republican, oblast and city committees on ecology and nature usage on which the responsibility for organization and implementation of state ecological expertise have been placed on, are on a position of the main state ecological experts according to the Kazakh SSR, oblast, city.

10. At implementation of the state ecological expertise of the materials under consideration the following measures are carried out:

integrated analysis of economic, social, technical, architectural-planning decisions and suggestions, pilled in pre-planning, pre-drafting documentation;

analysis of complex (ecological-social-economic) evaluation of the influence of planning activity on the condition of the environment, natural resources, health of the population, implemented by the applicant;

evaluation of the completeness, complexness and effectiveness of the stipulated measures on prevention of accidents and liquidation of their consequences;

evaluation of the expediency and possibility of introduction of the planning type of economic and other type of activity taking into consideration ecological restrictions of the considered territory;

analysis of ecological-social evaluation of public opinion on planning type of economic activity implemented by the applicant or by the elaborator of documentation.

11. At the result of expert commission or particular experts (permanent or non-permanent worker) the conclusion, containing information on ecological groundness of planning activity and the conclusion on the expediency and possibility of its implementation in the particular region is made.

Financing of implementation of the project of economic and other activity is open for the applicant only at availability of the positive conclusion of the state ecological expertise, which is the basis for issuing the permission on nature usage.

12. As a rule, depending on the complexity of considered documentation the period of carrying out state ecological expertise shall not exceed 3 months.

13. Within their competence the bodies of the state ecological expertise:

carry out interrelations with the state control bodies in the sphere of protection and safety of labor, health of the population, obedience of sanitary norms and rules;

co-ordinate the activity of branch and inter-departmental expert services on exercising control over the maintenance of drafts of ecological norms, nature protection norms and rules;

form the suggestion on perfection of instructive-methodological documentation and determine the obligatory requirements in the sphere of influence on the planning activity on the environment;

provide work-out of instructive-methodological documents on general methodology of conducting evaluation of the influence on the environment and state ecological expertise.

14. Bodies of the state ecological expertise ought to provide the access of the materials and documents, groundness and objectiveness of the conclusions, tranceperancy, observance of the current norms, rules and standards, timely preparation of expert conclusion at conducting expertise.

15. Bodies of the state ecological expertise have the rights:

to establish the period of conducting an expertise and the procedure of submitting the results of the work of expert commissions;

to prepare the corresponding decisions of the state ecological expertise on the results of the work of expert commissions or independent non-permanent experts, including suggestions on consolation, suspension or changing the conditions of financing and crediting of the further work out of documentation or manufacturing the production, carrying out with breaking the requirements of nature-protection legislation, which is obligatory for the customer;

to consider the differences between customers and the lower bodies of the state ecological expertise on the results of consideration of the drafts of documentation;

to organize double state ecological expertise in case of submitting by the customer additional materials on essential work out of the draft of considered documentation;

to delegate functions of implementation of the state ecological expertise by the corresponding bodies and organizations;

to exercise control over implementation by legal and natural entities the decisions of the bodies oft the state Committee of ecology of the Kazakh SSR on the results of the state ecological expertise;

to obtain from the ministries and departments, institutions and enterprises the inquiry, information and other materials, necessary for conducting the state ecological expertise;

to publish the information on conducting the state ecological expertise and its results in the mass media.

16. Experts and bodies, participated into implementation of the state ecological expertise bear administrative and other responsibility in accordance with the legislation of the Republic for providing the complexness, scientific grounness and objectivity of the prepared conclusion.

The provision on expert, participating in conducting the state ecological expertise, is approved by the State Committee of ecology of the Kazakh SSR.

17. Disagreements, appearing between the body of the state ecological expertise and the customer of drafting materials and documents, formed by the protocol are considered by higher expert body, issued the conclusion and he customer of drafting documentation. The period of consideration of the differences shall not exceed 2 months since the day of submitting the protocol of disagreements and other necessary materials. The conclusion of the State Committee of the Ecology of the Kazakh SSR on the disagreements can be appealed in arbitration or in the court according to the established order.

18. Financing of the activity of the bodies of the state ecological expertise is carried out at the expenses of budgetary allocations, funds, received from the payment of expenses, connected with conducting the state ecological expertise and also at the expenses of the funds of nature protection in accordance with the corresponding Provisions.

19. All funds, received as payment for conducting the state ecological expertise, are transferred to the bodies of the system of the State Committee of ecology of the Kazakh SSR on the special account and spent on a targeted basis. The Facilities which have not been used in the reporting period do not subject to withdrawal and they are transferred for the following year.

The responsibility for targeted directions of the mentioned facilities is beard on the Chief of the corresponding body of the state ecological expertise, which exercises also control over their usage.

20. Funds, received from conducting the state ecological expertise, are used for :

payments of the costs on maintaining additional stuff of the bodies of the state ecological expertise;

payments of the costs on organization and implementation of the state ecological expertise and services of the third organizations;

payments for the work of non-state experts and consultants;

financing of scientific research in the spare of methodology of evaluation of the influence on the environment and the state ecological expertise;

payment of checking and other necessary measures and other types of work, connected with carrying out the expertise;

acquisition of technical and other facilities for the work of experts, information-methodological and material-technical provision of an expertise.

21. The volume of financing, payment procedure and usage of the facilities of the state ecological expertise are worked out by the State Committee of ecology of the Kazakh SSR and approved by the Cabinet of Ministers of the Kazakh SSR.