



CONSTRUCTION CODE OF THE REPUBLIC OF KAZAKHSTAN

Unofficial translation

The Code of the Republic of Kazakhstan dated January 9, 2026 № 253-VIII LRK

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This Code regulates public relations related to the architectural, urban planning, and construction activities in the Republic of Kazakhstan, the formation of a full-fledged living environment and human life activities, the planning and development of settlements and inter-settlement territories, and ensuring the safety of construction objects at all stages of their life cycle.

SECTION 1. GENERAL PROVISIONS Chapter 1. GENERAL PROVISIONS

Article 1. Basic concepts used in this Code

In this Code, the following basic concepts are used:

1) Emergency construction object – the condition of a construction object at which its further operation must be immediately ceased due to the impossibility of ensuring the safety of people in it;

2) Author's supervision – an engineering service in architectural, urban planning, and construction activities involving supervision of the construction stage by the author(s) of the construction project, including making changes to it;

3) Human habitat and living environment – the environment in which a person resides and carries out life activities. The human habitat and living environment include:

Surrounding environment – the totality of conditions, substances, and material world objects surrounding a person, including the natural and anthropogenic environment;

Architectural-landscape environment – a space combining natural conditions and architectural forms where a person conducts economic activities and other functions. Usually, this environment is within and outside settlements, determining living conditions and the psychophysical state of a person;

Accessible (barrier-free) environment – a property of a construction object or service place that allows unobstructed access to the place and use of the service, with parameters ensuring the possibility of using the service;

Indoor environment – a complex of living conditions in residential premises and working conditions in workplaces (production premises), including social, aesthetic, biological, psychological, and physico-chemical factors including natural radiation, external noise, biotic surroundings, pollution, humidity, air composition and movement, odors, combustion products, natural and artificial lighting, water purity, and others;

4) As-built geodetic survey – a scheme showing the actual location of buildings, structures, and engineering communications on a land plot, referenced to precise coordinate and elevation systems;

5) Territory zoning – division of territories during urban planning into functional zones with the establishment of types of urban use for individual zones and possible restrictions on their use;

6) Territorial-transport planning – planning the development of the transport system of a territory prioritizing sustainable urban mobility and the formation of a barrier-free environment, also considering operational equipment of the territory and technical coverage of communication routes, including planning the placement of infrastructure for all types of transport and routing of the transport network;

7) Initial materials – materials necessary for the development of project documentation;

8) Unique construction object – a construction object and its complexes characterized by special architectural, volumetric-planning, structural, engineering, or technological solutions not previously applied separately or collectively, for which no state normative documents or interstate standards (interstate normative documents) for design and construction exist, requiring the development, coordination, and approval of special technical conditions (special norms) for this construction object;

9) a building – an artificial structure consisting of load-bearing and enclosing structures forming a mandatory above-ground enclosed volume, used depending on its functional purpose for living or staying of people, performing production processes, as well as placement and storage of material values. A building may have an underground part;

10) Technical inspection of reliability and stability of buildings and structures – a type of expert work determining the actual condition of buildings and structures and their elements, reliability and stability, possibility of further operation, obtaining quantitative assessment of actual quality indicators of structures considering changes over time, to establish the scope of major repairs, modernization, or reconstruction of the construction object, as well as changes in its intended use;

11) Design code – a set of requirements and rules aimed at forming a harmonious and stylistically unified architectural appearance of settlements, including placement of landscaping elements, informational and advertising structures, small architectural forms, non-stationary objects, non-stationary trade objects used for trade and/or public catering, landscaping, lighting, facades, fences, considering the features of the development area;

12) Detailed planning project – an urban planning project developed for specific parts of territories and functional zones of settlements, as well as territories located outside settlements;

13) Territory of a settlement – the space within the established boundary (border) of an urban or rural settlement;

14) Master plan of a settlement – an urban planning project for comprehensive planning of the development and construction of a city, town, or village, establishing zoning, planning structure of the settlement, and functional organization of its territory considering urban planning regulations, transport and engineering communication systems, landscaping, and improvement;

15) Architectural appearance of a settlement (its constituent parts) – a spatial-compositional solution of the territory where the placement of construction objects, all elements of development, landscaping, and surrounding environment is aimed at forming a holistic aesthetic architecture, comfortable, accessible, and safe environment;

16) Objects of special regulation and urban planning regulation – objects of architectural, urban planning, and construction activities whose implementation is complicated without establishing exceptions or additions to generally accepted rules (procedures) for the use of territories, settlement territories, or individual construction objects;

17) Dilapidated construction object – the condition of a construction object where its structure and foundation no longer meet the specified operational requirements due to physical wear;

18) General seismic zoning maps – maps compiled for the entire country at a relatively small scale, highlighting zones with different potential seismic hazards, with probabilistic estimates given in peak ground accelerations and points on the seismic intensity scale;

19) Individual residential house – a detached building intended for personal (family) residence, no higher than three floors including attic and basement, owned by an individual along with outbuildings and other structures and green plantations;

20) Individual housing construction – construction of individual residential houses by persons on land plots assigned to them in the prescribed manner, either by their own efforts or by contract;

21) Territory of individual residential development – part of the settlement territory used for individual housing construction, combined with social, cultural, and educational facilities, as well as engineering and transport infrastructure;

22) Interstate project expertise – a mandatory form of expertise for projects of interest to two or more states participating in an international construction agreement;

23) Project expertise – expert activity involving analysis and evaluation of construction projects and urban planning projects by establishing compliance (non-compliance) of design solutions with initial materials and permitting documents for design as provided by the legislation of the Republic of Kazakhstan, as well as compliance in design solutions and calculations with urban planning and technical regulations, norms, and provisions of state and interstate normative documents.

24) Pre-design documentation – documentation preceding the development of design documentation and including programs, reports, justifications, techno-economic calculations, results of scientific research and engineering surveys, technological and structural

calculations, sketches, drawings, models, measurements and results of object inspections, as well as other initial materials and materials necessary for decision-making on the development of design documentation and subsequent implementation of construction projects;

25) Design documentation – a set of textual and graphical documents created during design, which includes:

landscaping and greening projects. Landscaping and greening projects may be part of the construction project;

urban planning projects – projects containing solutions for comprehensive urban planning of organization, development, and construction of territories and settlements or their parts (general scheme of territory organization of the Republic of Kazakhstan, interregional territorial development schemes, comprehensive urban planning schemes of territories, master plans of settlements (development and construction schemes of settlements), detailed planning projects);

construction project – design and estimate documentation containing the relevant requirements of this Code, as well as estimate calculations for organizing and conducting construction, engineering preparation of the territory, landscaping. Construction projects also include conservation and post-utilization projects of construction objects;

architectural project – a project for erecting a construction object (monument), in the design of which the participation of an architect is necessary;

26) Design activity (designing) – activity consisting of a complex of interrelated works on the creation of design documentation;

27) Subjects of expert activity in the field of design – a state expert organization, expert organizations, as well as experts who are their employees or those temporarily engaged by these organizations as freelance experts;

28) Expert in the field of design – an individual certified in the manner provided by this Code to carry out expert work and employed by a state expert organization or one of the expert organizations;

29) Design organization – an individual entrepreneur or a legal entity having the right to carry out design activities in accordance with the legislation of the Republic of Kazakhstan;

30) Project management – an engineering service for organizing, planning, coordinating, and controlling design, construction, and commissioning of construction objects, which may include technical supervision and author's supervision;

31) Engineering infrastructure – a set of enterprises (organizations), construction objects, communications, and engineering and communal service networks creating normal conditions for human life activities, as well as sustainable functioning of production or circulation of goods and services;

32) Engineering services – services for technical supervision, author's supervision, and project management ensuring preparation and implementation of construction to achieve optimal design indicators;

33) Duty topographic plan – a digital cartographic base, part of the state urban planning cadastre, containing information about architectural, urban planning, and construction objects, engineering infrastructure, planned construction objects, landscaping and street-road traffic objects, transport network;

34) Warranty period – the period of operation of construction objects established in accordance with this Code, the Civil Code of the Republic of Kazakhstan, other normative legal acts of the Republic of Kazakhstan, or contract, during which the customer, contractor (general contractor) guarantee the preservation of quality indicators of the construction object in accordance with state normative documents, construction project, and legislation of the Republic of Kazakhstan;

35) Conservation – a set of measures to ensure the preservation and quality characteristics of structures, materials, and equipment of an unfinished construction object during the period of temporary suspension of its construction;

36) Transport infrastructure – a set of ground (automobile and/or railway) roads, water (sea and/or river) communication routes with a complex of bridges, tunnels, and other transport structures, road interchanges and overpasses, traffic control devices, communication, engineering support objects for transport operation, vehicle service, cargo and passenger movement, road safety, functional activities of production and service personnel, warehouses and territories, sanitary protection and security zones, as well as lands provided in accordance with the laws of the Republic of Kazakhstan and assigned to these communication routes and objects with real estate located on them;

37) Apartment building – a detached building with a single foundation on an indivisible land plot with the corresponding designated purpose, consisting of common property of the condominium object, which is joint shared ownership, of two or more apartments, non-residential premises having independent exits to the land plot adjacent to the apartment building or to other parts of the common property of the condominium object;

38) Street-road network – an object of transport infrastructure, part of settlement territories, limited by red lines and intended for movement of pedestrians, mopeds, electric scooters, bicycles, small electric vehicles, public transport, and other mechanical vehicles, regulation of development and laying of engineering communications, as well as ensuring pedestrian and transport connections of settlement territories as an integral part of their communication routes. The main elements of the street-road network are streets, avenues, lanes, driveways, embankments, squares, pedestrian zones, sidewalks, pedestrian and bicycle paths;

39) Urban planning space – a territory of urban planning regulation within which any architectural, urban planning, and construction activity is carried out, forming the material

environment of human habitat and life activities (population of the country, region, settlement , or part of the settlement);

40) Urban planning documentation – a system of interrelated documents (including urban planning projects, state and interstate normative documents) necessary for urban planning of development and construction of territories and settlements or their parts;

41) Urban planning activity (urban planning) – activity in urban planning of organization and development of territories and settlements, their territorial-transport planning and traffic organization, determination of types of urban use of territories, comprehensive design of urban and rural settlements, including the creative process of forming urban planning space, creating an urban planning project, coordinating all related sections of urban planning documentation;

42) Urban planning regulations – regimes, permissions, restrictions (including encumbrances, prohibitions, and easements) on the use of territories (land plots) and other real estate objects, as well as any permissible changes in their condition, established in accordance with the legislation of the Republic of Kazakhstan;

43) Inter-settlement territories – territories located outside the boundaries (borders) of settlements;

44) settlement territory – part of the settlement territory intended for placement of residential, public (social-business), and recreational zones, as well as separate parts of engineering and transport infrastructure, and other objects whose placement and activities do not require sanitary protection zones.

45) Structure – an artificially created volumetric, flat, or linear construction object (aboveground, overwater and/or underground, underwater), having natural or artificial spatial boundaries and intended for performing production processes, placement and storage of material values, or temporary stay (movement) of people, goods, as well as placement (laying , routing) of equipment or communications. A structure may also have artistic-aesthetic, decorative-applied, or memorial purposes;

46) State construction project bank – a digital resource containing standard projects and design-estimate documentation for the construction of new construction objects that have received a positive conclusion from the comprehensive interdepartmental expertise of construction projects;

47) State investments in construction (state investments) – investments in the construction of new construction objects, engineering and transport communications, as well as reconstruction (expansion, modernization, technical re-equipment) or major repairs of construction objects, sourced from:

funds from the republican and/or local budgets, including targeted funds aimed at budget investments and budget lending to quasi-public sector entities;

targeted funds from non-state loans under state guarantees or state surety;

funds from the National Fund of the Republic of Kazakhstan;

funds from quasi- public sector entities, excluding organizations and legal entities whose shareholder (participant, trustee) is the National Bank of the Republic of Kazakhstan;
funds from autonomous educational organizations.

State investments also include funds from republican and/or local budgets aimed at co-financing and/or compensating investment costs for public-private partnership projects;

48) Construction activity (construction) – activity related to the creation of fixed assets for production and non-production purposes by erecting new and/or modifying (expanding, modernizing, technically re-equipping, reconstructing, restoring, major repairing) construction objects (their complexes, communications), installation (dismantling) of related technological and engineering equipment, manufacturing (production) of construction materials, products, and structures, as well as performing conservation works on unfinished construction objects and post-utilization of construction objects that have exhausted their resource;

49) Construction and installation works – construction activity including:
earthworks and special works in soils;

works on post-utilization (demolition) of construction objects with arrangement of temporary engineering networks, roads, storage areas, as well as vertical planning of the territory;

erection of load-bearing and/or enclosing structures of construction objects (including bridges, transport overpasses, tunnels and subways, overpasses, pipelines, other artificial structures);

special construction and installation works for laying linear structures;

installation of external engineering networks and structures, as well as internal engineering systems;

works on protection and finishing of structures and equipment;

construction of automobile and railroads;

installation of technological equipment, including assembly and installation in the design position at the place of permanent operation, individual testing and load testing, as well as dismantling;

50) Conclusion on the quality of construction and installation works – a document confirming the quality of completed construction and installation works;

51) technology of information modeling of construction objects – a set of technologies, production processes, and regulations ensuring the possibility of collective creation and management of information about a construction object at all stages of its life cycle;

52) Certification of construction objects – a technical procedure for inventorying existing development of urbanized territory located in a seismically active zone, describing the structural solution, physical and operational condition of the construction object, and assessing its seismic resistance and structural vulnerability during the inventory process;

53) Construction object – an artificial environment object in the form of a building or structure, which is the final result of construction activity;

54) Post-utilization of a construction object – a set of works for dismantling and demolition of a construction object after cessation of its operation (use, application) with simultaneous restoration and secondary use of regenerable elements (structures, materials, equipment), as well as processing of non-regenerable elements and waste;

55) Act of acceptance of a construction object into operation – a document confirming the completion of construction in accordance with the approved construction project and state (interstate) normative documents and the full readiness of the construction object for operation ;

56) Unique construction object number – an eighteen-digit identification number formed in the automated digital system of the state urban planning cadastre for collecting information about the construction object from obtaining initial materials and permits for project development, reconstruction (redevelopment and re-equipment) to acceptance and commissioning of the construction object for monitoring its life cycle;

57) Engineering equipment of a construction object (engineering equipment) – a complex of engineering systems and technical devices creating normative or comfortable living (household), labor (stay) conditions for people, ensuring preservation of material values, as well as engineering support for technological equipment and production processes;

58) Life cycle of a construction object – sequential and interrelated stages of existence of a construction object, including:

Stage of creation of a construction object – life cycle stage including the following stages: development of pre-design documentation, design, construction, acceptance and commissioning, as well as major repairs and reconstruction;

Stage of operation of a construction object – life cycle stage covering actions related to the use of the construction object for its intended purpose during the calculated service life and in accordance with safety levels established by previously issued permits and regulations. Includes stages of maintenance and current repair;

Stage of termination of existence of a construction object – life cycle stage when the construction object no longer performs its functions or does not meet modern requirements and standards, resulting in the stage of post-utilization of the construction object;

59) Quality of a construction object – a set of characteristics (including aesthetic) of the final construction object delivered to the consumer, reflecting requirements aimed at ensuring the interests and safety of owners (users) and society as a whole throughout the operation stage of the construction object;

60) Technical complexity of a construction object – the level of responsibility of a construction object according to the degree of technical requirements for reliability and strength of foundations and structures, established by state and/or interstate (international) normative documents depending on the functional purpose of the construction object, features

of its load-bearing and enclosing structures, number of floors (structural tiers), seismic hazard or other special geological, hydrogeological, geotechnical conditions of the construction site (area), subdivided into:

first level of responsibility – increased;

second level of responsibility – normal;

third level of responsibility – reduced;

61) Digital model of a construction object – a set of information provided in electronic form about the construction object, including three-dimensional models, initial materials, permitting, design, as-built, and operational documentation.

62) Passing permitting procedures in the field of construction – granting the right to a subject of architectural, urban planning, and construction activities to implement their plan for construction and/or modification of construction objects (or their parts);

63) Building regulation lines (building lines) – boundaries of construction established when placing construction objects with a setback from red and yellow lines or from the boundary of the land plot in the absence of established red and yellow lines;

64) Undeveloped territories – lands within the boundaries (border) of a settlement where there are no construction objects, transport infrastructure objects, engineering networks, and structures;

65) Developed territories – territories with construction objects located on them, where further development is possible through post-utilization (demolition) of construction objects;

66) National institute of technical standardization in construction – a legal entity defined in the manner established by this Code, engaged in the development and improvement of state normative documents;

67) Estimated construction cost – the amount of money required for construction, determined in the design-estimate documentation (if available) based on project materials and estimate normative documents;

68) Object of unfinished construction – a construction object not accepted for operation in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities;

69) Red lines – boundaries separating territories of blocks, microdistricts, and other elements in the planning structure of settlements from streets (driveways, squares). Red lines are used to regulate building boundaries;

70) Interstate norms (interstate normative documents) – a system of normative-technical documents, rules, and other mandatory requirements, conditions, and restrictions, including interstate construction norms and codes of practice, interstate construction standards, effective based on international treaties ratified by the Republic of Kazakhstan on the territories of the Republic of Kazakhstan and other states;

71) Automated digital system of the state urban planning cadastre – a digital system of the state urban planning cadastre ensuring collection, accounting, registration, input (filling),

processing, storage, access, provision of information and/or data, display, and dissemination of data of the state urban planning cadastre;

72) State expert organization – a legal entity created by the decision of the Government of the Republic of Kazakhstan in the organizational-legal form of a republican state enterprise on the basis of the right of economic management, performing activities attributed to state monopoly in project expertise, as well as other activities provided by the laws of the Republic of Kazakhstan;

73) State architectural and construction control and supervision – activities of state bodies exercising state architectural and construction control and supervision aimed at preventing, detecting, suppressing, and eliminating violations of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities, as well as control and supervision over their compliance;

74) State system of normative documents (state normative documents) – a system of normative legal acts, urban planning and technical regulations, as well as normative technical documents, whose provisions ensure favorable, safe, and other necessary conditions for human habitation and life activities;

75) Schedule of site visits – a document attached to the notification of the start of construction and installation works, confirming the customer's voluntary agreement to allow the state body exercising state architectural and construction control and supervision to visit the construction site during construction according to an agreed schedule;

76) Conclusion on compliance of the object with fire safety requirements – a document issued by the territorial body of the authorized civil protection agency confirming the compliance of a constructed object with mass presence of people and buildings over twenty-eight meters high with fire safety requirements before acceptance into operation;

77) Local expert conclusion – a conclusion of comprehensive interdepartmental expertise of construction projects, issued to the customer at each stage of expert support for the relevant sections (parts) of the construction project, except for the final stage of the project expertise;

78) Public places – territories and objects accessible or open to the population;

79) Fire-technical inspection – a type of inspection determining compliance or non-compliance with fire safety requirements of constructed objects with mass presence of people and buildings over twenty-eight meters high;

80) Restoration – a set of measures ensuring preservation and disclosure of the historical, architectural, and artistic appearance of historical and cultural monuments based on scientifically justified data;

81) Expert works – works on expertise of design documentation, conducting technical supervision, and technical inspection of reliability and stability of buildings and structures;

82) Expert conclusion – a document of a state expert organization or expert organization resulting from comprehensive urban planning expertise of urban planning projects and comprehensive interdepartmental expertise of construction projects;

83) Expert organization – a legal entity accredited in the manner established by this Code, performing comprehensive interdepartmental expertise of construction projects not attributed by the legislation of the Republic of Kazakhstan to state monopoly;

84) Yellow lines – boundaries of the maximum permissible zones of possible spread of debris (collapses) of construction objects as a result of earthquakes or other natural or man-made emergencies. Yellow lines are used to regulate gaps between construction objects;

85) Declaration of conformity – a document by which the contractor (general contractor) certifies the compliance of completed works with the approved construction project and requirements of state (interstate) normative documents for the completed construction object;

86) Architectural and planning assignment – a set of requirements for the purpose, main parameters, and placement of a construction object on a specific land plot (site, route), as well as mandatory requirements, conditions, and restrictions for design and construction established in accordance with urban planning regulations for the given settlement. It may include requirements for color schemes and use of finishing materials for external walls (facades) of construction objects, volumetric-spatial solutions according to sketches (sketch projects) provided by the customer (investor);

87) Automated register in the field of architectural, urban planning, and construction activities (automated register) – a component of the digital system in the field of architecture, urban planning, and construction, integrated with digital objects of state bodies and other organizations, containing information about subjects of architectural, urban planning, and construction activities in accordance with this Code;

88) Self-regulatory organization in the field of architectural, urban planning, and construction activities – a single non-profit organization in the form of an association (union) or other organizational-legal form, based on voluntary membership (participation) of private business entities.

Self-regulatory organization in the field of architectural, urban planning, and construction activities as a single non-profit self-regulatory organization is created according to directions determined by the authorized body for architecture, urban planning, and construction;

89) Register of certified specialists (experts) in the field of architectural, urban planning, and construction activities – a continuously updated unified list of individuals who have passed certification;

90) Authorized body for architecture, urban planning, and construction – the central executive body that provides leadership and, within its competence, intersectoral coordination in the field of state management of architectural, urban planning, and construction activities;

91) Work of architecture, urban planning – an object of copyright and intellectual property of the author(s), resulting from creative professional activity aimed at creating an architectural object or forming urban planning space, including the author's concept fixed in the form of a digital model, design documentation, individual drawing, model, sketch, and/or implemented in reality;

92) Architectural and construction control and supervision – measures aimed at ensuring compliance by subjects of architectural, urban planning, and construction activities with the requirements established by the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities;

93) Architectural and construction documentation – a set of documents necessary for organizing construction (expansion, modernization, technical re-equipment, reconstruction, restoration, major repairs, conservation, and post-utilization), as well as organizing engineering preparation of the territory, landscaping, greening, and external decoration;

94) Architectural activity (architecture) – activity related to creating architectural objects, including the creative process of forming the external and internal appearance of a construction object, spatial, compositional, volumetric-planning, and functional organization fixed in the architectural part of design documentation for construction (reconstruction, restoration), and conducting author's supervision during project implementation;

95) Architectural object – a construction object in the form of a building, structure, their exteriors and/or interiors, monument, landscaping elements, landscape or garden-park art created based on architectural or urban planning projects requiring the participation of an architect;

96) Areas (zones) of increased seismic hazard – areas defined based on seismic microzoning maps with possible (expected) seismic impact;

97) Seismic microzoning maps – maps compiled for developing territories of settlements considering the influence of seismotectonic and local engineering-geological conditions;

98) Estimate normative documents (estimate norms) – estimate norms, cost estimate indicators, indices, and other normative documents on pricing necessary for determining the estimated construction cost, as well as manuals and methodological recommendations;

99) Customer – an individual or legal entity conducting activities in accordance with the legislation of the Republic of Kazakhstan. Depending on the purpose of the activity, the customer may be the project (program) investor, the customer (owner), or their authorized persons;

100) Technical supervision – an engineering service for supervising construction at all stages of project implementation, including quality, cost, acceptance of completed works, and commissioning of construction objects;

101) Technical customer – a legal entity engaged by the customer for turnkey construction, acting under a contract to ensure qualified management of the turnkey construction process at all stages;

102) Technogenic impacts – undesirable or harmful (dangerous) effects on the population, settlements, or inter-settlement territories caused by economic activities without or with the threat of emergencies of natural and man-made nature;

103) Technogenic disasters – extreme factors related to economic activities causing: industrial, transport, and other accidents (incidents);

fires, explosions, or threats of explosion;

releases or threats of release of biologically, chemically hazardous, or radioactive substances;

sudden collapses of construction objects, communications;

breaches of hydraulic or treatment facilities;

accidents in power and communication life-support systems;

104) Turnkey construction – comprehensive works on construction of a construction object and its commissioning, including design, survey, construction and installation (expansion, modernization, technical re-equipment, reconstruction, restoration, major repairs), and other works, as well as the related supply of goods and services, excluding comprehensive non-departmental expertise of construction projects and technical supervision services;

105) Infill (spot) development – construction of new buildings or structures on historically developed territories;

106) Standard project – design and estimate documentation for repeated use in design, developed within the budget program of the authorized body for architecture, urban planning, and construction;

107) Low-mobility population groups – elderly persons, persons with disabilities, persons experiencing difficulties in independent movement, receiving services, information, or spatial orientation, including those using strollers and/or wheelchairs;

108) Sketch (sketch project) – a simplified type of design (planning, spatial, architectural, technological, structural, engineering, decorative, or other) solution executed in the form of a scheme, drawing, initial draft (sketch), explaining the concept of this solution.

Article 2. Legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities

1. The legislation on architectural, urban planning, and construction activities of the Republic of Kazakhstan is based on the Constitution of the Republic of Kazakhstan and consists of the norms of this Code, the Civil Code of the Republic of Kazakhstan, and other normative legal acts of the Republic of Kazakhstan.

2. International treaties ratified by the Republic of Kazakhstan have priority over this Code. The procedure and conditions for the application of international treaties to which the Republic of Kazakhstan is a party within the territory of the Republic of Kazakhstan are determined by the legislation of the Republic of Kazakhstan.

Article 3. Goals, Objectives, and Principles of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities

1. The goals of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities are:

1) To form an effective management system in the field of architecture, urban planning, and construction;

2) To ensure an inclusive, favorable, and comfortable environment for all population categories, including providing low-mobility groups with conditions for unhindered access to social, transport, industrial, and other construction facilities;

3) Transparency, accessibility, and fairness in the implementation of state policy in the field of architecture, urban planning, and construction;

4) Establishing requirements that ensure safety in architectural, urban planning, and construction activities;

5) Organizing the implementation of architectural and construction control and supervision;

6) Developing scientific and scientific-technical activities, training, and improving the qualifications of workers in the field of architecture, urban planning, and construction.

2. The objectives of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities are:

1) Ensuring control and supervision at all stages of the life cycle of construction activities;

2) Automating processes to simplify procedures and introducing digital systems in the field of architecture, urban planning, and construction;

3) Ensuring comprehensive and sustainable development of the territories of settlements;

4) Creating conditions for attracting investments in the field of architecture, urban planning, and construction;

5) Improving the architectural appearance of settlements, as well as modernizing and developing engineering and communication networks;

6) Improving tools for the formation and transformation of settlement territories, as well as improving the state of the environment;

7) Ensuring the use of materials, equipment, products, and structures of Kazakh origin in construction.

3. The principles of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities are:

1) Legality, equality, and inadmissibility of restricting the rights of subjects of architectural, urban planning, and construction activities;

2) Balanced consideration of environmental, economic, social, and other factors in the implementation of architectural, urban planning, and construction activities;

3) Ensuring transparency and comprehensive participation of individual and legal entities in resolving issues in the field of architectural, urban planning, and construction activities;

4) Creating conditions for the development of self-regulation in the field of architectural, urban planning, and construction activities;

5) Considering all factors and interrelations when developing urban planning documentation and complying with their requirements when preparing construction projects and developing territories.

Article 4. Main directions of activity in the field of architecture, urban planning, and construction

1. The main directions of activity in the field of architecture, urban planning, and construction must ensure state, public, and private interests in this field:

1) State interests – interests of society as a whole to ensure conditions for sustainable development of regions, cities, rural settlements, active mobility, functioning of life-support systems, transport and engineering communications, communications and energy, environmental protection, preservation of historical and cultural heritage objects;

2) Public interests – interests of the population of certain regions, cities, rural settlements in ensuring favorable living conditions in these territories, improving the ecological situation, preventing dangerous (harmful) impacts resulting from economic and other activities, developing infrastructure of settlements and adjacent territories, preserving historical and cultural heritage objects, natural landscapes;

3) Private interests – interests of individual and legal entities related to the implementation of architectural, urban planning, and construction activities on land plots owned by them.

If the architectural, urban planning, and construction activities of individuals and legal entities create an impossibility to use, own, or dispose the construction object (land plot or other real estate) belonging to them (used by them), such activities are subject to restriction in accordance with the laws of the Republic of Kazakhstan.

2. Architectural, urban planning, and construction activities include:

1) Conducting engineering surveys for urban planning and construction purposes;

2) Developing, coordinating, examining, and approving urban planning, architectural-construction, and design-estimate documentation in the prescribed manner;

3) Construction of new, as well as expansion, technical re-equipment, modernization, reconstruction, restoration, renovation, and major repairs of construction objects, engineering and transport communications;

4) Engineering preparation of the territory, construction of landscaping and greening objects, planning and engineering preparation of street-road networks, construction of objects and development of measures to improve road safety and provide necessary conditions for pedestrians, mopeds, electric scooters, bicycles, small electric vehicles, and public transport;

5) Conservation of unfinished construction objects;

6) Conducting a complex of works on the post-utilization of construction objects;

7) Conducting scientific research, experimental work, and using their results in the field of architecture, urban planning, and construction;

8) Implementing architectural and construction control and supervision;

9) Providing and attracting engineering services;

10) Establishing requirements that ensure safety in architectural, urban planning, and construction activities.

Article 5. International cooperation in architectural, urban planning, and construction activities

International cooperation in architectural, urban planning, and construction activities in the Republic of Kazakhstan is carried out through:

- 1) Participation in international treaties, international forums, seminars, conferences;
- 2) Conducting negotiations and consultations, mutual exchange of information;
- 3) Implementation of joint programs, projects, and other activities.

Article 6. Objects of architectural, urban planning, and construction activities

1. Objects of architectural, urban planning, and construction activities are:

- 1) The territory of the Republic of Kazakhstan;
- 2) Territories of regions, districts, cities, and rural settlements and their parts;
- 3) Functional zones;
- 4) Real estate objects, including all types of construction objects with related technological and engineering equipment;
- 5) Special economic and industrial zones;
- 6) Monuments of history and culture, nature and landscape, the status of which is established by the legislation of the Republic of Kazakhstan.

2. Cities as objects of architectural, urban planning, and construction activities are classified as:

- 1) Large (with a population of over 500 thousand inhabitants);
- 2) Big (with a population of over 100 thousand to 500 thousand inhabitants);
- 3) Medium (with a population of over 50 thousand to 100 thousand inhabitants);
- 4) Small (with a population of up to 50 thousand inhabitants).

Article 7. Subjects of architectural, urban planning, and construction activities

Subjects of architectural, urban planning, and construction activities are state bodies, individuals, and legal entities involved in the formation and development of the human habitat and life activities on the territory of the Republic of Kazakhstan.

Stateless persons, foreigners, and foreign legal entities may be granted the right to perform works (services) related to architectural, urban planning, and/or construction activities on the territory of the Republic of Kazakhstan in the manner prescribed by the legislation of the Republic of Kazakhstan, unless otherwise provided by the laws of the Republic of Kazakhstan.

Article 8. Rights of subjects of architectural, urban planning, and construction activities

Subjects of architectural, urban planning, and construction activities have the right to:

- 1) Request and receive information (data, materials, or documents) from relevant state bodies and state organizations (except for information or documents of restricted access) necessary for pre-project research, preparation of investment justification for construction, planning of territory development and/or its construction, design and construction of construction objects, as well as their subsequent operation;

2) Use land plots acquired in ownership or provided for land use for the intended purpose within urban planning regulations, easements, or other normative requirements (conditions, restrictions);

3) Create self-regulatory organizations in the field of architectural, urban planning, and construction activities in accordance with the Law of the Republic of Kazakhstan "On Self-Regulation," as well as other professional public organizations;

4) Other rights provided by this Code and the laws of the Republic of Kazakhstan.

Article 9. Duties of subjects of architectural, urban planning, and construction activities

1. Subjects of architectural, urban planning, and construction activities are obliged to:

1) Conduct activities in accordance with the legislation of the Republic of Kazakhstan, the state system of normative documents, and interstate standards (interstate normative documents);

2) Prevent actions that contribute to the deterioration of the living environment of the population, infringement of the rights and legitimate interests of other subjects of architectural, urban planning, and construction activities;

3) Maintain the construction objects they own (possess, use) in proper condition, ensuring their safety for the population, as well as unhindered access for low-mobility groups, and sustainable functioning in accordance with state normative documents and other mandatory requirements;

4) When designing, constructing, and developing settlements, forming residential areas, and landscaping newly developed and reconstructed territories, in accordance with the legislation of the Republic of Kazakhstan and state normative documents, provide access for low-mobility groups to residential, public, and industrial construction objects and their premises.

When designing and constructing open parking lots for temporary storage of passenger cars located within residential zones, as well as at service institutions and workplaces, provide spaces for personal vehicles of low-mobility groups;

5) Not cause damage to objects of historical and cultural heritage, nature, and landscapes;

6) Fulfill other requirements provided by this Code and other laws of the Republic of Kazakhstan.

2. The feature of "turnkey" construction is its comprehensive nature, expressed in the possibility to include conditions for financing, planning, surveys, justifications, design, construction and related services, management, operation, maintenance, and transfer to the balance of one of the parties.

The procedure for planning, financing, and implementing "turnkey" construction projects containing state investments in construction is established by the legislation of the Republic of Kazakhstan.

Article 10. Copyright on works of architecture and urban planning

1. Copyright on works of architecture, urban planning, and related relations are regulated by this Code, the Civil Code of the Republic of Kazakhstan, and the legislation of the Republic of Kazakhstan on copyright and related rights.

2. Individuals whose creative work results in works of architecture and urban planning are recognized as their authors and are endowed with corresponding copyright.

3. Property rights of authors of works of architecture and urban planning (except as provided by this Code, the Civil Code of the Republic of Kazakhstan, and copyright legislation of the Republic of Kazakhstan) consist of their exclusive rights to:

1) Use or permit the use of the work of architecture and urban planning for implementation;

2) Carry out or permit reproduction, distribution, and adaptation of works of architecture and urban planning;

3) Transfer these exclusive rights to other persons in the manner prescribed by the legislation of the Republic of Kazakhstan.

The property rights of authors of works of architecture and urban planning extend to the architectural project, the concept of the urban planning project, as well as the architectural component (part) of the construction project.

4. Authors of works of architecture and urban planning created in the course of official duties or assignments of the employer are not endowed with property rights unless otherwise provided by contract.

The contract between the customer (employer) and authors (contractors) must include provisions regulating property rights regarding the use of works of architecture and urban planning created in the course of official duties or assignments.

5. Authors of works of architecture and urban planning have the right to:

1) Provide author supervision over the construction (reconstruction, restoration, modernization) process in the prescribed manner, unless otherwise provided by the construction project contract;

2) Conduct photo and video recording unless otherwise provided by the project documentation contract, and if the construction object does not contain information classified as state secrets.

6. Protection of personal non-property rights of authors for the works of architecture and urban planning is carried out in the manner determined by the laws of the Republic of Kazakhstan.

7. Property rights of authors of works of architecture and urban planning created with state investments belong to the authorized body for architecture, urban planning, and construction affairs and the state expert organization for the formation and maintenance of the state construction project bank, as well as for presenting standard projects and design-estimate documentation developed with state investments.

Chapter 2. ENSURING A FAVORABLE LIVING AND ACTIVITY ENVIRONMENT IN IMPLEMENTATION OF ARCHITECTURAL, URBAN PLANNING, AND CONSTRUCTION ACTIVITIES

Article 11. Ensuring a favorable environment in settlements

Individuals as consumers of the results of architectural, urban planning, and construction activities have the right to:

1) a favorable living and activity environment applicable to the given locality, as well as accessible to low-mobility population groups within the territory of the settlement, in accordance with the state urban planning policy regarding resettlement and placement of productive forces, urban planning requirements for zoning territories, ecological safety standards, and regulatory legal acts in the field of sanitary and epidemiological well-being of the population, and the level of infrastructure provision in the given locality;

2) Recreation through allocation (dedication) of recreational zones intended for these purposes, possessing favorable natural-climatic conditions and landscape, proper medical and sanitary-hygienic conditions, and conditions for leisure, including educational, cultural, sports, and entertainment events.

When selecting territory for public recreation, the presence of objects classified as historical and cultural monuments and natural landscapes must also be considered.

Article 12. Ensuring safety from natural, man-made, and anthropogenic impacts

1. Implementation of architectural, urban planning, and construction activities must be based on ensuring the requirements established by the legislation of the Republic of Kazakhstan for the safety of the population, territories, settlements, and construction objects from dangerous (harmful) natural, man-made, and anthropogenic phenomena and processes.

Measures to fulfill these requirements must be reflected in design-estimate documentation developed according to state normative documents.

2. State normative documents must require inclusion in urban planning and architectural-construction documentation of sections on measures to protect the population, settlements, and inter-settlement territories from dangerous (harmful) impacts due to natural or man-made emergencies, as well as civil defense engineering-technical measures.

3. Settlements and territories exposed to dangerous (harmful) impacts from natural emergencies and predicted man-made emergencies must be provided with measures to protect the population and territories from such impacts.

4. In settlements exposed to dangerous (harmful) impacts of natural, man-made, and anthropogenic nature, monitoring results of such dangerous (harmful) phenomena and processes are recorded in the state urban planning cadastre at the basic level.

