



On the Semipalatinsk nuclear safety zone

Unofficial translation

The Law of the Republic of Kazakhstan dated July 5, 2023 № 16-VIII

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This Law regulates public relations arising during the creation and operation of the Semipalatinsk nuclear safety zone.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic concepts used in this Law

The following basic concepts are used in this Law:

1) the authorized body in the field of the use of atomic energy (hereinafter referred to as the authorized body) - the central executive body exercising management in the field of the use of atomic energy;

2) the Semipalatinsk nuclear safety zone - a limited part of the territory of the Republic of Kazakhstan that has been subjected to excess radioactive contamination due to nuclear weapons tests on the territory of the former Semipalatinsk nuclear test site, where a special legal regime provided for by the legislation of the Republic of Kazakhstan operates;

3) passport of the territory of the Semipalatinsk nuclear safety zone – a document containing a system of indicators characterizing the territory, a schematic map indicating the location of the territory and functional zones, the designation of infrastructure facilities of the Semipalatinsk nuclear safety zone, geographical coordinates, a description of the boundaries, the area of its territory, types of protection regime, permitted and prohibited activities, visiting rules, working hours, information about adjacent owners of land plots and land users, about their obligations;

4) the authorized organization for ensuring the functioning of the Semipalatinsk nuclear safety zone (hereinafter referred to as the authorized organization) - a legal entity determined in accordance with this Law to ensure the functioning of the Semipalatinsk nuclear safety zone from among state enterprises under the jurisdiction of the authorized body;

5) infrastructure facilities of the Semipalatinsk nuclear safety zone (hereinafter referred to as infrastructure facilities) – a complex of production and testing sites, technical means, devices, engineering and transport communications, buildings, structures and their complexes, land plots located on the territory of the Semipalatinsk nuclear safety zone and used for its operation;

6) comprehensive environmental survey of the territories where nuclear weapons tests were carried out (hereinafter referred to as the comprehensive environmental survey) - a

radioecological survey aimed at assessing the state of the environment at the former Semipalatinsk nuclear test site and (or) the adjacent territory subjected to excess radioactive contamination as a result of nuclear weapons tests.

Article 2. Legislation of the Republic of Kazakhstan on the Semipalatinsk nuclear safety zone

1. The legislation of the Republic of Kazakhstan on the Semipalatinsk nuclear safety zone is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

Article 3. Goals, objectives of creation and principles of legislative regulation of the Semipalatinsk nuclear safety zone

1. The Semipalatinsk nuclear safety zone is being created in order to ensure nuclear and radiation safety in the Republic of Kazakhstan, as well as the rehabilitation of the territory of the former Semipalatinsk nuclear test site to create the possibility of a gradual return of its lands to economic circulation.

2. The objectives of the creation of the Semipalatinsk nuclear safety zone are:

1) fulfillment of the state's obligations to ensure nuclear and radiation safety, maintenance of the nuclear nonproliferation regime on the territory of the Semipalatinsk nuclear safety zone and adjacent lands;

2) organization of effective management and proper maintenance, repair, reconstruction and modernization of infrastructure facilities;

3) carrying out works to limit the spread of radioactive contamination, rehabilitation of lands subjected to excess radioactive contamination, and strengthening the safety of the Semipalatinsk nuclear safety zone;

4) ensuring continuous monitoring of the level of radioactive contamination of atmospheric air, underground and surface waters, soil and plants, as well as determining the parameters of radionuclide migration in the Semipalatinsk nuclear safety zone;

5) development of science and technology in the field of peaceful use of atomic energy and radioecology.

3. The principles of the legislation of the Republic of Kazakhstan in the field of creation and activities of the Semipalatinsk nuclear safety zone include:

1) safety – ensuring a qualitative and reliable analysis of the radioecological situation during a comprehensive environmental survey, monitoring the level of radioactive contamination, as well as determining the parameters of radionuclide migration;

2) publicity – ensuring the availability of information on the functioning of the Semipalatinsk nuclear safety zone, as well as carrying out activities to highlight the work related to the implementation of this Law;

3) non–proliferation - fulfillment of the international obligations of the Republic of Kazakhstan to limit the proliferation of nuclear materials and ensure nuclear and radiation safety on the territory of the Semipalatinsk nuclear safety zone;

4) prevention – implementation of activities aimed at limiting the spread of radioactive contamination and rehabilitation of the territory of the Semipalatinsk nuclear safety zone that has been subjected to excess radioactive contamination.

