



## On approval of the Rules of transferring lands of other categories to the forest fund lands

### *Unofficial translation*

Order of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan dated August 28, 2017 No. 364. It is registered in the Ministry of Justice of the Republic of Kazakhstan on October 17, 2017 No. 15901.

### *Unofficial translation*

In accordance with subparagraph 18-48) of paragraph 1 of Article 13 of the Forest Code of the Republic of Kazakhstan dated July 8, 2003 I hereby **ORDER**:

1. To approve the attached Rules of transferring lands of other categories to the forest fund lands.

2. In accordance with the procedure established by the legislation, the Forestry and Wildlife Committee of the Ministry of Agriculture of the Republic of Kazakhstan shall:

1) provide the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days from the date of the state registration of this order, direct a copy of it in paper and electronic forms in the Kazakh and Russian languages to the Republican State Enterprise with the Right of Economic Management “Republican Center of Legal Information” for official publication and inclusion in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) within ten calendar days after the state registration of this order, direct a copy of it for the official publication in periodicals;

4) place this order on the Internet resource of the Ministry of Agriculture of the Republic of Kazakhstan.

3. Control over the execution of this order shall be assigned to the supervising Vice Minister of Agriculture of the Republic of Kazakhstan.

4. This order shall be enforced upon expiry of ten calendar days after the date of its first official publication.

*Deputy Prime Minister  
of the Republic of Kazakhstan -  
Minister of Agriculture  
of the Republic of Kazakhstan*

*A. Myrzakhmetov*

“AGREED”

Minister of Finance  
of the Republic of Kazakhstan

\_\_\_\_\_ B. Sultanov

September 30, 2017

“AGREED”

Minister of National Economy  
of the Republic of Kazakhstan  
\_\_\_\_\_ T. Suleimenov

September 26, 2017

“AGREED”

Minister of Energy  
of the Republic of Kazakhstan  
\_\_\_\_\_ K. Bozumbayev

September 20, 2017

Approved by  
by order No. 364  
of the Deputy Prime Minister  
of the Republic of Kazakhstan  
Minister of Agriculture of the  
Republic of Kazakhstan  
dated August 28, 2017

## **Rules of transferring lands of other categories to the forest fund lands**

### **Chapter 1. General Provisions**

1. These Rules of transferring lands of other categories to the forest fund lands ( hereinafter - the Rules) were developed in accordance with subparagraph 18-48) of paragraph 1 of Article 13 of the Forest Code of the Republic of Kazakhstan dated July 8, 2003 ( hereinafter - the Forest Code) and govern the procedure of transferring lands of other categories to the forest fund lands.

2. The transfer of lands of other categories to the lands of the forest fund shall be carried out by local executive bodies of the regions, cities of republican status, the capital (hereinafter - the local executive body).

3. The following basic concepts shall be used in these Rules:

1) state forest management organization - a republican state-run enterprise established by the resolution of the Government of the Republic of Kazakhstan;

2) state forestry institution (hereinafter - the forestry institution) - an institution established in the manner prescribed by the legislation of the Republic of Kazakhstan for the performance of measures to protect and preserve the state forest fund, to provide reforestation and afforestation, and forest management;

3) applicant - an individual, a non-state legal entity, a territorial unit of the agency of the authorized body in the field of forestry, a state forest management organization.

4. Lands of other categories covered with forests of natural and (or) artificial origin 10 meters wide or more, with an area of 0.05 hectares or more, as well as non-forest lands

provided for permanent land use by state organizations, may be transferred to the lands of the state forest fund, conducting forestry for the needs of forestry, including for afforestation.

**Footnote. Paragraph 4 - as amended by the order of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated 02.06.2021 No. 174 (shall come into effect ten calendar days after the day of its first official publication).**

5. Lands of other categories specified in paragraph 4 of these Rules may not be transferred to the lands of the state forest fund in cases where the indicated plots are given into private ownership or long-term land use to individuals or non-state legal entities.

## **Chapter 2. Procedure of transferring lands of other categories to the forest fund lands**

6. The applicant at the land plot location shall submit an application in any form to the local executive body.

Land plots occupied by plantations specified in paragraph 4 of Article 6 of the Forest Code, provided for private ownership or long-term land use to individual and non-state legal entities can be transferred to the lands of a private forestry fund upon their request.

State-owned land plots that were not transferred for land use to individual or non-state legal entities can be transferred to the lands of the state forestry fund upon the application of the territorial unit of the department of the authorized body of the forestry institution or state forest management organization.

Land plots granted for private ownership or land use to individual and non-state legal entities may be transferred to the lands of the state forestry fund in the manner established by these Rules after the termination of the right to private property or land use in accordance with the Land Code of the Republic of Kazakhstan dated June 20, 2003.