Article 13. Ensuring environmental requirements

1. Architectural, urban planning, and construction activities must be carried out considering their environmental impact assessment according to the classification of objects

established by the Environmental Code of the Republic of Kazakhstan and must include measures to ensure environmental requirements.

These measures are provided and implemented according to standards and/or maximum permissible levels (loads) established by the legislation of the Republic of Kazakhstan for the given type of impact.

2. Urban planning and architectural-construction documentation must include sections (parts) on environmental protection and ensuring environmental requirements.

Compliance with the requirements (conditions, restrictions) of approved project documentation for environmental requirements is mandatory for all subjects of architectural, urban planning, and construction activities implementing construction projects.

Territories with industrial centers or separate production complexes declared ecological disaster zones must be provided with measures to protect the population and environment.

3. Comprehensive urban planning schemes of territories and interregional territorial development schemes must provide measures for environmental protection and rehabilitation of ecological disaster zones.

Projects of master plans for settlements and detailed planning projects must contain information about the existing water protection zones and strips of surface water bodies, sanitary protection zones, recreational zones, specially protected natural areas on the projected territory, indicating the presence of approvals of urban planning projects with the relevant authorized bodies in the manner established by the legislation of the Republic of Kazakhstan.

In the absence of established water protection zones and strips of surface water bodies, or sanitary protection zones for the projected territory, the task for the development of these urban planning projects must provide for a mandatory special section (part) replacing the missing water protection documentation or sanitary protection zone documentation.

Article 14. Ensuring requirements for road traffic safety

1. The implementation of architectural, urban planning, and construction activities must be based on the conditions of ensuring the requirements established by the legislation of the Republic of Kazakhstan for territorial transport planning and road traffic organization.

Measures to fulfill these requirements must be reflected in documents on territorial transport planning and ensuring road traffic safety organization.

2. Urban planning projects include sections (parts) of documents on territorial transport planning and road traffic organization.

Compliance with the requirements (conditions, restrictions) approved in the prescribed manner in documents on territorial transport planning and road traffic organization is mandatory for all subjects of architectural, urban planning, and construction activities.

3. Settlements and territories must be provided with measures for territorial transport and pedestrian planning and road traffic organization.

4. In settlements, the results of monitoring road traffic accidents and the capacity of roads and streets are reflected in the state urban planning cadastre at the basic level.

5. Sections (parts) of urban planning projects contain information from the following documents on territorial transport planning and road traffic organization:

1) Comprehensive transport scheme – distributes transport work volumes among vehicles, including public transport, proposes comprehensive solutions for the development of street-road networks and public transport networks, and networks of off-street high-speed traffic;

2) Master scheme of the street-road network – determines financial and economic aspects of implementing tasks for the development of an efficient and safe street-road network in accordance with territorial transport planning documents;

3) Project for the organization of the street-road network – implements the specified structure of the main street-road network, determines locations of streets, roads, and nodal elements, cross and longitudinal profiles, traffic schemes at nodes ensuring road traffic safety requirements. Defines necessary territories for placement of streets and roads;

4) Road planning project – determines the location of main elements of streets and roads within the boundaries (red lines), reserved territories considering road traffic safety requirements and transport planning efficiency;

5) Comprehensive traffic organization scheme – defines the traffic organization system in the settlement.

The comprehensive traffic organization scheme in the capital is adopted in accordance with the Law of the Republic of Kazakhstan "On the status of the capital of the Republic of Kazakhstan."

6. Territorial transport planning and road traffic organization are carried out in three stages:

at the first stage, studies of the current transport and pedestrian situation are conducted, forecasts of transport situation changes for the long term are made, possibilities for the development of transport and pedestrian frameworks of the territory are assessed, proposals from the Ministry of Defense of the Republic of Kazakhstan are requested, a road traffic safety audit is conducted with risk assessment and identification of street-road network hotspots, and conceptual proposals for long-term traffic organization with the allocation of the first phase are formed. For cities with a population over one hundred thousand and other cities with complex transport situations, comprehensive transport schemes with pedestrian routes are developed;

at the second stage, research results, conceptual proposals, and comprehensive transport schemes with pedestrian routes are formalized as supporting materials and considered within the development of territorial transport planning schemes for the territory of the Republic of Kazakhstan and individual regions (regions, districts, rural districts), master plans of settlements;

at the third stage, documents provided for in paragraph 5 of this article are developed.

7. The project for the organization of the street-road network is a linking element between the master plan of the settlement, the road planning project, and the comprehensive traffic organization scheme.

8. The road planning project is the basis for developing the traffic organization project at individual nodes.

9. Road design in the territory of the Republic of Kazakhstan must meet the following mandatory requirements ensuring:

Necessary road capacity considering the prospect of increased traffic intensity;

Road traffic safety;

Roads equipped with intelligent transport systems;

Unhindered and safe movement of public transport, including by allocating separate lanes for it;

Roads equipped with route medical rescue points;

Pedestrian sidewalks with crossings considering barrier-free access for low-mobility groups;

Unhindered and safe movement of bicycles, electric scooters, and electric motor bicycles, including by allocating separate lanes.

Article 15. Ensuring requirements for preservation of historical and cultural heritage objects and natural landscapes

1. Architectural, urban planning, and construction activities must be based on the conditions of preserving territories and objects recognized as historical and cultural monuments and natural landscapes in accordance with the legislation of the Republic of Kazakhstan.

2. On territories with historical and cultural monuments and natural landscapes, boundaries of special regulation are established, within which architectural, urban planning, and construction activities are prohibited or restricted.

3. The procedure for land use within these boundaries is regulated by the legislation of the Republic of Kazakhstan.

Article 16. Requirements for ensuring communication

When designing and constructing a structure and/or building located in a public (public-business) zone, the customer must ensure:

the laying of fiber-optic communication lines;

a separate room with a microclimate control system (ventilation, air conditioning, etc.) for communication operators to place and connect communication equipment.

Owners of such structures and buildings must ensure equal access for communication operators.

Article 17. Ensuring settlements with infrastructure facilities and creating conditions for their accessibility

1. Urban planning documentation of a settlement or its part (urban planning projects) must define the composition and structure of social, industrial (production), recreational, engineering, energy, telecommunication (communication and internet), ecological, water, heat energy, gas, agricultural, tourist, cultural, sports, and transport infrastructure, as well as public safety infrastructure, housing and engineering-communication infrastructure for housing, administrative buildings, and business infrastructure.

2. Settlements must be provided with optimal conditions and means of access for all population categories (including low-mobility groups) to workplaces, public places, objects (structures, buildings, communications) of social, recreational, engineering, and transport infrastructure, including funiculars, elevators, travolators, lifts for persons with disabilities, in accordance with the settlement category, local conditions, and requirements of the legislation of the Republic of Kazakhstan.

3. Urban planning documentation of settlements must contain sections on creating conditions to meet the needs of low-mobility groups at social and recreational infrastructure facilities.

4. Changing the functional purpose of population service facilities that leads to a reduction in the requirements established by state normative documents is not allowed.

5. When developing urban planning documentation, designing, and building settlements, a unified system of transport communications and street-road network must be provided, interconnected with the planning structure of the settlement and ensuring connection with all its functional zones and external transport facilities.

6. Project documentation for the development (arrangement, construction) of inter-settlement territories for subsequent economic and/or other activities related to human presence must provide a sustainable and accessible life support system in this territory, including the construction of infrastructure facilities.

7. When developing design documentation, constructing, operating, and decommissioning trunk communications, main engineering infrastructure facilities, as well as during engineering preparation works of territories, decisions must be made that take into account the interests of adjacent territories and exclude the possibility of hazardous (harmful) phenomena and processes affecting the territory and population.

8. Approved schemes of republican, interregional, and regional engineering and transport systems serve as the basis for the development of design and estimate documentation, as well as activities aimed at the development (linked with development) of life support systems and the arrangement of settlements.

9. When ensuring the accessibility of infrastructure facilities for the population, taking into account the needs of low-mobility groups, it is necessary to be guided by state normative documents and national standards.

Article 18. Ensuring urban planning requirements when using land plots

The use of land plots by owners or land users for development (including laying communications, engineering preparation of the territory, landscaping, greening, and other types of site improvement), as well as for expansion or reconstruction of buildings (structures, facilities), may only be carried out in accordance with urban planning projects approved in the manner established by the legislation of the Republic of Kazakhstan and with compliance with the designated purpose or servitude, zoning of the territory, red lines and building regulation lines, rules for organizing development and passing permitting procedures in the construction sphere, as well as compliance with prohibitions established in the restricted zone and restricted area near arsenals, bases, and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops and military formations.

If a land plot falls under expropriation for state needs due to the approval of a new or amendments to an approved master plan or detailed planning project or development and construction scheme of settlements, the owner or land user must use the land plot according to its designated purpose in accordance with urban planning requirements effective before the approval of the new or amended master plan or detailed planning project or development and construction scheme of settlements until the land plots are withdrawn for state needs.

Article 19. Improvement measures

1. Improvement measures are a set of activities carried out in a certain territory to create conditions for a healthy lifestyle, work, and rest, ensure the safety of people living or working in this territory, improve the appearance of the relevant territory and the construction objects and their parts located on it, as well as further improve the existing living conditions in this territory.

2. Improvement measures must be preliminarily discussed with interested parties. Local executive bodies provide necessary consultations to persons participating in the improvement.

3. Preparatory work for improvement is carried out by the local executive body. Preparatory work includes:

- 1) conducting preparatory research;
- 2) determining the territory subject to improvement;
- 3) determining improvement measures;
- 4) determining the volume and timing of improvement measures;
- 5) discussing the planned improvement;
- 6) improvement plan.

4. Before determining the territory subject to improvement, separate activities related to regulation and construction are carried out as preparatory work.

5. The territory where improvement measures are planned is determined by the local executive body in accordance with a report justifying the determination of the territory subject to improvement.

6. The territory subject to improvement must be determined from the point of view of the most effective implementation of improvement measures provided for in paragraph 3 of this

article. Within the territory subject to improvement, separate land plots are identified where improvement measures do not apply.

7. The decision on improvement is approved by the local executive body.

8. The decision on improvement is posted on the internet resource of the local executive body within ten days from the date of approval.

9. The improvement measures provided for in this article are carried out at the expense of budget funds and other sources not prohibited by the legislation of the Republic of Kazakhstan.

Article 20. Participation of individuals and legal entities in discussions of decisions on architectural, urban planning, and construction activities

1. Individuals and legal entities of the Republic of Kazakhstan have the right to complete, timely, and reliable information about the state of the environment and living conditions, its anticipated changes, planned architectural, urban planning, and construction activities, except for information with restricted access.

2. Informing individuals and legal entities about the state of the environment and living conditions, its anticipated changes, planned architectural, urban planning, and construction activities is carried out by local executive bodies of districts (cities) through mass media, including the internet resource of the local executive body, as well as by holding public discussions with expositions and/or exhibitions of urban planning projects.

3. Before approving urban planning projects for the development and construction of settlements, individuals and legal entities have the right to participate in discussions, make proposals for changes to decisions affecting private and public interests.

Public discussions are held to ensure openness, transparency, and publicity of urban planning decisions, to identify and consider the opinions of individuals and legal entities, as well as to prevent possible negative consequences of architectural, urban planning, and construction activities.

4. The procedure for organizing and conducting public discussions, including deadlines, forms of notifying the population, and the list of documents, is determined by the authorized body for architecture, urban planning, and construction.

The results of public discussions must be obligatorily considered by the local executive body and the design organization with the publication of the results on the internet resource of the local executive body.

5. In case of issuance by state bodies of unreliable information (refusal to provide information not related to restricted access information) about the state of the environment and living conditions, its anticipated changes, planned architectural, urban planning, and construction activities, not corresponding to state normative documents or approved urban planning documentation, and directly affecting private and public interests, individuals and legal entities have the right to appeal in the manner established by the legislation of the Republic of Kazakhstan.

6. Participation of individuals and legal entities in discussions when making urban planning, architectural, or construction decisions may take the form of:

- 1) direct participation;
- 2) representation;
- 3) public control groups;
- 4) other forms not prohibited by the legislation of the Republic of Kazakhstan.

7. In case of violation of the rights and legitimate interests of other persons in the field of architectural, urban planning, and/or construction activities, they have the right:

1) to cancel, in the manner established by the legislation of the Republic of Kazakhstan, decisions on placement, design, construction (reconstruction), or commissioning of construction objects carried out in violation of the legislation of the Republic of Kazakhstan;

2) to demand the introduction of restrictions, suspension, or termination, in the manner established by the legislation of the Republic of Kazakhstan, of activities carried out in violation of the legislation of the Republic of Kazakhstan;

3) to appeal, in the manner established by the legislation of the Republic of Kazakhstan, actions (inaction) of local executive bodies of regions (cities of republican significance, the capital), districts (towns of regional significance), as well as expert opinions;

4) to file lawsuits in court for compensation for harm caused to the health of individuals and/or property in connection with violations of the legislation of the Republic of Kazakhstan committed by subjects of architectural, urban planning, and construction activities or their officials;

5) to apply, in the manner established by the legislation of the Republic of Kazakhstan, on other facts of violations of the legislation of the Republic of Kazakhstan.

Article 21. Forms of public control in architectural, urban planning, and construction activities

1. Public control in architectural, urban planning, and construction activities is carried out in the forms of public discussions, public expertise, and public monitoring, as well as in other forms established by the laws of the Republic of Kazakhstan.

2. The implementation of public control is established by the Law of the Republic of Kazakhstan "On Public Control."

SECTION 2. STATE REGULATION IN ARCHITECTURAL, URBAN PLANNING, AND CONSTRUCTION ACTIVITIES Chapter 3. COMPETENCE OF STATE BODIES IN THE FIELD OF ARCHITECTURAL, URBAN PLANNING, AND CONSTRUCTION ACTIVITIES

Article 22. Officials and state management bodies in architectural, urban planning, and construction activities

Officials and state management bodies regulating architecture, urban planning, and construction are:

- 1) The President of the Republic of Kazakhstan;

- 2) The Government of the Republic of Kazakhstan;
- 3) The authorized body for architecture, urban planning, and construction;
- 4) Other central state bodies within their competence on the issues related to architectural, urban planning, and construction activities;
- 5) Local representative and executive bodies of regions, cities of republican significance, the capital, districts, and towns of regional significance.

Article 23. Competence of the Government of the Republic of Kazakhstan in architectural, urban planning, and construction activities

The Government of the Republic of Kazakhstan:

- 1) Develops the main directions of state policy in architectural, urban planning, and construction activities and organizes their implementation;
- 2) Approves and implements the main provisions of the master scheme for the organization of the territory of the Republic of Kazakhstan;
- 3) Establishes boundaries of objects of special regulation of republican and interregional significance;
- 4) Approves master plans of cities of republican significance, the capital, and towns of regional significance with a projected population of over one hundred thousand inhabitants, other urban planning and architectural-construction documentation of national, interstate, or interregional significance, and makes amendments to them;
- 5) Makes decisions on the design and construction of construction objects of national and interstate significance;
- 6) Issues normative legal acts of the Republic of Kazakhstan in the field of architectural, urban planning, and construction activities;
- 7) Ensures the implementation of international treaties of the Republic of Kazakhstan in the field of architecture, urban planning, and construction;
- 8) Determines the procedure for implementing construction projects (reconstruction, major repairs) of construction objects and complexes of the Republic of Kazakhstan abroad;
- 9) Approves interregional territorial development schemes;
- 10) Performs other functions assigned to it by the Constitution, this Code, other laws of the Republic of Kazakhstan, and acts of the President of the Republic of Kazakhstan.

Article 24. Competence of the authorized body for architecture, urban planning, and construction

The authorized body for architecture, urban planning, and construction:

- 1) Based on and in execution of the main directions of internal and external state policy defined by the President of the Republic of Kazakhstan, and the main directions of socio-economic policy of the state, defense capability, security, and public order developed by the Government of the Republic of Kazakhstan, forms and implements state policy in the field of architectural, urban planning, and construction activities, and the development of the production base of the construction industry;

- 2) Coordinates and provides methodological guidance to local executive bodies in the field of architecture, urban planning, and construction;
- 3) Organizes scientific research on pricing in construction and the economy in the field of construction of construction objects funded by state investments;
- 4) Organizes the development and adjustment (updating) of the master scheme for the organization of the territory of the Republic of Kazakhstan;
- 5) Organizes the development and adjustment (updating) of interregional territorial development schemes and submits them for approval to the Government of the Republic of Kazakhstan;
- 6) Controls compliance with the legislation of the Republic of Kazakhstan on the priority use of the potential of the Republic of Kazakhstan in architectural, urban planning, and construction activities;
- 7) Organizes the development and approves state normative documents on pricing in construction;
- 8) Develops and approves rules for forming and maintaining a list of business entities engaged in the production (manufacture) and supply of construction materials, products, structures, and equipment for monitoring prices in construction;
- 9) Develops and approves rules for determining the cost of construction of construction objects funded by state investments;
- 10) Develops and approves rules for conducting comprehensive non-departmental expertise of construction projects intended for the construction of new, as well as modification (reconstruction, expansion, technical re-equipment, modernization, and major repairs) of existing buildings and structures, their complexes, engineering and transport communications;
- 11) Determines the procedure for approving design and estimate documentation intended for the construction of construction objects funded by state investments;
- 12) Develops and approves rules for conducting comprehensive urban planning expertise of urban planning projects;
- 13) Accredits legal entities applying for conducting comprehensive non-departmental expertise of construction projects;
- 14) Develops and approves rules for addressing real estate objects in the territory of the Republic of Kazakhstan jointly with the authorized body in the field of digitalization;
- 15) Approves individual phased plans for the development and coordination of design and estimate documentation for the construction of certain objects of special regulation and/or urban planning regulation;
- 16) Exercises state architectural and construction control and supervision in accordance with this Code and the legislation of the Republic of Kazakhstan;
- 17) Develops and approves rules for conducting engineering and geological surveys;
- 18) Creates the state urban planning cadastre and controls its maintenance;

19) Provides normative-technical and methodological support for the activities of subjects of architectural, urban planning, and construction activities, as well as the state enterprise maintaining the state urban planning cadastre;

20) Withdraws and/or cancels architectural-planning assignments and approved sketch projects;

21) Makes decisions on applying measures to violators in connection with violations and deviations from the norms of the legislation of the Republic of Kazakhstan, state normative documents, conditions, and restrictions established in architectural, urban planning, and construction activities;

22) Certifies state construction inspectors;

23) Approves qualification requirements for carrying out licensed activities in the field of architecture, urban planning, and construction;

24) Conducts activities to ensure the rational use of territories and natural resources during urban development of territories of national and interregional significance;

25) Approves rules for organizing development and passing permitting procedures in the construction sphere;

26) Approves rules for organizing activities and performing functions of the customer;

27) Develops and approves rules for determining the cost of works for conducting comprehensive interdepartmental expertise of construction projects, as well as comprehensive urban planning expertise of urban planning projects;

28) Develops and approves rules and permitting requirements for accrediting legal entities providing engineering services and expert work on technical supervision and technical inspection of the reliability and stability of buildings and structures at objects of the first and second levels of responsibility;

29) Accredits legal entities providing engineering services on technical supervision and expert work on technical inspection of the reliability and stability of buildings and structures at objects of the first and second levels of responsibility.

30) Develops and approves rules for the accreditation of legal entities managing projects in the field of architecture, urban planning, and construction;

31) Develops and approves rules for maintaining the portal for organizing the development and expertise of projects based on the "one window" principle;

32) Determines the list of requirements, the violation of which entails the application of operational response measures, and also determines specific types of operational response measures for specific violations of requirements, indicating the duration of such measures (if necessary).

The list of requirements, the violation of which entails the application of operational response measures, includes requirements subject to state control in accordance with Article 143 of the Entrepreneurial Code of the Republic of Kazakhstan;

- 33) Selects priority directions for fundamental and applied scientific research in the field of architecture, urban planning, and construction;
- 34) Determines the procedure for implementing turnkey construction projects;
- 35) Develops and approves rules for the development of design codes;
- 36) Approves requirements for heads of expert organizations conducting comprehensive interdepartmental expertise of construction projects;
- 37) Develops and approves rules defining the procedure and cost of providing consulting services in the field of design;
- 38) Develops and approves rules for determining the technical complexity of construction objects;
- 39) Develops and approves rules for the development, coordination, and approval of urban planning projects (master plans of settlements, detailed planning projects);
- 40) Develops and approves rules for conducting competitions for the right to certify specialists (experts) in the field of architectural, urban planning, and construction activities and a standard form of contract for certification rights;
- 41) Organizes and conducts competitions for the right to certify specialists (experts) in the field of architectural, urban planning, and construction activities;
- 42) Develops and approves qualification requirements for participants in the certification competition of specialists (experts) in the field of architectural, urban planning, and construction activities;
- 43) Develops and approves the procedure for certification and qualification requirements for candidates applying for certification;
- 44) Develops and approves a standard charter for the certification center;
- 45) Determines directions for self-regulatory organizations in the field of architectural, urban planning, and construction activities;
- 46) Develops and approves rules for registration in the automated digital system of the state urban planning cadastre of urban planning projects, pre-project and design-estimate documentation, as well as objects of architectural, urban planning, and construction activities;
- 47) Develops and approves rules for maintaining and providing information and/or data from the state urban planning cadastre;
- 48) Develops and approves rules for preparing expert opinions on comprehensive interdepartmental expertise of construction projects, as well as comprehensive urban planning expertise of urban planning projects;
- 49) Develops and approves rules for creating expert commissions (expert groups) and involving specialists (experts) (specialized institutes and organizations) to participate in comprehensive interdepartmental expertise of construction projects, as well as comprehensive urban planning expertise of urban planning projects;
- 50) Develops and approves rules for accrediting expert organizations;

- 51) Develops and approves rules defining the procedure for maintaining the portal and digital systems for organizing construction based on the "one window" principle;
- 52) Develops and approves normative legal acts, normative and methodological documents in the field of architectural, urban planning, and construction activities;
- 53) Exercises control and supervision over the activities of local executive bodies for architecture, urban planning, and construction and state architectural and construction control and supervision regarding the proper performance of functions assigned to them by the legislation of the Republic of Kazakhstan;
- 54) Maintains the register of licenses in the field of architectural, urban planning, and construction activities;
- 55) Issues orders and applies administrative measures established by the Code of the Republic of Kazakhstan on administrative offenses to local executive bodies for architecture, urban planning, and construction activities and state architectural and construction control and supervision;
- 56) Develops and approves forms of acts of state inspectors on suspension of activities in the construction field;
- 57) Coordinates actions of central and local executive bodies on providing information and/or data for inclusion in the database of the state urban planning cadastre;
- 58) Develops and approves rules for exercising control and supervision over the activities of local executive bodies for architecture, urban planning, and construction and state architectural and construction control and supervision;
- 59) Develops and approves rules for certification of state construction inspectors performing architectural and construction control and supervision;
- 60) Develops and approves rules for determining the procedure for monitoring construction (planned for construction) objects and complexes.
- 61) Oversees the activities and coordinates the actions of central and local executive bodies in implementing state policy in the field of architectural, urban planning, and construction activities;
- 62) Develops and approves standard rules for the improvement of territories of cities and settlements;
- 63) Develops and approves state normative documents in the field of architectural, urban planning, and construction activities;
- 64) Maintains registers of accredited organizations in the field of architectural, urban planning, and construction activities;
- 65) Approves qualification requirements for chief architects and chief state construction inspectors;
- 66) Develops and approves rules for the development, coordination, and approval of the master scheme for the organization of the territory of the Republic of Kazakhstan;

67) Develops and approves rules for the development, coordination, and approval of interregional territorial development schemes;

68) Develops and approves rules for the formation and maintenance of the state construction project bank and the provision of standard projects and design-estimate documentation;

69) Exercises control and supervision over the compliance of developed and approved urban planning projects (detailed planning projects, development and construction schemes of settlements) with the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities;

70) Approves rules for forming the architectural appearance and urban planning of cities of republican significance, the capital, and towns of regional significance with special status in accordance with the laws of the Republic of Kazakhstan;

71) Develops and approves rules for conducting technical inspections of the reliability and stability of buildings and structures;

72) Develops and approves rules for issuing decisions on carrying out the complex of works for decommissioning (demolition) of construction objects;

73) Develops and approves forms of acceptance acts for construction objects into operation in coordination with the authorized state body responsible for state regulation and control of activities in the field of state registration of rights to real estate and state technical inspection of real estate;

74) Develops and approves forms of conclusions on the quality of construction and installation works and compliance of completed works with the construction project, declaration of conformity;

75) Exercises other powers provided for by this Code, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan, and the Government of the Republic of Kazakhstan.

Article 25. Competence of maslikhats of regions, cities of republican significance, and the capital in architectural, urban planning, and construction activities

1. Maslikhats of regions:

1) Approve the concept (master plan) for the development of a settlement, the general plan project of towns of regional significance with a projected population of over one hundred thousand residents and its adjustments;

2) Approve comprehensive urban planning schemes of the region's territory and districts submitted by the regional akimat;

3) Approve general plans of towns of regional significance with a projected population of up to one hundred thousand residents and their adjustments;

4) Approve the rules for landscaping and engineering support of the region, as well as rules for the preservation and maintenance of the housing stock, other residential and civil construction objects, and engineering communications;

5) Approve the rules submitted by the regional akimat for the creation, maintenance, and protection of green spaces not included in the forest fund of the Republic of Kazakhstan within the boundaries of settlements in the region;

6) Approve housing renovation programs;

7) Exercise other powers in accordance with the legislation of the Republic of Kazakhstan to ensure the rights and legitimate interests of citizens.

2. Maslikhats of cities of republican significance and the capital:

1) Approve the concept (master plan) for city development, the general plan project, projects for establishing and changing city boundaries and suburban zones, as well as district boundaries within the city;

2) Approve the rules for landscaping and engineering support of the city submitted by the city akimat;

3) Approve the rules for landscaping and engineering support of the city, as well as the rules for preservation and maintenance of the housing stock, other residential and civil construction objects, and engineering communications;

4) Approve, in coordination with the authorized body for architecture, urban planning, and construction, the rules for forming the architectural appearance (components of the settlement) and urban planning of cities of republican significance and the capital;

5) Approve the rules submitted by the city akimat for the creation, maintenance, and protection of green spaces not included in the forest fund of the Republic of Kazakhstan within the city boundaries;

6) Approve housing renovation programs;

7) Exercise other powers in accordance with the legislation of the Republic of Kazakhstan to ensure the rights and legitimate interests of citizens.

Article 26. Competence of maslikhats of towns of regional significance in architectural, urban planning, and construction activities

1. Maslikhats of towns of regional significance with a projected population of over one hundred thousand residents:

1) Approve projects for establishing and changing town boundaries and suburban zones, boundaries of subordinate settlements;

2) Approve urban planning projects that have passed comprehensive urban planning expertise, as well as the rules for landscaping and engineering support of the town territory;

3) Approve the rules for preservation and maintenance of the housing stock, other residential and civil construction objects, and engineering communications under the administrative subordination of the town of regional significance with a population over one hundred thousand residents;

4) Approve, in coordination with the authorized body for architecture, urban planning, and construction, the rules for forming the architectural appearance (constituent parts of the

settlement) and urban planning of town of regional significance with special status according to the Law of the Republic of Kazakhstan;

5) Exercise other powers in accordance with the legislation of the Republic of Kazakhstan to ensure the rights and legitimate interests of citizens.

2. Maslikhats of towns of regional significance with a projected population up to one hundred thousand residents:

1) Approve the general plan project of the settlement (town of regional significance with population up to one hundred thousand), projects for establishing and changing town boundaries and suburban zones;

2) Approve the rules for landscaping and engineering support of the town and suburban zone, as well as maintenance of the housing stock, other residential and civil construction objects, and engineering communications under the administrative subordination of the town of regional significance with population up to one hundred thousand residents;

3) Exercise other powers in accordance with the legislation of the Republic of Kazakhstan to ensure the rights and legitimate interests of citizens.

Article 27. Competence of maslikhats of district in architectural, urban planning, and construction activities

Maslikhats of district:

1) Approve urban development projects for development and construction of towns of district significance, including general plans of rural settlements with population over five thousand, development and construction schemes (simplified general plans) for settlements with population up to five thousand;

2) Approve engineering support and communication schemes;

3) Exercise other powers in accordance with the legislation of the Republic of Kazakhstan to ensure the rights and legitimate interests of citizens.

Article 28. Competence of akimats of regions, cities of republican significance, and the capital in architectural, urban planning, and construction activities

1. Competence of regional akimats includes:

1) Coordination of activities for implementing comprehensive urban planning schemes of the region's territory and districts, approved general plans of settlements in the region;

2) Implementation of state policy in architecture, urban planning, construction, and development of the construction industry production base;

3) Submission for approval to the regional maslikhat of the general plan project of a town of regional significance with population over one hundred thousand residents for subsequent submission to the Government of the Republic of Kazakhstan;

4) Organization of development and submission to the Government of the Republic of Kazakhstan for approval of general plans of towns of regional significance with population over one hundred thousand, coordinated with the regional maslikhat;

5) Organization of development and submission for approval to the regional maslikhat of comprehensive urban planning schemes of the region and districts, as well as general plan projects for towns of regional significance with population up to one hundred thousand and their adjustments, coordinated with maslikhats of towns of regional significance with population up to one hundred thousand and having passed comprehensive urban planning expertise;

6) Coordination of interregional territorial development schemes of two or more regions (or parts thereof), agglomerations;

7) Submission for approval to the regional maslikhat of rules for landscaping and engineering support of territories, as well as rules for preservation and maintenance of housing stock, other residential and civil construction objects, and engineering communications;

8) Submission for approval to the regional maslikhat of rules for creation, maintenance, and protection of green spaces not included in the forest fund of the Republic of Kazakhstan within settlement boundaries;

9) Coordination of general plan projects of cities of republican significance and the capital regarding their development within the region's territory, reserve territories, suburban zones, and other territories within their influence zone;

10) Coordination of general plan projects of towns of regional significance with population over one hundred thousand;

11) Informing the population about planned construction or other urban planning changes;

12) Control and implementation of urban planning projects that have passed comprehensive urban planning expertise;

13) Decisions on development of territories, expansion, technical re-equipment, modernization, reconstruction (replanning, re-equipment, repurposing), restoration, and major repairs of construction objects, engineering and transport communications, as well as engineering preparation of territories, landscaping, greening, conservation of unfinished construction objects, and utilization of construction objects of regional significance;

14) Accounting and registration of demolition acts of construction objects of regional significance;

15) Accounting of acceptance acts of construction objects into operation with mandatory consideration of access for people with limited mobility;

16) Assistance to state bodies exercising state architectural and construction control and supervision in the region;

17) Providing information for the automated digital system of the state urban planning cadastre and its use in providing public services;

18) Submission of monthly reports to the authorized body for architecture, urban planning, and construction on land allotments and purpose changes in land use;

19) Monitoring construction objects (planned for construction) and complexes under construction as determined by the authorized body in architecture, urban planning, and construction;

20) Coordination with national accredited sports federations of technical specifications and design tasks for sports facilities intended for international and republican level competitions.

21) Implementation of state architectural and construction control and supervision, application of administrative measures established by the Code of the Republic of Kazakhstan on Administrative Offenses to violators of architectural and urban planning discipline at construction sites;

22) Licensing in the field of architectural, urban planning, and construction activities;

23) Decision-making on the application of measures provided by the laws of the Republic of Kazakhstan to violators in connection with violations and deviations from the norms of the legislation of the Republic of Kazakhstan, state regulatory documents, conditions, and restrictions established in the field of architectural, urban planning, and construction activities ;

24) Organization and supervision of the quality of design documentation;

25) Review and approval of pre-project documentation and construction projects financed from local budgets, as well as the republican budget allocated for financing local budget investment projects;

26) Accreditation of project management organizations in the field of architecture, urban planning, and construction;

27) Coordination of boundaries of restricted zones and prohibited areas near arsenals, bases, and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops, and military formations;

28) Submission for approval to the akimat of the capital or city of republican significance of the general plan project of a settlement located in the suburban zone;

29) Submission for approval to the authorized body for architecture, urban planning, and construction of qualification requirements for chief architects of regions and state construction inspectors;

30) Development and submission for approval to the regional maslikhat of housing renovation programs;

31) Ensuring the provision and/or modernization of engineering, communication, and social infrastructure to renovation objects in accordance with the legislation of the Republic of Kazakhstan;

32) Interaction and cooperation with state bodies on matters within their competence;

33) Exercise other powers in the interests of local government as assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

2. Competence of akimats of cities of republican significance and the capital:

- 1) Implementation of state policy in architecture, urban planning, construction, and development of the construction industry production base;
- 2) Implementation of the city's general plan;
- 3) Organization of development and submission for approval to the maslikhat of the city general plan project, projects for establishing and changing city boundaries and suburban zones, as well as district boundaries within the city;
- 4) Submission of city general plan projects for approval to the Government of the Republic of Kazakhstan;
- 5) Submission for approval to the maslikhat of the city rules for landscaping and engineering support of subordinate territories;
- 6) Submission for approval to the city maslikhat of the rules for creation, maintenance, and protection of green spaces not included in the forest fund of the Republic of Kazakhstan within city boundaries;
- 7) Submission to the maslikhat of recommendations for establishing rules for preservation and maintenance of housing stock, other residential and civil construction objects, and engineering communications;
- 8) Informing the population about planned construction or other urban planning changes;
- 9) Approval and implementation of detailed planning projects developed for the development of the approved city general plan;
- 10) Decision-making on development of a territory, expansion, technical re-equipment, modernization, reconstruction (replanning, re-equipment, repurposing), restoration, and major repairs of construction objects, engineering and transport communications, as well as engineering preparation of territories, landscaping, greening, conservation of unfinished construction objects, and postutilization of construction objects considering vulnerability to natural disasters (floods, earthquakes, mudflows, landslides, and avalanches);
- 11) Accounting and registration of demolition acts of construction objects of city significance;
- 12) Accounting of acceptance acts of construction objects into operation with mandatory consideration of access for people with limited mobility;
- 13) Assistance to state bodies exercising state architectural and construction control and supervision;
- 14) Organization of preservation of housing stock, communications, historical and cultural monuments, and control over their maintenance (use, operation);
- 15) Providing information for the automated digital system of the state urban planning cadastre and its use in providing public services;
- 16) Maintenance and updating of the topographic plan of cities of republican significance and the capital in the automated digital system of the state urban planning cadastre for monitoring territory development;

17) Monitoring construction objects and complexes under construction or planned for construction as determined by the authorized body in architecture, urban planning and construction;

18) Coordination with national accredited sports federations of technical specifications and design tasks for sports facilities intended for international and republican level competitions;

20) Implementation of state architectural and construction control and supervision, application of administrative measures established by the Code of the Republic of Kazakhstan on Administrative Offenses to violators of architectural and urban planning discipline at construction sites;

20) Licensing in the field of architectural, urban planning, and construction activities;

21) Decision-making on the application of measures provided by the laws of the Republic of Kazakhstan to violators in connection with violations and deviations from the norms of legislation of the Republic of Kazakhstan, state regulatory documents, conditions, and restrictions established in the field of architectural, urban planning, and construction activities ;

22) Organization and supervision of the quality of design documentation;

23) Review and approval of pre-project documentation and construction projects financed from local budgets, as well as republican budget funds allocated for local budget investment projects;

24) Accreditation of project management organizations in architecture, urban planning, and construction;

25) Coordination of boundaries of restricted zones and prohibited areas near arsenals, bases, and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops, and military formations;

26) Participation in the development of state urban planning policy applied in suburban zones;

27) Participation in the development of general plan projects of settlements located in suburban zones;

28) Coordination of general plan projects of settlements located in suburban zones regarding:

Determination of projected population size;

Ensuring employment of the population;

Provision of drinking water and electricity sources to the population;

29) Submission for approval to the authorized body in architecture, urban planning, and construction of qualification requirements for chief architects and state construction inspectors of cities of republican significance and the capital;

30) Development and submission for approval to the city maslikhat of housing renovation programs;

31) Ensuring provision and/or modernization of engineering, communication, and social infrastructure to renovation objects in the manner established by the legislation of the Republic of Kazakhstan;

32) Development and approval of design codes for cities of republican significance and the capital;

33) Approval of the rules for administration of the design code of cities of republican significance and the capital;

34) Provision of land plots in the established manner for individual housing construction in areas defined by approved urban planning projects;

35) Informing citizens about the rules for construction and operation of individual residential houses, other buildings, and land use;

36) Interaction and cooperation with state bodies on matters within their competence;

37) Determination of the possibility (or impossibility) of granting land rights in cities of republican significance and the capital in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;

38) Issuance of motivated refusals regarding the impossibility of granting land rights in cities of republican significance and the capital in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;

39) Development and submission for approval to the authorized body architecture, urban planning, and construction of the rules for forming the architectural appearance and urban planning of the city in accordance with the laws of the Republic of Kazakhstan;

40) Exercise other powers in the interests of local government bodies assigned to the local executive bodies by the legislation of the Republic of Kazakhstan.