Chapter 2. STATE REGULATION IN THE FIELD OF CREATION AND FUNCTIONING OF THE SEMIPALATINSK NUCLEAR SAFETY ZONE

Article 4. Competence of the Government of the Republic of Kazakhstan in the field of creation and functioning of the Semipalatinsk nuclear safety zone

The competence of the Government of the Republic of Kazakhstan in the field of creation and functioning of the Semipalatinsk nuclear safety zone includes:

1) development of the main directions of state policy in the field of creation and functioning of the Semipalatinsk nuclear safety zone;

2) creation of the Semipalatinsk nuclear safety zone, establishment and modification of borders, areas of its land plots;

3) determination of the authorized organization at the recommendation of the authorized body;

4) performing other functions assigned to it by the Constitution of the Republic of Kazakhstan, this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 5. Competence of state bodies in the field of creation and functioning of the Semipalatinsk nuclear safety zone

1. The competence of the authorized body includes:

1) implementation of the state policy in the field of creation and functioning of the Semipalatinsk nuclear safety zone;

2) implementation of intersectoral coordination of activities in the field of creation and functioning of the Semipalatinsk nuclear safety zone;

3) organization of a comprehensive environmental survey;

4) coordination of the materials of a comprehensive environmental survey justifying the establishment of boundaries and areas of land plots of the Semipalatinsk nuclear safety zone and their modification;

5) development and submission for approval to the Government of the Republic of Kazakhstan of the rules for the transfer of reserve lands to the lands of the nuclear safety zone ;

6) making a recommendation to the Government of the Republic of Kazakhstan on the creation of the Semipalatinsk nuclear safety zone, on the establishment and modification of

the boundaries and areas of its land plots, the transfer of reserve lands to the lands of the nuclear safety zone;

7) making a recommendation to the Government of the Republic of Kazakhstan on the definition of an authorized organization;

8) approval of the recommendation of the authorized organization on changing the boundaries and areas of land plots of the Semipalatinsk nuclear safety zone;

9) development and approval of the rules for the development and registration (re-registration) of the passport of the territory of the Semipalatinsk nuclear safety zone;

10) registration (re-registration) of the passport of the territory of the Semipalatinsk nuclear safety zone;

11) development and approval of methods for conducting a comprehensive environmental survey in coordination with the authorized body in the field of environmental protection;

12) development and approval of the rules for continuous monitoring of the level of radioactive contamination of atmospheric air, underground and surface waters, soil and plants, as well as determining the parameters of migration of radionuclides in the Semipalatinsk nuclear safety zone in coordination with the authorized body in the field of environmental protection;

13) exercise of other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. The competence of the authorized body in the field of environmental protection includes:

1) conducting a state environmental expertise of the materials of a comprehensive environmental survey justifying the establishment of boundaries and areas of land plots of the Semipalatinsk nuclear safety zone and their modification;

2) exercise of other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. The competence of the state body in the field of sanitary and epidemiological welfare of the population includes:

1) implementation of state control and supervision on the territory of the Semipalatinsk nuclear safety zone over compliance with sanitary and epidemiological requirements aimed at protecting the health of citizens;

2) conducting a sanitary and epidemiological examination of the materials of a comprehensive environmental survey justifying the establishment of boundaries and areas of land plots of the Semipalatinsk nuclear safety zone and their modification;

3) exercise of other powers provided for by this Law, 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 6. Competence of local executive bodies of the regions within whose borders the Semipalatinsk nuclear safety zone is located

The competence of the local executive bodies of the regions within whose borders the Semipalatinsk nuclear safety zone is located includes:

- 1) implementation, within its competence, of the state policy in the field of creation and functioning of the Semipalatinsk nuclear safety zone;
- 2) exercise in the interests of local public administration of other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

Chapter 3. CREATION AND FUNCTIONING OF THE SEMIPALATINSK NUCLEAR SAFETY ZONE

Article 7. Creation of the Semipalatinsk nuclear safety zone, establishment or modification of the boundaries and areas of its land plots

1. A recommendation to establish the Semipalatinsk nuclear safety zone, to establish or change the boundaries and areas of its land plots, as well as to transfer the reserve lands to the lands of the nuclear safety zone, shall be submitted to the authorized body by an authorized organization with the presentation of the justification, the results of a comprehensive environmental survey and the conclusion of the state environmental expertise.

