



## **On approval of the Rules for transfer of state man-made mineral formations to private ownership**

### *Unofficial translation*

Order of the acting Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated April 30, 2020 No. 254. Registered in the Ministry of Justice of the Republic of Kazakhstan on April 30, 2020 No. 20553

### *Unofficial translation*

In accordance with paragraph 24 of Article 278 of the Code of the Republic of Kazakhstan dated December 27, 2017 "On subsoil and subsoil use", **I HEREBY ORDER:**

1. To approve the attached Rules for transfer of state man-made mineral formations to private ownership.

2. The Department of Subsoil Use of the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan, in the manner prescribed by law, to ensure:

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

2) placement of this order on the Internet resource of the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan.

3. The supervising vice minister of industry and infrastructure development of the Republic of Kazakhstan is authorized to control the execution of this order.

4. This order comes into effect upon the expiration of ten calendar days after the day of its first official publication.

*Acting Minister of industry and  
infrastructure development of the  
Republic of Kazakhstan*

*A. Yerzhanov*

"AGREED"

Ministry of ecology, geology and  
natural resources of the  
Republic of Kazakhstan

Approved by the order  
dated April 30, 2020 № 254

## **Rules**

### **for transfer of state man-made mineral formations to private ownership**

#### **Chapter 1. General provisions**

1. These Rules for transfer of state man-made mineral formations to private ownership (hereinafter referred to as the Rules) are developed in accordance with paragraph 24 of Article 278 of the Code of the Republic of Kazakhstan dated December 27, 2017 "On subsoil and

subsoil use" (hereinafter referred to as the Code) and determine the procedure for transfer of state man-made mineral formations to private ownership.

2. These Rules regulate the procedure for transfer of state man-made mineral formations, information (records) about which were kept in the state cadastre of man-made mineral formations (Unified cadastre of the state subsoil fund) on the day the Code came into force.

3. For the purposes of these Rules, the following basic concepts are used:

1) application for transfer of man-made mineral formations - an application for transfer (acquisition) of state man-made mineral formations submitted (filed) by the applicant in accordance with these Rules from June 29, 2018 until June 29, 2020;

2) land plots of an enterprise - land plots within which the corresponding buildings, structures, equipment, inventory, raw materials, products, man-made mineral formations are located, all together included in a unified property complex of a mining, energy, mining processing, including a metallurgical enterprise belonging to the same legal entity (applicant) on the day of the entry into force of the Code and the day of filing an application for transfer of man-made mineral formations;

3) subsoil use contract - a contract for production or a contract for combined exploration and production (during the production period) of a type of solid minerals, concluded before the entry into force of the Code and valid on the day of submission of an application for transfer;

4) contract territory - the territory determined by the mining allotment under the subsoil use contract;

5) objects for placement of man-made mineral formations - a dump, a tailing dump, a sludge dump and other methods of storing an array of man-made mineral formations;

6) placement of man-made mineral formations in the adjacent territory - a situation in which the array of state man-made mineral formations, information (records) about which were kept in the state cadastre of man-made mineral formations as of June 29, 2018 (Unified cadastre of the state subsoil fund) is located on the land space in close proximity (adjacent) to the border of the land plot of the enterprise or the contract territory in the cases provided for by these Rules;

7) man-made mineral formations - accumulations of waste from mining, mining and processing and energy industries, containing useful components and (or) minerals;

8) man-made mineral formations of mining industries - wastes from the extraction of solid minerals formed as a result of the release of solid minerals from the rock mass in the process of their extraction from the depths (overburden, enclosing rock, dust, poor (substandard) ore);

9) man-made mineral formations of mining and processing industries - processing waste generated as a result of the activities of mining and processing industries (tailings and dressing sludge) and (or) chemical and metallurgical industries (slags, cakes, clinkers and other similar types of metallurgical processing waste).

## **Chapter 2.**

### **Procedure for transfer of state man-made mineral formations located separately from non-state man-made mineral formations at different locations within the contract territories or on land plots of mining and processing enterprises**

4. State man-made mineral formations located separately from non-state (private) man-made mineral formations at different objects of placement within the contract territories or on land plots of mining and processing enterprises operated on the date of entry into force of the Code and owned by non-state legal entities on the basis of private property rights, are subject to gratuitous transfer to the ownership of these entities on the basis of their applications.