Article 29. Competence of akimats of districts and towns of regional significance in architectural, urban planning, and construction activities

1. Competence of district akimats includes:

1) Coordination of activities for implementing the approved comprehensive urban planning scheme of the district territory (district planning project), general plans of rural settlements, and development and construction schemes of settlements in accordance with the legislation of the Republic of Kazakhstan;

2) Informing the population about planned construction or other urban planning changes;

3) Decision-making on construction, engineering preparation of the territory, landscaping and greening, conservation of unfinished construction objects, and conducting complex works on utilization of construction objects of district significance;

4) Accounting and registration of demolition acts of buildings and structures of district significance;

5) Accounting of acceptance acts of construction objects into operation with mandatory consideration of access for people with limited mobility;

6) Maintenance and updating of duty topographic plans of subordinate settlements in the automated digital system of the state urban planning cadastre for monitoring territory development;

7) Organization of preservation of housing stock, communications, historical and cultural monuments of district significance, and control over their maintenance (use, operation);

8) Organization of development and submission for approval to the district maslikhat of urban development projects for district-level towns, general plans of rural settlements with population over five thousand, and development and construction schemes (simplified general plans) for settlements with population up to five thousand, having passed comprehensive urban planning expertise;

9) Organization of development and approval of detailed planning projects having passed comprehensive urban planning expertise;

10) Implementation of urban planning projects;

11) Review and approval of pre-project documentation and construction projects financed from local budgets and republican budgets allocated for local budget investment projects;

12) Monitoring construction objects and complexes under construction or planned for construction as determined by the authorized body in architecture, urban planning, and construction;

13) Submission of monthly reports to the regional akimat on land allotments and purpose changes in land use;

14) Decision-making on reconstruction (re-equipment, replanning) of existing buildings;

15) Providing information for the automated digital system of the state urban planning cadastre and its use in providing public services;

16) Interaction and cooperation with state bodies on matters within their competence;

17) Development and approval of design codes of settlements;

18) Approval of the rules for administration of design codes of settlements;

19) Informing citizens about the rules for construction and operation of individual residential houses, other buildings, and land use;

20) Interaction and cooperation with state bodies on matters within their competence;

21) Exercise other powers in the interests of local government as assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

2. Competence of akimats of towns of regional significance with projected population over 100,000 includes:

1) Coordination of activities for implementing the approved general plan of the town, in the manner, approved by the legislation of the Republic of Kazakhstan, comprehensive urban planning scheme of adjacent territories of the region and district, attributed to the town's zone of influence by the legislation of the Republic of Kazakhstan;

2) Organization of development and submission for approval to the maslikhat of a town regional significance of projects for establishing and changing town boundaries and suburban zones, boundaries of subordinate settlements;

3) Submission for approval to the relevant maslikhat of urban planning projects having passed comprehensive urban planning expertise, as well as rules for landscaping and engineering support of the town territory in accordance with article 26 of this Code;

4) Submission to the maslikhat of a town of regional significance of recommendations for establishing rules for preservation and maintenance of housing stock, other residential and civil construction objects, and engineering communications;

5) Informing the population about planned construction or other urban planning changes;

6) Providing information for the automated digital system of the state urban planning cadastre and its use in providing public services;

7) Maintenance and updating of duty topographic plans of the town and subordinate settlements in the automated digital system of the state urban planning cadastre for monitoring territory development;

8) Approval and implementation of detailed planning projects having passed comprehensive urban planning expertise;

9) Decision-making on development of territory, expansion, technical re-equipment, modernization, reconstruction (replanning, re-equipment, repurposing), restoration, and major repairs of construction objects, engineering and transport communications, as well as engineering preparation of territories, landscaping, greening, conservation of unfinished construction objects, and postutilization of construction objects of local significance;

10) Accounting and registration of demolition acts of construction objects of local significance;

11) Accounting of acceptance acts of construction objects into operation with mandatory consideration of access for people with limited mobility;

12) Organization of preservation of housing stock, communications, historical and cultural monuments, and control over their normative maintenance (use, operation);

13) Monitoring of construction objects (planned for construction) and complexes under construction in the manner determined by the authorized body for architecture, urban planning, and construction;

14) Submission for approval to the authorized body for architecture, urban planning, and construction of qualification requirements for the chief architect of the town of regional significance;

15) Development and approval of design codes of towns of regional significance;

16) Approval of rules for administration of design codes of towns of regional significance

;

17) Determination of the possibility (or impossibility) of granting land rights in towns of regional significance in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;

18) Issuance of motivated refusals regarding the impossibility of granting land rights in towns of regional significance in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;

19) Development and submission for approval to the authorized body for architecture, urban planning, and construction of the rules for forming the architectural appearance and urban planning of a town of regional significance with special status in accordance with the Law of the Republic of Kazakhstan;

20) Submission for approval to the authorized body for architecture, urban planning, and construction of qualification requirements for the chief architect of the town;

21) Provision in the established order of land plots for individual housing construction in areas defined by approved urban planning projects;

22) Informing citizens about rules for construction and operation of individual residential houses, other buildings, and land use;

23) Interaction and cooperation with state bodies on matters within their competence;

24) Exercise other powers in the interests of local government assigned to the local executive bodies by the legislation of the Republic of Kazakhstan.

3. Competence of akimats of towns of regional significance with projected population up to 100,000 includes:

1) Coordination of activities for implementing the general plan of the town, approved by the legislation of the Republic of Kazakhstan, comprehensive urban planning scheme of adjacent territories (district planning project), attributed by the legislation of the Republic of Kazakhstan to the town's zone of influence;

2) Organization of development and submission for approval to the maslikhat of a town of regional significance of the general plan project, projects for establishing and changing town boundaries and suburban zones, and boundaries of subordinate settlements;

3) Submission in accordance with article 26 of this Code for approval to the relevant maslikhat of urban planning projects having passed comprehensive urban planning expertise, as well as the rules for landscaping and engineering support of the town territory;

4) Submission to the maslikhat of a town of regional significance of recommendations for establishing rules for preservation and maintenance of housing stock, other residential and civil construction objects, and engineering communications;

5) Informing the town population about planned construction or other urban planning changes;

6) Providing information for the automated digital system of the state urban planning cadastre and its use in providing public services;

- 7) Maintenance and updating of duty topographic plans of the town in the automated digital system of the state urban planning cadastre for monitoring territory development.
- 8) Approval and implementation of the detailed planning project that has passed comprehensive urban planning expertise;
- 9) Decision-making on the development of the territory, expansion, technical re-equipment, modernization, reconstruction (replanning, re-equipment, repurposing), restoration, and major repairs of construction objects, engineering and transport communications, as well as engineering preparation of the territory, landscaping and greening , conservation of unfinished construction objects, and carrying out a set of works on the posrutilization of construction objects of local significance;
- 10) Accounting and registration of demolition acts of construction objects of local significance;
- 11) Accounting of acceptance acts of construction objects into operation with mandatory consideration of access for people with limited mobility;
- 12) Organization of preservation of the housing stock, communications, historical and cultural monuments, and control over their maintenance (use, operation);
- 13) Monitoring of construction objects and complexes under construction (planned for construction) in the manner determined by the authorized body for architecture, urban planning, and construction;
- 14) Provision of land plots in the established manner for individual housing construction in the territories defined in accordance with approved urban planning projects;
- 15) Informing citizens about the rules for construction and operation of individual residential houses, other buildings, and land use;
- 16) Interaction and cooperation with state bodies on matters within their competence;
- 17) Submission for approval to the authorized body for architecture, urban planning, and construction of qualification requirements for chief architects of town of regional significance ;
- 18) Development and approval of design codes for towns of regional significance;
- 19) Approval of rules for administration of design codes of towns of regional significance ;
- 20) Determination of the possibility (or impossibility) of granting land rights in towns of regional significance in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;
- 21) Issuance of motivated refusals regarding the impossibility of granting land rights in towns of regional significance in accordance with Article 44-2 of the Land Code of the Republic of Kazakhstan;
- 22) Exercise other powers in the interests of local government as assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

Article 30. Local executive bodies for architecture, urban planning, construction, and state architectural and construction control and supervision

1. Local executive bodies for architecture, urban planning, construction, and state architectural and construction control and supervision are executive bodies funded from the local budget and are divided into:

- 1) Regional (cities of republican significance, the capital) bodies of:
architecture and urban planning;
construction (single customer service);
state architectural and construction control and supervision;
- 2) District (towns of regional significance) bodies of:
architecture and urban planning;
construction (single customer service).

2. The competence of local executive bodies for architecture, urban planning, construction, and state architectural and construction control and supervision is established in accordance with Articles 28 and 29 of this Code.

3. Heads of executive bodies funded from the local budget of cities of republican significance, the capital, and towns of regional significance, performing functions in the field of architecture and urban planning, are ex officio the chief architects of cities of republican significance, the capital, and towns of regional significance.

Heads of executive bodies funded from the local budget of regions, performing functions in the field of architecture and urban planning, are ex officio the chief architects of regions.

Heads of executive bodies funded from the local budget of districts, performing functions in the field of architecture and urban planning, are ex officio the chief architects of districts.

Article 31. Chief architects of regions, cities of republican significance and the capital, districts, and towns of regional significance

1. Chief architects of regions, cities of republican significance and the capital, districts, and towns of regional significance carry out their activities in accordance with the norms of this Code, requirements of state regulatory documents, normative legal acts in the field of sanitary and epidemiological well-being of the population, fire safety, and other mandatory requirements.

2. The responsibilities of chief architects of regions, cities of republican significance and the capital, districts, and towns of regional significance include:

- 1) Creating conditions for sustainable development of territories by ensuring timely development and adjustment of urban planning documentation for approval in the prescribed manner;

- 2) Creating conditions for territorial planning while ensuring the rights and legitimate interests of individuals and legal entities, society, landowners, and real estate owners;

- 3) Creating conditions for attracting investments in the implementation of approved urban planning documentation for the most rational and efficient use of territories;

4) Conducting constant and regular monitoring of territory development, including site visits and visual inspections, as well as analysis and evaluation of data from digital systems and resources;

5) Formation and maintenance of a list of unfinished construction objects;

6) Timely submission of information about unauthorized or illegal construction objects identified during monitoring, as well as changes in the architectural appearance of settlements (components of settlements), reconstruction (replanning, re-equipment, repurposing) of buildings, individual premises and/or parts of buildings, and violations or deviations from issued or agreed initial materials to state bodies exercising state architectural and construction control and supervision for appropriate measures;

7) Timely informing the population about the state of the living environment and its expected changes, planned architectural, urban planning, and construction activities, and ensuring participation of individuals and legal entities in the consideration of urban planning changes and documentation before their approval;

8) Regular updates and changes to the duty topographic plan;

9) Initiating lawsuits in court for the demolition of unauthorized or illegal construction objects, as well as for bringing the architectural appearance of settlements (components of settlements) into compliance with approved requirements, preservation of historical and cultural heritage objects and/or landscapes.

3. Chief architects of regions performing functions in architecture and urban planning are responsible for the overall coordination of activities of lower-level (towns of regional significance and/or district) architecture and urban planning bodies.

Article 32. Architectural and urban planning councils (architectural and urban planning council)

1. The architectural and urban planning council is a permanent advisory and consultative body established under the akimats of regions, cities of republican significance, and the capital to coordinate actions for implementing a unified urban planning policy, improving the quality of the living environment and human life, ensuring sustainable development, and forming a modern architectural appearance of settlements.

2. The architectural and urban planning council includes representatives of the local executive body, architects and specialists from research organizations, representatives of design, public, and other organizations, including those representing the interests of persons with disabilities.

The composition of the architectural and urban planning council is formed by the local representative body of the region, city of republican significance, and the capital.

The working body of the architectural and urban planning council is the local executive body for architecture and urban planning.

3. Architectural and urban planning councils carry out their activities in accordance with the standard regulation on the architectural and urban planning council, approved by the authorized body for architecture, urban planning, and construction.

4. Representatives of the architectural and urban planning council are members of the agglomeration council.

5. Members of the architectural and urban planning councils are not entitled to participate in voting when considering issues related to construction objects in which they:

- 1) were customers or performers of design and pre-design documentation;
- 2) are entities performing construction and installation works or providing engineering services;
- 3) are affiliated with persons specified in sub-paragraphs 1) and 2) of this paragraph.

Chapter 4. GENERAL SAFETY REQUIREMENTS AND SPECIAL REGULATION IN ARCHITECTURAL, URBAN PLANNING, AND CONSTRUCTION ACTIVITIES

Article 33. Safety requirements for construction objects

1. When designing construction objects, all necessary safety conditions for buildings and structures must be considered to protect human life, health, and environment throughout the entire life cycle, from the start of operation to the stage of post-utilization of buildings and structures.

2. When designing construction objects, basic safety requirements established by state normative documents must be observed, and all possible risks to human life and health and the environment must be identified and taken into account, including during normal operation, natural or man-made emergencies, and potential violations during construction and installation works.

3. During construction and installation works, the customer is obliged to implement the full range of safety measures defined by the project documentation and state normative documents, as well as to ensure control and supervision of their implementation at all stages of construction.

4. Subjects of architectural, urban planning, and construction activities are obliged to comply with all safety requirements for construction objects established by this Code and state normative documents.

Acceptance and commissioning of construction objects that do not meet established safety requirements are not allowed.

Article 34. Requirements for ensuring seismic safety

1. Design and construction must be carried out according to project documentation that includes measures to ensure seismic safety, as well as conditions for emergency evacuation of people during an earthquake.

2. To reduce damage to construction objects from earthquakes, the following main requirements must be met:

1) compliance with state normative documents for design and construction in seismic zones;

2) selection of a favorable site for construction, including hydrogeological conditions and the level of seismic hazard, as well as compliance with development requirements considering seismic microzonation maps (if available);

3) ensuring accessibility of detailed information on seismic hazards of territories intended for construction development.

Article 35. Safety requirements for construction materials and products

1. Construction materials and products must be suitable for use on construction objects and comply with the requirements of state normative documents establishing a set of mandatory safety requirements.

2. Subjects of architectural, urban planning, and construction activities within their competence must ensure control and supervision over the quality of the used construction materials and products.

Article 36. Special regulation of architectural, urban planning, and construction activities

1. Architectural, urban planning, and construction activities are subject to special regulation and urban planning regulation in cases where, without the introduction of special rules for land use, it is impossible or difficult to ensure the interests of individuals, legal entities, society, and the state.

2. Special regulation and urban planning regulation are carried out through:

1) introduction of special rules for land use;

2) introduction of special state normative documents;

3) introduction of a special procedure for the development, approval, and implementation of urban planning documentation;

4) development of special schemes and projects for the protection of territories and settlements from harmful impacts.

Article 37. Objects of architectural, urban planning, and construction activities subject to special regulation and urban planning regulation

1. Objects of special regulation and urban planning regulation are divided into:

1) territorial objects of special regulation and urban planning regulation;

2) settlements of special regulation and urban planning regulation;

3) objects requiring special regulation and urban planning regulation.

2. Territorial objects of special regulation and urban planning regulation include:

1) zones of ecological disaster and/or emergency ecological situations;

2) specially protected natural areas;

3) water protection zones and belts;

4) territories with objects of historical and cultural heritage and unique and rare landscapes;

5) territories for health, resort, recreational, and reserve purposes;

6) suburban zones;
7) agglomeration territories;
8) regime zones and other territories classified by the laws of the Republic of Kazakhstan as zones of special regulation and urban planning regulation.

3. Settlements of special regulation and urban planning regulation include:

1) the capital of the Republic of Kazakhstan and cities of republican significance;
2) towns with a population exceeding one hundred thousand residents;
3) settlements, their parts, or adjacent territories having historical and cultural value or protected landscapes, as well as settlements in state nature reserves and national parks;
4) settlements with military towns, border departments, and other closed facilities;
5) settlements located in areas with special (extreme) natural-climatic, geotechnical, or hydrogeological conditions, as well as in zones of ecological and man-made disasters or exposed to other adverse phenomena and processes.

4. Real estate objects of special regulation and urban planning regulation include:

1) monuments of history and culture and their ensembles;
2) objects of the state nature reserve fund;
3) structures necessary for the performance of special state or economic tasks, including objects that pose a known danger to human life and health or the environment;
4) buildings and structures specially designed for the residence, stay, and work of persons with disabilities.

5. Objects requiring special regulation and urban planning regulation are determined by the authorized body for architecture, urban planning, and construction.

For each object requiring special regulation and urban planning regulation, an individual phased plan for the development and approval of design and estimate documentation is approved.

6. The regime of special regulation and urban planning regulation is established by this Code and other laws of the Republic of Kazakhstan.

Article 38. Special regulation of architectural, urban planning, and construction activities in zones of ecological disaster and/or emergency ecological situations

1. Territories contaminated with harmful substances, harmful microorganisms, and other biological agents exceeding permissible concentrations, chemical and/or radioactive and other harmful substances exceeding permissible levels, where the residence of the population and economic activities pose a threat to human life and health, are subject to conservation and special treatment. Depending on the degree of contamination and the method of rehabilitation of these territories, the Government of the Republic of Kazakhstan may introduce a special regime for their use or establish another functional purpose.

2. To ensure the safety of settlement territories, measures must be taken to comply with civil protection requirements, prevent natural and man-made emergencies, and combat acts of terrorism.

3. The terms for introducing special regulation of architectural, urban planning, and construction activities in zones of ecological disaster and/or emergency ecological situations are established by the authorized body for architecture, urban planning, and construction. During the period of the special regulation regime in the zones of ecological disaster and/or emergency ecological situations, architectural, urban planning, and construction activities are carried out in accordance with the measures provided for in Article 36 of this Code.

Chapter 5. TECHNICAL STANDARDIZATION IN ARCHITECTURAL, URBAN PLANNING, AND CONSTRUCTION ACTIVITIES

Article 39. System of technical standardization in architectural, urban planning, and construction activities

1. The system of technical standardization in architectural, urban planning, and construction activities is a set of state normative documents.

2. Subjects of technical standardization in architectural, urban planning, and construction activities are individuals defined in Article 7 of this Code, who, in accordance with the laws of the Republic of Kazakhstan or international treaties ratified by the Republic of Kazakhstan, are vested with rights and obligations in the field of architectural, urban planning, and construction activities.

3. Objects of technical standardization in architectural, urban planning, and construction activities include:

- 1) settlement systems, settlements, and their constituent parts;
- 2) construction objects, their separate parts and premises, architectural objects, processes of design, construction, reconstruction, renovation, restoration, technical re-equipment, expansion, repair, and operation;
- 3) urban planning, architectural and construction, and other design and estimate documentation;
- 4) engineering equipment of construction objects;
- 5) construction materials, products, and structures.

Article 40. State system of normative documents

1. State regulation of architectural, urban planning, and construction activities carried out on the territory of the Republic of Kazakhstan is ensured by this Code and the state system of normative documents (state normative documents).

2. State normative documents are developed on a general scientific, technical, and methodological basis to ensure:

- 1) safety of construction objects for the life and health of people and animals, as well as the environment during the life cycle of the construction object;
- 2) reliability and quality of construction materials, products, structures, foundations, and engineering systems of construction objects;

3) protection of construction objects and people from adverse effects considering the risk of natural or man-made emergencies;

4) comfortable conditions for people staying at construction objects;

5) energy efficiency of construction objects;

6) mutual understanding of subjects of technical standardization in architectural, urban planning, and construction activities and elimination of technical barriers.

3, The procedure for the development, coordination, approval, registration, and enforcement (suspension, cancellation) of state normative documents is established by the authorized body for architecture, urban planning, and construction.

4, The organization of work to improve state normative documents is ensured by the authorized body for architecture, urban planning, and construction based on a prospective nomenclature and an approved thematic work plan.

5, Improvement of the state system of normative documents is carried out by the national institute of technical standardization in construction with the involvement of specialized technical committees in the field of technical standardization and other subjects of architectural, urban planning, and construction activities.

Article 41. Types of state normative documents

1. State normative documents cover the following aspects:

1) organizational and methodological support of construction;

2) basic provisions of reliability of construction objects, internal climate, and protection from adverse factors;

3) urban planning, construction objects;

4) engineering support of construction objects and their complexes or parts, as well as their external networks;

5) construction structures and foundations;

6) construction materials and products;

7) mobile construction objects, construction equipment, and inventory;

8) pricing in construction and estimates;

9) state urban planning cadastre;

10) architectural and construction control and supervision, conformity assessment.

2. State normative documents include:

1) normative legal acts of the Republic of Kazakhstan establishing mandatory requirements for the organization of activities and regulating relations of subjects of architectural, urban planning, and construction activities:

requirements, rules, procedures, and other normative legal acts;

technical regulations;

guiding documents in construction;

normative documents for maintaining the state urban planning cadastre;

urban planning regulations;

2) normative technical documents establishing mandatory safety requirements for certain types of construction objects and/or their life cycle processes in accordance with technical regulations:

building codes, including building codes and rules (during the period of parallel validity with the term determined by the authorized body for architecture, urban planning, and construction);

technical codified norms establishing requirements for objects of technical standardization in architectural, urban planning, and construction activities;

normative documents on pricing in construction;

typical technological maps;

3) normative technical documents of voluntary application of:

codes of practice;

technological design standards;

normative technical manuals;

standardization documents in architectural, urban planning, and construction activities, industry;

manuals and methodological recommendations.

At the same time, normative technical documents of voluntary application must take into account the requirements of technical regulations and building codes or separate independent issues not regulated by mandatory norms.

When choosing normative technical documents of voluntary application, their requirements are mandatory, including ensuring access for people with limited mobility.

3. State normative documents also include interstate normative documents introduced into force in the territory of the Republic of Kazakhstan:

1) interstate norms (interstate normative documents);

2) interstate codes of practice for design and construction;

3) interstate standards.

4. International, regional standards, and standards of foreign states are applied in the design and construction of construction objects in accordance with the legislation of the Republic of Kazakhstan in the field of standardization.

5. State normative documents are developed and approved by the authorized body for architecture, urban planning, and construction, except in cases specified in paragraph 6 of this article.

The authorized body for architecture, urban planning, and construction organizes the development of state normative documents.

6. The authorized body for architecture, urban planning, and construction reviews draft standardization documents within its competence and prepares recommendations for the

development, amendment, revision, and cancellation of national, interstate standards, national classifiers of technical and economic information, and standardization recommendations for submission to the authorized body in the field of standardization.

Article 42. National institute of technical standardization in construction

1. To coordinate work on improving state normative documents, the authorized body for architecture, urban planning, and construction selects an organization on a competitive basis as the national institute of technical standardization in construction.

2. The rules for conducting the competition to select the organization as the national institute of technical standardization in construction and the qualification requirements for participants are developed and approved by the authorized body for architecture, urban planning, and construction.

3. The national institute of technical standardization in construction:

1) conducts scientific research to improve state normative documents;

2) forms and submits to the authorized body for architecture, urban planning, and construction a prospective list of state normative documents to be improved, proposes the development and revision of technical regulations and standardization documents in architectural, urban planning, and construction activities to the plans of relevant authorized state bodies;

3) performs work on improving state normative documents;

4) provides technical support for technical standardization activities in architectural, urban planning, and construction activities;

5) forms a fund of normative technical documents, interacts with state bodies and other subjects of technical standardization in the field architectural, urban planning, and construction activities, and submits one copy of approved normative technical document, as well as information on adoption, amendments, and cancellation of a normative technical document, to the National standardization body for placement in the Unified state fund of normative technical documents in accordance with the Law of the Republic of Kazakhstan " On Standardization."

Article 43. Activities of specialized technical committees in the field of technical standardization

1. Specialized technical committees in the field of technical standardization are formed by the authorized body for architecture, urban planning, and construction to involve competent specialists and practitioners in the process of improving state normative documents.

These specialized technical committees are created and operate under the national institute of technical standardization in construction.

The regulations and procedures for work of the specialized technical committees in the field of technical standardization are determined by the authorized body for architecture, urban planning, and construction.

2. According to their assigned objects of technical standardization, the specialized technical committees in the field of technical standardization:

1) prepare recommendations for the development, revision, amendment, and cancellation of normative technical documents;

2) participate in the development and revision of normative technical documents in their respective fields;

3) participate in the work of technical committees (subcommittees, working groups) in the field of technical standardization of international and regional organizations;

4) perform other functions established by the legislation of the Republic of Kazakhstan.

3. This article does not apply to technical committees on standardization regulated by the Law of the Republic of Kazakhstan "On Standardization."

Article 44. Pricing in construction

1. Pricing in construction is the process of forming the estimated cost of construction at the stages of pre-project documentation and construction project development, as well as forming the contract price during contractor selection and service provision, including the construction process itself.

2. The estimated cost of construction is determined using estimate normative documents to form the volume of funds for implementing state investments.

3. In cases not covered by paragraph 2 of this article, the estimated cost of construction is determined using estimate normative documents if provided by the legislation of the Republic of Kazakhstan or a contract.

4. The estimated cost of construction is used to form the maximum contract price for construction works on new and (or) modification (expansion, modernization, technical re-equipment, reconstruction, restoration, major repairs) of existing buildings, structures, complexes, communications, as well as conservation and post-utilization of a construction object.

5. Estimate normative documents used to determine the estimated cost of construction are not applied during contract execution.

6. Price monitoring (tariffs, costs) in construction is conducted to provide information on prices (tariffs, costs) in construction and to implement provisions of normative documents on pricing in construction.

7. Contract price of construction is determined according to civil legislation of the Republic of Kazakhstan, laws of the Republic of Kazakhstan on public procurement, procurement of separate quasi-public sector entities, state property, and in accordance with international treaties of the Republic of Kazakhstan within investment projects financed by international organizations of which the Republic of Kazakhstan is a member.

8. Estimated cost of construction and contract price for construction objects located outside the Republic of Kazakhstan and financed by state investments are determined by procedures set by the Government of the Republic of Kazakhstan.

9. Normative documents on pricing in construction must ensure:

- 1) planning of construction costs funded by state investments;
- 2) reliability of estimated costs of construction in pre-project and project documentation funded by state investments.

10. Measures to implement provisions of normative documents on pricing in construction include:

- 1) analysis and updating of existing estimate norms;
- 2) development of estimate norms in construction considering development of effective construction technologies;
- 3) updating estimate normative documents based on monitoring, processing of current prices of construction materials, products, structures, and equipment.

Article 45. Architectural, urban planning, and construction catalogs

1. Architectural, urban planning, and construction catalogs are digital resources containing up-to-date information on:

- 1) normative legal acts and normative technical documents;
- 2) standard building and structure projects and standard design solutions of enterprises;
- 3) construction structures, materials, products, and equipment of intersectoral application;
- 4) work production technologies;
- 5) normative documents on pricing in construction.

2. Development, maintenance, and updating of digital resources of architectural, urban planning, and construction catalogs are carried out by the national institute of technical standardization in construction.

3. The procedure for forming and maintaining architectural, urban planning, and construction catalogs is established by the authorized body for architecture, urban planning, and construction.

Chapter 6. ARCHITECTURAL AND CONSTRUCTION CONTROL AND SUPERVISION

Article 46. State architectural and construction control and supervision

1. State bodies exercising state architectural and construction control and supervision are:

1) The authorized body for architecture, urban planning, and construction, which exercises state architectural and construction control and supervision over the activities of local executive bodies in architecture, urban planning, construction, and state architectural and construction control and supervision;

2) The local executive body of the region, city of republican significance, or the capital, which exercises state architectural and construction control and supervision over compliance by subjects (objects) of control and supervision with the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities.

2. State architectural and construction control (hereinafter referred to as control in this article) is carried out in the form of inspections and preventive control with visits to the

subject (object) of control and supervision in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Preventive control without visiting the subject (object) of control and supervision is carried out in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Code.

3. State architectural and construction supervision in the field of architectural, urban planning, and construction activities (hereinafter referred to as supervision in this article) is the activity of local executive bodies of the region, city of republican significance, or the capital, exercising state architectural and construction control and supervision, to check compliance by subjects (objects) of control and supervision with the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities, with the right to apply operational response measures provided for in Article 50 of this Code, without initiating administrative proceedings.

Subjects (objects) of control and supervision are:

1) Local executive bodies for architecture, urban planning, construction, and state architectural and construction control and supervision;

2) Individuals and legal entities to whom the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities applies.

4. State architectural and construction control and supervision are assigned the following functions:

1) Monitoring of construction (reconstruction, expansion, modernization, major repairs) and commissioned construction objects;

2) Taking measures established by the legislation of the Republic of Kazakhstan against subjects of control and supervision who have violated the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities or have not eliminated identified violations following state architectural and construction control and supervision;

3) Exercising control and supervision over the activities of the subject (object) of control and supervision;

4) Informing local executive bodies for architecture, urban planning, and construction, state expert organizations, and/or expert organizations no later than three working days about detected unauthorized or illegal construction (constructed) objects;

5) Informing the state body responsible for state regulation and control in the field of state registration of rights to real estate and state technical examination of real estate about the need to impose encumbrances on real estate rights in the legal cadastre in accordance with the legislation of the Republic of Kazakhstan on the state registration of rights to real estate, based on the violations detected by state architectural and construction control and supervision.

The state body responsible for state regulation and control in the field of state registration of rights to real estate and state technical examination of real estate must impose encumbrances on real estate rights in the legal cadastre within one working day from receiving information from state architectural and construction control and supervision.

The basis for removing encumbrances on real estate rights is confirmation from the state body exercising state architectural and construction control and supervision that the identified violations have been eliminated.

5. The objects specified in paragraph 4 of Article 98 of this Code State are not subject to the state architectural and construction control and supervision by the local executive body of the region, city of republican significance, or the capital exercising state architectural and construction control and supervision, except for conducting unscheduled inspections.

Article 47. Officials exercising state architectural and construction control and supervision

1. Officials exercising state architectural and construction control and supervision include:

1) State construction inspectors of the authorized body for architecture, urban planning, and construction;

2) State construction inspectors of regions, cities of republican significance, and the capital, exercising state architectural and construction control and supervision.

2. State construction inspectors of the state body exercising state architectural and construction control and supervision must be certified in the manner determined by the authorized body for architecture, urban planning, and construction.

State construction inspectors have badges in the form approved by the authorized body for architecture, urban planning, and construction.

The badge is issued to the state construction inspector after passing the certification procedure.

No one has the right to interfere with the work of a state construction inspector while performing state architectural and construction control and supervision.

Interference with or obstruction of officials exercising state architectural and construction control and supervision entails liability established by the laws of the Republic of Kazakhstan

3. Qualification requirements for chief state construction inspectors of regions, cities of republican significance, and the capital are subject to approval by the authorized body for architecture, urban planning, and construction.

4. State construction inspectors are obliged to:

Exercise state architectural and construction control and supervision in accordance with the procedure established by the Entrepreneurial Code of the Republic of Kazakhstan and this Code;

Identify and analyze causes of violations of state normative documents and requirements (conditions, restrictions) committed by subjects of architectural, urban planning, and construction activities in the territory of the Republic of Kazakhstan;

Develop measures to improve architectural and construction control and supervision;
Participate in the acceptance stage of construction objects into operation.

Article 48. Preventive control without visiting the subject (object) of control and supervision

1. Preventive control without visiting the subject (object) of control and supervision is carried out by local executive bodies of regions, cities of republican significance, and the capital, exercising state architectural and construction control and supervision, based on the study and analysis of reports submitted by the subject of control and supervision, monitoring of construction (planned for construction) objects, information from authorized state bodies, as well as data obtained from state digital systems and digital resources about the activities of the subject (object) of control and supervision.

2. Preventive control without visiting the subject (object) of control and supervision is conducted regarding subjects (objects) of control and supervision.

3. The purposes of preventive control without visiting the subject (object) of control and supervision are timely suppression and prevention of violations in the field of architecture, urban planning, and construction.

4. If violations are identified as a result of preventive control without visiting the subject (object) of control and supervision, a conclusion on the elimination of identified violations is issued without initiating an administrative offense case.

The deadline for fulfilling the requirements of the conclusion on the elimination of identified violations is at least ten working days from the day following the day of its delivery (receipt).

The form of the conclusion on the elimination of identified violations is approved by the authorized body for architecture, urban planning, and construction.

5. The conclusion on the elimination of identified violations is sent to the subject of control and supervision no later than seven working days from the day the violations were identified by one of the following methods:

1) Personally, to the representative and/or official of the subject (object) of control with a delivery receipt;

2) By registered mail with delivery notification;

3) Electronically to the user's personal account on the "digital government" web portal;

4) To the email address of the subject of control and supervision if such address was previously provided to the local executive body of the region, city of republican significance, the capital exercising state architectural and construction control and supervision, or by other means of communication ensuring confirmation of delivery.

6. Execution of the conclusion on the elimination of identified violations is recognized as the proper elimination of the violations specified in the conclusion within ten working days from the day following the day of its delivery (receipt).

7. Deadlines for eliminating violations specified in the conclusion may be extended upon the request of the subject of control and supervision for up to one month, but no more than

once. The request must be submitted no later than three working days from the day of delivery (receipt) of the conclusion by one of the methods specified in paragraph 5 of this article.

The execution of violations specified in the conclusion on elimination of the identified violations must be feasible depending on the type and nature of the violations and justified in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities.

The local executive body of the region, city of republican significance, the capital exercising state architectural and construction control and supervision, within three working days from the day of receipt of the request on extension of the terms for elimination of the violations specified in the conclusion on the elimination of the identified violations shall decide on the extension or refusal of extension with reasoned justification.

8. After the deadline for eliminating violations specified in the conclusion on the elimination of the identified violations, the inspected subject of control and supervision must provide information on the elimination of violations to the local executive body of the region, city of republican significance, the capital exercising state architectural and construction control and supervision within the time period established in the conclusion on the elimination of the identified violations.

If necessary, the subject of control and supervision attaches materials proving the fact of elimination of violation to the provided information on elimination of the identified violations

9. The presence of violations or failure to eliminate violations within the established period is the grounds for selecting subjects (objects) of control and supervision for preventive control with a visit to the subject (object) of control and supervision.

Results of preventive control without visiting the subject (object) of control and supervision are recorded and accounted for in the digital system for organizing construction under the "one window" principle.

10. In case violations are identified as a result of preventive control without visiting the subject (object) of control and supervision, operational response measures may be applied in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Code.

11. Preventive control without visiting the subject (object) of control is conducted at least once per quarter.

12. In case of violation of the rights and legitimate interests of the inspected subject (object) of control and supervision based on the results of preventive control without visiting the subject (object) of control and supervision, the inspected subject of control and supervision has the right to appeal decisions, actions (inaction) of state construction inspectors of regions, cities of republican significance, and the capital, exercising state architectural and construction control and supervision, in the manner established by the legislation of the Republic of Kazakhstan.

Article 49. State architectural and construction control over the activities of local executive bodies for architecture, urban planning, construction, and state architectural and construction control and supervision

1. The purpose of state architectural and construction control over the activities of local executive bodies for architecture, urban planning, construction, and state architectural and construction control and supervision (hereinafter – the inspected state bodies) is to ensure the development and adjustment of urban development projects for the development and construction of settlements in accordance with the legislation of the Republic of Kazakhstan, quality construction, issuance of initial materials for the development of construction projects, as well as changes to existing construction objects, approval of sketches (sketch projects), permits, accreditation, and fulfillment of other mandatory requirements in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities, ensuring favorable, safe, and other necessary living and working conditions.

2. The authorized body for architecture, urban planning, and construction exercises control over the activities of the inspected state bodies through scheduled and unscheduled inspections with visits to the inspected state bodies (construction objects funded by state investments) (hereinafter – inspection) and remote control to verify proper fulfillment of functions by the inspected state bodies, assigned by the legislation of the Republic of Kazakhstan.

3. Grounds for unscheduled inspections include:

1) Appeals from individuals and legal entities regarding violations of legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities with supporting evidence;

2) Prosecutor's demands regarding facts of harm or threat of harm to life, health, environment, rights, and interests of individuals, legal entities, or the state;

3) Appeals from state bodies regarding violations of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities;

4) Instructions from law enforcement bodies based on grounds provided by the Criminal Procedure Code of the Republic of Kazakhstan;

5) Information about gross violations of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities detected during remote control.

Gross violations include violations specified in subparagraphs 13), 15), 21), and 23) of paragraph 1, subparagraphs 9), 10), 12), 19), 21), and 37) of paragraph 2 of Article 28, subparagraphs 3), 5), 8), 9), and 10) of paragraph 1, subparagraphs 8), 9), 11), and 17) of paragraph 2, and subparagraphs 8), 9), 11), and 20) of paragraph 3 of Article 29 of this Code.

6) Instructions from the Head of the Presidential Administration of the Republic of Kazakhstan or his deputies, Prime Minister of the Republic of Kazakhstan or his deputies, and appeals from deputies of the Parliament of the Republic of Kazakhstan regarding violations of

the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities.