2. The draft act of the Government of the Republic of Kazakhstan on the establishment of the Semipalatinsk nuclear safety zone, on the establishment or modification of the boundaries and areas of its land plots, as well as on the transfer of reserve lands to the lands of the nuclear safety zone shall be coordinated with the authorized body in the field of environmental protection and local executive bodies of the regions within the boundaries of which the land plots of the Semipalatinsk nuclear safety zone are located.

3. The boundaries and areas of land plots of the Semipalatinsk nuclear safety zone are established or changed on the basis of the materials of a comprehensive environmental survey in the presence of the conclusion of the state environmental expertise.

4. The Semipalatinsk nuclear safety zone shall be established on state-owned land plots, with the exception of those transferred to land use in accordance with the legislation of the Republic of Kazakhstan. The lands of the Semipalatinsk nuclear safety zone are not subject to alienation.

5. A recommendation to change the boundaries and areas of land plots of the Semipalatinsk nuclear safety zone is considered by the authorized body within sixty working days from the date of submission of the materials specified in paragraph 1 of this article.

6. The authorized body rejects the recommendation of the authorized organization to change the boundaries and areas of land plots of the Semipalatinsk nuclear safety zone in the following cases:

- 1) non-compliance of the recommendation to change the boundaries and areas of land plots of the Semipalatinsk nuclear safety zone with the priorities of state policy;

2) non-compliance of the recommendation to change the boundaries and areas of land plots of the Semipalatinsk nuclear safety zone with the requirements of the environmental legislation of the Republic of Kazakhstan;

3) incompleteness of the submitted materials.

Rejection of a recommendation to change the boundaries and areas of land plots of the Semipalatinsk nuclear safety zone is not an obstacle to re-submitting a recommendation to change the boundaries and areas of land plots of the Semipalatinsk nuclear safety zone.

7. The procedure for revising the boundaries and areas of land plots of the Semipalatinsk nuclear safety zone may be initiated by the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan.

8. The border of the Semipalatinsk nuclear safety zone on the ground is indicated by special warning signs.

Article 8. Functioning of the Semipalatinsk nuclear safety zone

1. A special legal regime is in effect on the territory of the Semipalatinsk nuclear safety zone, which is a set of conditions for the functioning of the Semipalatinsk nuclear safety zone in accordance with this Law, tax, land, environmental legislation of the Republic of Kazakhstan.

2. The lands of the Semipalatinsk nuclear safety zone belong to the category of lands of industry, transport, communications, for the needs of space activities, defense, national security, nuclear safety zones and other non-agricultural purposes.

3. Infrastructure facilities are state-owned.

Article 9. Main activities in the Semipalatinsk nuclear safety zone

1. The main activities in the Semipalatinsk nuclear safety zone are:

1) ensuring nuclear and radiation safety of the Semipalatinsk nuclear safety zone and infrastructure facilities;

2) ensuring the non-proliferation regime of nuclear weapons on the territory of the Semipalatinsk nuclear safety zone within the framework of national and international obligations of the Republic of Kazakhstan;

3) prevention of the effects of nuclear tests, rehabilitation and reduction of the danger of radioactively contaminated lands of the Semipalatinsk nuclear safety zone;

4) creation and maintenance of physical protection systems for strategic facilities of the Semipalatinsk nuclear safety zone;

5) handling of radioactive and hazardous waste on the territory of the Semipalatinsk nuclear safety zone, placing them for storage and burial;

6) implementation of training activities to respond to accidents and incidents at hazardous production facilities, as well as the elimination of their consequences;

7) conducting scientific and technical research in the field of peaceful use of atomic energy and radioecology.

2. The main activities in the Semipalatinsk nuclear safety zone are carried out by an authorized organization in accordance with the legislation of the Republic of Kazakhstan.

3. On the territory of the Semipalatinsk nuclear safety zone, it is prohibited to carry out other types of activities, with the exception of the types of activities specified in paragraph 1 of this article, and other activities aimed at performing the functions of authorized state bodies and life support facilities.