5. The applicant in accordance with this chapter is one of the following entities:

1) a subsoil user under the relevant subsoil use contract, on the contract territory of which the state man-made mineral formations are located, provided for in paragraph 4 of these Rules ;

2) a legal entity that is the owner of a mining and processing enterprise operated on the date of the entry into force of the Code, on the land plot of which there are state man-made mineral formations provided for in paragraph 4 of these Rules.

6. The application for transfer is submitted to the competent authority.

7. The application for transfer is submitted in writing and contains information specified in Appendix 1 to these Rules (hereinafter - Information).

8. The following documents are attached to the application:

1) a cartogram of the location of a land plot or a mining allotment and man-made mineral formations located on them, made on a scale that provides clarity, an overview (situational) diagram, a topographic map of the surface;

2) the geographical coordinates of the location of the man-made mineral formations, as well as the land plot, if the applicant is the owner of the mining and processing enterprise in accordance with subparagraph 2) of paragraph 5 of these Rules;

3) photographs of the object of placement of man-made mineral formations, made in the format of 20x30 cm from four different angles, providing visibility of the object of placement ;

4) a copy of the relevant subsoil use contract, if the applicant is a subsoil user in accordance with subparagraph 1) of paragraph 5 of these Rules;

5) a copy of a mining allotment to a subsoil use contract, if the applicant is a subsoil user in accordance with subparagraph 1) of paragraph 5 of these Rules;

6) a copy of the title and identification documents for the land plot on which the object of placement of man-made mineral formations and the mining processing enterprise is located, if

the applicant is the owner of the mining processing enterprise in accordance with subparagraph 2) of paragraph 5 of these Rules;

7) a copy of the protocol of the state commission on reserves of the Republic of Kazakhstan on approval of reserves (if an assessment of mineral reserves contained in state man-made mineral formations was made);

8) passport "O" for man-made mineral formations;

9) documents confirming the operation of the mining and processing enterprise by the applicant as of June 29, 2018, if the applicant is the owner of the mining and processing enterprise in accordance with subparagraph 2) of paragraph 5 of these Rules.

9. The application and the documents attached to the application are drawn up in the Kazakh or Russian languages. Copies of documents attached to the application are subject to notarization. Copies of documents drawn up in a foreign language are submitted with a translation into the Kazakh or Russian languages, the accuracy of which is subject to notarization.

10. If the application for transfer does not meet the requirements of paragraph 7 of these Rules, the competent authority notifies the applicant about it within five working days. In this case, the application for transfer may be changed in order to bring it in line with the requirements of these Rules within ten working days from the date of receipt of the notification. If the replaced application does not meet the requirements of these Rules, a refusal is sent to the applicant in accordance with paragraph 18 of these Rules.

If the required documents are not attached to the application or the attached documents do not meet the requirements of these Rules, the competent authority notifies the applicant about this within five working days. In this case, the missing documents may be attached or replaced by the applicant in order to bring them in line with the requirements of these Rules. In the event that the replaced documents attached to the application do not meet the requirements of these Rules or the specified documents have not been submitted before December 31, 2020, a refusal is sent to the applicant in accordance with paragraph 18 of these Rules.

11. After receiving the application for transfer and the documents attached thereto in accordance with these Rules, the competent authority, within five working days, sends the application and the documents attached thereto to the authorized body for the study of subsoil

12. The authorized body for the study of subsoil within five working days considers the application for registration of the declared man-made mineral formations in the Unified Cadastre of the State Subsoil Fund and sends the relevant information to the competent authority.

13. If the presence of man-made mineral formations in the cadastre of the state subsoil fund is confirmed by the authorized body for the study of subsoil, the competent authority, within five working days, submits a statement and all documents attached therein to the

expert commission on subsoil use (hereinafter referred to as the expert commission) for consideration.

14. The expert commission considers the application and the documents attached therein within twenty working days from the date of their receipt and sends its recommendations to the competent authority.

The expert commission, if necessary, requests from the applicant additional information and (or) documents necessary to verify compliance with the conditions for transfer of man-made mineral formations.

15. Based on the recommendations of the expert commission, the competent authority, within five working days from the date of receipt of the recommendations of the expert commission, makes a decision on transfer of state man-made mineral formations or on the refusal to transfer them.