Unscheduled inspections are not conducted based on anonymous appeals.

Facts and circumstances related to specific inspected state bodies that served as grounds for the unscheduled inspection are subject to unscheduled inspection.

4. Scheduled inspection is conducted once a year according to an annual plan approved by the first head of the authorized body for architecture, urban planning, and construction no later than December 10 of the year preceding the inspection year.

The authorized body for architecture, urban planning, and construction publishes the annual plan on its website by December 25 of the preceding the year of inspection and in the digital system of the organization for construction under "one window" principle.

Changes and additions to the annual plan of the scheduled inspections are made in cases of liquidation, reorganization of the inspected state body, renaming, redistribution of powers between state bodies, occurrence of nature, man-made and social emergencies, introduction of a state of emergency, occurrence or threat of occurrence of an epidemic spread, foci of quarantine objects and especially dangerous harmful organisms, infectious, parasitic diseases, poisonings, radiation accidents and related restrictions, as well as by the decision of the first head of the authorized body for architecture, urban planning, and construction.

If an automated risk management and assessment system exists, the list is generated automatically in the digital system to organize construction under “one window” principle.

5. Sources for including the inspected state bodies in the annual plans of scheduled inspections include:

- 1) Violations detected during remote control;
- 2) Results of previous inspections of the inspected state bodies.

6. Inspections are conducted based on an inspection appointment act of the authorized body for architecture, urban planning, and construction (hereinafter – an inspection appointment act).

The inspection appointment act specifies:

- 1) Number and date of the act;
- 2) Name of the state body;
- 3) Full name (if specified in the ID) and position of authorized persons conducting the inspection;
- 4) Information about specialists, consultants, and experts involved;
- 5) Name and location of the inspected state body;
- 6) Name and location of construction object funded by budget (if visited);
- 7) Grounds and subject of inspection;
- 8) Type of inspection;
- 9) Inspection period;
- 10) Period under inspection;

11) Rights and obligations of the inspected state body, provided for in this article;

12) Signature of the person authorized to sign acts.

7. State construction inspectors of the authorized body for architecture, urban planning, and construction arriving for inspection must present to the inspected state body:

1) an inspection appointment act;

2) Official ID or identification card.

The inspection begins on the date the inspected state body receives the inspection appointment act.

The composition of officials conducting the inspection may be changed by decision of the authorized body for architecture, urban planning, and construction.

8. The inspection period is set considering the volume of work and tasks and must not exceed:

1) for unscheduled inspections - 20 working days;

2) for scheduled inspections - 30 working days.

9. If tests, expert evaluations, or a large volume of work are required, the inspection period may be extended once by the person authorized to sign the inspection appointment acts for the periods specified by paragraph 8 of this article.

If extended, the authorized body for architecture, urban planning, and construction, no later than the end of the term of the inspection, issues an additional act on extension of the period of inspection indicating the number and registration date of the previous inspection appointment act and the reasons for the extension, notifying the inspected state body electronically.

In cases of receiving information and documents from authorized bodies, including foreign states, conducting tests, examinations, the introduction of quarantine, state of emergency (situation), the inspection period may be suspended by the decision of the first head of the authorized body for architecture, urban planning, and construction or his deputy.

Notification of suspension or resumption of the inspection is sent to the inspected state body one day prior suspension or resumption via electronic document exchange.

An act of suspension or resumption is issued in case of suspension or resumption of inspection.

Calculation of the period of the suspended inspection continues from the day of its resumption.

10. Based on the results of the inspection, the state construction inspector of the authorized body for architecture, urban planning, and construction shall prepare inspection results report in a form approved by the authorized body for architecture, urban planning, and construction.

The inspection results report shall include:

1) date, time, and place of the report preparation;

2) name of the state body;

3) date and number of the inspection appointment act on which the inspection was based (additional acts on extension, suspension, or resumption of terms, if any);

4) full name (if available in the ID) and position of the person(s) who conducted the inspection;

5) name and location of the inspected state body;

6) name and location of the construction site funded by state investments (if visited);

7) date, place, and period of the inspection;

8) information on the inspection results, including identified violations and their nature;

9) instructions for eliminating identified violations with deadlines for their elimination;

10) signature of the official(s) who conducted the inspection.

Submission of the inspection results report to the inspected state body marks the completion of the inspection period, but no later than the deadline specified in the inspection appointment act (additional act on extension, suspension, or resumption of terms, if any).

11. The deadline for fulfillment of the inspection results report is at least ten calendar days from the date of delivery (receipt) of the inspection results report.

If additional time is needed, the inspected state body may apply to the authorized body for architecture, urban planning, and construction within three working days from the day of receipt of the report to extend the deadline for eliminating violations, not exceeding six months.

In the application to extend the deadline for eliminating violations, the inspected state body must specify measures to be taken to eliminate the violations and objective reasons for the extension.

The authorized body for architecture, urban planning, and construction within three working days from the day of receipt of the application to extend the deadline for eliminating violations, taking into account the reasons specified in the application, shall decide on the extension of the deadline or refusal to extend the deadline, providing a reasoned explanation.

12. The inspection results report is prepared electronically and sent to the inspected state body via electronic document exchange.

The authorized body for architecture, urban planning, and construction notifies the state body responsible for legal statistics and special records within its competence about the results of the conducted state control in the manner established by the General Prosecutor's Office.

In case of absence of violations of the requirements established by the legislation of the Republic of Kazakhstan during the inspection, a corresponding entry is made in the inspection results report.

13. After the deadline for eliminating violations, specified in the inspection results report, the inspected state body must provide information and supporting materials confirming elimination of the violations within the period specified in the inspection results report.

In case of failure to provide information on the elimination of identified violations, as well as failure to provide such information within the established deadline according to part one of this paragraph, the state construction inspectors of the authorized body for architecture, urban planning, and construction shall, within their authority, take measures to hold the persons responsible for the violations accountable in accordance with the laws of the Republic of Kazakhstan.

14. State construction inspectors of the authorized body for architecture, urban planning, and construction have the right during control to:

1) unimpeded access to the inspected state body's premises and construction site (if visited), constructed at the expense of state investments, upon presentation of documents, specified in paragraph 7 of this article;

2) obtain copies of documents in paper or electronic form to attach to the inspection results report, and access to automated databases (digital systems) relevant to the subject of inspection;

3) conduct audio, photo, and video recording;

4) use technical control equipment, devices of recording, photo, and video recording equipment relevant to the subject of inspection;

5) involve specialists, consultants, and experts;

6) conduct tests and/or expert examinations.

15. The inspected state body has the right to:

1) to deny access to the inspection to state construction inspectors of the authorized body for architecture, urban planning, and construction who have arrived to conduct the inspection, in cases of:

exceeding or expiration of the terms specified in the inspection appointment act (additional act on extension, suspension, or resumption of the term, if any), which do not correspond to the terms established by this article;

appointment by the authorized body for architecture, urban planning, and construction of an inspection of the inspected state body, in relation to which an inspection on the same issue for the same period was previously conducted;

assignment of the inspection to persons who do not have the appropriate authority to conduct it;

2) not to provide documents and information if they do not relate to the subject of the inspection or to the period specified in the inspection appointment act;

3) to appeal the inspection results report, as well as the actions (or inaction) of the state construction inspectors of the authorized body for architecture, urban planning, and construction, in the manner established by the legislation of the Republic of Kazakhstan.

16. The inspected state body must:

1) Ensure unhindered access for state construction inspectors of the authorized body for architecture, urban planning, and construction to the territory and premises of the inspected state body, as well as to the construction site funded by state investments (if visited);

2) While complying with legally protected confidentiality requirements, provide state construction inspectors of the authorized body for architecture, urban planning, and construction with copies of documents (information) on paper and electronic media for attachment to the inspection results report, as well as grant access to automated databases (digital systems) in accordance with the subject of the inspection;

3) Prevent any changes or additions to the inspected documents during the inspection period, unless otherwise provided by the laws of the Republic of Kazakhstan;

4) Ensure the safety of persons arriving to conduct the inspection.

17. Remote control is conducted without visits through:

1) Monitoring, analyzing, and comparing data obtained from state digital systems, mass media, reports submitted by the inspected state body, and other documents established by the laws of the Republic of Kazakhstan;

2) Requesting the necessary information related to the subject of remote control.

If a violation is detected as a result of remote control, an act on the results of remote control is drawn up and sent to the inspected state body within no later than ten working days from the date the violation was detected, in a form approved by the authorized body for architecture, urban planning, and construction, via electronic document exchange, without initiating an administrative offense case.

18. The act on the results of remote control shall indicate:

1) the number, date, and place of the act preparation;

2) the name of the state body;

3) the name and location of the inspected state body;

4) the grounds and subject of the remote control;

5) the period and terms of the remote control;

6) information on the results, including identified violations and their nature;

7) instructions for eliminating identified violations with deadlines;

8) the signature of the official who conducted the remote control.

The deadline for compliance with the violations indicated in the remote-control act is at least ten working days from the date of delivery of the act on the results of the remote control via electronic document exchange.

Upon expiration of the deadline for eliminating the identified violations indicated in the remote-control results act, the inspected state body is obliged to provide the authorized body for architecture, urban planning, and construction with information and supporting materials confirming the elimination of the identified violations.

In case of failure to provide information on the elimination of identified violations, as well as failure to provide such information within the established deadline according to part

one of this paragraph, the state construction inspectors of the authorized body for architecture, urban planning, and construction shall, within their authority, take measures to hold the persons responsible for the violations accountable in accordance with the laws of the Republic of Kazakhstan.

19. The requirements to eliminate violations identified as a result of inspections and/or remote control are mandatory for execution.

In case of non-compliance with the requirements to eliminate violations identified as a result of inspections and/or remote control, the authorized body for architecture, urban planning, and construction has the right to file a lawsuit to compel the inspected state body to comply with the requirements to eliminate the violations identified during the inspection and (or) remote control.

20. In case of detection of serious violations specified in part two of subparagraph 5) of paragraph 3 of this article during remote control, the remote control is terminated, and an unscheduled inspection is appointed in accordance with subparagraph 5) of paragraph 3 of this article.

21. If, as a result of the inspection, it is found that the inspected state body has violated the requirements imposed on it by the legislation of the Republic of Kazakhstan, and there is sufficient evidence indicating signs of an administrative offense, the state construction inspectors of the authorized body for architecture, urban planning, and construction shall, within their authority, take measures to hold the persons responsible for the violations accountable in accordance with the Code of the Republic of Kazakhstan on Administrative Offenses.

In cases of systematic failure or improper fulfillment by the inspected state body of the requirements imposed by the legislation of the Republic of Kazakhstan, the authorized body for architecture, urban planning, and construction shall submit a recommendation to the akim of the capital, city of republican significance, region, district, or town of regional significance to take measures to eliminate the causes and conditions contributing to the violation of legality and the requirements of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities.

The recommendation to take measures to eliminate the causes and conditions contributing to the violation of legality and the requirements of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities is mandatory for execution.

22. In case of violation of the rights and legitimate interests of the inspected state body during the inspection and/or remote control, the inspected state body has the right to appeal the decisions, actions (or inaction) of the state construction inspectors of the authorized body for architecture, urban planning, and construction in the manner established by the legislation of the Republic of Kazakhstan.

Filing a complaint does not suspend the execution of the inspection and/or remote-control results report.

Article 50. Measures of operational response and the procedure for their application

1. During and/or based on the results of state control, the local executive bodies of the region, city of republican significance, and the capital of the state architecture and construction control and supervision apply measures of operational response in cases of detection of activities, work, or services of the subject (object) of control and supervision that pose a direct threat to the rights and legitimate interests of individuals and/or legal entities, life and health of people, the environment, or the national security of the Republic of Kazakhstan.

2. Measures of operational response are the methods of influence on the subjects (objects) of control and supervision applied during and/or based on the results of inspections, preventive control with or without visiting the subject (object) of control and supervision, the types of which are provided for in this article.

Measures of operational response are applied in cases of violations by the subjects of control and supervision of the requirements established by the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities.

3. Operational response measures include the following types:

- 1) suspension of construction;
- 2) suspension of activity or certain types of activity;
- 3) prohibition of construction or certain types of construction carried out in violation of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities and/or state regulatory documents;
- 4) suspension of the validity of a permit and/or its annex;
- 5) revocation (withdrawal) of a permit and/or its annex.

4. The basis for applying an operational response measure is a violation of the requirements established by the legislation of the Republic of Kazakhstan, which are the subject of state control in accordance with Article 143 of the Entrepreneurial Code of the Republic of Kazakhstan.

5. The local executive body of the region, city of republican significance, and the capital, which carries out state architectural and construction control and supervision, also applies operational response measures upon detection via the digital system for organizing construction under the "one window" principle of violations of state regulatory documents and/or deviations from approved construction projects (design solutions) in accordance with paragraphs 3 and 4 of this article.

6. The local executive body of the region, city of republican significance, and the capital, which carries out state architectural and construction control and supervision, during and/or based on the results of inspections, preventive control with or without visiting the subject (object) of control and supervision, upon detection of violations that are grounds for applying

operational response measures, issues a resolution on the application of operational response measures in a form approved by the authorized body for architecture, urban planning, and construction.

The resolution on the application of operational response measures is issued and delivered to the subject of control and supervision in accordance with Article 153 of the Entrepreneurial Code of the Republic of Kazakhstan.

If the inspection is conducted via an automated registry, the resolution on the application of operational response measures is generated automatically in that registry.

7. In case of refusal to accept the resolution on the application of operational response measures when delivered in person, a corresponding entry is made in it, and a video recording is made to document the refusal to accept the resolution on the application of operational response measures. The resolution on the application of operational response measures is sent by registered mail with delivery confirmation to the legal address, location, or actual address of the subject of control and supervision.

8. Refusal to receive the resolution on the application of operational response measures is not a reason for non-compliance with it.

9. Violations detected during and/or based on the results of inspections, preventive control with or without visiting the subject (object) of control and supervision, which are grounds for applying operational response measures, are reflected in the inspection results report and/or preventive control report with a visit to the subject (object) of control and supervision, in the order to eliminate identified violations, or in the conclusion following preventive control without a visit to the subject (object) of control and supervision.

If the inspection is conducted via an automated registry, the inspection results report is not issued.

10. The subject of control and supervision is obliged to eliminate the identified violations of requirements that are grounds for applying operational response measures within the deadlines specified in the order to eliminate identified violations or in the conclusion on the elimination of identified violations.

11. Upon expiration of the deadlines for eliminating violations identified during and/or based on the results of inspections, preventive control with or without visiting the subject (object) of control and supervision, an unscheduled inspection is conducted to monitor the elimination of identified violations that are grounds for applying operational response measures.

The effect of the resolution on the application of operational response measures ceases if the local executive body of the region, city of republican significance, or the capital, which carries out state architectural and construction control and supervision, confirms the elimination of identified violations that are grounds for applying operational response

measures based on the act on the results of the unscheduled inspection in accordance with subparagraph 2-1) of part one of paragraph 5 of Article 144 of the Entrepreneurial Code of the Republic of Kazakhstan.

12. If the identified violations that are grounds for applying operational response measures are not eliminated, measures are taken based on the results of the unscheduled inspection to hold the persons responsible for the violations accountable in accordance with the laws of the Republic of Kazakhstan.

13. Before the deadlines specified in the order or conclusion on the elimination of identified violations expire, the subject of control and supervision must provide information on the elimination of identified violations with supporting materials proving the fact of elimination.

If the information specified in part one of this paragraph is provided, an unscheduled inspection is conducted in accordance with part two of paragraph 11 of this article.

14. If the subject of control and supervision disagrees with the results of the inspection and/or preventive control with or without visiting the subject (object) of control and supervision, which resulted in the application of operational response measures, it may file a complaint to recognize the resolution on the application of operational response measures as invalid and to cancel it.

The complaint is submitted to the higher state authority in the manner provided by Chapter 29 of the Entrepreneurial Code of the Republic of Kazakhstan or to the court in accordance with the legislation of the Republic of Kazakhstan.

Filing a complaint does not suspend the execution of the resolution on the application of operational response measures.

15. Grounds for declaring invalid the resolution on the application of operational response measures and its cancellation are:

- 1) absence of grounds for applying operational response measures;
- 2) application of an operational response measure on a basis not corresponding to that measure;
- 3) application by the local executive body of the region, city of republican significance, and the capital of state architectural and construction control and supervision of operational response measures on issues beyond their competence;
- 4) failure to comply with the procedure for coordinating and adopting operational response measures established by Article 153 of the Entrepreneurial Code of the Republic of Kazakhstan.

16. Information about the application of operational response measures is sent to the state body responsible, within its competence, for activities in the field of state legal statistics and special records, in the manner determined by the General Prosecutor's Office of the Republic of Kazakhstan.

Article 51. State architectural and construction control through an automated digital system

1. State architectural and construction control through an automated digital system is carried out in an automated registry in the form of verification for compliance with qualification or permit requirements for issued permits, and requirements for submitted notifications in accordance with the Law of the Republic of Kazakhstan "On Permits and Notifications." The verification is conducted on an ongoing basis by monitoring information about the subject (object) of control and supervision, including data obtained through integration with digital systems of state bodies and other organizations.

2. In case of detection of violations of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities based on the verification of compliance with qualification or permit requirements for issued permits and requirements for submitted notifications, the automated registry generates and sends to the subject of control and supervision a notification to eliminate the identified violations indicating:

- 1) the number and date of the notification;
- 2) the name of the state body;
- 3) the name of the subject (object) of control and supervision and its location;
- 4) the identified violations and requirements for their elimination with the specified deadline for compliance;
- 5) the signature of the official.

3. In case of failure to eliminate the violations specified in the notification to eliminate identified violations, operational response measures are applied in the form of suspension of the permit and/or annex to the permit in accordance with Article 50 of this Code.

Revocation (withdrawal) of the permit and/or annex to the permit is carried out for non-compliance with the operational response measure in the form of suspension of the permit and/or annex to the permit in accordance with Article 50 of this Code.

In case of violation of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities two or more times within a year, the subject of control and supervision is subject to an operational response measure in the form of revocation (withdrawal) of the permit and/or annex to the permit in accordance with Article 50 of this Code.

4. The notification to eliminate identified violations and the resolution on the application of operational response measures are automatically generated by the automated registry and sent to the users' personal accounts on the "digital government" web portal and the digital system in the field of construction, architecture, and urban planning.

Article 52. Automated registry

1. The automated registry contains information and data about individuals and legal entities engaged in activities in the field of architectural, urban planning, and construction activities.

2. The procedure for maintaining the automated registry is determined by the authorized body for architecture, urban planning, and construction.

Article 53. Author's supervision

1. Author's supervision is carried out by the author(s) of construction projects on all construction sites, except those specified in paragraph 1 of Article 133 of this Code.

2. Author's supervision conducted during construction is carried out in accordance with the rules for providing engineering services in architectural, urban planning, and construction activities, approved by the authorized body for architecture, urban planning, and construction, and based on a contract.

Author's supervision is mandatory throughout the entire period of construction (reconstruction, restoration, expansion, technical re-equipment, modernization, major repairs) of the construction object or its conservation, funded by means provided in the design and estimate documentation in accordance with state regulatory documents.

Upon completion of construction, the person performing author's supervision issues the customer a conclusion on the compliance of the completed works with the approved construction project.

3. The author(s) of the construction project have the right to delegate the conduct (implementation) of author's supervision over the construction to:

1) a specialist (employee) holding a certificate for the right to provide engineering services;

2) the customer for independent selection of an engineering services provider for author's supervision, holding the appropriate certificate for the right to provide engineering services.

4. Persons performing author's supervision have the right to:

1) free access to the relevant construction site;

2) familiarize themselves with documentation related to the construction site;

3) demand from the customer and contractor (general contractor) strict compliance with design solutions provided by the approved construction project, as well as the requirements of the legislation of the Republic of Kazakhstan and state regulatory documents;

4) issue written instructions for mandatory elimination by the customer, contractor (general contractor) of violations of state regulatory documents and/or deviations from design solutions provided by the approved construction project, detected during construction.

5. Persons performing author's supervision are obliged to:

1) ensure control over the accurate implementation of design solutions during construction as provided by the approved construction project;

2) regularly and properly maintain the author's supervision log;

3) control the execution of their instructions entered in the author's supervision log;

4) participate in the preparation and signing of acts of inspection of major types of hidden works and intermediate acceptance of critical structures in accordance with the requirements of state regulatory documents;

5) timely make decisions on justified changes to the approved construction project in the manner established by the legislation of the Republic of Kazakhstan;

6) in case of non-fulfillment or improper fulfillment of instructions by the contractor (general contractor), inform the customer or their authorized person about this, as well as notify the relevant local executive body carrying out state architectural and construction control and supervision;

7) fill out annexes to the act of acceptance of the construction object for operation;

8) submit the construction project and expert conclusions on the relevant construction projects to the relevant local executive body carrying out state architectural and construction control and supervision for review.

Article 54. Technical supervision

1. Technical supervision is mandatory on all construction sites, except those specified in Article 121 and paragraph 1 of Article 133 of this Code, in accordance with the rules for providing engineering services in architectural, urban planning, and construction activities, approved by the authorized body for architecture, urban planning, and construction.

Upon completion of construction, persons performing technical supervision issue the customer a conclusion on the quality of construction and installation works, agreed with the local executive body of the region, city of republican significance, or the capital, carrying out state architectural and construction control and supervision.

If a construction site visit schedule is not provided, the customer ensures access for the local executive body carrying out state architectural and construction control and supervision to the construction site to determine readiness of the construction object for operation.

2. Technical supervision is carried out by the customer independently or with the involvement of an accredited legal entity or specialist holding a certificate for providing engineering services for technical supervision, funded by means provided in the construction project.

3. Administrators of budget programs (customers) for technical supervision of construction projects financed by state investments have the right to engage market specialists holding the appropriate certificate for providing engineering services.

4. Persons performing technical supervision have the right to:

1) free access to the relevant construction site;

2) familiarize themselves with documentation related to the construction site;

3) demand from the contractor (general contractor) strict compliance with design solutions and calculations provided by the approved construction project, as well as the requirements of organizational and technological documents defining the technological process of construction and installation works;

4) issue written instructions for mandatory elimination by the contractor (general contractor) of violations of state (interstate) regulatory documents, deviations from design solutions provided by the approved construction project, and/or requirements of

organizational and technological documents, with the right to suspend construction and installation works to enforce instructions within the established deadlines;

5) if necessary, during acceptance of completed works for payment, conduct testing by an accredited testing laboratory (center) on the basis of ownership or lease rights of the quality of completed construction and installation works, their volume, materials, products, structures, and equipment used.

5. Persons performing technical supervision are obliged to:

1) ensure supervision over compliance by the contractor (general contractor) with the requirements of state (interstate) regulatory documents and organizational and technological documents defining the technological process of construction and installation works;

2) ensure quality performance of construction and installation works on a daily (continuous) basis;

3) regularly and properly maintain the technical supervision log;

4) participate in the preparation and signing of acts of inspection of hidden works and intermediate acceptance of critical structures in accordance with the requirements of state regulatory documents;

5) submit monthly reports on the status and progress of construction to the relevant local executive body carrying out state architectural and construction control and supervision;

6) in case of non-fulfillment or improper fulfillment of instructions by the contractor (general contractor), inform the customer and the relevant local executive body carrying out state architectural and construction control and supervision;

7) control the execution of their instructions entered in the technical supervision log;

8) submit the construction project and expert conclusions on the relevant construction projects to the relevant local executive body carrying out state architectural and construction control and supervision for review.

6. Upon detection of violations of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities at objects of all levels of responsibility, the accredited legal entity performing engineering services for technical supervision is held liable for the violations.

At the objects specified in paragraph 4 of Article 98 of this Code, the person performing engineering services for technical supervision is held liable for violations.

7. At the objects of all levels of responsibility, technical supervision must be carried out by accredited legal entities having at least three employees holding certificates for providing engineering services for technical supervision at the corresponding level of responsibility.

Specialists holding technical supervision certificates carry out activities at the objects specified in paragraph 4 of Article 98 of this Code.

8. Specialists and accredited legal entities performing technical supervision must have, on the basis of ownership or lease rights, measuring and control instruments, normative

documentation, and an accredited testing laboratory (center) owned or engaged for testing purposes.

Article 55. Licensing in the field of architectural, urban planning, and construction activities

1. Certain types of activities in the field of architecture, urban planning, and construction are subject to licensing in accordance with this Code and the legislation of the Republic of Kazakhstan on permits and notifications.

2. Individuals and legal entities engaged in design activities (design) and construction and installation works are divided into the following categories:

Category I – carry out the activities specified in this paragraph at construction sites of all levels of responsibility within the framework of the existing license;

Category II – carry out the activities specified in this paragraph at construction sites of the second and third levels of responsibility, as well as work at construction sites of the first level of responsibility within the framework of the existing license under subcontract agreements;

Category III – carry out the activities specified in this paragraph at construction sites of the third level of responsibility, as well as work at construction sites of the first and second levels of responsibility within the framework of the existing license under subcontract agreements.

The classification of individuals and legal entities into a certain category is carried out by the licensor when issuing a license in accordance with the qualification requirements for survey activities, design activities (design), and construction and installation works, and is indicated in the special conditions of the license.

3. Applicants who have submitted an application for a license for design activities (design), survey activities, and construction and installation works, and licensees engaged in these activities, must have specialists certified in the field of architectural, urban planning, and construction activities in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Specialists certified in the field of architectural, urban planning, and construction activities are not allowed to work part-time in other organizations engaged in similar activities

4. Installation, commissioning of technological equipment and/or materials by manufacturers or other persons according to documentation confirming the appropriate qualification and/or authority are carried out in cases and procedures established by the Law of the Republic of Kazakhstan "On Permits and Notifications," without a license in the field of architecture, urban planning, and construction.

5. Licensing in the field of architectural, urban planning, and construction activities is carried out by local executive bodies of regions, cities of republican significance, and the capital, which exercise state architectural and construction control and supervision.

6. Licenses and/or annexes to licenses in the field of architectural, urban planning, and construction activities are subject to reissuance in cases and procedures provided by the Law

of the Republic of Kazakhstan "On Permits and Notifications," as well as when there is a change in the composition of the founders of the legal entity-licensee.

7. When reissuing a license and/or annex to a license due to changes in the composition of the founders of the legal entity-licensee, the licensor verifies the applicant's compliance with the qualification requirements for licensing in the field of architectural, urban planning, and construction activities.

Article 56. Accreditation in the field of architectural, urban planning, and construction activities

Legal entities engaged in the following activities are subject to accreditation:

Engineering services for technical supervision;

Expert work on technical examination of the reliability and stability of buildings and structures at objects of the first and second levels of responsibility;

Engineering services for project management;

Expert work on comprehensive interdepartmental examination of construction projects.

Article 57. Certification of specialists (experts) in the field of architectural, urban planning, and construction activities

1. Certification of specialists (experts) in the field of architectural, urban planning, and construction activities is a procedure conducted by a certification center to assess the compliance of a candidate seeking certification with professional standards in the manner determined by the authorized body for architecture, urban planning, and construction. Upon completion of certification, a certificate of a specialist (expert) in the field of architectural, urban planning, and construction activities of the form established by the authorized body for architecture, urban planning, and construction is issued.

The list of professions of specialists (experts) subject to certification in the field of architectural, urban planning, and construction activities is determined by the authorized body for architecture, urban planning, and construction.

2. A candidate seeking certification as a specialist (expert) in the field of architectural, urban planning, and construction activities is an individual who meets the qualification requirements established by the authorized body for architecture, urban planning, and construction and has applied to the certification center for recognition of his professional qualifications.

3. The procedure for recognizing a specialist (expert) as meeting professional qualifications in the field of architectural, urban planning, and construction activities is carried out in the manner determined by the authorized body for architecture, urban planning, and construction.

4. A certification center is recognized as a legal entity in the form of an association of individuals and/or legal entities for certifying specialists (experts) in the field of architectural, urban planning, and construction activities.

The contract with the recognized winner of the competition for the right to certify specialists (experts) and control over its execution is carried out by the authorized body for architecture, urban planning, and construction.

The term of the contract for the right to conduct certification of specialists (experts) is three years.

Certification centers are established for each specific direction of work and services in the field of architectural, urban planning, and construction activities.

5. A certificate of a specialist (expert) in the field of architectural, urban planning, and construction activities is a document of the established form certifying the completion of the certification procedure and confirming professional qualifications.

A certificate of a specialist (expert) in the field of architectural, urban planning, and construction activities is entered into the register of certified specialists (experts) in the field of architectural, urban planning, and construction activities in the manner determined by the authorized body for architecture, urban planning, and construction.

6. The validity of the certificate of a specialist (expert) in the field of architectural, urban planning, and construction activities is no more than five years, depending on the list of professions in the field of architectural, urban planning, and construction activities.

Termination of the validity of a certificate of a specialist (expert) in the field of architectural, urban planning, and construction activities occurs for one of the following reasons:

1) non-compliance with requirements in the field of architectural, urban planning, and construction activities;

2) lack of continuous practical activity within the scope of the certificate for two years;

3) voluntary request by the certificate holder to terminate the certificate;

4) confirmation of violation of legislation of the Republic of Kazakhstan in the field of architectural, urban planning, and construction activities and state regulatory documents.

In the event of termination of the certificate of a specialist (expert) in the field of architectural, urban planning, and construction activities, except for the grounds provided in subparagraphs 2) and 3) of part two of this paragraph, re-obtaining the certificate is possible after two years from the date of termination of the certificate.

7. A candidate disagreeing with the certification results may appeal to the certification center's appeals commission within three working days.

The appeals commission of the certification center considers the appeal in accordance with the rules for assessing professional knowledge in the field of architectural, urban planning, and construction activities, approved by the certification center in agreement with the authorized body for architecture, urban planning, and construction.

In case of disagreement with the decision of the appeals commission of the certification center, the candidate has the right to appeal to the court.

Article 58. Rights and obligations of participants in the certification of specialists (experts) in the field of architectural, urban planning, and construction activities

1. The certification center has the right to:

1) participate in the improvement of regulatory legal acts related to the certification of specialists (experts) by submitting recommendations to state bodies;

2) represent and protect the rights and legitimate interests of certified specialists (experts) in the field of architectural, urban planning, and construction activities;

3) exercise other rights provided by the laws of the Republic of Kazakhstan.

2. The certification center is obliged to:

1) conduct certification of specialists (experts) in the field of architectural, urban planning, and construction activities in the manner determined by the authorized body for architecture, urban planning, and construction;

2) issue a certificate of a specialist (expert) in the field of architectural, urban planning, and construction activities with the inclusion of data in the register of certified specialists (experts) in the field of architectural, urban planning, and construction activities;

3) develop and approve the procedure for internal control (monitoring) of the activities of certified specialists (experts) in the field of architectural, urban planning, and construction activities in coordination with the authorized body for architecture, urban planning, and construction;

4) approve the schedule for advanced training of certified specialists (experts) in the field of architectural, urban planning, and construction activities;

5) enter information into the register of certified specialists (experts) in the field of architectural, urban planning, and construction activities about violations committed by specialists (experts) in the field of architectural, urban planning, and construction activities from the moment of detection of the violation and notify the authorized body for architecture, urban planning, and construction;

6) take measures against certified specialists (experts) for violations of legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities, including revoking certificates;

7) monitor the activities of certified specialists (experts) in the field of architectural, urban planning, and construction activities;

8) perform other duties as provided by the laws of the Republic of Kazakhstan.

3. A specialist (expert) in the field of architectural, urban planning, and construction activities has the right to:

1) appeal to the certification center for protection of their rights and interests;

2) challenge certification and monitoring results;

3) enjoy other rights provided by the laws of the Republic of Kazakhstan.

4. A specialist (expert) in the field of architectural, urban planning, and construction activities is obliged to:

- 1) undergo advanced training;
- 2) fulfill other duties provided by the laws of the Republic of Kazakhstan.

Article 59. Project management in the field of architecture, urban planning, and construction

1. To organize project management, the customer (investor) has the right to engage an accredited legal entity providing engineering services for project management.

An accredited legal entity providing engineering services for project management may be engaged by the customer (investor) at any stage of the construction project creation.

2. The procedure for providing engineering services for project management and qualification requirements for accredited legal entities are approved by the authorized body for architecture, urban planning, and construction.

3. Cost calculations for engineering services for project management financed by state investments are performed according to state regulatory documents.

State regulatory documents used for calculating the costs of engineering services for project management financed by other types of investments are of a recommendatory nature.

4. The accredited legal entity providing project management engineering services conducts technical supervision independently or with the involvement of an accredited legal entity providing engineering services for technical supervision.

5. When providing project management engineering services, it is necessary to:

1) provide engineering services stipulated in the contract with the customer (investor) necessary for successful project implementation and contract fulfillment;

2) ensure timely and proper preparation of technical conditions and as-built geodetic surveys;

3) organize contractor tenders, develop technical specifications, determine participant qualifications, and evaluate their recommendations;

4) ensure contracts with contractors for design, construction, and suppliers of equipment and construction materials, products and structures;

5) inform the customer (investor) of problems arising or potentially arising in contract implementation;

6) ensure planning and control over design, construction, and commissioning of construction objects according to contracts;

7) provide monthly reports on project risks, completion plans, and construction progress to the customer and local executive bodies exercising state architectural and construction control and supervision;

8) with participation of persons providing author's supervision, timely decide on justified changes to the approved construction project in the manner established by the legislation of the Republic of Kazakhstan;

9) Inform the customer in case of non-fulfillment or improper fulfillment of obligations by the contractor (general contractor), as well as notify the relevant local executive body responsible for state architectural and construction control and supervision.

Article 60. Technical inspection of the reliability and stability of buildings and structures

1. During the construction of buildings and structures, including roads, a technical inspection of their reliability and stability must be conducted.

2. The technical inspection of reliability and stability of buildings and structures is carried out by the customer with the involvement of accredited legal entities authorized to perform expert work on the technical inspection of reliability and stability of buildings and structures at all levels of responsibility, as well as individuals holding a specialist certificate for such expert work for technical inspection of reliability and stability of buildings and structures, based on a contract.

3. Administrators of budget programs (customers) conducting technical inspections of the reliability and stability of buildings and structures financed by state investments have the right to engage accredited legal entities to perform expert work on the technical inspection of reliability and stability of buildings and structures at the objects of the first and second levels of responsibility.

4. During the inspection of the reliability and stability of buildings and structures, the persons conducting the technical inspection issue the customer a report on the condition of the buildings and structures with recommendations in accordance with the rules for conducting technical inspections of reliability and stability of buildings and structures, approved by the authorized body for architecture, urban planning, and construction.

5. Technical inspection of the reliability and stability of buildings and structures must be carried out by legal entities accredited to perform expert work on the technical inspection of reliability and stability of buildings and structures at objects of the first and second levels of responsibility and having at least three specialists certified to perform expert work on technical inspection of reliability and stability of buildings and structures at the objects of the first and second levels of responsibility, as well as one specialist (expert) certified in the examination of design and estimate documentation specializing in the "structural part," and a survey engineer, all of whom operate at the objects of the first and second levels of responsibility.

Individuals certified to perform expert work on technical inspection of reliability and stability of buildings and structures may independently conduct inspections at the construction objects of the third level of responsibility.

The persons referred to in parts one and two of this paragraph are required to have, on the basis of ownership or lease rights, an administrative and production facility, computers equipped with licensed software for performing verification calculations, measuring and control instruments, normative documentation, and an accredited testing laboratory (center) (engaged).

6. Accreditation of legal entities to perform expert work on the technical inspection of the reliability and stability of buildings and structures at the objects of the first and second levels

of responsibility is carried out by the authorized body for architecture, urban planning, and construction.

7. Technical inspection of the reliability and stability of buildings and structures at the objects of all levels of responsibility is carried out in the following cases:

1) Detection of defects or damage in critical structural elements posing a risk of failure, non-compliance with the quality indicators of the applied construction materials, products, and structures;

2) Consequences of fires or emergencies;

3) Issuance of violation elimination acts following state architectural and construction control and supervision;

4) Adjustments to the construction project related to changes in the structural scheme of buildings and structures, and production technology;

5) Expiry of normative service life of buildings and structures;

6) Economic feasibility assessments for major repairs or reconstruction;

7) Increase in regulated natural and climatic impacts (snow loads, wind loads);

8) Occurrence of the established deadlines for technical inspection during the technical operation of construction objects (regularly);

9) Conservation or suspension of unfinished construction for over six months;

10) Expansion, modernization, reconstruction, re-equipment, restoration, major repairs, or change of purpose of a construction object.

8. Persons referred to in parts one and two of paragraph 5 of this article, when conducting technical inspections of the reliability and stability of buildings and structures, have the right to:

1) free access to the construction site, whether under construction or completed, to perform the necessary technical inspection work;

2) receive from the customer all necessary documentation to carry out the technical inspection work.

3) perform all work necessary to conduct the technical inspection.