7. Within five working days from the date of the application receipt, the local executive body shall direct a copy thereof to the forestry institution to draw up an act on selection of the land plot to be transferred to the forest fund land category in accordance with the form in the appendix to these Rules (hereinafter - the act on site selection).

Within ten working days from the day of the application copy receipt, the forestry institution together with the applicant shall draw up an act on the site selection and direct it to the local executive body.

8. To consider the issue of transferring lands of other categories to the forest fund lands, the local executive body shall form a commission of at least 5 members.

The commission shall comprise representatives of the local executive body in charge of: forestry, land relations, ecology, and also representatives of non-governmental organizations.

The working body of the commission shall be a structural unit of the local executive body that exercises functions in the field of forestry.

9. The deputy akim of the oblast (cities of republican status, the capital), who oversees forestry, shall be appointed the chairman of the commission.

10. Within fifteen business days from the date of receipt by the local executive body of the act on the site selection, the Commission shall make a motivated written positive or negative conclusion on transferring the land plots and direct it to the local executive body.

The conclusion shall reflect the goals of the transfer of lands of other categories to the forest fund lands, analysis of the need to transfer lands of other categories to the forest fund lands, appropriateness of their further use as part of the forest fund lands, and other information. The conclusion of the commission shall be drawn up in two copies in the form of a protocol resolution.

11. In the event of a negative conclusion of the commission, the local executive body shall give the applicant a written reasoned refusal.

12. On the basis of a positive conclusion of the commission, the local executive body shall issue a resolution on the transfer of lands of other categories to the forest fund lands within ten working days from the moment of signing the conclusion. The resolution shall indicate the area of the land transferred to the forest fund, forestry institution, individual or legal entity who is granted the right to forest ownership.

13. After the transfer of lands of other categories to the lands of the state forest fund, the local executive body, within ten working days from the date of adoption of the decision, shall send it to the authorized body in the field of forestry, with the following documents attached:

- 1) an act on site selection;
- 2) written approval of the head of the forest institution;
- 3) written approval of the state body in charge of the forest institution;
- 4) written approval of the territorial subdivision of the department of the authorized body in the field of forestry;
- 5) positive opinion of the commission;
- 6) copies of the decision of the local executive body on the transfer of lands of other categories to the lands of the forest fund.

**Footnote. Paragraph 13 - as amended by the order of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated 02.06.2021 No. 174 (shall come into effect ten calendar days after the day of its first official publication).**

**14. Excluded by order of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated 02.06.2021 No. 174 (shall come into effect ten calendar days after the day of its first official publication).**

Appendix  
to Rules of transferring  
lands of other categories to the  
forest fund lands  
Form

**Act  
on land site selection for transfer to forest land fund category**

Republic of Kazakhstan \_\_\_\_\_ oblast \_\_\_\_\_ district \_\_\_\_\_

Representative of state forestry institution \_\_\_\_\_

(position, full name)

acting on the basis of regulations on the one hand, and the land plot owner, land user, representative of territorial unit of the department of authorized body in the field of forestry or state forest management organization (further-the applicant) (underline as necessary)

(position, full name)

on the other hand, hereby executed this act as follows:

on the application received from \_\_\_\_\_

(name or full name of the applicant)

conducted survey of the indicated land plot.

The survey established:

1. The land site is located in \_\_\_\_\_

(name of the locality)

2. Area of the surveyed plot \_\_\_\_\_ hectares,  
including: forest plot, covered with forest \_\_\_\_\_ hectares,  
forest plot, not covered with forest: \_\_\_\_\_ hectares,  
land area \_\_\_\_\_ hectares,  
hayland \_\_\_\_\_ hectares,  
useless area (swamps and others) \_\_\_\_\_ hectares,  
pastureland \_\_\_\_\_ hectares,  
roads \_\_\_\_\_ hectares,  
other lands \_\_\_\_\_ hectares.

3. Forest-covered area consists of:

Tract	Coordinates of the site	Description of location	Site area	Composition	Age class	Density	Timber stock	
							commercial	firewood
1	2	3	4	5	6	7	8	9

4. The surveyed plot is located within the river strip boundary, \_\_\_\_\_, its inclusion in the forest fund does not create lands overlapping.

5. Category of the forest fund, the characteristics of which correspond to the land plot

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6. Forestry features of the site \_\_\_\_\_

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7. The site is suitable (not suitable) for the stated purpose, and has the following soil-geological characteristics:

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8. Woodiness of the administrative district \_\_\_\_\_

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Signatures:

representative of the state forestry institution:

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(position, full name), signature)

applicant: \_\_\_\_\_

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(position, full name), signature)

Date of act drawing \_\_\_\_\_