16. In the event of a decision on transfer of man-made mineral formations, the competent authority during five working days from the date of the decision made, sends to the applicant a notice of the need to draw up and submit a new passport "O" for man-made mineral formations.

17. The transfer of man-made mineral formations in accordance with this chapter is carried out by making an entry by the authorized body for the study of subsoil in accordance with the new passport "O" in the accounting system of the Unified Cadastre of the State Subsoil Fund on the basis of the decision of the competent authority.

18. The competent authority refuses to transfer man-made mineral formations in cases where:

1) information on the declared man-made mineral formations is absent in the Unified Cadastre of the State Subsoil Fund as of the date of the entry into force of the Code;

2) the object of placement of man-made mineral formations is not located in accordance with paragraph 4 of these Rules;

3) the applicant missed the deadline for filing an application for transfer;

4) the enterprise, on the land plot of which the state man-made mineral formations are located, was not operated by the applicant as of the date of the entry into force of the Code;

5) the application for transfer was submitted by an inappropriate person or on behalf of an inappropriate person;

6) the application does not meet the requirements of these Rules;

7) the required documents are not attached to the application, or do not meet the requirements of these Rules.

19. Refusal to transfer man-made mineral formations is made in writing and must be motivated.

Refusal to transfer man-made mineral formations may be appealed by the applicant in accordance with the legislation of the Republic of Kazakhstan.

### **Chapter 3.**

#### **Procedure for transfer of state man-made mineral formations located separately from non-state man-made mineral formations at different objects of placement outside the contract territories or land plots of mining and processing enterprises**

20. According to the application submitted to the competent authority, state man-made mineral formations formed (stored) before May 30, 1992 and:

1) placed (stored) separately with non-state man-made mineral formations at different objects of placement; and

2) located on the territory adjacent to the contract territory or land plot of a mining and processing enterprise (including a metallurgical one) operated on the date of the entry into force of the Code.

21. The applicant in accordance with this chapter is one of the following entities:

1) a subsoil user under a relevant subsoil use contract, the contract territory of which adjoins the territory of location of state man-made mineral formations specified in paragraph 20 of these Rules;

2) a legal entity that is the owner of a mining and processing enterprise operated on the date of the entry into force of the Code, the land plot of which adjoins the territory of location of state man-made mineral formations specified in paragraph 20 of these Rules.

22. The application for transfer is submitted in writing and contains Information.

23. The following documents are attached to the application:

1) cartogram of the location of the land plot or mining allotment with the adjacent territory of man-made mineral formations, made on a scale that provides clarity, overview (situational) diagram, topographic map of the surface;

2) the geographical coordinates of the location of the man-made mineral formations, as well as the land plot, if the applicant is the owner of the mining and processing enterprise in accordance with subparagraph 2) of paragraph 21 of these Rules;

3) photographs of the object of placement of man-made mineral formations, made in the format of 20x30 cm from four different angles, providing visibility of the object of placement ;

4) a copy of the relevant subsoil use contract, if the applicant is a subsoil user in accordance with subparagraph 1) of paragraph 21 of these Rules;

5) a copy of a mining allotment to a subsoil use contract, if the applicant is a subsoil user in accordance with subparagraph 1) of paragraph 21 of these Rules;

6) a copy of the title and identification documents for the land plot on which the object of placement of man-made mineral formations and the mining processing enterprise is located, if the applicant is the owner of the mining processing enterprise in accordance with subparagraph 2) of paragraph 21 of these Rules;

7) a copy of the protocol of the state commission on reserves of the Republic of Kazakhstan on approval of reserves (if an assessment of mineral reserves contained in state man-made mineral formations was made);

8) passport "O" for man-made mineral formations;

9) documents confirming the operation of the mining processing enterprise by the applicant as of June 29, 2018, if the applicant is the owner of the mining processing enterprise in accordance with subparagraph 2) of paragraph 21 of these Rules.

24. The application and documents attached to the application are drawn up in the Kazakh or Russian languages. Copies of documents attached to the application are subject to notarization. Copies of documents drawn up in a foreign language are submitted with a translation into the Kazakh or Russian languages, the accuracy of which is subject to notarization.