9. Persons referred to in parts one and two of paragraph 5 of this article, when conducting technical inspections of the reliability and stability of buildings and structures, are obliged to:

1) carry out the technical inspection in accordance with the requirements of state normative documents;

2) ensure the quality performance of technical inspection work in accordance with the normative requirements for the types of inspections performed;

3) when conducting the technical inspection, engage an accredited testing laboratory (center) (in case of absence of their own accredited testing laboratory (center));

4) use testing, measurement, and control instruments that have been verified in accordance with the methodology for verification of measuring instruments;

5) perform verification calculations based on the actual condition of the buildings and structures and their elements.

10. When conducting the technical inspection of the reliability and stability of buildings and structures, specialists holding a certificate authorizing them to perform technical inspection of the reliability and stability of buildings and structures must be instructed on the special safety rules in effect at the given construction site.

11. A specialist holding a certificate authorizing him to perform technical inspections of the reliability and stability of buildings and structures is responsible for the quality of the inspections conducted, the correctness of the decisions made, and the completeness of the recommendations developed. The recommendations issued by the persons referred to in parts one and two of paragraph 5 of this article must ensure the reliability and stability of buildings and structures and their elements based on the results of the technical inspection.

12. All conclusions listed in the report on the condition of buildings and structures are mandatory for the customer to implement.

13. The customer is responsible for the accuracy of the initial materials and archival materials provided to the persons referred to in parts one and two of paragraph 5 of this article for conducting the technical inspection.

Chapter 7. DIGITALIZATION AND INFORMATION SUPPORT OF ARCHITECTURAL, URBAN PLANNING, AND CONSTRUCTION ACTIVITIES

Article 61. State digital systems for supporting architectural, urban planning, and construction activities

1. State digital systems for supporting architectural, urban planning, and construction activities are created to provide informational support for the activities of subjects involved in architectural, urban planning, and construction activities, to ensure the digitalization of processes, as well as the efficiency of information formation and exchange in the field of architectural, urban planning, and construction activities.

2. State digital systems for supporting architectural, urban planning, and construction activities are subject to integration and operation on the "one window" principle on the platform of the state expert organization portal in accordance with Article 114 of this Code.

3. The procedure for maintaining state digital systems for supporting architectural, urban planning, and construction activities on the "one window" principle, including the mandatory use of these systems, their main functions, and data exchange between them, is determined by the authorized body for architecture, urban planning, and construction.

At the same time, the authorized body must ensure free access for interested parties to the functionality of the state digital systems for supporting architectural, urban planning, and construction activities as determined by the authorized body for architecture, urban planning, and construction in coordination with the authorized body in the field of digitalization.

4. State digital systems for supporting architectural, urban planning, and construction activities ensure data exchange within the framework of integration with other state digital systems, digital objects of the "digital government," as well as digital systems of quasi-public sector entities for the implementation of state functions or provision of state services.

State digital systems for supporting architectural, urban planning, and construction activities must be integrated (if necessary) with other state and non-state digital systems in accordance with the legislation of the Republic of Kazakhstan.

5. Integration of the automated digital system of the state urban planning cadastre with digital objects and ensuring interaction between them is carried out based on the standard data transmission protocols used in the Republic of Kazakhstan.

Article 62. Technology of information modeling of construction objects

1. The technology of information modeling of construction objects is applied in architectural, urban planning, and construction activities in accordance with the list of types of construction objects approved by the authorized body for architecture, urban planning, and construction, for which its application is mandatory during creation and operation.

2. Requirements for the process of managing information about a construction object using the technology of information modeling of construction objects, including requirements for the composition of digital models at the stages of the life cycle of the construction object, are determined by state normative documents.

SECTION 3. ARCHITECTURE AND URBAN PLANNING Chapter 8. STATE URBAN PLANNING CADASTRE

Article 63. Subject and purpose of the state urban planning cadastre

1. The state urban planning cadastre contains information on quantitative and qualitative indicators, including urban planning regulations, cartographic, statistical, and textual information about existing, planned, and designed objects of architectural, urban planning, and construction activities, urban planning, and development of territories and settlements.

2. The state urban planning cadastre is divided by levels into:

1) republican;

2) regional;

3) district;

4) basic (settlements, including cities of republican significance and the capital).

3. The information of the state urban planning cadastre is a state digital resource.

The state digital resource of the state urban planning cadastre contains information, including databases of public and restricted access.

Article 64. State urban planning cadastre

1. The state urban planning cadastre is maintained according to a unified system of collection, processing, accounting, registration, entry (filling), inventory, storage, and

provision of information and/or data on objects of architectural, urban planning, and construction activities throughout the territory of the Republic of Kazakhstan.

2. The maintaining of the state urban planning cadastre is a state monopoly and is carried out by a republican state enterprise on the basis of the right of economic management, established by the decision of the Government of the Republic of Kazakhstan.

Prices for goods (works, services) specified in part one of this paragraph are established by the authorized body for architecture, urban planning, and construction in coordination with the antimonopoly authority.

3. Collection, processing, accounting, registration, entry (filling), inventory, storage, and provision of information and/or data of the state urban planning cadastre are carried out by methods of remote sensing of the earth, ground surveys and observations, inventory of engineering communications, use of stock data, as well as information obtained through informational interaction with the digital system of the state urban planning cadastre.

4. The accounting units of the state urban planning cadastre are existing, under construction, and designed objects of architectural, urban planning, and construction activities, assigned in the prescribed manner to subjects of architectural, urban planning, and construction activities.

For each object of architectural, urban planning, and construction activity, spatial referencing is fixed, allowing determination of its exact location (cadastral number of the land plot (if available), area, scale, coordinate systems).

5. The list of types of activities technologically related to the production of goods, works, services for maintaining the state urban planning cadastre is approved by the authorized body for architecture, urban planning, and construction in coordination with the antimonopoly authority.

Prices for types of activities technologically related to the production of goods, works, services for maintaining the state urban planning cadastre are established by the subject of the state monopoly in coordination with the authorized body for architecture, urban planning, and construction.

Article 65. Accounting and updating information of the state urban planning cadastre

1. Sources of initial information (data) for accounting, registration, and updating of the state urban planning cadastre are:

- 1) central state bodies and local executive bodies;
- 2) state expert organization and expert organizations;
- 3) entities of natural monopolies, quasi-public sector providing mandatory services to individuals and legal entities;
- 4) customers submitting pre-project and project documentation, topographic and as-built geodetic surveys;
- 5) data from land, water, and other sectoral cadastres, registers, and other digital objects.

Basic subjects of the state urban planning cadastre are determined in accordance with the rules for maintaining and providing information and/or data from the state urban planning cadastre, approved by the authorized body for architecture, urban planning, and construction.

2. The format and data structure for providing information and/or data to the automated digital system of the state urban planning cadastre are established by the normative document on maintaining the state urban planning cadastre, approved by the authorized body for architecture, urban planning, and construction.

3. Accounting and registration in the automated digital system of the state urban planning cadastre of pre-project and project documentation, including the review and registration of materials from engineering and geodetic surveys (topographic surveys of project documentation and as-built geodetic surveys at the stage of acceptance of the construction object for operation) for compliance with the normative legal acts of the Republic of Kazakhstan and state normative documents to ensure the digital basis of urban planning activities, are carried out by individuals and legal entities on a paid basis.

Costs for registering the materials specified in part one of this paragraph in the automated digital system of the state urban planning cadastre are determined according to the prices for goods (works, services) produced and/or sold by the subject of the state monopoly.

Entry of information of the state urban planning cadastre by state bodies, organizations providing state services, as well as organizations providing mandatory services to individuals and legal entities, is carried out at the expense of budget funds allocated for these purposes.

4. Entities of natural monopolies, quasi-public sector providing mandatory services to individuals and legal entities, place and update information in the automated digital system of the state urban planning cadastre about reserves, availability of free and accessible capacities, volumes, places, throughput capacities of engineering networks on their balance sheet, according to the rules for maintaining and providing information and/or data from the state urban planning cadastre.

5. Local executive bodies of cities of republican significance, the capital, districts, towns of regional significance in architecture and urban planning, and entities of natural monopolies accept applications for the issuance of architectural and planning assignments with technical conditions for connection to the networks of the natural monopoly entity or for increasing the volume of regulated services, as well as issue the results of their consideration through the State Corporation "Government for Citizens" via the "digital government" web portal or the automated digital system of the state urban planning cadastre.

Article 66. Monitoring of objects of architectural, urban planning, and construction activities

1. Monitoring of objects of architectural, urban planning, and construction activities is a system for tracking their life cycle.

2. Monitoring of objects of architectural, urban planning, and construction activities is conducted through the automated digital system of the state urban planning cadastre.

3. Local executive bodies of regions, cities of republican significance, the capital, districts, and towns of regional significance maintain a current topographic plan in the automated digital system of the state urban planning cadastre, which is updated and modified on a continuous basis.

4. Monitoring of construction objects and complexes planned for construction is carried out by local executive bodies for architecture, urban planning, and construction in the automated digital system of the state urban planning cadastre on an ongoing basis.

5. For the purpose of monitoring a construction object, a unique construction object number is generated in the automated digital system of the state urban planning cadastre.

The assignment of a unique number to a construction object is performed automatically by the automated digital system of the state urban planning cadastre at the stage of providing state services, supplying initial materials during the development of construction and reconstruction projects (replanning and re-equipment), approval of sketches (sketch projects), and acceptance of construction objects for operation.

The procedure for assigning a unique number to a construction object is established by a normative document on maintaining the state urban planning cadastre, approved by the authorized body for architecture, urban planning, and construction.

Article 67. Provision and use of information from the state urban planning cadastre

1. Provision of information from the state urban planning cadastre is carried out according to the rules for maintaining and providing information and/or data from the state urban planning cadastre.

2. Data from the state urban planning cadastre are to be used for:

1) development and implementation of urban planning and architectural-construction documentation, including urban planning projects;

2) development and modification of objects of architectural, urban planning, and construction activities;

3) evaluation of investment activities;

4) issuance of initial materials and permitting documents;

5) implementation of architectural and construction control and supervision, environmental protection;

6) provision of mandatory services to individuals and legal entities by entities of natural monopolies and the quasi-public sector in accordance with the Entrepreneurial Code of the Republic of Kazakhstan;

7) urban planning as a tool for monitoring and accounting for the placement of objects of architectural, urban planning, and construction activities within the territory of an administrative-territorial unit;

8) registration and deregistration of civil defense protective structures.

3. Individuals and legal entities use data from the state urban planning cadastre in the manner established by the legislation of the Republic of Kazakhstan.

Information from the state urban planning cadastre that does not contain state secrets or other restrictions is provided to interested individuals and legal entities on a paid basis. Provision of information from the state urban planning cadastre to state bodies, entities of natural monopolies, the quasi-public sector providing mandatory services to individuals and legal entities, as well as organizations providing mandatory services, is carried out free of charge at the expense of budget funds allocated for these purposes.

4. Basic subjects of the state urban planning cadastre, as determined by the rules for maintaining and providing information and/or data from the state urban planning cadastre, bear responsibility for the quality, accuracy, and completeness of the information and/or data entered into the automated digital system of the state urban planning cadastre.

Chapter 9. URBAN PLANNING OF DEVELOPMENT AND DEVELOPMENT OF TERRITORIES AND SETTLEMENTS

Article 68. Urban planning regulations

1. Urban planning regulations for the use of construction objects, as well as any changes in their condition during the maintenance of the state urban planning cadastre, are characterized by types, kinds, and parameters of preferences, prohibitions, restrictions, and other regimes effective within the established period.

The source of urban planning regulations is the urban planning and architectural-construction documentation approved in the manner prescribed by the legislation of the Republic of Kazakhstan.

2. The classifier of urban planning regulations and their indicators are established at the republican and local levels in accordance with the legislation of the Republic of Kazakhstan.

3. The system of urban planning regulations for maintaining the state urban planning cadastre must cover the following types:

1) designation and/or change of functional use of the territory (land plot) and related real estate during architectural, urban planning, and construction activities;

2) intensity of development and improvement (construction) of the territory (land plot) and settlements;

3) ensuring the balance of development and improvement (construction) of the territory (land plot) and settlements;

4) impact of the improvement (construction) of the territory (land plot) and settlements on the environment.

4. The designation and/or change of functional use of the territory (land plot) and related real estate during architectural, urban planning, and construction activities are implemented in urban planning regulations of the following types:

1) functional designation and/or change of the territory (land plot);

2) functional designation of construction objects under construction and reconstruction;

3) change of functional use of existing construction objects.

5. Development and improvement (construction) of territories (land plots) and settlements must be reflected in urban planning regulations of the following types:

- 1) scale of developed territories (land plots);
- 2) prohibitions, permissions, and restrictions on certain types of architectural, urban planning, and construction activities for the given territory (land plot);
- 3) loads on the territory (land plot) resulting from architectural, urban planning, and construction activities;
- 4) development regimes and changes of architectural, urban planning, and construction objects resulting from architectural, urban planning, and construction activities;
- 5) formation of the planning structure and architectural appearance of the settlement (its constituent parts);
- 6) formation (improvement) of social, recreational, transport, and engineering infrastructure of the settlement or its part.

6. The balance of development and improvement (construction) of the territory (land plot) and settlement must be ensured by urban planning regulations of the following types:

- 1) resource conditions for the development of architectural, urban planning, and construction objects;
- 2) environmental conditions of territories (land plots) and settlements;
- 3) engineering conditions for the life support of the population.

7. The impact of improvement (construction) of territories (land plots) and settlements on the environment is regulated by urban planning regulations of the following types:

- 1) placement of environmentally and epidemiologically significant objects;
- 2) placement of construction objects representing technogenic hazards;
- 3) placement of human habitat relative to sources of hazardous natural phenomena;
- 4) sanitary, fire safety, and other mandatory requirements;
- 5) engineering and transport conditions.

8. Information on urban planning regulations is subject to entry into the state urban planning cadastre.

Article 69. Levels and types of urban planning projects

1. The spatial organization of settlement and placement of productive forces on the territory of the Republic of Kazakhstan, regions, development and improvement of inter-settlement territories, planning of development and construction of settlement territories, including their zones of influence or individual parts of a settlement, are carried out comprehensively based on urban planning projects.

Urban planning projects are an integral part of the state urban planning cadastre and are subject to mandatory entry into the automated digital system of the state urban planning cadastre in accordance with the rules for registration in the automated digital system of the state urban planning cadastre of urban planning projects, pre-project and design-estimate documentation, as well as objects of architectural, urban planning, and construction activities.

Information on the development, implementation, and updating of urban planning projects is mandatorily entered into the automated digital system of the state urban planning cadastre.

2. Compliance with urban planning decisions established by approved urban planning projects is mandatory when preparing design assignments, architectural and planning assignments, and when developing architectural projects and construction projects.

3. Urban planning projects are divided into:

1) projects for the organization and planning of development of territories of national significance;

2) projects for urban planning development of territories of regional significance;

3) projects for urban planning development and construction of settlements (including their suburban territories or without them);

4) projects for urban planning development of inter-settlement territories for the construction of industrial complexes or other closed-type objects.

4. Urban planning projects of national significance include:

1) the master plan for the organization of the territory of the Republic of Kazakhstan;

2) interregional territorial development schemes.

5. Urban planning projects of regional significance include:

1) comprehensive urban planning schemes for the territories of regions;

2) comprehensive urban planning schemes for the territories of districts.

6. Urban planning projects for the development and construction of settlements include:

1) master plans of towns with a projected population of over one hundred thousand people ;

2) master plans of towns with a projected population of up to one hundred thousand people;

3) master plans of settlements with a population of over five thousand people;

4) development and construction schemes of settlements (simplified master plan) with a population of up to five thousand people;

5) projects for urban planning development of individual parts of settlement territories (detailed planning projects).

7. The development of urban planning projects of national significance within the framework of the state assignment is carried out by a republican state enterprise on the basis of the right of economic management in the field of state urban planning and cadastre, established by the resolution of the Government of the Republic of Kazakhstan.

8. Financing for the development and adjustment of master plans (development and construction schemes) of settlements is carried out exclusively at the expense of local budgets .

The technical assignment for the development of urban planning projects for the development and construction of settlements is subject to consideration by the architectural and urban planning council.

The selection of developers for urban planning projects for the development and construction of settlements is carried out in accordance with the legislation of the Republic of Kazakhstan on public procurement.

Article 70. Master plan for the organization of the territory of the Republic of Kazakhstan

1. The master plan for the organization of the territory of the Republic of Kazakhstan (hereinafter referred to as the master plan) is developed based on the documents of the State planning system of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities, as well as taking into account internal and external factors affecting the prospective organization of the territory of the Republic of Kazakhstan.

The adjustment of the master plan is carried out in cases provided for by the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities, as well as amendments and additions to the documents of the State planning system of the Republic of Kazakhstan in accordance with the rules approved by the authorized body for architecture, urban planning, and construction.

2. The master plan includes:

- 1) a system of settlement and placement of productive forces;
- 2) development of social, recreational, engineering, and transport infrastructure;
- 3) development of territories and objects of special regulation of republican and interregional significance;
- 4) classification of territories by types of economic specialization and predominant use;
- 5) zoning with the definition of priorities and restrictions on its use in urban planning activities;
- 6) a set of measures to improve the ecological situation in the regions, preserve territories with objects of historical and cultural heritage and/or protected landscape objects, as well as to protect territories from the impact of hazardous (harmful) natural, technogenic, and anthropogenic phenomena and processes.

3. The master plan highlights the main provisions containing the key decisions and recommendations of the master plan.

4. The master plan is developed for a period of at least twenty years and is subject to monitoring at least once every five years by the authorized body for architecture, urban planning, and construction.

5. The development of the master plan is carried out in accordance with the rules for the development, coordination, and approval of the master plan for the organization of the territory of the Republic of Kazakhstan.

Article 71. Interregional territorial development schemes

1. Interregional territorial development schemes are developed in accordance with the master plan and are intended for mutually coordinated (consolidated) architectural, urban

planning, and construction activities in the territories of two or more regions (or their parts), agglomerations, and define:

- 1) zoning of the territory;
- 2) design solutions for the comprehensive development of the settlement system and placement of productive forces, transport, engineering, social, and recreational infrastructure of regional and interregional significance;
- 3) design solutions for the rational use of natural resources and economic activities, resource provision, and improvement of the ecological situation;
- 4) design solutions for the protection of territories from the impact of natural and technogenic emergencies and civil defense measures;
- 5) design recommendations for the formation of territories of active economic development with the definition of measures for their infrastructure provision;
- 6) other provisions established by the assignment for the development of the interregional territorial development scheme.

2. The establishment of agglomeration boundaries is carried out based on the approved interregional territorial development scheme.

3. Interregional territorial development schemes are developed in accordance with the rules for the development, coordination, and approval of interregional territorial development schemes.

Article 72. Interstate regional development schemes

Interstate regional development schemes, developed based on international treaties and approved by the interested parties, serve as the basis for mutually coordinated (consolidated) architectural, urban planning, and construction activities in the territories of regions of the Republic of Kazakhstan and adjacent foreign states.

The procedure for the development, coordination, and approval of interstate regional development schemes, as well as the adoption of measures to support their implementation by the participating states, is established in accordance with international treaties.

Article 73. Comprehensive schemes for urban planning of territories

1. The organization (development, improvement, construction) of the territory of a region or district is carried out based on a comprehensive scheme for urban planning of territories.

Comprehensive schemes for urban planning of territories are developed in accordance with the master plan and the corresponding interregional territorial development scheme.

2. Comprehensive schemes for urban planning of territories define the goals of state urban planning policy, taking into account the socio-economic, production-economic, and natural-climatic conditions of the given region, its zoning, and also establish the main directions:

- 1) improvement of the settlement system;
- 2) development of settlements, production, transport, engineering, social, and recreational infrastructure;

- 3) protection of territories from the impact of hazardous (harmful) natural, anthropogenic, and technogenic phenomena and processes;
- 4) improvement of the ecological situation;
- 5) preservation of objects of historical and cultural heritage and/or protected landscape objects;
- 6) protection of water bodies from pollution, contamination, and depletion.

Taking into account preferences, prohibitions, restrictions, and other regimes of land use, functional zoning of territories and the intensity of their use are determined.

3. Comprehensive schemes for urban planning of territories must contain recommendations for establishing the boundaries of administrative-territorial units, suburban zones, and reserve territories.

4. Comprehensive schemes for urban planning of territories are developed by order of the local executive body in accordance with the rules for the development and coordination of comprehensive schemes for urban planning of territories, approved by the authorized body for architecture, urban planning, and construction.

5. Approval of comprehensive schemes for urban planning of territories is carried out in the manner established by this Code and the laws of the Republic of Kazakhstan.

Article 74. Territories of settlements

1. The spatial basis of urban and rural settlements is the territory within the established boundaries (limits) on the land surface and/or water surface of the settlement.

2. The regime and procedure for the use of settlement territories are determined in accordance with the zoning of territories established by approved urban planning documentation.

Article 75. Boundary (limit) of settlements

1. The boundary (limit) of a settlement defines its territory (urban planning space) and is established (changed) based on the approved master plan or development and construction scheme (simplified master plan) of the given settlement in the manner established by the laws of the Republic of Kazakhstan.

2. The composition, content, and procedure for developing projects of boundaries (limits) of settlements are determined in accordance with normative legal acts, state normative documents, and other documents of the authorized body for architecture, urban planning, and construction.

3. Projects of boundaries (limits) of large and major cities may be developed as part of comprehensive schemes for urban planning of territories.

4. The boundary (limit) of a settlement established on the ground is subject to entry by the local executive body into the national spatial data infrastructure.

Article 76. Master plans of settlements

1. The development and construction of settlement territories are carried out based on approved master plans of settlements or development and construction schemes of settlements (simplified master plans) in the prescribed manner.

2. Master plans of settlements are the main urban planning document defining the comprehensive planning of the settlement's development and are developed in accordance with the approved master plan, the corresponding interregional territorial development scheme, and the comprehensive urban planning scheme of the territories of regions and districts.

Settlements with a population of over five thousand residents must have valid master plans of the settlement approved in the prescribed manner.

Settlements with a population of up to five thousand residents may have, as the main urban planning document, an approved development and construction scheme of the settlement (simplified master plan) in the prescribed manner. The composition, content, procedure for development, and coordination of development and construction schemes of settlements (simplified master plans) are determined by the authorized body for architecture, urban planning, and construction.

3. The master plan of a settlement defines:

1) the main directions for the development of the settlement territory, including social, recreational, industrial, transport, and engineering infrastructure, taking into account a comprehensive assessment of the territory, natural-climatic, ecological, established and projected demographic and socio-economic conditions;

2) functional zoning and restrictions on the use of territories;

3) the ratio of built-up and undeveloped territories of the settlement;

4) zones of preferential alienation and acquisition of land plots, reserve territories;

5) measures to protect the territory from the impact of hazardous (harmful) natural, technogenic, and anthropogenic phenomena and processes, and to improve the ecological situation;

6) main directions for the development of the transport section of the master plan, including sections (parts) of documents on territorial transport planning and traffic organization;

7) main directions of engineering and technical civil defense measures;

8) technical and economic indicators of the settlement's development;

9) measures to protect water bodies from pollution, contamination, and depletion;

10) other measures to ensure the sustainable development of the settlement.

4. When developing and approving the master plan of a settlement, seismic microzonation maps, as well as maps of mudflow, landslide, and avalanche hazards and risks, are taken into account.

5. The master plan of a settlement with historical urban planning value must be developed taking into account the historical and architectural reference plan and accompanied by projects of the historical development zone and monument protection.

6. For cities of republican significance, the capital, and regional centers, a development concept (master plan) is developed as part of the master plan of settlements.

The development concept (master plan) of the settlement is subject to public discussion and approval by the relevant maslikhat (local representative body).

The formation of the development concept (master plan) of the settlement is carried out for a period of up to thirty years.

7. The master plan or development and construction scheme (simplified master plan) of a settlement is valid until the approval of a new master plan or development and construction scheme (simplified master plan) of the settlement or approval of amendments to the current master plan or development and construction scheme (simplified master plan) of the settlement in parts not contradicting the legislation of the Republic of Kazakhstan.

8. Adjustment of the master plan of a settlement is carried out in cases provided for by the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities, amendments and additions to the documents of the State planning system of the Republic of Kazakhstan in accordance with the rules approved by the authorized body for architecture, urban planning, and construction.

9. Monitoring of the implementation of the master plan of a settlement is carried out by the local executive body once every five years.

Based on the monitoring results, a report is prepared in the form approved by the authorized body for architecture, urban planning, and construction, which is posted on the internet resource of the local executive body and sent for consideration to the architectural and urban planning council and the relevant maslikhat.

10. Master plans of settlements are developed for a period of up to twenty years.

11. The composition and volume of initial materials necessary for the development of master plans of settlements are established by state normative documents.

Initial materials of master plans of settlements must be entered into the state urban planning cadastre before conducting a comprehensive urban planning examination of urban planning projects in accordance with the rules for conducting a comprehensive urban planning examination of urban planning projects.

Article 77. Sectoral development schemes of settlement territories

Sectoral development schemes of settlement territories are developed taking into account population changes based on approved urban planning projects for:

- 1) development of power supply, gas supply, communications, irrigation, water supply, and sewerage;
- 2) development of types of transport and ensuring transport accessibility;
- 3) placement of objects of economic sectors;

- 4) protection of territories from hazardous geological and hydrogeological processes;
- 5) protection from seismic impact;
- 6) civil protection of the population;
- 7) environmental protection;
- 8) protection of objects of historical and cultural heritage;
- 9) landscaping and greening of territories;
- 10) other issues of territorial development.

Article 78. Detailed planning projects

1. Projects for urban planning development of individual parts of settlement territories (detailed planning projects) are developed based on the master plan of the settlement approved in the prescribed manner.

Development of individual parts of settlement territories without an approved detailed planning project is prohibited.

2. Detailed planning projects are developed in accordance with the elements of the planning structure established in the master plans of settlements, urban planning regulations, the unified architectural appearance of the settlement, and the design code.

The main components of the design code are a harmonious external appearance and unity of architectural style elements, color scheme, building height, finishing materials, creating a visual sense of certain integrity, compositional unity, and completeness of construction objects.

3. The detailed planning project establishes:

- 1) main directions of planning organization of territories with zoning;
- 2) red, yellow lines and building regulation lines, water protection zones and strips;
- 3) reservation of territory for placement of social facilities (hospitals, general education schools, preschool organizations, parks, boulevards, squares, and other public facilities), cultural and communal services, street-road network and transport services, including placement of electric charging stations, and routing of engineering communications;
- 4) cross sections of streets;
- 5) landscaping and greening of the territory;
- 6) urban planning restrictions;
- 7) engineering communications plan;
- 8) road infrastructure development plan;
- 9) plans for construction of communication facilities, communication lines, and other engineering infrastructure objects, as well as reservation of territory for communication needs

4. Adjustment (updating) of detailed planning projects is possible no more than once every two years.

Adjustment (updating) of detailed planning projects for implementing densification development is prohibited if norms on density, building height, provision of general education

schools and preschool organizations, primary health care facilities, and life support facilities are not met.

The requirements specified in part one of this paragraph do not apply to cases of natural or technogenic emergencies that necessitate changes in the territorial development of the settlement. In such cases, adjustment (updating) of the detailed planning project is made based on a decision of the Government of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan.

5. When developing and approving a detailed planning project, seismic microzonation maps, as well as maps of mudflow, landslide, and avalanche hazards and risks, are taken into account.

Design of residential buildings, social, and cultural facilities higher than three stories is not allowed in mudflow- and landslide-prone areas.

In mudflow- and landslide-prone areas of the city of Almaty, construction of new construction objects related to residential zones, public (business) zones, and industrial (production) zones of the settlement is prohibited, except for the construction of engineering networks, roads, and communications.

6. The composition and volume of initial materials necessary for the development of detailed planning projects are established by state normative documents.

Initial materials of detailed planning projects must be entered into the state urban planning cadastre before conducting a comprehensive urban planning examination of urban planning projects in accordance with the rules for conducting a comprehensive urban planning examination of urban planning projects.

Article 79. Rules for organization of development and the procedure for obtaining permits in the field of construction

1. The rules for the organization of development and the procedure for obtaining permits in the field of construction apply throughout the territory of the Republic of Kazakhstan.

2. The rules for the organization of development and the procedure for obtaining permits in the field of construction establish the order and deadlines for:

the preparation and issuance of documents necessary for the construction of new and modification of existing construction objects, and the functional designation of premises;

the commissioning of construction objects by subjects of architectural, urban planning, and construction activities;

the design and development of the territory of settlements and inter-settlement areas.

3. The rules for the organization of development and the procedure for obtaining permits in the field of construction must take into account the requirements to ensure barrier-free access for people with limited mobility.

Chapter 10. TERRITORIAL ZONING

Article 80. Zoning of settlement territories

1. Zoning of territories defines the type of use of a specific territory, individual functional zones, establishes restrictions on their use in urban development projects for the development and construction of settlements, and ensures:

- 1) a favorable living environment and human activity;
- 2) prevention of excessive concentration of population and industrial facilities;
- 3) protection from environmental pollution, including specially protected natural areas;
- 4) protection of territories with historical and cultural monuments;
- 5) protection of the territory from the impact of hazardous (harmful) natural, technogenic, and anthropogenic phenomena and processes, as well as emergencies;
- 6) reduction of the impact of undesirable natural phenomena.

2. Depending on their role in the administrative-territorial structure, socio-economic conditions, and production-economic specialization, the following types of functional zones may be established in the territories of settlements:

- 1) residential zones;
- 2) public (social and business) zones;
- 3) recreational zones;
- 4) zones of engineering and transport infrastructure;
- 5) industrial (production) zones;
- 6) zones for agricultural use;
- 7) special purpose zones;
- 8) zones of regulated territories;
- 9) suburban zones;
- 10) sanitary protection zones;
- 11) reserve territories.

3. The territory of residential, public (social and business), recreational zones, and zones of engineering and transport infrastructure must be landscaped considering accessibility for people with limited mobility.

Article 81. Residential zone

1. The residential zone of a settlement is intended for development with residential buildings, including individual houses.

2. The residential zone must be provided with standalone and/or integrated (attached) social, engineering, and transport infrastructure facilities.

3. The residential zone must be provided with parking lots and garages for vehicles, with the necessary parking area corresponding to the number of apartments, children's and sports grounds, including consideration of accessibility for people with limited mobility.

4. In the residential zone, it is permitted to place hotels, above-ground and underground garages (parking lots), open parking lots for temporary storage of passenger cars, electric charging stations, as well as production facilities whose placement and operation do not affect the environment and do not require sanitary protection zones.

5. In some cases, gardening and dacha cooperative territories located within the boundaries of the settlement may also be considered part of residential zones.

Article 82. Adjacent land plot of a multi-apartment residential building

1. The construction project of a multi-apartment residential building, in accordance with urban development projects for the development and construction of settlements, must include an adjacent land plot of the multi-apartment residential building, adjoining the building, and intended for landscaping, greening, placement of sports and playgrounds, access roads, parking lots, sidewalks, small architectural forms, and other facilities.

The adjacent land plot of the multi-apartment residential building, together with the landscaping elements located on it, is included in the common property of the condominium object.

2. If the adjacent land plot of the multi-apartment residential building is not included in the common property of the condominium object, it is held in communal ownership as public land in settlements.

3. Maintenance and landscaping of public lands not included in the common property of the condominium object are carried out at the expense of the local budget.

Article 83. Public (social and business) zone

1. The public (social and business) zone of a settlement is intended for the placement of administrative, research, and public institutions and their complexes, hotels and hotel complexes, centers of business and financial activity, cultural, educational, healthcare, sports facilities, commercial activities, trade and public catering, household services, open parking lots for transport and electric charging stations at these facilities, above-ground and underground garages (parking lots), and other buildings and structures that do not require special measures provided by sanitary-epidemiological and environmental requirements.

2. Residential buildings, including individual houses, may be included in the list of construction objects permitted for placement in the public (social and business) zone.

Article 84. Recreational zone

1. Recreational zones in settlements are intended for organizing and arranging places for public recreation and include gardens, forest parks, parks and squares, zoos, water bodies, beaches, aquaparks, landscape architecture objects, other places of recreation and tourism, as well as leisure and/or health-related construction objects.

2. Specially protected natural areas located within the boundaries of the settlement may be included in the recreational zone.

3. The placement (construction) of new and expansion of existing industrial enterprises and their complexes, communal facilities, and other buildings and structures not directly related to the functioning of the recreational zone is prohibited in the recreational zone.

4. The change (conversion) of a recreational zone into a residential or other zone is carried out based on the results of public discussions.

Article 85. Zones of engineering and transport infrastructure

1. Zones of engineering and transport infrastructure in a settlement are intended for the placement and operation of communications and transport and communication facilities, main pipelines, engineering supply networks, engineering equipment, and other objects of engineering and transport infrastructure.

Prevention from their harmful (dangerous) impact is ensured by maintaining necessary distances from residential areas (plots), buildings, and structures of housing and civil purposes, as well as other mandatory requirements and restrictions in accordance with state regulatory documents. Communications and facilities that have a direct harmful impact on human health and their living environment during operation must be located outside settlements.

2. The territories of engineering and transport infrastructure facilities must be landscaped taking into account the technical and operational characteristics of these facilities. The responsibilities for landscaping and maintenance of the territories lie with the owners of the engineering and transport infrastructure facilities and other persons who legally use them.

Article 86. Industrial (production) zones

1. Industrial (production) zones are intended for the placement of industrial enterprises and their complexes, including administrative and household complexes, other production, communal, and warehouse facilities that ensure the functioning of engineering and transport infrastructure, as well as temporary accommodation of workers of such enterprises.

2. The placement of production, communal, warehouse facilities, as well as engineering and transport infrastructure facilities on residential territory is allowed only if their placement and operation do not pose a threat to the population, do not have a harmful impact on the environment, and do not require the establishment of sanitary protection zones. Otherwise, a sanitary protection zone must be provided.

3. The responsibilities for landscaping and maintenance of the industrial (production) zone, as well as the territories of production facilities located on residential territory, lie with the owners of the facilities and other persons who legally use them.

Article 87. Agricultural use zones

1. Agricultural use zones within the boundaries of a settlement are intended for agricultural activities or designated for these purposes and may be used until their type of use is changed in accordance with the approved master plan (development and construction scheme) of the settlement.

2. In cases where the placement and operation of an agricultural use zone within the boundaries of a settlement may have an adverse impact on the population or the environment, a sanitary protection zone must be provided.

Article 88. Special purpose zones

1. Within the boundaries of a settlement, the placement of special purpose zones is permitted, allocated for cemeteries, crematoriums, animal burial grounds (biothermal pits),

solid waste landfills, waste processing enterprises, treatment facilities, and other objects whose use is impossible without establishing special standards and rules.

2. The necessity of establishing sanitary protection zones separating the objects specified in paragraph 1 of this article from residential and recreational areas, housing and civil buildings and structures, and infrastructure facilities of the settlement is determined by the legislation of the Republic of Kazakhstan.

3. The responsibilities for the maintenance of the special purpose zone lie with the owner of the enterprise (land user) and other persons who legally use them, unless otherwise provided by the legislation of the Republic of Kazakhstan.

Article 89. Regulated territory zones

1. Zones of regulated territories must be provided for the placement of military and other objects subject to a special regime.

When designing and constructing buildings located in the adjacent zone of regulated territories (objects) protected by the State Security Service of the Republic of Kazakhstan, the following parameters must be observed:

- within a radius of 500 meters – height not more than 7 meters;
- within a radius of 1000 meters – height not more than 16 meters;
- within a radius of 1500 meters – height not more than 28 meters.

2. The procedure for the use of regulated territory zones and adjacent territories is established by the Government of the Republic of Kazakhstan in accordance with state regulatory documents, unless otherwise provided by the laws of the Republic of Kazakhstan.

Article 90. Suburban zones

1. Suburban zones include lands adjacent to the boundary (border) of a town, intended for the development of the territory of that town, other settlements included in the suburban zone, as well as for performing sanitary protection functions, placement of recreational areas for the population, gardening, and dacha cooperatives.

2. The establishment of the boundaries of suburban zones is carried out based on approved urban planning documentation in accordance with this Code and the land legislation of the Republic of Kazakhstan.

Article 91. Sanitary protection zone

1. In cases of placement and operation of production, communal, and warehouse facilities, as well as special purpose facilities that may pose a threat to the population and/or have a harmful impact on the environment, an appropriate sanitary protection zone must be provided. Sanitary-epidemiological requirements for the sanitary protection zone are established by regulatory legal acts in the field of sanitary-epidemiological well-being of the population.

2. The placement (construction) of residential buildings, educational organizations, healthcare and recreational institutions, sports and wellness facilities, including agricultural activities, gardening, horticulture, and agricultural production, is prohibited in the sanitary protection zone.

3. The responsibilities for maintaining the sanitary protection zone lie with the owners of the facilities for which it is intended.

