

On approval of Agreement between the Government of the Republic of Kazakhstan and the Government of the People's Republic of China on cooperation in the field of environmental protection

Unofficial translation

Order No. 583 of the Government of the Republic of Kazakhstan dated May 7, 2012

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The Government of the Republic of Kazakhstan hereby **RESOLVES**:

1. To approve the attached Agreement between the Government of the Republic of Kazakhstan and the Government of the People's Republic of China on cooperation in the field of environmental protection, done in Astana on June 13, 2011.

2. This resolution shall be enforced from the date of signing.

Prime Minister of the Republic of Kazakhstan

K. Massimov

Agreement between the Government of the Republic of Kazakhstan and the Government of the People's Republic of China on cooperation in the field of environmental protection

The Government of the Republic of Kazakhstan and the Government of the People's Republic of China, hereinafter referred to as the Parties,

for the purpose of further development and strengthening of strategic partnership relations and cooperation between the two states,

guided by generally recognized principles and norms of the international law, non-interference in each other's internal affairs, equality and peaceful coexistence,

in accordance with Article 10 of the Treaty on Good-Neighborliness, Friendship and Cooperation Between the Republic of Kazakhstan and the People's Republic of China of December 23, 2002,

understanding the importance of protecting the environment and preserving ecosystems in the process of using natural resources,

aware of their responsibility to the present and future generations for preservation of the environment, prevention of environmental disasters and degradation of the natural environment,

desiring to promote the establishment of long-term cooperation in the field of environmental protection and peaceful settlement of issues,

have agreed as follows:

Article 1

This Agreement shall govern the activities of the Parties in environmental protection in the frames of their cooperation in the areas specified in Article 2 of this Agreement.

Article 2

Cooperation between the Parties shall scope the following main areas:

- 1) prevention and control of air pollution;
- 2) prevention and control of water pollution, including monitoring of the water quality of transboundary rivers, mutual transfer of information about emergencies related to water pollution, and adoption of urgent measures to eliminate pollution;
- 3) prevention and control of solid waste pollution, also their disposal;
- 4) hazardous waste management, including their prevention illegal cross-border movement;
- 5) prevention and control of radioactive contamination;
- 6) conservation of biological diversity;
- 7) protection of ecosystems from degradation and prevention of sandstorms;
- 8) environmental protection in the use of land resources;
- 9) joint response to emergency situations impacting the environment;
- 10) environmental monitoring;
- 11) conducting joint research and aligning the rules and indicators of environmental monitoring acceptable to the Parties, and methodologies for their analysis;
- 12) promoting introduction and dissemination of environmentally friendly production technologies;
- 13) research, education, training of professionals and environmental advocacy;
- 14) other cooperation areas agreed by the Parties.

Article 3

Cooperation between the Parties shall be carried out in the following basic forms:

- 1) joint development and implementation of programmes and cooperation projects;
- 2) exchange of views and consultations between experts, mutual visits of delegations and training;
- 3) conducting joint meetings, conferences and scientific workshops;
- 4) exchange of reports on condition of the environment, also information and materials on science, engineering, technology, politics, legislation, regulations and other issues in the field of environmental protection;
- 5) conducting joint scientific research;
- 6) other forms of cooperation agreed by the Parties.

Article 4

1. The parties shall establish a working mechanism for mutual notification on emergencies that have a transboundary environmental impact.

2. On the basis of mutual support, the Parties shall take the necessary and rational measures to prevent emergency situations that damage the environment of the state of the other Party, also to eliminate or maximally reduce the transboundary environmental impact.

Article 5

1. The competent authorities of the Parties for the implementation of this Agreement shall be:

from the Republic of Kazakhstan - the Ministry of Environmental Protection of the Republic of Kazakhstan,

from the People's Republic of China - the Ministry of Environmental Protection of the People's Republic of China.

2. In the event of a change in the names and functions of the competent authorities, the Parties shall duly notify each other by diplomatic channels.

Article 6

1. Coordination of fulfillment of this Agreement shall be performed by Kazakhstan-China Commission for Cooperation in the Field of Environmental Protection (hereinafter - the Commission), established in accordance with the Agreement between the Government of the Republic of Kazakhstan and the Government of the People's Republic of China on the protection of water quality of transboundary rivers of February 22, 2011.

2. In the implementation of this Agreement, the Commission, as necessary, shall form task groups to work under its leadership.

3. Meetings of the Commission shall be held alternately in the territories of the states of the Parties. The host Party shall provide the venue and vehicles for the meeting. The parties shall independently bear financial costs associated with secondment, accommodation and meals. The working languages of the Commission shall be Russian and Chinese.

Article 7

This Agreement shall not affect the rights and obligations of the Parties arising from other international treaties to which the States of the Parties are signatories.

Article 8

1. Neither of the Parties shall transfer to a third party the information received within the implementation of this Agreement from the other Party, unless the Parties agree otherwise.

2. When implementing this Agreement, each of the Parties shall have the right not to transfer to the other Party the information relating to state secrets in accordance with the national legislation of its state.

Article 9

The Parties shall independently bear financial expenses associated with the implementation of this Agreement, within the funds provided for by the national laws of their states.

Article 10

By mutual consent of the Parties, this Agreement may be amended and supplemented by separate protocols that shall be integral parts of this Agreement.

Article 11

In the event of disputes regarding the interpretation and application of the provisions of this Agreement, the Parties shall resolve them through negotiations and consultations.

Article 12

1. This Agreement shall take effect on the date of receipt by diplomatic channels of the last written notice on the completion by the Parties of the domestic procedures necessary for its enforcement.

2. This Agreement shall be concluded for five years and automatically renewed for subsequent five-year terms if neither Party sends a written notification to the other Party through diplomatic channels of its intention to terminate it no later than six months before the end of the next term.

Done in Astana on June 13, 2011 in duplicate, each in the Kazakh, Chinese and Russian languages, all the texts being equally authentic.

In case of disagreement in the interpretation of this Agreement, the Parties shall refer to the texts in Russian and Chinese.

For the Government of the Republic of Kazakhstan

For the Government of the People's Republic of China