25. If the application for transfer does not meet the requirements of paragraph 22 of these Rules, the competent authority notifies the applicant about it within five working days. In this case, the application for transfer may be changed in order to bring it in line with the requirements of these Rules within ten working days from the date of receipt of the notification. If the replaced application does not meet the requirements of these Rules, a refusal is sent to the applicant in accordance with paragraph 34 of these Rules.

If the required documents are not attached to the application or the attached documents do not meet the requirements of these Rules, the competent authority notifies the applicant about this within five working days. In this case, the missing documents may be attached or replaced by the applicant in order to bring them in line with the requirements of these Rules. In the event that the replaced documents attached to the application do not meet the requirements of these Rules or the specified documents have not been submitted before December 31, 2020, a refusal is sent to the applicant in accordance with paragraph 34 of these Rules.

26. After receiving the application for transfer and the documents attached thereto in accordance with these Rules, the competent authority, within five working days, sends the application and the documents attached thereto to the authorized body for the study of subsoil

27. The authorized body for the study of subsoil within five working days considers the application for registration of the declared man-made mineral formations in the Unified Cadastre of the State Subsoil Fund and sends the relevant information to the competent authority.

28. If the presence of man-made mineral formations in the cadastre of the state subsoil fund is confirmed by the authorized body for the study of subsoil, the competent authority, within five working days, submits for consideration an application and all documents attached therein to the expert commission for making a decision on transfer of state man-made mineral formations into the ownership of the applicant.

29. The expert commission considers the application and the documents attached therein within twenty working days from the date of their receipt and sends its recommendations to the competent authority.

The expert commission, if necessary, requests from the applicant additional information and (or) documents necessary to verify compliance with the conditions for the transfer of man-made mineral formations.

30. Based on the recommendations of the expert commission, the competent authority, within five working days from the date of receipt of the recommendations of the expert commission, makes a decision on the transfer of state man-made mineral formations or on the refusal to transfer them.

31. If a decision is made to transfer man-made mineral formations, the competent authority, within five working days from the date of the decision, sends the applicant a notification of the need to draw up and submit a new passport "O" for man-made mineral formations, as well as the start of negotiations on amendments and additions into a subsoil use contract for the purpose of expanding the contract territory, if the decision to transfer is made for state man-made mineral formations located in the territory adjacent to the applicant's contract territory.

32. The transfer of state man-made mineral formations located in the territory adjacent to the applicant's contract territory is carried out on the basis of a decision of the competent authority by making an entry by the authorized body for subsoil study in accordance with the new passport "O" in the accounting system of the Unified Cadastre of the State Subsoil Fund after expansion of the contract territory for the area where such man-made mineral formations are located.

Negotiations on amendments and additions to the subsoil use contract are carried out by a working group of the competent authority in the manner prescribed by the Code.

33. The transfer of state man-made mineral formations located in the territory adjacent to the land plot on which the applicant's enterprise is located is carried out on the basis of a decision of the competent authority by making an entry by the authorized body for the study of subsoil in accordance with the new passport "O" in the accounting system of the Unified Cadastre of the State Subsoil Fund.

34. The competent authority refuses to transfer man-made mineral formations in cases where:

- 1) information on the declared man-made mineral formations is absent in the Unified Cadastre of the State Subsoil Fund as of the date of the entry into force of the Code;

- 2) the object of placement of man-made mineral formations is not located in accordance with paragraph 20 of these Rules;

- 3) the applicant has missed the deadline for submitting an application for transfer;

4) the enterprise, on the land plot of which the state man-made mineral formations are located, was not in operation by the applicant as of the date of the entry into force of the Code ;

5) the application for transfer was submitted by an inappropriate person or on behalf of an inappropriate person;

6) the application does not meet the requirements of these Rules;

7) the required documents are not attached to the application, or do not meet the requirements of these Rules.

35. Refusal to transfer man-made mineral formations is made in writing and must be motivated.

Refusal to transfer man-made mineral formations may be appealed by the applicant in accordance with the legislation of the Republic of Kazakhstan.

36. State man-made mineral formations not transferred to private ownership in accordance with this chapter are included in the subsoil.