4. When designing a construction project within the framework of a comprehensive interdepartmental examination of the construction project, the sanitary protection zone is established in accordance with regulatory legal acts in the field of sanitary-epidemiological well-being of the population.

5. Changes to the sanitary protection zone of construction objects that have been commissioned are carried out by the state body in the field of sanitary-epidemiological well-being of the population, structural subdivisions of other state bodies engaged in sanitary-epidemiological well-being activities, in accordance with regulatory legal acts in the field of sanitary-epidemiological well-being of the population.

6. When determining functional zones within the zoning of settlement territories in master plans of settlements, as well as in detailed planning projects, the requirements for sanitary protection zones are taken into account.

7. Information about established and changed sanitary protection zones is submitted to the local executive body:

1) by the customer – in the case specified in paragraph 4 of this article, based on approved design and estimate documentation and a positive conclusion of the comprehensive interdepartmental examination of construction projects regarding the sanitary protection zone;

2) by the developer of the sanitary protection zone project – in the case specified in paragraph 5 of this article, based on the sanitary-epidemiological conclusion on the construction project for changing the sanitary protection zone.

Local executive bodies ensure the formation, collection, storage, and updating of spatial data on established and changed sanitary protection zones on the state geoportal of the National Spatial Data Infrastructure in accordance with the legislation of the Republic of Kazakhstan in the field of geodesy, cartography, and spatial data for subsequent publication on the public cadastral map of the unified state real estate cadastre and entry into the state land cadastre.

8. The provision of information specified in paragraph 7 of this article is carried out in the manner established by the legislation of the Republic of Kazakhstan.

Article 92. Reserve territories

1. Reserve territories are intended for the development of settlements or the development (improvement) of inter-settlement territories.

2. Reserve territories are determined and approved as part of comprehensive territorial urban planning schemes, master plans of settlements, and detailed planning projects.

3. Reserve territories are used only according to their designated purpose as settlements and their parts develop.

4. Temporary use of reserve territories is carried out in the manner determined by the Government of the Republic of Kazakhstan.

Chapter 11. SCIENTIFIC SUPPORT FOR ARCHITECTURAL, URBAN PLANNING, AND CONSTRUCTION ACTIVITIES

Article 93. Provision of scientific and scientific-technical activities in the field of architecture, urban planning, and construction

Individuals and legal entities carry out scientific and/or scientific-technical activities in the field of architecture, urban planning, and construction in accordance with the legislation of the Republic of Kazakhstan on science and technological policy.

Article 94. Scientific and technical council

1. To develop proposals and recommendations for improving state regulatory documents, as well as for priority directions of research and experimental design work, and to evaluate scientific and technical projects and programs in the field of architecture, urban planning, and construction, a scientific and technical council is established under the authorized body for architecture, urban planning, and construction. The scientific and technical council consists of representatives of authorized state bodies, specialized technical committees in the field of construction standardization, leading research and design organizations, industry associations, unions, and other subjects of architectural, urban planning, and construction activities.

2. The composition and regulations of the scientific and technical council are determined by the authorized body for architecture, urban planning, and construction.

SECTION 4. ARCHITECTURAL AND CONSTRUCTION DESIGN Chapter 12. PRE-DESIGN PREPARATION AND ENGINEERING SURVEYS

Article 95. Development of pre-design documentation

1. Before the development of design documentation for the construction, reconstruction, and restoration of construction objects, pre-design documentation is developed, which determines the necessity, technical feasibility, environmental impact assessment (in cases and procedures provided by the legislation of the Republic of Kazakhstan), economic feasibility of investments in construction, reconstruction, and restoration of construction objects, requirements for the land plot, options for volumetric-planning and technological solutions, information on engineering loads, as well as sources and volumes of financing, calculations to determine the effectiveness of investments, social, environmental, and other consequences of construction, reconstruction, restoration, and operation of construction objects.

2. Pre-design documentation, for which design and estimate documentation has not been developed and approved within three or more years after its approval in the manner established by the legislation of the Republic of Kazakhstan, is considered outdated and is used for implementation only after adjustment and re-approval in the manner established by the legislation of the Republic of Kazakhstan.

3. Pre-design documentation prepared by foreign legal entities or individual specialists for the development of territories and/or construction on the territory of the Republic of

Kazakhstan, except for pre-design documentation for objects of special economic zones and special industrial zones, must be developed under the conditions and stages of pre-design work established by this Code, state regulatory documents, and the assignment for the development of the construction project, as well as in compliance with mandatory requirements established by state regulatory documents, including fire and industrial safety requirements, unless otherwise provided by international treaties ratified by the Republic of Kazakhstan.

4. The procedure for the development, coordination, approval, and composition of feasibility studies for construction is determined by the authorized body for architecture, urban planning, and construction.

Article 96. Financing of the development of pre-design documentation

1. The pre-design documentation provided for in paragraph 1 of Article 95 of this Code is developed at the expense of:

1) state investments allocated for these purposes for the relevant financial year – when planning investments for the construction, reconstruction, and restoration of construction objects;

2) the customer's own funds – when planning investments for the construction, reconstruction, and restoration of construction objects.

2. The costs for the development of pre-design documentation when planning investments for the construction, reconstruction, and restoration of construction objects are included in the construction cost as expenses related to obtaining initial materials.

The costs for the development of pre-design documentation when planning investments for the construction, reconstruction, and restoration of construction objects, as provided for in paragraph 1 of this article, include costs for their registration in the automated digital system of the state urban planning cadastre.

3. If the customer decides, based on the results of the development of the pre-design documentation, that the investment in construction, reconstruction, and restoration of construction objects is impractical and/or unjustified, the costs for the development of the pre-design documentation when planning investments for construction, reconstruction, and restoration of construction objects shall be written off at the expense of the main source provided for the implementation of design and survey works.

Article 97. Engineering Surveys

1. The results of engineering surveys must be reliable and comprehensive enough to establish the design values of parameters and other design characteristics of the construction project, as well as the planned measures to ensure its safety.

The calculation data included in the engineering surveys results must be well-founded and contain a forecast of changes in their values during the construction and operation of the construction project.

When analyzing and evaluating the quality of design documentation, expert organizations are required to verify the relevance of the engineering surveys and compliance of the compilation of these results with the applicable standards, including completeness, composition, scope, methods and technologies, used in the engineering-geological surveys.

2. The results of engineering surveys (topographic surveys of urban development projects, topographic surveys during the design phase, and also executive geodetic survey at the stage of acceptance of the construction project into operation) shall be entered by customers into the automated digital system of the state urban planning cadastre prior to project review in accordance with the rules for registration in the automated digital system of the state urban development cadastre of urban development projects, pre-project and design-estimate documentation, as well as objects of architectural, urban development and construction activities.

3. The process of preparing engineering surveys for construction projects shall be managed through a portal for organizing development and review of the projects using a “one-stop” principle, which is mandatory for construction projects funded by public investment.

4. The preparation of design documentation, also construction and reconstruction of construction projects without completion of the relevant engineering surveys shall be prohibited.

Chapter 13. DESIGN ACTIVITIES

Article 98. Design and estimate documentation

1. Construction, as well as installation of utilities, site engineering, landscaping and planting shall be carried out using design and estimate documentation, developed in accordance with approved urban development projects.

In cases stipulated by paragraph 4 of this article, construction may be carried out without design and estimate documentation or using preliminary designs.

2. The compliance of the design values of the parameters and other characteristics of the construction project with safety requirements, as well as the planned measures to ensure its safety must be substantiated by references to the requirements of this Code and state regulatory documents.

3. In the absence of these requirements the compliance of the design values and characteristics of the construction project with safety requirements, as well as the planned measures to ensure its safety must be substantiated by one or more of the following methods:

- 1) research results;
- 2) calculations and (or) tests performed in accordance with certified or otherwise validated methodologies;

3) modeling of scenarios involving the occurrence of hazardous (harmful) natural, man-made and (or) anthropogenic processes and phenomena, including in cases of an adverse combination of such processes and phenomena;

4) assessment of the risk of occurrence of hazardous (harmful) natural, man-made and (or) or anthropogenic processes and phenomena.

The results of engineering surveys must be taken into account in the substantiation.

4. Without design and estimate documentation based on sketches (sketch designs), the customer (owner) in consultation with local executive bodies of cities of republican status, the capital regions (cities of regional significance) may carry out:

1) construction of individual residential buildings no higher than two stories, except for construction in areas (zones) of high seismic hazard as indicated on seismic microzoning maps, as well as mudflow, landslide and avalanche hazard and risk maps;

2) construction of utility buildings on land plots, designated for private subsidiary farming, gardening, and vegetable gardening;

3) construction of on-site communication lines;

4) landscaping of land plot, designated for private farming and summer cottages that do not require changes to existing utility networks;

5) construction of a fish pond with a water surface area of one pond no more than 0.15 hectares; construction of fish farming facilities in water protection zones; installation of other facilities (mobile container, block and modular complexes, structures built from prefabricated structures) for aquaculture;

6) construction of mobile container, block, and modular complexes, as well as single-story buildings (structures) for retail, catering, and consumer service businesses, constructed from prefabricated structures;

7) in the event of a state of emergency and (or) emergency situations, restoration work and construction of prefabricated buildings and structures no more than two stories high, classified as construction projects falling under the third level of responsibility;

8) construction of buildings and structures for temporary, seasonal, or auxiliary purposes (warehouses and storage facilities (with a span of up to 6 meters, a height of up to 7 meters, and an area of up to 2,000 square meters inclusive), requiring special conditions for the storage of goods and materials), not hazardous in terms of fire, explosion, gas, chemically aggressive, poisonous, and toxic substances, greenhouses, hotbeds, pavilions, communication facilities, lighting, fencing and similar structures;

9) construction of temporary residential and (or) utility premises for seasonal work and pasture livestock farming;

10) construction of open-air parking lots for up to fifty motor vehicles, also garages with bays for up to two vehicles;

11) major repairs of linear utility lines and structures thereon that do not require changes to their position, depth (height) marks, pipe diameters;

- 12) construction of hardscape and fencing of areas;
- 13) construction of outdoor sports facilities, sidewalks and paving around buildings (structures);
- 14) repair and replacement of units of process or engineering equipment whose service life expired and that do not require reconstruction or repurposing of the enterprise (workshop);
- 15) protection of utility networks against electrochemical corrosion;
- 16) construction of detached single-story buildings (structures) to accommodate individual business entities with a total area of up to 20 square meters;
- 17) reconstruction of individual residential buildings no higher than two stories, not requiring the allocation of additional land (land addition), not exceeding two stories after reconstruction;
- 18) remodeling (conversion) of non-industrial premises carried out in existing buildings and not requiring changes to load-bearing structures;
- 19) construction of power supply networks with an installed capacity of up to 200 kW for business entities;
- 20) construction and installation of automatic security and fire alarm systems within administrative, commercial, and industrial buildings;
- 21) construction of water supply and wastewater disposal networks for individual residential homes;
- 22) construction of on-site networks and installation of in-building domestic gas supply systems for individual residential homes or detached single-story buildings (structures) intended to accommodate business facilities with a total area of up to 20 square meters;
- 23) selective major repairs of an apartment building.

When reconstructing (re-planning, converting) residential and non-residential premises in residential buildings (residential structures) that do not require the allocation of additional land (land additions), do not involve any changes to load-bearing structures, utility systems, communications, do not impair architectural aesthetics, fire safety, explosion protection, sanitary qualities and do not have a harmful impact on the environment during operation, approval of preliminary designs by local executive bodies for architecture and urban planning in cities of national status, the capital, regions and cities of oblast status is not required.

Local executive bodies for architecture and urban planning in cities of national status, the capital, regions and cities of oblast significance shall maintain records of approved preliminary designs.

5. The development procedure, mandatory composition and content of design and estimate documentation shall be established by state regulatory documents.

6. Construction, expansion, reconstruction, modernization, conservation and post-utilization of transport infrastructure facilities specified in paragraph 5 of Article 23-1 of the Law of the Republic of Kazakhstan “On Transport in the Republic of Kazakhstan” shall

be carried out according to the design specifications and design documentation, approved by the Ministry of Defense of the Republic of Kazakhstan.

7. The procedure for approving design and estimate documentation shall be determined in accordance with this Code and other regulatory legal acts of the Republic of Kazakhstan.

8. The rules and procedures for contracting work in the implementation of design and estimate documentation shall be established in accordance with this Code and the Civil Code of the Republic of Kazakhstan.

9. Design and estimate documentation on which construction has not commenced within three or more years after its approval in accordance with the procedure, established by the legislation of the Republic of Kazakhstan, shall be deemed obsolete and shall be used for implementation after it has been revised, subjected to a repeat comprehensive external expert review of the construction project and reapproved in the procedure established by the legislation of the Republic of Kazakhstan.

10. Revisions to design and estimate documentation in cases, where a justified need arises for amendments and additions thereto shall be carried out in the procedure, established by the legislation of the Republic of Kazakhstan.

11. The design organization that developed the design and estimate documentation shall be engaged for the corrections.

In the event that the author(s) of the design and estimate documentation refuse to provide the design supervision, the design organization is determined in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

12. If at the customer's decision there is a justified need to amend the design and estimate documentation, approved in accordance with the legislation of the Republic of Kazakhstan, no amendment to the pre-design documentation (if any) is required.

13. The inclusion of design and estimate documentation in the national archival collection, guarantees of ownership of said documents, as well as rights to use and restrictions on their use shall be established in accordance with the legislation of the Republic of Kazakhstan.

14. Design and estimate documentation, prepared by foreign legal entities or individual specialists for construction on the territory of the Republic of Kazakhstan, with the exception of design and estimate documentation for facilities in special economic zones and special industrial zones, must be developed under the conditions and according to the stages of design work, in the composition and scope of design and estimate documentation, established by this Code, state regulatory documents and the design assignment, also in compliance with the mandatory requirements established by state regulatory documents, including fire and industrial safety requirements, unless otherwise provided by international treaties ratified by the Republic of Kazakhstan.

Deviations from this rule are permitted:

1) by decision of the customer (investor), provided that the customer (investor) fulfills all of the following mandatory conditions:

compliance with fire and explosion safety standards, structural reliability, sustainable operation of the construction site and occupational safety, as established by the legislation of the Republic of Kazakhstan and state regulatory documents, which must be confirmed by a comprehensive external expert review of construction projects;

providing suppliers of goods (works and services) with the necessary information in accordance with the legislation of the Republic of Kazakhstan and state regulatory documents ;

2) during the design, construction, reconstruction, technical upgrading, or expansion of a construction site included in the unified industrialization map.

15. Design and estimate documentation without the estimate section must be entered into the automated digital system of the state urban planning cadastre in the manner determined by the authorized body for architecture, urban planning, and construction.

16. The design and estimate documentation development process is organized on the portal for organizing the development and review of projects based on the “single-window” principle, which is mandatory for construction projects financed by public investment.

Article 99. Construction Project

1. The design for new construction projects, their complexes and utility and transport communications must include an urban planning feasibility for the location of the construction project, as well as economic, architectural, spatial planning, functional, technological, structural, engineering, environmental, energy-saving, energy efficient and other solutions to the extent, necessary for carrying out construction and commissioning of the construction project.

Construction projects also include design and cost estimate documentation, prepared on the basis of the technical survey results and intended for:

- 1) major repairs of construction projects or restoration of buildings and structures;
- 2) reconstruction, expansion, modernization, or technical upgrading of existing construction projects;
- 3) decommissioning of construction projects, except for the demolition of unsafe structures;
- 4) conservation (re-conservation) of unfinished construction projects, whose construction has been suspended.

2. Construction project design solutions and indicators, approved in the procedure, established by the legislation of the Republic of Kazakhstan, shall be binding during the project’s implementation.

The title of the construction project must indicate the type of construction activity, include the name of the construction facility and correspond to the source materials, issued for its development.

3. A construction project shall be developed:

1) on the basis of the design specifications, approved by the customer, materials on the selection and allocation (permit for use) of the land plot (site, route), technical specifications for engineering and public utilities for the construction project, engineering survey results and other source materials, including the results of the customer's pre-design activities;

2) in accordance with investment substantiation for construction (feasibility studies), approved in the procedure, established by the legislation of the Republic of Kazakhstan, and where necessary a list of building materials, products, structures, engineering equipment and devices used in the construction project agreed upon with the contractor;

3) in accordance with the architectural planning assignment of local executive bodies of cities of republican status, the capital and regions (cities of oblast status).

4. In cases provided for in paragraph 4 of Article 100 of this Code, the construction project design is an outline sketch (preliminary design).

5. The procedure for approval, as well as amendments to an approved construction project, shall be governed by this Code and state regulatory documents.

6. In the event of a reduction in the standard construction duration in the design specifications the construction project shall be developed taking into account additional resources.

Article 100. Architectural design

1. Architectural design is an independent project for the creation of a structure (monument), as well as a component of the design and cost estimate documentation for construction, which contains the architectural concept, architectural and artistic, compositional and spatial planning solutions, comprehensively taking into account social, economic, functional, engineering, technical, fire safety, explosion safety, sanitary and hygienic and environmental requirements, as well as energy efficiency requirements and other requirements for the construction project to the extent, necessary for the development of the construction design or other construction documentation.

2. An architectural design shall be developed:

1) on the basis of the design specifications, approved by the customer, materials regarding selection of the site (route), the results of engineering surveys and the technical specifications for the utility support of the construction project;

2) in accordance with approved urban planning projects;

3) in accordance with the architectural and planning specifications of the local executive bodies of cities of republican status, the capital and regions (cities of oblast status).

3. Compliance with the architectural design shall be mandatory during the construction project development.

Changes to architectural designs may be made with the consent of the author(s) or with their participation. If such changes result in deviations from the requirements of the

architectural and planning specifications, approval must be obtained from the local executive bodies of cities of republican status, the capital, or regions (cities of regional status) that issued the assignment.

4. If it is necessary to simplify the development of a construction project for the construction objects specified in paragraph 4 of Article 98 of this Code, the architectural design in accordance with the architectural and planning specifications may be executed in the form of a sketch (preliminary design).

Article 101. State Construction Projects Bank

1. Development and maintenance of the state construction project database, as well as the provision of model designs and design and estimate documentation for reference from the state construction project database shall be performed by a state expert organization on the rules developed and approved by the authorized body for architecture, urban planning and construction.

2. The state expert organization shall develop and maintain the state construction project database, also provide standard designs and design and estimate documentation from the state construction project database for reference.

3. Submission of model projects and design and cost estimates for linking from the state construction project database is performed by a state expert organization gratuitously.

4. Users of the state construction project database are entities implementing construction projects funded by state investments.

Article 102. Design organizations

1. The design organization shall have the right to:

1) engage other individuals and (or) legal entities to fulfill its obligations;

2) request and receive the necessary materials and information from the design documentation customer in accordance with the procedures, established by the legislation of the Republic of Kazakhstan;

3) participate in the review of the project documentation by the customers;

4) participate in the expert review of projects and receive an expert opinion on the developed design documentation;

5) act as a third party in the contract for the expert review of projects as the developer of the design documentation.

2. Responsibilities of the design organization:

1) ensuring a high architectural and technical standard and cost effectiveness of design solutions;

2) monitoring and ensuring compliance with the project deadlines, specified in the contract;

3) participating in the preparation of the design specifications by the customer or, if provided for in the contract, preparing the specifications at the customer's request;

- 4) determining in consultation with the customer the scope, phases, and cost of pre-design, design and other work, specified in the contract, drawing up schedules for their completion;
 - 5) ensuring that the design documentation complies with the design specifications and the working documentation for the approved construction project;
 - 6) compiling the design documentation in accordance with state regulatory documents and submitting it to the customer. Amending the design documentation on the basis of comments from coordinating organizations and expert review bodies if a justified need arises;
 - 7) submitting the developed design documentation to the customer;
 - 8) providing the design supervision at all the construction project stages until the commissioning of the construction project;
 - 9) providing technical documentation for the construction project within the timeframes established by the approved schedule, if an additional contract exists, determining the scope of construction and installation work, the composition and quantity of equipment, products and materials, and preparing a consolidated estimate and construction costs summary;
 - 10) compliance with the requirements of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities during the design implementation;
 - 11) ensuring the safety and confidentiality of documents received from the customer and third parties during the development of design documentation;
 - 12) non-disclosure of confidential information received from the customer and third parties during the development of design documentation, except in cases stipulated by the laws of the Republic of Kazakhstan.
 - 13) provision of the required materials and information on developed sections (parts) of design documentation at the customer's request during the project review;
 - 14) submission of design and (or) other documentation to the state body, exercising state architectural and construction control and supervision for review in accordance with the procedure, established by the legislation of the Republic of Kazakhstan;
 - 15) performance of other functions, stipulated by the contract and the legislation of the Republic of Kazakhstan.
3. When developing design documentation, the design organization shall be held civilly liable under the legislation of the Republic of Kazakhstan:
- 1) for the quality and validity of decisions made, also for the performance of the functions assigned to it by this Code;
 - 2) for deficiencies in the design documentation, including those discovered during the operational phase of the construction project;
 - 3) for inadequate quality and scope of work, performed both by its own forces and by subcontractors engaged by it;
 - 4) for breaking the deadlines for completion of work stipulated by the contract;

5) for the untimely elimination or failure to eliminate defects in response to a reasoned written claim from the customer and (or) those identified during the project approval and review process.

Chapter 14. PROJECT REVIEW

Article 103. Types of project review

1. Project reviews are classified into the following types:

1) comprehensive non-departmental review of construction projects, carried out by expert organizations;

2) comprehensive non-departmental review of construction projects, classified as a state monopoly, carried out by a state expert organization;

3) comprehensive urban development review of urban development projects, conducted by a state expert organization.

2. Interstate review of projects shall be established in accordance with an international treaty and shall be conducted by international expert commissions, established by the authorized body for architecture, urban planning and construction and the authorized bodies of the interested states.

Article 104. Project reviews classified as a state monopoly

The following types of project reviews are classified as a state monopoly:

1) comprehensive urban planning review of urban planning projects;

2) comprehensive interdepartmental review of construction projects for:
the construction of new buildings and structures, reconstruction, expansion, modernization, technical upgrading and major repairs of construction facilities, their complexes, utility and transport communications, falling under the first level of responsibility, regardless of funding sources;

construction of new buildings and structures, as well as reconstruction, expansion, modernization, and technical upgrading of construction projects classified under the second level of responsibility, regardless of funding sources;

construction of new buildings and structures classified under the third level of responsibility, financed by state investments;

Construction projects classified as confidential or marked “for official use only”;
standard projects.

Article 105. Comprehensive extradepartmental examination of construction projects

1. Comprehensive extradepartmental examination of construction projects shall be carried out by certified experts in the relevant sections (parts) of the construction project.

2. On the results of the comprehensive extradepartmental examination of construction projects a positive or negative expert opinion shall be issued, based on the contract concluded with the customers. The issuance of other types of expert opinions shall be prohibited.

Positive expert opinions constitute the basis for approval of the reviewed construction projects.

3. The following construction projects shall be subject to comprehensive extradepartmental examination:

1) design and cost estimate documentation, intended for the construction of buildings and structures, their complexes, engineering and transport communications, financed by state investments, as well as those constructed without state investment, but providing in accordance with the procedure, established by the legislation of the Republic of Kazakhstan, for a share of state ownership in the volume of products, manufactured or services provided;

2) design and cost estimate documentation, intended for the construction of facilities financed without state investment, with the exception of the construction of third-level criticality facilities specified in paragraph 4 of Article 98 of this Code.

4. The construction facilities referred to in paragraph 4 of Article 98 of this Code, as well as feasibility studies, intended for the construction of buildings and structures, complexes thereof, engineering and transport communications are not subject to a comprehensive extradepartmental expert examination of construction projects.

5. When re-using approved construction projects, as well as linking existing standard projects, intended for mass construction a comprehensive extradepartmental examination of construction projects is carried out in terms of linking these projects to a specific location and conditions.

6. Approval and further implementation of a construction project, subject to a comprehensive extradepartmental review of construction projects, without a positive expert opinion shall be prohibited.

7. The customer of a construction project is also the customer of the comprehensive extradepartmental review of construction projects pertaining to that project and may not delegate these powers to third parties.

8. The customer of construction projects, subject to a comprehensive extradepartmental review of construction projects, but unrelated to a state monopoly, has the right to select at its own discretion any expert organization to conduct the comprehensive extradepartmental review of construction projects.

9. Customers shall submit a complete set of documents, required by state regulations for the comprehensive extradepartmental review of construction projects. The customer is responsible for the accuracy of the documents submitted for the comprehensive extradepartmental review of construction projects.

10. Both the design and estimate constituents of the construction project are subject to the comprehensive external review, with the exception of construction projects, financed without government investment, on which the customer has the right to waive the review of the estimate constituent of the construction project.

11. In accordance with the rules, approved by the authorized body for architecture, urban planning and construction, the state expert organization and expert organizations shall establish expert commissions (expert groups) and shall have the right to engage specialists or specialized organizations, including foreign ones.

Specialists or specialized organizations, who directly or indirectly participated in the preparation and (or) development of the construction projects under consideration, or who are representatives of the design organizations that developed them shall not be permitted to be included in expert commissions (expert groups) or otherwise engaged in the comprehensive external review of construction projects.

12. If the customer disagrees with the results of the comprehensive external review of construction projects, the customer has the right to appeal the expert opinion in court.

13. In civil and criminal proceedings, as well as administrative offense cases, a forensic examination may be conducted in accordance with the procedure established by the legislation of the Republic of Kazakhstan regarding the findings of a comprehensive expert review of construction projects.

14. A comprehensive external expert review of construction projects shall also be conducted if it is necessary to amend the design and estimate documentation, due to a poorly developed and previously approved project and (or) unjustified deviations from the approved construction project, identified during construction.

15. For individual construction projects, requiring special regulation and urban planning regulations, comprehensive extradepartmental review of construction projects shall be carried out in accordance with individual plans for the phased development and approval of design and estimate documentation for the construction of individual construction projects, requiring special regulation and urban planning regulations.

The procedure for developing and approving individual plans for the phased development and approval of design and estimate documentation for the construction of individual construction projects, requiring special regulation and urban planning regulations shall be governed by the rules for conducting comprehensive extradepartmental review of construction projects, intended for the construction of new buildings, as well as modifications (reconstruction, expansion, technical re-equipment, modernization and major repairs) of existing buildings and structures, their complexes and utility and transport communications.

16. The state expert organization and expert organizations shall submit expert opinions to state bodies, exercising state architectural and construction control and supervision in the manner, determined by the authorized body for architecture, urban planning and construction.

17. The process of conducting comprehensive extradepartmental examination of construction projects is organized on the platform of the portal for organizing the development and expert examination of projects, using the “single-window” principle.

Article 106. The cost and timing of a comprehensive extradepartmental review of construction projects

1. Comprehensive extradepartmental review of construction projects shall be conducted on the basis of contracts concluded by project examination customers with a state expert organization or expert organizations, with the costs attributed to the cost of developing the construction project in question.

2. The cost of expert work performed by a state expert organization, regardless of the funding source, shall be established in accordance with the rules, approved by the authorized body for architecture, urban planning and construction.

3. The cost of expert work, performed by expert organizations shall be determined in accordance with the rules approved by the authorized body for architecture, urban planning and construction and (or) in the contract between the customer and the expert organization.

4. The procedure and timeframes for conducting a comprehensive extradepartmental examination of construction projects shall be determined by the rules for conducting a comprehensive non-departmental examination of construction projects, intended for the construction of new buildings, as well as alterations (reconstruction, expansion, technical re-equipment, modernization and major repairs) of existing buildings and structures, their complexes, engineering and transport communications.

Article 107. Comprehensive urban planning expertise of urban planning projects

1. Comprehensive urban planning expertise of urban development projects shall be performed by a state expert organization comprised of certified experts in the relevant sections (parts).

2. Urban planning projects shall undergo a comprehensive urban planning examination of urban planning projects in accordance with the procedure determined by the authorized body for architecture, urban planning and construction.

3. Urban development projects shall be submitted for comprehensive urban development review by the project's customers along with a full set of documents in accordance with the rules for conducting comprehensive urban development review of urban development projects . The customer is responsible for the accuracy of the documents, submitted for the comprehensive urban development review of urban development projects.

4. Comprehensive urban planning review of urban planning projects consists in analyzing and assessing the quality of urban planning projects by establishing the conformity (non-conformity) of design solutions with the conditions of the initial design materials, stipulated by the legislation of the Republic of Kazakhstan, including checking the availability of the minutes of public hearings and discussions of the urban planning project with the public as part of the source materials, as well as compliance in design solutions and calculations with the requirements of urban planning and technical regulations, norms and provisions of state and interstate regulatory documents.

5. When amendments and (or) additions are made to approved urban development projects (adjustments), a comprehensive urban development review of the urban development projects is conducted in accordance with this article.

6. The following are the customers of the comprehensive urban development review of urban development projects:

the authorized body for architecture, urban development, and construction –on projects of national significance;

local executive bodies – on projects of regional significance and projects for the development and construction of populated areas.

The customer of an urban development project is also the customer of the comprehensive urban development review of the urban development projects on this urban development project without the right to delegate this authority to third parties.

7. On the results of the comprehensive urban planning review of urban development projects a positive or negative expert opinion shall be issued based on the contract, concluded with the customer, in the manner determined by the authorized body for architecture, urban planning and construction. The issuance of other types of expert opinions shall be prohibited.

8. Positive expert conclusions of the comprehensive urban planning review of urban development projects shall constitute the basis for approving the urban development projects.

9. The validity term of the expert conclusion on an urban development project is limited to the duration of that project.

10. In case of disagreement with the results of the comprehensive urban planning examination of urban development projects the customer has the right to appeal the expert conclusion in court.

11. The process of conducting a comprehensive urban planning review of urban planning projects is organized on the portal for project development and review on a “one-window” basis.

12. The state expert organization shall forward information on the issued negative conclusions on urban planning projects to the authorized body for architecture, urban planning and construction in accordance with the procedure determined by the authorized body for architecture, urban planning and construction.

Article 108. Costs and terms of comprehensive urban planning expertise of urban planning projects

1. Comprehensive urban planning expertise of urban development projects shall be carried out on the basis of the contract concluded between the customer and the state expert organization, with the costs included in the development cost of the project in question.

2. The cost of work performed by the state expert organization shall be determined in by the rules approved by the authorized body for architecture, urban planning and construction.

3. The procedure and timeframes for conducting the comprehensive urban planning assessment of urban development projects shall be determined in accordance with the procedure approved by the authorized body for architecture, urban planning and construction and specified in the contract for its conduct.

Article 109. Expert organizations

1. Expert organizations shall conduct comprehensive, extradepartmental assessments of construction projects for:

major repairs of existing construction objects, their complexes, utility and transport communications, related to the second level of responsibility, regardless of funding sources;

major repairs of existing construction objects, their complexes, utility and transport communications, reconstruction, expansion, modernization and technical re-equipment of construction facilities, falling under the third responsibility level, financed by public investment;

construction of new buildings and structures, reconstruction, expansion, modernization, technical re-equipment and major repairs of existing construction facilities, their complexes, utility and transport communications, falling under the third responsibility level, financed by private investment.

Expert organizations implement procedures and operations related to a comprehensive extradepartmental examination of a construction project on the portal platform for organizing the development and examination of projects on a “single window” basis in the manner established by the authorized body for architecture, urban planning and construction.

2. Expert organizations are authorized to conduct an expert review of the complete set of documents for a construction project as a whole or for individual sections (parts) of the construction project, issuing local expert opinions in accordance with the procedure established by the authorized body for architecture, urban planning and construction.

Local expert opinions on individual sections (parts) of a construction project do not constitute grounds for approving the construction project as a whole, but are used as part of a consolidated expert opinion.

3. Comprehensive extradepartmental expert examinations of construction projects not classified as a state monopoly shall be conducted by expert organizations.

4. Expert organizations may not be engaged in any activities other than the expert activities provided for in this Code.

5. Expert organizations provide consulting services in design for construction projects specified in paragraph 1 of this article.

Article 110. Design experts

Design experts are not authorized to conduct expert work on their own, except when they are engaged as external experts under a contract with another expert organization or a state expert organization, or when they perform an expert review of a project’s individual sections (parts) on behalf of the leadership of the state expert organization or an expert organization.

Article 111. Rights, obligations and responsibilities of design experts

1. The rights and obligations of the state expert organization and expert organizations are established by this Code and other laws of the Republic of Kazakhstan.

2. A design expert shall have the right to:

- 1) participate in the examination of projects as part of expert commissions (expert groups) ;
- 2) request and receive necessary materials and information from the project examination customers;
- 3) conduct expert reviews of projects in specific sections (parts) in accordance with the specialization indicated in the certificate of the expert authorizing expert activities in design, drawing up the corresponding sections of the expert opinion thereon;
- 4) initiate revocation by a state expert organization or an expert organization of the previously issued expert opinions in cases provided for by this Code;
- 5) engage in educational, scientific and (or) other creative activities.

3. A design expert shall be prohibited from:

- 1) conducting expert reviews of projects, in which the expert had a direct or indirect involvement, or that were carried out with the participation of the expert's spouse and (or) close relatives, also issuing expert opinions not provided for by this Code;
- 2) engage in other types of business activities related to architectural, urban planning and construction activity;
- 3) having employment, financial and (or) other dependent relationships with other entities engaged in architectural, urban planning and construction activity.

Violation of the requirements of this paragraph by a design expert, unless it constitutes a criminal or administrative offense, shall entail a disciplinary sanction under the laws of the Republic of Kazakhstan in the form of a warning regarding inadequate job performance or termination of the employment contract at the employer's initiative.

4. The design expert is obligated:

- 1) to be employed by a state expert organization or one of the expert organizations to pursue their professional activities;
- 2) observe confidentiality and protect official and commercial secrets during project reviews, unless otherwise provided by the laws of the Republic of Kazakhstan;
- 3) systematically improve their professional qualifications;
- 4) observe professional ethics;
- 5) implement project review procedures and operations on the portal platform for organizing the development and review of projects using "one-window" principle in the manner determined by the authorized body for architecture, urban planning and construction.

5. In the event of detection of poorly conducted project assessments the design experts shall be held liable under the laws of the Republic of Kazakhstan.

For poor-quality construction projects or urban development projects that have received a positive expert opinion, design experts shall be held liable along with the corresponding developers of the construction or urban development projects.

Article 112. Independence of design experts

1. Design experts shall be independent in their design review activities.

2. No one shall have the right to interfere with the work of design experts during the acceptance of design documentation for review, the examination of projects, or the preparation and execution of expert conclusions on them, unless otherwise provided by the laws of the Republic of Kazakhstan.

3. Interference in the work of design experts shall entail liability under the laws of the Republic of Kazakhstan.

Article 113. Requirements for expert organizations

1. Expert organizations must comprise at least five design experts specializing in the areas corresponding to the main sections (parts) of the construction project: architecture, structural part, engineering networks and systems (by types of engineering networks and systems), technological part (depending on the intended use of the construction facility) and cost estimation.

2. Following their state registration the expert organizations are required to:

1) undergo accreditation in accordance with the rules for the accreditation of expert organizations;

2) as part of their record-keeping procedures maintain records of the date of receipt of the construction project for comprehensive external expert review and the date on which expert conclusions were issued.

Article 114. State expert organization

1. The state expert organization shall be managed by the authorized body for architecture, urban planning and construction.

2. The state expert organization shall conduct expert reviews of projects, falling under the state monopoly, provided for in Article 104 of this Code.

3. The state expert organization as the operator shall maintain a portal for organizing the development and examination of projects on a one-window basis as required by the rules, established by the authorized body for architecture, urban planning and construction.

4. The state expert organization shall provide consulting services in the field of design for construction projects, falling under the state monopoly, provided for in Article 104 of this Code.

Article 115. Revocation of expert conclusions and termination of expert work

1. A state expert organization or expert organizations shall revoke a previously issued expert conclusion in compliance with the procedure, established by the legislation of the Republic of Kazakhstan in the following cases:

1) the customer's failure to comply with the conditions (requirements) specified in the conclusions of the expert opinion being revoked;

2) receipt of acts from state bodies, exercising architectural and construction control and supervision and other authorized state bodies, as well as final and binding judicial decisions, confirming:

changes or cancellations of the source materials that served as the basis for the development of the design documentation or the act of the state body, on the basis of which the source materials were issued during the development of the construction project, urban development project, or the project appraisal;

inaccuracy (falsification, forgery, counterfeiting, etc.) of the source materials that served as the basis for the development of the construction project or urban development project;

3) identification of facts of a poorly conducted project appraisal.

2. In the event of received reports from state bodies, exercising architectural and construction control and supervision, and other authorized state bodies, as well as final and binding court decisions referred to in subparagraph 2) of paragraph 1 of this article, during the project review the expert work shall be terminated, and the construction project and urban development project shall be returned to the customer without further review.

3. Technical errors (arithmetic, grammatical, misprints, clerical errors) in the expert opinion may be corrected in the form of an addendum to it in the manner determined by the authorized body for architecture, urban planning and construction.

SECTION 5. CONSTRUCTION (RECONSTRUCTION), OPERATION AND POST-UTILIZATION (DEMOLITION) OF CONSTRUCTION SITES

Chapter 15. STATE REGULATION OF THE CONSTRUCTION (RECONSTRUCTION) PROCESS

Article 116. Customers and contractors (general contractors)

1. The primary parties to contractual work in construction (including design, survey, expert and research work for construction and manufacture (production) of building materials, products and structures to order), unrelated to public procurement, shall be the customer or their authorized representative and the contractor (general contractor).

2. Contractors (general contractors) shall be individuals and (or) legal entities (including joint ventures) licensed to carry out certain types of activities in architecture, urban planning and construction.

3. For the construction projects, including unique construction projects and major investment projects, and for “pilot” projects, carried out as part of the treasury support for public procurement, the customer of the construction project (program) may engage accredited legal entities providing engineering services for project management.

4. For construction projects, whose contract work does not fall under public procurement, the customer has the right to enter into a construction contract using standard construction contract forms developed by international associations of consulting engineers.

5. The payment procedure for completed contract work is determined by state regulatory documents and (or) the construction contract.

Article 117. Rights and obligations of the customer

1. The Customer has the right to:

1) monitor the progress and quality of the contractor's (general contractor's) contract work and compliance with the deadlines;

2) refuse to accept from the contractor any contract work, performed in violation of the requirements, stipulated in the construction contract, the construction project, state (interstate) regulatory documents, and other requirements prescribed by the regulatory legal acts of the Republic of Kazakhstan;

3) monitor the activities of persons, performing technical supervision and design supervision, or of an accredited legal entity, providing engineering services for project management;

4) refuse to receive relevant documents from persons performing technical supervision and design supervision, or an accredited legal entity providing engineering services for project management, if any discrepancies are identified therein;

5) when filing a notification of the commencement of construction and installation work, submit a schedule for site visits during the construction period via the portal and digital systems to organize construction on a "single-window" basis.

The schedule for site visits during the construction period is subject to approval by the local executive body of the oblast, city of national status, or capital city exercising state architectural and construction control and supervision.

The approval procedure and the form of the schedule for site visits during the construction period shall be approved by the authorized body for architecture, urban planning and construction;

6) exercise other rights prescribed by the laws of the Republic of Kazakhstan.

2. The Customer is obligated to:

1) transfer the approved design and estimate documentation to the contractor (general contractor) prior to the commencement of contract work;

2) provide the construction site with all necessary permits required by the legislation of the Republic of Kazakhstan;

3) ensure that the construction project comprises technical supervision and design supervision, or an accredited legal entity providing project management engineering services;

4) take action against the contractor (general contractor) for failure to comply with or untimely and poor-quality compliance with the instructions of persons providing technical supervision and design supervision, or an accredited legal entity providing engineering services for project management;

5) ensure working conditions for persons performing technical supervision and design supervision or project management;

6) ensure compliance with the requirements of state control and supervisory authorities;

7) ensure access to the construction site for officials, exercising state architectural and construction control and supervision to monitor the activities of persons performing technical

supervision and design supervision, or for an accredited legal entity providing project management engineering services;

8) submit design and as-built technical documentation or other documents for the construction site to the state body, exercising state architectural and construction control and supervision for review;

9) Within three business days of the date of approval of the construction project acceptance certificate, submit to the State Corporation “Government for Citizens” at the location of the construction project the approved acceptance certificate for the construction project together with attached technical specifications of the construction project, the executive geodetic survey of the actual location of utility networks and (or) construction facilities, declarations of conformity and conclusions on the quality of construction and installation works and the conformity of the completed works with the approved construction project in accordance with the forms, developed and approved by the authorized body for architecture, urban planning and construction, and a conclusion on the facility’s compliance with fire safety requirements;

10) register a condominium facility of an apartment building accepted for operation, with the mandatory inventory of the common property of the condominium facility of an apartment building in accordance with the Law of the Republic of Kazakhstan On Housing Relations;

11) prior to the commencement of sales of apartments, non-residential premises, parking spaces, and storage rooms of an apartment building into individual (separate) ownership ensure the state registration of the apartment building;

12) within six months from the registration date of the construction facility accepted for operation, ensure gratuitous transfer of external utility networks and structures of the construction project to municipal ownership in accordance with the design and estimate documentation;

13) at its own expense ensure inclusion of the land plot in the common property of the apartment building condominium or in the common property of the construction project in accordance with the legislation of the Republic of Kazakhstan;

14) ensure the registration of pre-project and design documentation, as well as engineering survey materials (topographic surveys of urban development projects, topographic surveys at the design stage, and as-built geodetic surveys at the stage of acceptance of the construction project into operation) in the automated digital system of the state urban development cadastre;

15) perform other duties, stipulated by the laws of the Republic of Kazakhstan.

Article 118. Rights and obligations of the contractor (general contractor)

1. The contractor (general contractor) has the right to:

1) require the customer to provide the necessary conditions for the performance of work within the concluded construction contract;

- 2) require the customer to provide the construction site with all necessary permits required by the legislation of the Republic of Kazakhstan;
- 3) demand termination of the construction contract in case of non-fulfillment by the customer within two months of the requirements established by subparagraphs 1) and 2) of this paragraph;
- 4) demand termination of the construction contract in the event of a six-month absence of funding or non-compliance of funding with the schedule for funding of construction and installation work as part of the construction project (design and estimate documentation) for a construction period of more than one year;
- 5) claim compensation for damages (direct costs incurred) in the event of unjustified withdrawal or revocation of expert opinions or source materials;
- 6) claim compensation from the customer for losses incurred, including additional costs caused by downtime or postponement of the contract work, or an increase in the cost of the contract work;
- 7) terminate the construction contract and demand compensation for losses caused by its termination in cases of unsuitability or poor quality of materials, equipment, or technical documentation provided by the customer, possible adverse consequences for the customer, resulting from the implementation of the customer's instructions regarding the method of performing the contract work, as well as other circumstances beyond the contractor's (general contractor's) control that threaten the suitability or durability of the results of the contract work being performed or make it impossible to complete it on time;
- 8) require the customer to pay an advance or a deposit in the cases and in the amounts specified in the laws of the Republic of Kazakhstan or in the construction contract;
- 9) refuse to perform additional contract work in cases, where such work falls outside the scope of the contractor's (general contractor's) professional activities or cannot be performed by the contractor (general contractor) for reasons beyond their control;
- 10) require the customer to revise the estimates, if for reasons beyond the contractor's control the cost of the contract work exceeds the estimate by at least ten percent;
- 11) require the customer to reimburse reasonable expenses, incurred by the contractor in connection with the identification and correction of defects in the design and cost estimate documentation, except in cases, where such documentation was prepared at the contractor's (general contractor's) request;
- 12) to terminate the construction contract and demand from the customer the payment of the contract price in proportion to the portion of the contract work completed, as well as compensation for losses not covered by this amount in cases, when it is discovered that it is impossible to use the materials (parts, structures) or equipment provided by the customer without compromising the quality of the contract work being performed and the customer's failure to comply with the contractor's (general contractor's) request for their replacement within a reasonable time;

13) to exercise other rights under the laws of the Republic of Kazakhstan.

2. The contractor (general contractor) shall:

1) perform the contracted work in accordance with the approved design and cost estimate documentation, provided by the customer and the requirements of the legislation of the Republic of Kazakhstan;

2) carry out all types and forms of its own production quality control of construction (incoming, operational, interim, acceptance, laboratory, geodetic and others);

3) ensure proper and timely records management;

4) promptly rectify deficiencies (defects and incomplete work), identified during the construction process;

5) conduct laboratory quality control of the contracted work being performed (or already performed) and of the construction materials, products and structures used at the request of the state architectural and construction control and supervision authorities;

6) ensure that persons, performing technical supervision and design supervision, or providing project management engineering services are granted access to the construction site ;

7) ensure access to the construction site for officials, conducting state architectural and construction control and supervision to monitor the activities of persons, performing technical supervision and design supervision, or an accredited legal entity, providing project management engineering services;

8) submit design and as-built technical documentation or other documents, related to the construction project to the state authority, exercising state architectural and construction control and supervision for review;

9) comply with the instructions of the state authority, exercising state architectural and construction control and supervision, the directions of persons performing technical supervision and design supervision or the accredited legal entity, providing project management engineering services;

10) prevent any obstruction or interference with the work of the state body, exercising state architectural and construction control and supervision;

11) perform other duties, prescribed by the laws of the Republic of Kazakhstan.

Article 119. Selection of a contractor

1. The selection of a contractor (general contractor) by the customer or its authorized representative to perform contract work unrelated to public procurement may be carried out:

1) without a competitive bidding process, unless otherwise provided for this project (programme) by the legislation of the Republic of Kazakhstan;

2) based on the results of a closed or open competitive bidding process (tender);

3) with or without preliminary qualifying of bidders for participation in the competitive bidding process (tender).

2. The main participants in competitions (tenders) for construction work are:

1) the organizer (host) of the competition (tender), represented by the customer or the customer's authorized representative, acting on the customer's behalf;

2) the competition jury (tender commission)—a permanent or temporary peer body of the organizer (host) of the competition (tender);

3) bidders—persons admitted to the competition (tender), who have officially filed an application to the organizer (host) of the competition (tender) expressing their intention to participate in an open competition (tender), as well as persons who have accepted an invitation to participate in a closed competition (tender).

3. At the time of the decision to conduct a competition (tender) for the selection of a contractor (general contractor), also at the start of the construction project (programme), the customer must:

1) possess the necessary financing sources for construction or the right to dispose of the necessary funds during the period, required to implement the construction project (programme). This provision shall not apply if the tender conditions include a requirement for construction financing by the contractor (general contractor);

2) hold the appropriate title to the land plot (site or route for construction) or a decision by the local executive body to allocate it.

4. If the conditions of the tender (competition) for selecting the contractor (general contractor) stipulate that the preparation of the feasibility study for investment and development of design and estimate documentation are the responsibility of the customer, then at the time of the tender (competition) for contract work, the customer must have duly approved investment feasibility study and design and estimate documentation that have undergone a comprehensive external review of construction projects.

5. The venue for organizing and conducting an open competition (tender) to select a contractor (general contractor) shall be on the territory of the Republic of Kazakhstan, unless otherwise provided for by international treaties, ratified by the Republic of Kazakhstan.

6. The procedure and conditions of the competition (tender) shall be determined by the customer or, at the customer's request, by the organizer (administrator) of the competition (tender), unless otherwise provided by the laws of the Republic of Kazakhstan.

7. The following persons shall not be admitted to the competitions (tenders):

1) individuals and legal entities that are not permitted to conduct business activities in the Republic of Kazakhstan in accordance with the procedures, established by the legislation of the Republic of Kazakhstan;

2) legal entities declared bankrupt;

3) persons who are organizers (sponsors) of a competition (tender) or members of the competition jury (tender commission).

8. The customer, the organizer (sponsor) of a competition (tender), and the competition jury (tender commission) have no right to require the applicant to provide information that is their commercial secret.

9. The declaration of a competition (tender) for contract work as valid and the approval (recognition) by the customer of any of the competition (tender) participants as the winner shall constitute the ground for concluding a construction contract between them for the performance of contract work, stipulated by the terms of the competition (tender).

10. The customer, the organizer (host) of the competition (tender) for contract work and the jury of the competition (tender commission) shall bear liability for failure to fulfill or improper fulfillment of their obligations, as established by the laws of the Republic of Kazakhstan.

11. Contract work unrelated to public procurement shall be performed on the basis of a construction contract concluded between the customer or its authorized representative and the contractor (general contractor) selected by the customer.

A construction contract concluded in accordance with paragraph 9 of this article shall necessarily specify the types and volumes of contract work (services) that the contractor (general contractor) intends to subcontract. However, subcontracting of more than two-thirds of the total cost of all contract work (contract price) stipulated by the construction contract is not permitted.

The maximum volumes of contract work (services) performed (rendered) under public procurement that may be transferred to subcontractors (co-contractors) for the performance of work or provision of services shall be determined in accordance with the legislation of the Republic of Kazakhstan on public procurement.

12. The obligations and responsibilities of the customer to the contractor (general contractor) and the contractor (general contractor) to the customer are established by the construction contract, unless otherwise provided by the legislation of the Republic of Kazakhstan.

13. The construction contract shall establish warranty periods for the stable operation of the construction project after its commissioning, which determine the financial liability of the contractor (general contractor).

If warranty periods are not established by the construction contract, the rule provided for in Part Two, Paragraph 1, Article 122 of this Code shall apply.

Article 120. Main requirements for the construction process

1. The procedures and requirements established by this article must be completed and met at the relevant stages of the construction process.

The terms and amounts of construction financing must correspond to the terms and amounts of contract work (services) specified in the duly approved design and estimate documentation.

The list of types of contract work (services), included in the construction and installation work shall be approved by the authorized body for architecture, urban planning and construction.

2. A client, intending to implement a construction project, shall be obliged under the land legislation of the Republic of Kazakhstan to obtain a resolution on granting the appropriate land title from the local executive bodies of the oblast, city of republican status, the capital, regions and a city of oblast status. If the customer has the appropriate title to the land plot and functional zone in accordance with the approved urban development project, no additional decisions from the local executive bodies of the oblast, city of republican status, the capital, regions and a city of oblast status are required for the construction of the construction project.

The performance of contract work at a construction site shall be permitted only on land plots for which the appropriate title to land or private property has been granted in accordance with the legislation of the Republic of Kazakhstan.

Construction of antenna-mast structures and/or supports for cellular or satellite communication equipment, including places for cellular or satellite communication equipment, is permitted provided that there is a lease agreement for the land plot and/or part of it with the owner of the land plot, regardless of the designated purpose of the land plot.

The design, construction, and maintenance of engineering infrastructure (roads, bridges, power lines, and other communications) to tourism facilities located on specially protected natural territories of republican and local significance, as well as to tourism facilities and tourist accommodation sites located outside populated areas, are permitted, taking into account animal migration routes, without granting the right of land use or private ownership, on the basis of an agreement for the long-term use of specially protected natural territory plots for the design, construction, and maintenance of engineering infrastructure for tourism facilities, concluded with a nature protection organization.

The agreement for the long-term use of specially protected natural territory plots for the design, construction, and maintenance of engineering infrastructure (roads, bridges, power lines, and other communications) for tourism facilities is concluded on the basis of a model agreement approved by the Government of the Republic of Kazakhstan.

The agreement for the long-term use of specially protected natural territory plots for the design, construction, and maintenance of engineering infrastructure (roads, bridges, power lines, and other communications) for tourism facilities specifies the name of the works to be carried out, the time limits and conditions for their performance, environmental requirements for environmental protection, measures for the reclamation of disturbed land, and the time limits for carrying them out.

3. The validity periods of decisions of local executive bodies of a region, city of republican significance, capital, districts, and towns of regional significance on granting the relevant right to a land plot, from the date of adoption of the decision until the start of construction, are established in accordance with the land legislation of the Republic of Kazakhstan, taking into account the standard duration of design and approval of the construction project in the prescribed manner, and are indicated in the permit document.

4. In cases where it is impossible to obtain a positive decision on granting the relevant right to a land plot, the local executive bodies of a region, city of republican significance, capital, districts, and towns of regional significance are obliged, within ten days from the date of application, to provide the applicant (customer) with a reasoned refusal indicating the norms (provisions, conditions, restrictions, easements) of the legislation of the Republic of Kazakhstan with which the intended construction would conflict.

5. The decision of the local executive bodies of a region, city of republican significance, capital, districts, and towns of regional significance on granting the relevant right to a land plot, and the architectural and planning assignment, are the grounds for the customer to prepare the design assignment for the intended construction object.

The design assignment is prepared by the customer or its authorized person (developer) and approved by the customer.

The design assignment is an integral part of the contract for the preparation of pre-design and/or design and estimate documentation.

The design assignment must include the required parameters of the construction object and the source materials, including information from maps of seismic microzonation and mudflow, landslide, and avalanche hazards and risks.

6. Providers of engineering and utility services in the area of the proposed construction, upon request of the local executive body of a region, city of republican significance, capital, district, or town of regional significance, shall provide, in the manner determined by the authorized body for architecture, urban planning, and construction, technical conditions for connection to engineering supply sources and utility services in the requested (calculated) parameters required for the construction and sustainable operation of the construction object subsequently put into operation.

The issued technical conditions may be amended during their period of validity by the consumer submitting a written request (application) for new technical conditions for connection to engineering supply sources and utility services.

Construction projects for external engineering networks and structures developed in accordance with the technical conditions for connection to engineering supply sources and utility services issued by engineering and utility service providers and having received a positive conclusion from the comprehensive non-departmental expert review of construction projects are not subject to additional approval with engineering and utility service providers or local executive bodies for architecture, urban planning, and construction.

7. The imposition by providers of engineering and utility services of unreasonable requirements for the customer's (consumer's) participation (equity participation) in the expansion (reconstruction, modernization, technical re-equipment) of engineering (utility) infrastructure facilities when issuing technical conditions is not permitted.

In cases where the existing level of provision of engineering (utility) infrastructure in a given settlement or construction area does not allow services to be provided in the parameters

requested by the customer (consumer), issues related to the costs associated with the expansion (reconstruction, modernization, technical re-equipment) of infrastructure facilities to cover the additional loads of connected subscribers shall be resolved between the providers (producers) and the customer (consumer) on a contractual and reimbursable basis.

8. The local executive bodies of the capital, cities of republican significance, and districts (towns of regional significance) in charge of architecture, urban planning, and construction shall, on the basis of a decision granting the relevant right to a land plot or on the basis of the customer's existing right to a land plot, issue to the customer an architectural and planning assignment with technical conditions for connection to engineering supply sources and utility services.

When approving the sketch design, the local executive body of the capital shall verify its compliance with the integrated traffic management scheme in accordance with the rules for development and the passage of permitting procedures in the field of construction.

Before adopting a decision to issue the architectural and planning assignment with technical conditions for connection to engineering supply sources and utility services and to approve the sketch design, an appropriate analysis shall be carried out, including using digital systems, to ensure that there is no violation of the norms and requirements (conditions, rules, restrictions) established by Article 146 of this Code.

9. The composition and scope of the source materials required for issuing the architectural and planning assignment shall be established by state regulatory documents.

In cases where, for the construction of a new building or the reconstruction (replanning, re-equipment, modernization, restoration) of a construction object, no allocation (addition) of a land plot is required, and also if there is no need to connect to engineering supply sources and utility services for these purposes, the architectural and planning assignment shall contain a corresponding note.

10. Design and estimate documentation developed in accordance with the design assignment, the architectural and planning assignment, and other source materials shall undergo approval, comprehensive non-departmental expert review of the construction project, and approval in accordance with the requirements established by state regulatory documents.

Design and estimate documentation developed for construction on a water body, within water protection zones and strips, shall be subject to approval in the manner established by the water legislation of the Republic of Kazakhstan.

11. Before commencing construction and installation works, the customer is obliged to notify the state bodies exercising state architectural and construction control and supervision of the commencement of construction and installation activities in the manner established by the Law of the Republic of Kazakhstan "On Permits and Notifications."

If construction and installation works are planned on water bodies, within water protection zones and strips, the conditions for carrying out the works shall be subject to approval in the manner established by the water legislation of the Republic of Kazakhstan.

At the same time, energy transmission organizations are not required to be notified of the commencement of construction and installation works for the technological connection to their own networks of electrical installations with an installed capacity of up to 200 kW by business entities.

12. The construction process shall be accompanied by architectural and construction control and supervision in accordance with the provisions of Chapter 6 of this Code.

13. In cases where the time limits for construction and installation works are shorter than those taken into account in the approved design and estimate documentation, the contractor (general contractor) retains the right to payment for the work at the fixed price provided for in the construction contract (estimate).

14. The construction object shall be commissioned in accordance with the provisions of Chapter 18 of this Code.

The act of commissioning the construction object, approved in the prescribed manner, shall serve as the basis for entering the identification and technical information of buildings, structures, and/or their components into the digital system of the legal cadastre for newly created immovable property, and for registration of rights to immovable property.

15. The procedure and time limits for preparing and issuing the documents necessary for the construction of new and modified construction objects shall be established by the rules for development and the passage of permitting procedures in the field of construction.

16. To ensure the safety of aircraft flights and compliance with flight safety requirements, taking into account the possible negative effects of aerodrome equipment and aircraft flights on human health and the activities of individuals and legal entities, construction within the aerodrome territory shall be carried out in accordance with the restrictions provided for by the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities.

Article 121. Activities of a technical customer in the implementation of "turnkey" construction projects

1. For the implementation of "turnkey" construction projects for technically and technologically complex facilities of the first and second levels of responsibility, the construction customer has the right to engage a technical customer.

2. The technical customer acts as the customer for the contractor (general contractor) and performs the following functions:

- participates in the planning of the construction project implementation;

- performs engineering survey work;

- develops design and estimate documentation;

- determines the contractor (general contractor) for the implementation of construction and installation works and concludes a construction contract, or carries out construction and installation works independently;

provides contractors (general contractors) with the necessary source materials and documentation;

exercises control over the quality and volumes of work performed, the presence of engineering and technical personnel, and material and technical equipment provided for by the design and estimate documentation;

accepts the completed work;

ensures the maintenance of executive and technical documentation;

ensures the commissioning of the construction object.

The procedure and requirements for the activities of a technical customer are determined by the authorized body for architecture, urban planning, and construction.

3. The technical customer bears responsibility established by the laws of the Republic of Kazakhstan for the improper performance of their functions.

Article 122. Warranty period

1. The warranty period for construction objects is established in accordance with this Code, the Civil Code of the Republic of Kazakhstan, and other regulatory legal acts of the Republic of Kazakhstan, or by contract.

In all other cases, the warranty period is established depending on the standard operational life of the construction object when concluding a contract between the customer and the contractor (general contractor) for construction, but it cannot be less than five years, with the exception of the warranty period for load-bearing structures, roofs, and exterior walls (facades) of buildings, which must be at least ten years, from the date of commissioning of the construction object. This warranty period limit does not apply to temporary structures and facilities for auxiliary purposes intended for the personal use of individuals.

The provisions of this paragraph do not apply to construction materials and products, equipment, and structures for which the manufacturers have specified other warranty periods.

2. Responsibility for non-conformities and violations identified during the established warranty period lies with the contractor (general contractor), who is obligated to eliminate them.

3. If the non-conformities and violations identified during the warranty period were caused by normal wear and tear of the construction object or its parts, non-compliance with the rules for the operation and maintenance of the construction object, or circumstances beyond the control of the contractor (general contractor) of the construction and installation works, the latter shall be released from liability.

4. Disputes and mutual claims regarding measures and the degree of responsibility related to warranty periods are resolved in the manner established by the legislation of the Republic of Kazakhstan.

Article 123. Quality in construction

1. The norms and provisions establishing requirements for ensuring proper quality in construction, construction objects, and construction products are regulated by this Code, the

Civil Code of the Republic of Kazakhstan, and other regulatory legal acts of the Republic of Kazakhstan, and apply to all types of volumetric, planar, and linear structures (constructions, buildings and their complexes, communications), including the technological and engineering equipment related to them, as well as to all types of works (services) for their design, construction, and manufacture (production) of construction materials, products, and structures

2. Safety and quality in construction are ensured by:

- 1) compliance with safety requirements established by technical regulations and standardization documents for construction products;
- 2) licensing of subjects of architectural, urban planning, and construction activities and certification of specialists in the field of architecture, urban planning, and construction;
- 3) expert review of investment justifications for construction and design and estimate documentation;
- 4) state architectural and construction control and supervision, technical supervision, and author's supervision;
- 5) standardization documents for products, including construction products used in design and construction;
- 6) accreditation of testing laboratories (centers), certification of products, including construction products used in construction, as well as technical assessment of new products, production methods, and equipment in construction;
- 7) metrological activities in design and construction;
- 8) organization of the handover and commissioning of construction objects;
- 9) improvement of construction techniques and technology;
- 10) passportization of construction objects;
- 11) inspection and monitoring of the condition of construction objects in operation, or conserved and other unfinished construction objects, in order to ensure regulatory characteristics.

3. Throughout the entire period of construction (conservation) and the service life of construction objects, the following basic quality characteristics must be ensured by the owners (customers, holders), tenants (lessees), and the contractor (general contractor):

- 1) safety during construction and operation, including performance of work and maintenance;
- 2) compliance with occupational safety requirements;
- 3) stability and reliability of operation;
- 4) compliance with environmental requirements.

Ensuring the basic quality characteristics is the duty of all entities involved in engineering surveys, design, manufacture (production) and supply of construction materials, products,

equipment, and structures, construction and conservation of unfinished construction objects, commissioning, maintenance and operation of construction objects, as well as their post-utilization.

4. The entities ensuring the quality of construction and construction products in accordance with their functions are persons carrying out architectural and construction control and supervision, expert organizations, standardization and certification bodies for construction products, customers, surveyors, designers, technical supervision bodies, manufacturers (producers) and suppliers of products used in construction, including construction products, work performers, and owners (users, tenants, lessees) of the construction object or construction product.

Article 124. Duties of owners in ensuring the safety and quality characteristics of construction objects

Owners, for the purpose of preserving the basic characteristics of construction objects that ensure their safety and proper quality during operation, are obliged to:

1) carry out works on restoration, strengthening, reorganization, replanning, re-equipment, reconstruction, expansion, technical re-equipment, modification, restoration, and post-utilization of the construction object, as well as changes to the architectural appearance of the settlement and/or the urban-planning aspects of the construction object, only in accordance with the procedure for passing permitting procedures established by the legislation of the Republic of Kazakhstan, and in compliance with construction, sanitary, fire safety, anti-explosion, environmental, and other mandatory norms and rules provided for by the legislation of the Republic of Kazakhstan;

2) take measures to prevent destruction and/or damage to the construction object by users (tenants, lessees);

3) organize the performance of the full range of construction and installation works for the post-utilization of construction objects on the basis of the issued decision, in accordance with the rules approved by the authorized body for architecture, urban planning, and construction.

Article 125. Duties of users (tenants, lessees) in ensuring the quality characteristics of construction objects

Users (tenants, lessees), for the purpose of preserving the basic characteristics of construction objects that ensure their proper quality during operation, are obliged to:

1) operate the construction object as a whole or its leased part in accordance with the requirements established by the legislation of the Republic of Kazakhstan and the terms of the lease agreement;

2) timely and properly carry out maintenance and repair works assigned to the user (tenant, lessee) under the lease agreement;

3) carry out works on restoration, strengthening, reorganization, replanning, re-equipment, reconstruction, expansion, technical re-equipment, modification, restoration, as well as changes to the architectural appearance of the settlement and/or the urban-planning aspects of

the construction object only with the consent of the owner of the construction object and in accordance with construction, sanitary, fire safety, anti-explosion, and other mandatory norms and rules provided for by the legislation of the Republic of Kazakhstan;

4) notify the owner of the construction object of any changes in the characteristics of the construction object or technical accidents that occur during its operation.

Chapter 16. FEATURES OF DESIGN AND CONSTRUCTION IN SEISMIC ZONES

Article 126. Seismic zoning of seismically active territories

1. To reduce earthquake damage, seismic zoning of seismically active territories is carried out, which is necessary for planning the development of the territory.

2. Depending on the objectives, subject, and scale of the research, maps of general seismic zoning, detailed seismic zoning, and seismic microzonation are developed in the territory of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan in the field of civil protection that are prepared by research organizations engaged in fundamental and applied research on seismic safety issues.

3. Seismic microzonation maps are an integral part of the source materials issued by the local executive body for the development of pre-design and design documentation.

Article 127. Seismic risk assessment

1. Seismic risk is the probability of socio-economic damage from possible earthquakes in accordance with the calculated seismic hazard of the territory and the vulnerability of construction objects.

2. Seismic risk assessment is carried out by developing a scientific forecast of human casualties, material losses, and other losses that may arise as a result of an earthquake.

3. Seismic risk maps are compiled on the basis of:

1) assessment of seismic vulnerability of territories and the potential for possible damage;

2) comprehensive analysis of the resilience of construction objects;

3) forecast of human losses and economic damage in the event of an earthquake;

4) other data in the procedure determined by the authorized body in the field of civil protection.

4. Seismic risk assessment in the territory of the Republic of Kazakhstan is carried out by specialized research organizations to obtain data on the possible assessment of probable socio-economic damage resulting from an earthquake.

5. Programs to reduce the potential consequences of earthquakes are developed on the basis of the seismic risk map.

Article 128. Passportization of construction objects

1. Local executive bodies ensure the passportization of construction objects.

2. Passportization of a construction object is carried out through a preliminary visual inspection in order to obtain complete information necessary for assessing seismic risks,

seismic resistance, and structural vulnerability of the construction object, taking into account the actual condition of its structures.

3. Passportization of a construction object is performed by specialized research organizations in the field of earthquake-resistant construction in the procedure determined by the authorized body for architecture, urban planning, and construction.

Article 129. Assessment of seismic hazard

1. Seismic hazard assessment is carried out by determining the probability of an earthquake, as well as the vulnerability of construction objects (passportization of construction objects).

2. Engineering seismometric stations are installed at construction objects classified as first-level responsibility objects to determine dynamic parameters during their operation.

3. Seismic hazard assessment includes calculating the intensity of ground surface vibrations and assessing the probability of their occurrence.

Chapter 17. FEATURES OF INDIVIDUAL HOUSING CONSTRUCTION

Article 130. General requirements for individual housing construction

1. The customer has the right to build an individual residential house according to a project that does not violate the established construction and other mandatory norms and rules provided for by the legislation of the Republic of Kazakhstan and is agreed with the local executive body of the city of republican significance, the capital, or the district (town of regional significance).

2. The dimensions of an individual residential house and other structures located on a land plot assigned in the prescribed manner are determined by the customer independently, provided that their external dimensions (including height) ensure the established mandatory regulatory, sanitary, fire safety, and technical setbacks between these structures, as well as structures on adjacent land plots.

3. Individual housing construction is financed from the customer's own funds and other sources not prohibited by the legislation of the Republic of Kazakhstan.

4. Individual residential houses are commissioned in accordance with this Code after completion of all construction and installation works and landscaping of the allocated land plot for individual housing construction.

Article 131. Financing the construction and operation of social, transport, and engineering infrastructure facilities in the area of individual housing development

1. Financing for the construction and operation of social, transport, and engineering infrastructure facilities intended to serve the area of individual housing development, as well as the costs of developing engineering supply sources, shall be carried out from budgetary funds and other sources not prohibited by the legislation of the Republic of Kazakhstan.

2. Engineering development of areas of individual housing development with social, transport, and engineering infrastructure facilities, as well as the operation, repair, and

reconstruction (modernization) of these facilities, shall be carried out at the expense of the owner.

Chapter 18. COMMISSIONING OF CONSTRUCTION OBJECTS

Article 132. General requirements for the procedure for acceptance and commissioning of construction objects

1. Acceptance of construction objects for commissioning is regulated by this Code and the Civil Code of the Republic of Kazakhstan.

2. Acceptance and commissioning of a construction object are carried out by the customer upon its full readiness in accordance with the approved construction project and the availability of a declaration of conformity, conclusions on the quality of construction and installation works, on the conformity of the completed works to the construction project, and on the compliance of the construction object with fire safety requirements.

The conclusion on the quality of construction and installation works must be agreed with the local executive body of the region, city of republican significance, or the capital, which exercises state architectural and construction control and supervision, in the manner determined by the authorized body for architecture, urban planning, and construction.

Upon expiration of the established period for acceptance of the construction object for commissioning, the costs of maintaining the construction object shall be borne by the customer.

At the same time, full readiness of the construction object is determined in accordance with the rules for development and the passage of permitting procedures in the field of construction.

In certain cases provided for by Article 133 of this Code, acceptance of the construction object for commissioning is carried out by the owner (customer, investor) independently.

3. Acceptance for commissioning of completed road works for the construction of fiber-optic communication lines is carried out by the customer for the construction of fiber-optic communication lines along highways upon their full readiness and in accordance with the legislation of the Republic of Kazakhstan.

4. Acceptance and commissioning of unfinished construction objects are not permitted.

5. Commissioning of unfinished construction objects is permitted in respect of completed stages of construction (including launch complexes and phases) in accordance with the legislation of the Republic of Kazakhstan.

6. Acceptance of a construction object for commissioning is formalized by an act of acceptance of the construction object for commissioning. The act of acceptance of the construction object for commissioning is subject to approval.

Approval of the act of acceptance of the construction object for commissioning is carried out by the customer. The date of signing the act of acceptance of the construction object for

commissioning shall be deemed the date of its approval and the date of commissioning of the construction object.

7. The act of acceptance of the construction object for commissioning is signed by the customer, the contractor (general contractor), persons carrying out project management, technical supervision, and author's supervision, on the basis of the declaration of conformity and conclusions on the conformity of the completed works to the construction project and the quality of construction and installation works.

In the event that the construction object is accepted for commissioning with violations and/or deficiencies (defects and unfinished works), the participants in the acceptance of the construction object for commissioning shall bear responsibility established by the laws of the Republic of Kazakhstan.

8. The duties of the participants in the acceptance of the construction object for commissioning include:

1) establishing and documenting the readiness of the construction object for commissioning;

2) assessing the conformity of the completed construction and installation works and the installed technological, engineering, or other equipment with the design and estimate documentation approved in the prescribed manner, and with regulatory requirements (conditions, restrictions);

3) establishing the conformity of the capacity (volume, throughput) of the construction object being put into operation with the indicators approved in the construction project;

4) carrying out control testing and trials of the installed technological, engineering, or other equipment and engineering systems;

5) in the event that the construction object is unfit for operation, submitting to the customer an appropriate reasoned conclusion.

9. Signing of the act of acceptance of the construction object for commissioning shall be carried out after the final inspection of the construction object and compliance with the requirements established by this chapter.

10. Operation of a construction object without an approved act of acceptance of the construction object for commissioning is not permitted. Operation of industrial (production) facilities in the territory of special economic and industrial zones is permitted during commissioning and adjustment works. Products manufactured during commissioning and adjustment works that comply with standardization and safety requirements may be sold after approval of the act of acceptance of the construction object for commissioning.

11. The approved act of acceptance of the construction object for commissioning shall serve as the basis for entering the identification and technical information of buildings, structures, and/or their components into the digital system of the legal cadastre for newly created immovable property, and for the registration of rights to immovable property.

12. Before approval of the act of acceptance of the construction object for commissioning, the customer shall submit an executive geodetic survey of the actual location of engineering networks and/or buildings (structures) to the state urban planning cadastre for registration in the automated digital system of the state urban planning cadastre, in accordance with the rules for registration in the automated digital system of the state urban planning cadastre of urban planning projects, pre-design and design and estimate documentation, as well as objects of architectural, urban planning, and construction activity.

Article 133. Construction objects accepted for commissioning by the customer (owner, investor) independently

1. The customer (owner, investor) shall independently carry out the acceptance for commissioning of construction objects of the third level of responsibility specified in paragraph 4 of Article 98 of this Code.

2. The provisions of this article may not be applied if the changes to premises (separate parts of the construction object) specified in paragraph 4 of Article 98 of this Code, as well as the construction and operation of the listed construction objects of the third level of responsibility, infringe the rights of other citizens or conflict with state, public, and/or private interests.

3. The provisions of this article also do not apply to the construction of:

- 1) construction objects financed from state investments or with their participation;
- 2) individual residential houses.

4. The procedure for acceptance, as well as the form of the act of acceptance of the construction object for commissioning by the customer (owner, investor) independently, shall be approved by the authorized body for architecture, urban planning, and construction.

5. The act of acceptance of the construction object for commissioning by the customer (owner, investor) independently, together with the executive geodetic survey of the actual location of engineering networks and/or buildings (structures), shall be subject to mandatory registration by local executive bodies exercising functions in the field of architecture and urban planning in the automated digital system of the state urban planning cadastre.

An executive geodetic survey is not required when the owner independently commissions the objects specified in subparagraphs 4), 12), 14), 17), 18), and 20) of part 1 of paragraph 4 of Article 98 of this Code.

Article 134. Procedure for acceptance of construction objects into operation

1. The acceptance of a construction object for commissioning from the contractor (general contractor) is carried out by the customer jointly with the author's supervision and technical supervision.

2. Upon receipt of written notification from the contractor (general contractor) regarding the readiness of the construction object for acceptance into operation, the customer proceeds to accept the construction object.

3. From the date of receipt of the notification from the contractor (general contractor) regarding the readiness of the construction object, the customer requests from the contractor (general contractor) and the persons carrying out technical supervision and author's supervision the fire-technical inspection, declaration of conformity, and conclusions on the quality of construction and installation works, the conformity of the executed works to the construction project, and the compliance of the object with fire safety requirements.

The contractor (general contractor) and the persons carrying out technical supervision and author's supervision must submit the declaration of conformity, conclusions on the quality of construction and installation works, and the conformity of the executed works to the construction project, or negative conclusions, within three working days from the date of receipt of the request from the customer.