#### **Chapter 4.**

#### **Procedure for transfer of state man-made mineral formations located together with man-made mineral formations of operating enterprises at the same object of placement**

37. According to the application submitted to the authorized body for the study of subsoil, state man-made mineral formations located at the same object of placement together with private man-made mineral formations are subject to transfer to private ownership:

1) operating mining and processing enterprises owned by non-state legal entities on the basis of private property rights;

2) arising from the activities of the subsoil user, including outside their contract territories in the case provided for in subparagraph 1) of this paragraph.

38. The applicant in accordance with this chapter is one of the following entities:

1) a subsoil user under a valid subsoil use contract, as a result of operations under which man-made mineral formations have arisen, located at the same object of placement together with state man-made mineral formations specified in paragraph 37 of these Rules;

2) a legal entity that is the owner of a mining or mining-processing enterprise operated on the date of entry into force of the Code, as a result of which man-made mineral formations arose and were placed at the same object of placement together with state man-made mineral formations specified in paragraph 37 of these Rules.

39. The application for transfer is submitted in writing and contains Information.

40. The following documents are attached to the application:

1) a cartogram of the location of the object of the placement of man-made mineral formations, made on a scale that provides clarity, overview (situational) diagram, topographic map of the surface;

2) the geographical coordinates of the object of placement of the man-made mineral formations, as well as the land plot, if the object is located on the land plot owned by the applicant;

3) photographs of the object of placement of man-made mineral formations, made in the format of 20x30 cm from four different angles, providing visibility of the object of placement ;

4) a copy of the relevant subsoil use contract, if the applicant is a subsoil user in accordance with subparagraph 1) of paragraph 38 of these Rules;

5) a copy of a mining allotment to the subsoil use contract, if the applicant is a subsoil user in accordance with subparagraph 1) of paragraph 38 of these Rules;

6) a copy of the title and identification documents for the land plot on which the object of placement of man-made mineral formations and the mining or processing enterprise is located , if the applicant is the owner of the mining or processing enterprise in accordance with subparagraph 2) of paragraph 38 of these Rules;

7) a copy of the protocol of the state commission on reserves of the Republic of Kazakhstan on approval of reserves (if an assessment of mineral reserves contained in state man-made mineral formations was made);

8) passport "O" for man-made mineral formations indicating the volume of state man-made mineral formations in the object of placement;

9) documents confirming the operation of a mining or mining enterprise by the applicant as of June 29, 2018, if the applicant is the owner of this enterprise in accordance with subparagraph 2) of paragraph 38 of these Rules.

41. The application and the documents attached to the application are drawn up in the Kazakh or Russian languages. Copies of documents attached to the application are subject to notarization. Copies of documents drawn up in a foreign language are submitted with a translation into the Kazakh or Russian languages, the accuracy of which is subject to notarization.

42. If the application for transfer does not meet the requirements of paragraph 39 of these Rules, the authorized body for the study of subsoil within five working days notifies the applicant about it. In this case, the application for transfer can be replaced in order to bring it in line with the requirements of these Rules within ten working days from the date of receipt of the notification. If the replaced application does not meet the requirements of these Rules, a refusal is sent to the applicant in accordance with paragraph 47 of these Rules.

If the required documents are not attached to the application or the attached documents do not meet the requirements of these Rules, the competent authority notifies the applicant about this within five working days. In this case, the missing documents may be attached or replaced by the applicant in order to bring them in line with the requirements of these Rules. In the event that the replaced documents attached to the application do not meet the requirements of these Rules or the specified documents have not been submitted before

December 31, 2020, a refusal is sent to the applicant in accordance with paragraph 47 of these Rules.

43. After receiving the application for transfer and the documents attached therein in accordance with these Rules, the authorized body for the study of subsoil, within ten working days, considers the application for recording the declared man-made mineral formations in the Unified Cadastre of the State Subsoil Fund, as well as the volume of the state man-made mineral formations declared for transfer and decides on the transfer of state man-made mineral formations or on the refusal to transfer them.

44. If a decision is made to transfer state man-made mineral formations, the authorized body for the study of subsoil, within five working days from the date of the decision, sends the applicant a notification of the need to draw up and submit a new passport "O" for man-made mineral formations.

45. The applicant, within ten working days from the date of receipt of the notification, sends to the authorized body for the study of subsoil a new passport "O" for man-made mineral formations.

46. The transfer of state man-made mineral formations placed, located at the same object of placement together with the man-made mineral formations specified in subparagraphs 1) and 2) of paragraph 37 of these Rules, is carried out on the basis of the decision of the authorized body for the study of subsoil by making an entry, in accordance with the new passport "O", in the accounting system of the Unified Cadastre of the State Subsoil Fund.

47. The authorized body for the study of subsoil refuses to transfer man-made mineral formations in cases where:

1) information on the declared man-made mineral formations is absent in the Unified Cadastre of the State Subsoil Fund as of the date of the entry into force of the Code;

2) the applicant has missed the deadline for filing an application for transfer;

3) a mining or processing enterprise owned by the applicant was not in operation by the applicant as of the date of the entry into force of the Code;

4) the application for transfer was submitted by an inappropriate person or on behalf of an inappropriate person;

5) the application does not meet the requirements of these Rules;

6) the required documents are not attached to the application, or do not meet the requirements of these Rules.

48. Refusal to transfer man-made mineral formations is made in writing and must be motivated.

Refusal to transfer man-made mineral formations may be appealed by the applicant in accordance with the legislation of the Republic of Kazakhstan.

## Chapter 5.

### **Procedure for separation of state man-made mineral formations and non-state (private) man-made mineral formations located jointly at the same object of placement**

49. If the man-made mineral formations specified in paragraph 37 of these Rules can be divided by virtue of their physical properties (man-made mineral formations in a solid state), at the request of the person specified in paragraph 38 of these Rules, a separation balance sheet is drawn up between the applicant and the authorized body for the study of subsoil.

The separation balance sheet is drawn up in order to determine the man-made mineral formations belonging to the applicant and isolate them in kind from the array of a single (one) object of placement, which also consists of state man-made mineral formations, excluding the acquisition (transfer) of state man-made mineral formations in accordance with this chapter.

An application for drawing up a separation balance sheet in respect of man-made mineral formations specified in paragraph 37 of these Rules may be submitted to the authorized body for the study of subsoil within two years from the date of entry into force of the Code.

50. An applicant interested in drawing up a separation balance sheet in relation to man-made mineral formations specified in paragraph 37 of these Rules sends to the authorized body for the study of subsoil an application for drawing up a separation balance sheet containing Information.

51. The following documents are attached to the application:

1) a cartogram of the object of placement of the man-made mineral formations, made on a scale that provides clarity, overview (situational) scheme, topographic map of the surface;

2) the geographical coordinates of the object of placement of the man-made mineral formations, as well as the land plot, if the object of placement is located on the land plot owned by the applicant;

3) photographs of the object of placement of man-made mineral formations, made in the format of 20x30 cm from four different angles, providing visibility of the object of placement ;

4) a copy of the relevant subsoil use contract, if the applicant is a subsoil user in accordance with subparagraph 1) of paragraph 38 of these Rules;

5) a copy of a mining allotment to the subsoil use contract, if the applicant is a subsoil user in accordance with subparagraph 1) of paragraph 38 of these Rules;

6) a copy of the title and identification documents for the land plot on which the object of placement of man-made mineral formations and the mining or processing enterprise is located , if the applicant is the owner of the mining or processing enterprise in accordance with subparagraph 2) of paragraph 38 of these Rules;

7) a copy of the protocol of the state commission on reserves of the Republic of Kazakhstan on approval of reserves (if an assessment of mineral reserves contained in state man-made mineral formations was made);

8) passport "O" for man-made mineral formations indicating the volume of state man-made mineral formations in the object of placement;

9) documents confirming the operation of a mining or mining enterprise by the applicant as of June 29, 2018, if the applicant is the owner of this enterprise in accordance with subparagraph 2) of paragraph 38 of these Rules;

10) the project of the separation balance sheet of man-made mineral formations, providing for the allocation of man-made mineral formations in kind from the general array of the object of placement.

52. If the application does not meet the requirements of paragraph 50 of these Rules, the authorized body for the study of subsoil within five working days notifies the applicant about it. In this case, the application may be replaced in order to bring it in line with the requirements of these Rules within ten working days from the date of receipt of the notification. If the replaced application does not meet the requirements of these Rules, a refusal is sent to the applicant in accordance with paragraph 57 of these Rules.