The territorial body of the authorized body in the field of civil protection, within the time limits established by the legislation of the Republic of Kazakhstan from the date of receipt of the application from the customer, carries out a fire-technical inspection and, upon compliance of an object with mass gathering of people and buildings with a height of more than twenty-eight meters with fire safety requirements, issues an appropriate conclusion before their acceptance into operation.

The conclusion on the conformity of the executed works to the construction project serves as the basis for providers of engineering and utility services to ensure access to the services they provide in accordance with the previously issued technical conditions for the design of the construction object, provided this does not contradict the norms and requirements established by the legislation of the Republic of Kazakhstan.

4. On the basis of the declaration of conformity, conclusions on the quality of construction and installation works, on the conformity of the executed works to the construction project, and on the compliance of the object with fire safety requirements, the customer is obliged to check the executive technical documentation for availability and completeness, and to inspect and accept the construction object into operation via an act of acceptance of the construction object into operation (conduct a final check of the construction object for readiness for acceptance into operation), jointly with the contractor (general contractor) and the persons carrying out technical supervision and author's supervision.

5. In the event of identifying violations of approved design solutions and the standards of state (interstate) regulatory documents, as well as in the presence of negative conclusions (issued based on the results of author's supervision and/or technical supervision), the customer accepts the construction object into operation after the contractor (general contractor) eliminates the violations.

When the identified violations are eliminated, the acceptance of the construction object into operation is carried out in the manner established by this article.

6. The submission to the customer of design and estimate documentation, the declaration of conformity, and conclusions on the quality of construction and installation works, the

conformity of the executed works to the construction project, and the compliance of the object with fire safety requirements does not relieve the performers of the contract for design and construction-installation works, or the persons carrying out technical supervision and author's supervision and fire-technical inspection, of responsibility for the work performed during the design, construction, acceptance, and commissioning of the construction object.

Article 135. Procedure for maintaining and recording acts of acceptance of a construction object into operation

1. The State Corporation "Government for Citizens", within one working day from the moment of receiving from the applicant the approved act of acceptance of a construction object into operation, with the attached technical characteristics of the construction object and an executive geodetic survey of the actual position of engineering networks and/or buildings (structures), the declaration of conformity, conclusions on the quality of construction and installation works, the conformity of the completed works to the approved construction project, and the compliance of the object with fire safety requirements, shall simultaneously send:

1) to the appropriate local executive body exercising functions in the field of architecture and urban planning at the location of the construction object, the approved act of acceptance of the construction object into operation with the attached technical characteristics of the construction object and the executive geodetic survey of the actual position of engineering networks and/or buildings (structures);

2) to the state bodies exercising architectural and construction control and supervision at the location of the construction object, the approved act of acceptance of the construction object into operation with the attached technical characteristics of the construction object, the declaration of conformity, conclusions on the quality of construction and installation works, the conformity of the completed works to the approved construction project, and the compliance of the object with fire safety requirements.

2. Local executive bodies exercising functions in the field of architecture and urban planning, within one working day from the moment of receiving the documents from the State Corporation "Government for Citizens", shall conduct a verification of compliance by the customer with the procedures defined by the rules for development and the passage of permitting procedures in the field of construction, and shall record the act of acceptance of the construction object into operation through the automated digital system of the state urban planning cadastre.

Based on the results of the verification, in the event of establishing non-compliance of the construction object with the requirements of the rules for development and the passage of permitting procedures in the field of construction, within one working day from the moment of receiving the documents from the State Corporation "Government for Citizens", they shall inform the bodies of state architectural and construction control and supervision and the State Corporation "Government for Citizens" of this in writing.

In the event of no non-compliance, within one working day from the moment of receiving the documents from the State Corporation "Government for Citizens", they shall inform the State Corporation "Government for Citizens" in writing.

3. State bodies exercising architectural and construction control and supervision, within one working day from the moment of receiving the documents from the State Corporation "Government for Citizens", shall conduct a verification regarding the customer's compliance with the norms and requirements established by the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities, including:

1) the existence of approvals and the conformity of the received documents to the approved forms and established requirements of the rules for development and the passage of permitting procedures in the field of construction;

2) the existence of confirmation by the central executive body exercising leadership and intersectoral coordination in the field of social protection of the population regarding the provision of access for persons with limited mobility;

3) connection to external engineering utilities ensuring the normal operation of the construction object and accepted by operational organizations;

4) compliance of apartments and non-residential premises located in multi-apartment residential buildings with soundproofing requirements;

5) the existence of an executive geodetic survey of the actual position of underground engineering networks and/or buildings (structures);

6) the existence of a floor plan and/or a plan of the construction object with an explanation;

7) the existence of a notification on the commencement of construction and installation works, including updated data on all changes during the construction period;

8) compliance with established duties by technical supervision;

9) the conformity of technical and economic indicators to the approved construction project that has undergone comprehensive non-departmental expert review of construction projects;

10) the existence of registration and entry of the executive geodetic survey into the automated digital system of the state urban planning cadastre.

If violations are identified, within one working day from the moment of receiving the documents from the State Corporation "Government for Citizens", they shall inform the State Corporation "Government for Citizens" in writing with a detailed description of the identified violation.

If there are sufficient data indicating a violation of the requirements of this Code and non-compliance with permitting procedures in the field of construction, the bodies of state architectural and construction control and supervision shall take measures to bring the persons who committed the violations to liability established by the laws of the Republic of Kazakhstan.

In the absence of violations, within one working day from the moment of receiving the documents from the State Corporation "Government for Citizens", they shall inform the State Corporation "Government for Citizens" in writing.

4. Responsibility for providing information within the time limits established by paragraphs 2 and 3 of this article shall rest with the officials of the local executive bodies exercising functions in the field of architecture and urban planning, as well as state architectural and construction control and supervision, in the manner established by the laws of the Republic of Kazakhstan.

Chapter 19. OPERATION OF CONSTRUCTION OBJECTS

Article 136. Basic requirements for the operation of construction objects

1. Construction objects shall be operated in accordance with their permitted use (purpose).
2. Operation of a constructed or reconstructed construction object is permitted after commissioning of that object, except in the cases specified in paragraph 3 of this article.
3. If a construction permit is not required for the construction or reconstruction of construction objects, operation of such objects is permitted after completion of their construction or reconstruction.
4. In the case of major repair of a construction object, operation of such construction objects is permitted after completion of the major repair.
5. Operation of construction objects, including maintenance of highways, shall be carried out in accordance with the requirements of technical regulations, regulatory legal acts of the Republic of Kazakhstan, as well as in accordance with design documentation. If, in accordance with this Code, preparation of design documentation and/or issuance of construction permits is not required for the construction or reconstruction of buildings and structures, operation of such buildings and structures shall be carried out in accordance with the requirements of technical regulations and regulatory legal acts of the Republic of Kazakhstan.
6. In order to ensure the safety of construction objects during their operation, maintenance of construction objects, operational control over the technical condition of construction objects, and routine repair of buildings and structures shall be ensured.
7. Operational control over the technical condition of construction objects shall be carried out during the operation of such objects through periodic inspections, control checks, and/or monitoring of the condition of foundations, building structures, and engineering support systems and networks, in order to assess the condition of structural and other characteristics of reliability and safety of construction objects, engineering support systems and networks, and the compliance of such characteristics with the requirements of regulatory legal acts of the Republic of Kazakhstan, state regulatory documents, design documentation, and executive documentation.

8. Maintenance of construction objects, repair of buildings and structures shall be carried out in order to ensure the proper technical condition of such objects. Proper technical condition of construction objects means maintaining the parameters of stability and reliability of construction objects, as well as the serviceability of building structures, engineering support systems and networks, and their elements in accordance with the requirements of regulatory legal acts of the Republic of Kazakhstan, state regulatory documents, and design documentation.

9. In cases determined by the legislation of the Republic of Kazakhstan, during the repair of buildings and structures, replacement and/or restoration of individual elements of the building structures of such construction objects (except for elements of load-bearing building structures), and elements of engineering support systems and networks of such construction objects, may be carried out.

10. Operational control over the technical condition of construction objects shall be carried out by the person responsible for the operation of the construction object.

11. Specific features of the operation of certain types of construction objects may be established by the legislation of the Republic of Kazakhstan. Operation of multi-apartment residential buildings shall be carried out taking into account the requirements of the housing legislation of the Republic of Kazakhstan.

12. If applications from individuals or legal entities are submitted to the local executive body at the location of buildings and structures regarding violations of the legislation of the Republic of Kazakhstan on the operation of construction objects, the occurrence of emergency situations in construction objects, or the emergence of a threat of destruction of construction objects, the local executive bodies shall inspect the construction objects in order to assess their technical condition and proper maintenance in accordance with the requirements of technical regulations and regulatory legal acts of the Republic of Kazakhstan concerning the structural and other characteristics of reliability and safety of construction objects, the requirements of the design documentation of such objects, and shall send recommendations to the persons responsible for the operation of the construction objects on measures to eliminate the identified violations. The procedure for conducting this inspection shall be established by the legislation of the Republic of Kazakhstan.

13. During the operation of construction objects, state control and supervision shall be exercised in cases provided for by the laws of the Republic of Kazakhstan.

Article 137. Duties of the person responsible for the operation of a construction object

1. The person responsible for the operation of a construction object is the owner of the construction object (including through a condominium) or persons who possess the construction object on another lawful basis, or a person (an individual entrepreneur or a legal entity) engaged by the owners or persons possessing the construction object on another lawful basis for the safe operation of the construction object on the basis of a construction object operation contract.

At the same time, the construction object operation contract shall be concluded with an individual entrepreneur or legal entity that meets the requirements approved by the authorized body for architecture, urban planning, and construction.

2. If the number of owners of a construction object is two or more, decisions on matters of its safe operation, including the common property of the construction object, on engaging, on the basis of a construction object operation contract, an individual entrepreneur or legal entity for the purpose of ensuring the safe operation of the construction object, and on other matters, shall be made by such owners in proportion to each owner's share in the total area of the construction object. The share shall be determined by the ratio of the area of the premises of the construction object under individual (separate) ownership to the sum of the areas of all premises of the construction object.

If there are two or more owners, decisions on the safe operation of the construction object and other matters may be made at a general meeting of a condominium created on a voluntary basis, taking into account the proportional share of each owner in the total area of the construction object, in accordance with the rules for the safe operation of a condominium construction object approved by the authorized body for architecture, urban planning, and construction.

3. If an individual entrepreneur or legal entity is engaged for the purpose of ensuring the safe operation of a construction object on the basis of a construction object operation contract, the owner of the construction object or persons possessing it on another lawful basis shall be obliged to transfer the following documents to that person:

- results of engineering surveys;

- certified copies, by the design organization, of the design and estimate documentation that received a positive conclusion from the comprehensive non-departmental expert review of construction projects;

- copies of the positive conclusion of the comprehensive non-departmental expert review of construction projects and all its amendments;

- copies of the executive technical documentation;

- a copy of the act of acceptance of the construction object into operation with mandatory attachments;

- a copy of the title document for the land plot;

- passports of technological equipment;

- other documentation necessary for the safe operation of the construction object.

4. The frequency and composition of the works to be performed for maintenance and for maintaining the proper technical condition of the construction object (including necessary observations and inspections) shall be determined in accordance with state regulatory documents and the results of monitoring the technical condition of the construction object, based on the conditions of their construction, reconstruction, major repair, and operation.

5. The person responsible for the operation of a construction object shall be obliged to maintain a construction object operation log, which shall record the dates and results of inspections, control checks and/or monitoring of its foundations, building structures, engineering support systems and networks, and their elements, the maintenance works performed on the construction object, the current repair works carried out on the construction object, the dates and content of orders issued by state bodies to eliminate violations identified during the operation of the construction object, information on the elimination of such violations, and shall also comply with the requirements of the construction object operation rules approved by the authorized body for architecture, urban planning, and construction, national standards, and technical regulations.

6. The form of the construction object operation log and the requirements for maintaining such a log shall be established by the authorized body for architecture, urban planning, and construction in agreement with the interested state bodies.

7. The person responsible for the safe operation of a construction object shall be obliged to notify, in the event of each emergency situation occurring during its operation:

1) the state control and supervision bodies, if state control and supervision over the operation of the construction object is carried out in accordance with the laws of the Republic of Kazakhstan;

2) local self-government bodies, except in the cases specified in subparagraph 1) of this paragraph;

3) the owners of the construction object or persons possessing it on another lawful basis, if the person responsible for the operation of the construction object is an individual entrepreneur or legal entity engaged on the basis of a construction object operation contract.

8. In the event of a change in the person responsible for the safe operation of a construction object, the person who was responsible for its safe operation shall be obliged, within ten days, to transfer to the new person responsible for the safe operation of the construction object the construction object operation log, orders issued by state bodies to eliminate violations identified during the operation of the construction object, inspection reports on the fulfillment of such orders by state bodies, recommendations of the local executive body, and other documents confirming the performance of maintenance, operational control, and current repair works on the construction object.

9. The person responsible for the safe operation of a construction object shall be obliged to participate, including financially, in the maintenance of adjacent construction objects.

10. The provisions of this article do not apply to construction objects operated in accordance with the Law of the Republic of Kazakhstan “On Housing Relations.”

Note. For the purposes of this article, the common property of a construction object shall include: facades, vestibules, lobbies, corridors, stair flights (landings), premises intended for

the placement of engineering equipment and engineering networks, elevators, roofs, attics, common engineering systems and equipment, the land plot under the construction object and/or the adjacent land plot, landscaping elements, and other common-use property.

Article 138. Suspension and termination of operation of construction objects

1. In cases of violations during the operation of construction objects of the requirements of technical regulations, regulatory legal acts of the Republic of Kazakhstan, and design documentation, the operation of construction objects may be suspended in the manner established by the legislation of the Republic of Kazakhstan, unless otherwise provided by the legislation of the Republic of Kazakhstan.

2. The operation of construction objects shall be terminated after their decommissioning, if this is provided for by the legislation of the Republic of Kazakhstan, as well as in cases of accidental destruction and/or demolition.

Article 139. Recognition of a construction object as emergency and subject to demolition or reconstruction

1. A construction object may be recognized as emergency and subject to demolition or reconstruction. Recognition of a construction object as emergency and subject to demolition or reconstruction shall be carried out based on the results of an inspection of its actual condition and/or the territory on which such construction object is located.

2. Recognition of a multi-apartment residential building as emergency and subject to demolition or reconstruction shall be carried out in accordance with the legislation of the Republic of Kazakhstan, taking into account the specific features established by the housing legislation of the Republic of Kazakhstan.

3. The procedure and grounds for recognizing a construction object as emergency and subject to demolition or reconstruction shall be approved by the authorized body for architecture, urban planning, and construction. In this case, the following shall be determined in the following order:

1) the procedure for the decision by the authorized state body and/or local executive body to create an interdepartmental commission for the purpose of assessing the actual condition of the construction object and/or the territory on which such construction object is located, the procedure for forming such commission, the procedure for holding its meetings, and the procedure for formalizing its decisions;

2) the procedure for inspecting the construction object and/or the territory on which such construction object is located, and the procedure for assessing the actual condition of such construction objects and/or territory;

3) the procedure for notifying the owner of the construction object, the owners of premises in it (apartments and/or non-residential premises), and the person possessing the construction object, a premise in it (an apartment and/or non-residential premise) on another lawful basis, about consideration of the issue of recognizing such construction object as emergency and subject to demolition or reconstruction;

4) the procedure and time limits for making a decision on recognizing the construction object as emergency and subject to demolition or reconstruction.

Article 140. Renovation

1. Renovation is a set of measures for the renewal of construction objects, including dilapidated and/or emergency ones, aimed at improving the conditions of their operation in order to form a high-quality and comfortable environment in settlements, with provision of social, engineering, and transport infrastructure, landscaping, as well as bringing them into conformity with the architectural appearance of the settlement through reconstruction (major repair), restoration, or construction of new construction objects with the demolition of dilapidated and/or emergency construction objects.

2. The objects of renovation are construction objects located in the territory of the Republic of Kazakhstan and included in the renovation program in accordance with urban planning projects.

3. The objectives of renovation are:

- 1) improving the quality of settlements and the living conditions of individuals;
- 2) increasing the functional, sanitary, energy, and architectural efficiency of built-up areas

;

3) preserving and adapting objects of historical and cultural heritage.

4. Financing of the renovation program shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Chapter 20. CLASSIFICATION OF UNFINISHED CONSTRUCTION OBJECTS, THE CONSTRUCTION OR RECONSTRUCTION OF WHICH IS CARRIED OUT WHOLLY OR PARTLY AT THE EXPENSE OF BUDGET FUNDS, AS UNFINISHED CONSTRUCTION OBJECTS

Article 141. Grounds for classifying unfinished construction objects, the construction or reconstruction of which is carried out wholly or partly at the expense of budget funds, as unfinished construction objects

1. An unfinished construction object, the construction or reconstruction of which is carried out wholly or partly at the expense of budget funds and is not completed, shall be recognized as an unfinished construction object from the day the information about it is entered into the state register of unfinished construction objects on the following grounds:

1) the validity period of the construction permit has expired;

2) more than twelve months have passed since the refusal to register the act of commissioning of the construction object, provided that the grounds for refusal to register the act of commissioning have not been eliminated;

3) the validity period of the temporary paid land use agreement (lease) for the land plot on which the construction object is located, the construction or reconstruction of which has not been completed, or the gratuitous use agreement for such land plot concluded with the

contractor (general contractor), has expired, in the absence of grounds provided for by the civil and land legislation of the Republic of Kazakhstan for acquiring rights to such land plot for the purpose of completing the construction or reconstruction of the construction object;

4) the construction or reconstruction of the construction object has not been completed and restrictions established by land and other legislation of the Republic of Kazakhstan have arisen, which under this Code constitute grounds for refusal to register the act of commissioning of the construction object;

5) in accordance with the budget legislation of the Republic of Kazakhstan, budget funds are not provided for the completion of the construction and reconstruction of the construction object, the construction and reconstruction of which have not been completed, for a period of three years starting from the last year in which such construction and reconstruction were financed from budget funds, provided that such construction and reconstruction are not carried out from non-budgetary sources of financing;

6) an arrest, a prohibition on performing certain actions, and/or a preventive measure in the form of a pledge has been imposed in relation to the construction object, the construction or reconstruction of which has not been completed, and/or the land plot on which such construction object is located;

7) there are court acts that have entered into legal force, including a decision recognizing the construction object as an unauthorized construction.

2. In addition to the grounds provided for in paragraph 1 of this article, the authorized body for architecture, urban planning, and construction, and the local executive body may provide for other grounds for classifying construction objects, the construction or reconstruction of which has not been completed, as unfinished construction objects, the construction or reconstruction of which was carried out wholly or partly at the expense of budget funds.

3. Construction objects, the construction or reconstruction of which was carried out wholly or partly at the expense of budget funds and has not been completed, shall be classified as unfinished construction objects subject to inclusion in the state register of unfinished construction objects in accordance with Article 142 of this Code.

Article 142. Register of unfinished construction objects

1. Unfinished construction objects, the construction or reconstruction of which was carried out wholly or partly at the expense of budget funds, shall be subject to inclusion in the state register of unfinished construction objects.

Construction objects shall be included in the state register of unfinished construction objects by decision of:

1) the authorized body for architecture, urban planning, and construction, if their construction or reconstruction was carried out wholly or partly at the expense of the republican budget;

2) the local executive body, if their construction or reconstruction was carried out wholly or partly at the expense of the local budget.

2. The procedure for forming and maintaining the state register of unfinished construction objects, the composition of the information included in it, and the procedure for submitting such information shall be determined by the authorized body for architecture, urban planning, and construction.

Chapter 21. POST-UTILIZATION (DEMOLITION) OF CONSTRUCTION OBJECTS

Article 143. General provisions on post-utilization (demolition) of construction objects

1. Post-utilization (demolition) of a construction object shall be carried out on the basis of a decision of the owner of the construction object or, in cases provided for by this Code and other laws of the Republic of Kazakhstan, on the basis of a court act that has entered into legal force, or a decision of the local executive body, unless otherwise provided by paragraph 2 of this article.

2. The basis for demolition of a construction object included in the list of construction objects subject to demolition shall be the urban planning projects for the development and development of settlements.

3. For the purpose of post-utilization (demolition) of a construction object, the contractor (general contractor) or the customer shall ensure the preparation of a construction project for the organization of demolition works as a separate document, except in the cases provided for by paragraph 4 of this article. The preparation of the construction project for the organization of post-utilization (demolition) works of a construction object shall be carried out by a design organization or a certified specialist in the field of architectural, urban planning, and construction activities whose information is included in the register of specialists.

4. Preparation of a construction project for the organization of post-utilization (demolition) works of a construction object shall not be required for the post-utilization (demolition) of construction objects specified in paragraph 4 of Article 98 of this Code. In this case, the contractor (general contractor) shall have the right, on its own initiative, to ensure the preparation of the organization of works for the post-utilization (demolition) of such construction objects.

5. The preparation of a construction project for the organization of post-utilization (demolition) works of a construction object shall be carried out on the basis of the results and materials of the inspection of the construction object in accordance with the requirements of technical regulations, sanitary and epidemiological requirements, environmental protection requirements, requirements for activities in the field of atomic energy use, and requirements for carrying out activities in the field of industrial safety.

6. Requirements for the composition and content of the construction project for the organization of post-utilization (demolition) works of a construction object shall be established by the authorized body for architecture, urban planning, and construction.

7. If post-utilization (demolition) of a construction object is planned to be carried out with the involvement of state investments, the contractor (general contractor) or the customer shall ensure the preparation of the estimated construction cost.

8. If the demolition of a construction object located on a land plot in state ownership, for which no land use right has been granted in accordance with the legislation of the Republic of Kazakhstan, is ensured by a state body or a local executive body, the functions of the contractor (general contractor) shall be performed by those bodies or by persons with whom those bodies have concluded a demolition contract for such construction object.

Article 144. Implementation of post-utilization (demolition) of a construction object

1. Post-utilization (demolition) of a construction object shall be carried out in accordance with the construction project for the organization of demolition works after the construction object has been disconnected from engineering and technical support networks in accordance with the conditions for disconnection from such networks issued by the organizations operating the engineering and technical support networks, as well as after the construction object has been decommissioned, if this is provided for by the legislation of the Republic of Kazakhstan.

2. The conditions for disconnection of a construction object from engineering and technical support networks shall be issued by the organizations operating such networks within no more than ten working days from the date of receipt of an application for the issuance of such conditions from the contractor (general contractor), the authorized state body, or the local executive body. Disconnection of a construction object from engineering and technical support networks shall be confirmed by an act signed by the organization operating the engineering and technical support networks. The procedure for disconnecting a construction object from engineering and technical support networks shall be determined by the authorized body for architecture, urban planning, and construction.

3. During the post-utilization (demolition) of a construction object, measures shall be taken to prevent harm to the life or health of people, damage to the property of individuals or legal entities, and damage to the environment. Temporary fencing, access roads, and measures for the disposal of construction waste shall be provided.

4. Works under contracts for the post-utilization (demolition) of a construction object shall be performed by contractors (general contractors), unless otherwise established by this article. When performing post-utilization (demolition) works under such contracts, compliance with the requirements of the construction project for the organization of demolition works, technical regulations, and safety rules during the performance of the works shall be ensured.

5. For the purpose of post-utilization (demolition) of a construction object, the owner, contractor (general contractor), or customer shall submit to the local executive body at the location of the construction object a notification of the planned post-utilization (demolition) of the construction object no later than seven working days before the start of the demolition

works, in the procedure determined by the authorized body for architecture, urban planning, and construction.

6. The owner, contractor (general contractor), or customer shall, within three working days after completion of the post-utilization (demolition) of the construction object, submit to the local executive body at the location of the land plot on which the construction object was located a notification of completion of the post-utilization (demolition) of the construction object.

7. The demolition act of the construction object shall be subject to mandatory recording and registration in the automated digital system of the state urban planning cadastre by the local executive bodies for architecture, urban planning, and construction.

Article 145. Specific features of demolition of an unauthorized construction object or bringing it into compliance with established requirements

1. The demolition of construction objects that are unauthorized constructions, or bringing them into compliance with established requirements, shall be carried out compulsorily on the basis of a court act that has entered into legal force, or a decision of the local executive body.

2. The local executive body at the location of the unauthorized construction shall, within a period not exceeding twenty working days from the date of receipt from state bodies and/or organizations and other persons of a notification (application) about the identification of an unauthorized construction and documents confirming the presence of signs of an unauthorized construction provided for by the legislation of the Republic of Kazakhstan, be obliged to consider such notification (application) and documents and, based on the results of such consideration, take one of the following actions:

1) adopt a decision on the demolition of the unauthorized construction or a decision to bring it into compliance with the established requirements in cases provided for by the legislation of the Republic of Kazakhstan;

2) apply to the court with a claim for demolition of the unauthorized construction or for bringing it into compliance with the established requirements;

3) send a notification stating that the presence of signs of an unauthorized construction is not established, to the person who submitted the notification (application) about the identified unauthorized construction.

3. The demolition of an unauthorized construction or bringing it into compliance with the established requirements shall be carried out by the person who ordered or erected the unauthorized construction, or carried out its construction, and, in the absence of information about such person, by the right holder of the land plot on which the unauthorized construction was created or erected, within the period established by the court act that has entered into legal force, or by the decision of the local executive body.

4. The demolition of an unauthorized construction shall be carried out in accordance with Articles 143 and 144 of this Code. Bringing an unauthorized construction into compliance

with the established requirements shall be carried out by means of its reconstruction in the manner established by Chapter 15 of this Code.

SECTION 6. LIABILITY FOR VIOLATION OF THE LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN ON ARCHITECTURAL, URBAN PLANNING, AND CONSTRUCTION ACTIVITIES. TRANSITIONAL AND FINAL PROVISIONS Chapter 22. LIABILITY FOR VIOLATION OF THE LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN ON ARCHITECTURAL, URBAN PLANNING, AND CONSTRUCTION ACTIVITIES

Article 146. Liability of subjects of architectural, urban planning, and construction activities for violation of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities

1. Violations of the norms and requirements (conditions, rules, restrictions) established by the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities, committed by subjects of architectural, urban planning, and construction activities, shall entail liability established by the laws of the Republic of Kazakhstan.

The following violations include:

- 1) deviation from the approved functional designation of territories, urban planning regulations, the established regime of special regulation and urban planning regulation;
- 2) deviation from and non-compliance of the detailed planning project with the approved master plan of a settlement or with the development and construction scheme (simplified master plan);
- 3) deviation from the procedure established by the legislation of the Republic of Kazakhstan for the selection and allocation (permission for use), as well as withdrawal of land plots for urban planning purposes related to the provision of state needs;
- 4) performance of survey, design, and construction and installation works in violation of the requirements of the legislation of the Republic of Kazakhstan and state regulatory documents;
- 5) deviation from the established procedure for the development, approval, expert review, and approval of urban planning documentation, as well as deviation from documentation approved in the manner established by the legislation of the Republic of Kazakhstan, or making changes to it without complying with the requirements established by the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities;
- 6) deviation from the established procedure for the development, expert review, and approval of design and estimate documentation, as well as deviation from documentation approved in the manner established by the legislation of the Republic of Kazakhstan, or making changes to it without complying with the requirements established by the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities;

7) performance of construction and installation works without notifying the state bodies exercising state architectural and construction control and supervision, in the manner established by the legislation of the Republic of Kazakhstan on permits and notifications;

8) carrying out construction without author's supervision and technical supervision in cases where this Code provides for their mandatory application;

9) carrying out construction (reconstruction, restoration, expansion, technical re-equipment, modernization, major repair) of construction objects and their complexes in violation of the requirements of approved state regulatory documents, which may lead to a reduction or loss of strength, stability, and reliability of buildings, structures, their parts, or individual structural elements, deterioration of the operational qualities of the construction objects being erected, and negative impact on the environment;

10) unauthorized construction, as well as changing the architectural appearance of a settlement, non-compliance with the design code, reconstruction (replanning, re-equipment, repurposing) of construction objects, individual premises and/or parts of construction objects;

11) deviation from the established red lines and building lines, as well as yellow lines in areas (zones) of increased seismic hazard during the planning and development of settlements ;

12) non-compliance with the norms and requirements of regulatory documents, as well as the requirements established by the regulatory legal acts of the Republic of Kazakhstan, including those on labor protection, fire and explosion safety, civil defense, sanitary and environmental safety, and ensuring access for persons with limited mobility to construction objects of social, transport, and recreational infrastructure during the design, expert review, construction, and subsequent operation of the construction object, as well as failure to use domestic materials, equipment, products, and structures included in the database of goods, works, services, and their suppliers in construction objects financed from state investments;

13) violation of the procedure for acceptance of construction objects into operation, as well as their maintenance during operation;

14) unjustified refusal to issue, or issuance of inaccurate information about the preparation and adoption of decisions related to the planning and development (reconstruction) of settlements (parts of settlements), projected construction objects, as well as about the state of the living environment and life activity and the changes expected therein that directly affect the interests of individuals and legal entities, and the state;

15) deviation from the design and estimate documentation developed and approved in the prescribed manner during construction and installation works;

16) carrying out activities in the field of architecture, urban planning, and construction without permits;

17) failure to register the condominium object of a multi-apartment residential building that has been commissioned;

18) failure to ensure the transfer of external engineering networks and structures of a multi-apartment residential building into communal ownership in accordance with the design and estimate documentation;

19) failure to ensure the inclusion of the land plot in the common property of the condominium object of a multi-apartment residential building;

20) violation of the requirements established by the legislation of the Republic of Kazakhstan for the provision of information and/or data for filling the automated digital system of the state urban planning cadastre;

21) violation of the procedure established by the legislation of the Republic of Kazakhstan for maintaining and updating the duty topographic plan in the automated digital system of the state urban planning cadastre;

22) other actions that worsen the state of the living environment and life activity, infringe the rights and legitimate interests of citizens, including persons with limited mobility, and society as a whole, and cause damage to state interests, which entail liability established by the laws of the Republic of Kazakhstan.

2. The obligation to eliminate the committed violation (conditions, rules, restrictions) and its consequences, as well as to compensate for the damage (harm) caused, shall be imposed on the subject of architectural, urban planning, and construction activities that committed the specified violations (conditions, rules, restrictions).

3. Facts of non-compliance with the warranty period by subjects of architectural, urban planning, and/or construction activities shall be established in accordance with the norms of the Civil Code of the Republic of Kazakhstan, as well as Article 122 of this Code.

4. In cases where violations of the requirements of the legislation of the Republic of Kazakhstan, as well as urban planning and technical regulations, norms and provisions of state and interstate regulatory documents that directly affect the strength, stability, and reliability of a construction object are identified in the design and estimate documentation, as well as violations in the urban planning project, violations of norms and requirements and failure to eliminate the identified violations during and within the established time limits for project expert review, the design organization that developed the design and estimate documentation and urban planning projects shall bear liability established by the laws of the Republic of Kazakhstan.

The confirmation of identified violations in the development of design and estimate documentation and urban planning projects shall be a negative expert conclusion.

If, during construction, violations of the requirements of the legislation of the Republic of Kazakhstan, as well as urban planning and technical regulations, norms and provisions of state and interstate regulatory documents that directly affect the strength, stability, and reliability of the construction object under construction, are identified in the design and estimate documentation, the design organization that developed the design and estimate documentation, as well as the expert who issued a positive expert conclusion on the design

and estimate documentation, shall bear liability established by the laws of the Republic of Kazakhstan.

If violations of norms and requirements are identified in the urban planning project, the design organization that developed the urban planning project, as well as the expert and the state expert organization that issued a positive expert conclusion on the urban planning project, shall bear liability established by the laws of the Republic of Kazakhstan.

The identified violations and expert remarks must be reasoned and substantiated with references to the relevant regulatory legal acts of the Republic of Kazakhstan, the requirements of urban planning and technical regulations, and the norms and provisions of state and interstate regulatory documents. The issuance of remarks of a recommendatory nature is not permitted.

A violation of the reasonableness and/or reliability of the estimated or budgeted construction cost shall be confirmed by a forensic examination conducted in the manner established by the legislation of the Republic of Kazakhstan.

In the event that a forensic examination confirms an unjustified overstatement and/or understatement of the estimated or budgeted construction cost, the persons who developed the design and estimate documentation and conducted the comprehensive non-departmental expert review of construction projects for it shall bear liability established by the laws of the Republic of Kazakhstan.

5. Architectural and planning assignments, approved conceptual designs, as well as positive expert opinions, and technical survey reports on the condition of a building or structure, that have been approved and issued in violation of the requirements of the legislation of the Republic of Kazakhstan, as well as urban planning and technical regulations, norms and provisions of state and interstate regulatory documents, shall be subject to withdrawal or cancellation in the manner established by the legislation of the Republic of Kazakhstan.

The withdrawal and cancellation of an architectural and planning assignment or an approved conceptual design shall be carried out on the basis of an issued order by the authorized body for architecture, urban planning, and construction, or a local executive body of a region, a city of republican significance, or the capital, exercising state architectural and construction control and supervision, and a court act that has entered into legal force.

The withdrawal and cancellation of a technical survey report on the condition of a building or structure shall be carried out on the basis of an issued order by a local executive body of an oblast, a city of republican significance, or the capital, exercising state architectural and construction control and supervision, and a court act that has entered into legal force.

The withdrawal of an expert opinion shall be carried out by a state expert organization or expert organizations in accordance with Article 115 of this Code.

Chapter 23. TRANSITIONAL AND FINAL PROVISIONS

Article 147. Transitional provisions

1. To suspend until January 1, 2030, the effect of paragraph 4 of Article 76, part one of paragraph 5 of Article 78, subparagraph 1) of part one of paragraph 4 of Article 98, and part four of paragraph 5 of Article 120 of this Code, establishing that during the suspension period, these paragraph, parts, and subparagraph shall operate in the following wording:

"4. When developing and approving the master plan of a settlement, seismic microzoning maps, as well as mudflow, landslide, and avalanche hazard and risk maps, shall be taken into account, if available.";

"5. When developing and approving a detailed planning project, seismic microzoning maps, as well as mudflow, landslide, and avalanche hazard and risk maps, shall be taken into account, if available.";

"1) construction of individual residential houses not exceeding two stories, except for construction in areas (zones) of increased seismic hazard in accordance with seismic microzoning maps, as well as mudflow, landslide, and avalanche hazard and risk maps, if available;"

"The design assignment shall include the required parameters of the construction object, other initial data, including information from seismic microzoning maps and mudflow, landslide, and avalanche hazard and risk maps, if available."

2. The establishment of a sanitary-protection zone for construction objects commissioned before the entry into force of this Code, for which a sanitary-protection zone has not been established, shall be carried out by the state body in the field of sanitary and epidemiological well-being of the population, and by structural subdivisions of other state bodies carrying out activities in the field of sanitary and epidemiological well-being of the population, in accordance with regulatory legal acts in the field of sanitary and epidemiological well-being of the population.

3. Within the territory of industrial (production) zones of a settlement, it is permitted to place buildings for the residence of industrial enterprise workers, which were constructed and are functioning before the entry into force of this Code.

4. Expert certificates for the right to perform expert works and engineering services in the field of architectural, urban planning, and construction activities, obtained before the entry into force of this Code, shall remain valid for two years from the date of entry into force of this Code.

5. Certification centers may be established within one year from the date of entry into force of this Code.

6. Persons holding expert certificates for the provision of engineering services and expert works shall be entitled to undergo certification in a certification center after concluding an agreement on the right to conduct certification of specialists (experts) in the field of

architectural, urban planning, and construction activities with the authorized body for architecture, urban planning, and construction.

7. When a self-regulatory organization with mandatory membership (participation) in the field of architectural, urban planning, and construction activities is established, the certification center must be established by such self-regulatory organization within twelve months from the date of its entry into the register of self-regulatory organizations.

8. The words “certificate of specialists (experts) in the field of architectural, urban planning, and construction activities” used in this Code shall be equivalent to the words “certificates in the field of architectural, urban planning, and construction activities” until July 1, 2028.

Article 148. Procedure for the entry into force of this Code

1. This Code shall enter into force on July 1, 2026, except for:

1) part two of paragraph 3 of Article 61 of this Code, which shall enter into force on January 1, 2027;

2) Articles 57 and 58 of this Code, which shall enter into force on July 1, 2028.

2. To declare invalid:

1) the Law of the Republic of Kazakhstan of November 3, 1994, “On Individual Housing Construction”;

2) the Law of the Republic of Kazakhstan of July 16, 2001, “On Architectural, Urban Planning, and Construction Activities in the Republic of Kazakhstan,” except for subparagraphs 11-1), 23-19), 23-20), 23-22), 23-25), and 23-26) of Article 20, subparagraph 17-6) of paragraph 1 of Article 24, subparagraph 18-6) of paragraph 1 of Article 25, and paragraph 2 of paragraph 1 of Article 32-1, which shall remain in force until July 1, 2028.

President of the Republic of Kazakhstan K. Tokayev