If the required documents are not attached to the application or the attached documents do not meet the requirements of these Rules, the competent authority notifies the applicant about it. In this case, the missing documents may be attached or replaced by the applicant in order to bring them in line with the requirements of these Rules. In the event that the replaced documents attached to the application do not meet the requirements of these Rules or the specified documents have not been submitted before December 31, 2020, a refusal is sent to the applicant in accordance with paragraph 57 of these Rules.

53. The authorized body for the study of subsoil considers the application and all documents attached therein within fifteen working days from the date of their receipt and makes a decision on the separation (allotment) of man-made mineral formations or the impossibility of separation (allotment) in kind.

54. The authorized body for the study of subsoil, within ten working days from the date of the decision on the separation of man-made mineral formations, signs the separation balance sheet and sends a notification to the applicant about the need to submit a new passport "O" for own man-made mineral formations, or notifies the applicant about the need to adjust the separation balance sheet if it is possible to separate (allot) man-made mineral formations in kind with appropriate recommendations.

55. The applicant, within ten working days from the date of receipt of the notification, sends to the authorized body for the study of subsoil a new passport "O" for man-made mineral formations or an adjusted draft separation balance sheet.

56. After drawing up and signing the separation balance sheet, the allocated state man-made mineral formations are considered included in the subsoil.

57. The authorized body for the study of subsoil refuses to separate man-made mineral formations in cases where:

1) information on the declared man-made mineral formations is absent in the Unified Cadastre of the State Subsoil Fund;

2) the applicant has missed the deadline for submitting the application;

3) the impossibility of separating private man-made mineral formations in kind from the array of a single (one) object of placement, which also consists of state man-made mineral formations, including due to industrial or environmental safety;

4) the application was submitted by an inappropriate person or on behalf of an inappropriate person;

5) the application does not meet the requirements of these Rules;

6) the required documents are not attached to the application, or do not meet the requirements of these Rules.

58. Refusal to separate man-made mineral formations is made in writing and must be motivated.

Refusal to separate man-made mineral formations may be appealed by the applicant in accordance with the legislation of the Republic of Kazakhstan.

Appendix 1 to the Rules for  
transfer of state man-made  
mineral formations  
to private ownership

\_\_\_\_\_  
\_\_\_\_\_  
(name of  
state body)  
from \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
for individuals –  
surname, name, patronymic (if any)  
of applicant, individual identification  
number (if any), contacts;  
for legal entities –  
name of applicant,  
business- identification  
number (if any),  
contacts.

### Information specified in application for transfer of man-made mineral formations

" " \_\_\_\_\_ 20\_\_

1. Information on applicant	
For individuals	
1.	Surname, name and patronymic (if any)
2.	Place of residence
3.	Citizenship
4.	Information about the identity documents of the applicant
For legal entities	

5.	Name of legal entity
6.	Location
7.	Information on state registration as a legal entity (extract from the trade register or other legalized document certifying that the applicant is a legal entity under the laws of a foreign state)
2. Information on man-made mineral formations	
8.	Type and volume of man-made mineral formations
9.	Man-made mineral formations are located (indicate in the appropriate box): at one object of placement within the contract territory, or a land plot of a mining, processing, metallurgical enterprise; at different objects of placement within the contract territory, or a land plot of a mining, mining and processing, metallurgical enterprise; outside the contract territory; outside the land plot of a mining, processing or metallurgical enterprise.
10.	Geographic coordinates of the location of man-made mineral formations
3. Grounds for transfer of man-made mineral formations	
for the owners of a mining, mining and processing, or metallurgical enterprise operated on the date of entry into force of the Code	
11.	Information establishing the ownership of the land plot on which the corresponding mining, processing, or metallurgical enterprise is located
12.	Information establishing the ownership of a mining, mining processing, or metallurgical enterprise
for holders of subsoil use rights	
13.	Date of conclusion and number of state registration of the mining contract (combined contract for exploration and production) of solid minerals
14.	The area of the contract territory and the geographic coordinates of the corner points of the mining allotment

List of the documents attached:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

(name of documents and number of pages)\*

N o t e :

-----  
Signature of the applicant or his authorized representative (if the application is submitted by the representative, a duly executed document, certifying the authority, is attached)

A p p l i c a n t :

\_\_\_\_\_  
(surname, name, patronymic (if any) / name

Date of filing: " \_\_ " \_\_\_\_\_ 20\_\_