4. To carry out the main activities in the Semipalatinsk nuclear safety zone, the authorized organization has the right to involve third-party organizations in accordance with the legislation of the Republic of Kazakhstan.

5. The decision on the construction and the area of construction of radioactive waste disposal sites is made in accordance with the legislation of the Republic of Kazakhstan in the field of the use of atomic energy.

The decision on the construction and the area of construction of hazardous waste landfills is made in accordance with the Environmental Code of the Republic of Kazakhstan.

Article 10. Ensuring the protection of strategic facilities of the Semipalatinsk nuclear safety zone

1. Ensuring the protection of strategic objects of the Semipalatinsk nuclear safety zone may be carried out by state bodies, specialized security units of internal affairs bodies, other troops and military formations of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan.

2. The authorized organization interacts with entities engaged in state protection of strategic facilities of the Semipalatinsk nuclear safety zone.

3. The procedure for ensuring the physical protection of strategic facilities of the Semipalatinsk nuclear safety zone is determined by the requirements for engineering and technical fortification of facilities subject to state protection.

Article 11. Functions of the authorized organization

1. To ensure the functioning of the Semipalatinsk nuclear safety zone, the authorized organization performs the following functions in accordance with the legislation of the Republic of Kazakhstan:

1) conducting comprehensive environmental surveys, obtaining conclusions of the state environmental expertise and sanitary-epidemiological expertise;

2) organization of activities to ensure nuclear and radiation safety of the Semipalatinsk nuclear safety zone and infrastructure facilities;

3) implementation of measures in the field of maintaining and strengthening the nuclear nonproliferation regime in the Semipalatinsk nuclear safety zone within the framework of international obligations of the Republic of Kazakhstan;

4) ensuring reliable and safe functioning of infrastructure facilities;

5) implementation of measures to prevent the effects of nuclear weapons tests, radioactive substances and rehabilitation of the territory of the Semipalatinsk nuclear safety zone to a safe level;

6) conducting continuous monitoring of the level of radioactive contamination of atmospheric air, underground and surface waters, soil and plants, as well as determining the parameters of radionuclide migration in the Semipalatinsk nuclear safety zone;

7) raising funds for the construction, repair of infrastructure facilities and implementation of basic activities;

8) establishment of radioactive waste storage and disposal facilities, hazardous waste landfills on the territory of the Semipalatinsk nuclear safety zone in accordance with the legislation of the Republic of Kazakhstan;

9) handling of radioactive waste and ionizing radiation sources;

10) accounting and control of radioactive waste and spent nuclear fuel stored on the territory of the Semipalatinsk nuclear safety zone;

11) development and implementation of environmental protection measures on the territory of the Semipalatinsk nuclear safety zone;

12) carrying out activities to highlight activities related to the implementation of this Law, informing the public about the radiation situation, measures taken to improve it, as well as the legal regime of the Semipalatinsk nuclear safety zone and responsibility for its violation;

13) implementation of measures to create and ensure the functioning of physical protection systems for strategic facilities of the Semipalatinsk nuclear safety zone;

14) marking the boundaries of the Semipalatinsk nuclear safety zone on the ground with special warning signs;

15) providing information to state bodies and organizations on activities related to the implementation of this Law, at their request.

2. The authorized organization at all stages of handling the operated facilities for the use of atomic energy ensures the implementation of emergency preparedness and response measures in accordance with the legislation of the Republic of Kazakhstan.

Article 12. Financing of the activities of the authorized organization

1. Financing of the activities of the authorized organization is carried out at the expense of :

1) remuneration for services (works) provided (performed) by the authorized organization

;

2) targeted debt financing;

3) property contributed to the authorized capital;

4) budget funds;

5) other income not prohibited by the laws of the Republic of Kazakhstan from the activities of the authorized organization.

2. The procedure for financing the activities of the authorized organization at the expense of budgetary funds is determined by the budget legislation of the Republic of Kazakhstan.

Chapter 4. FINAL PROVISIONS

Article 13. Responsibility for violation of the legislation of the Republic of Kazakhstan on the Semipalatinsk nuclear safety zone

Violation of the legislation of the Republic of Kazakhstan on the Semipalatinsk nuclear safety zone entails liability established by the laws of the Republic of Kazakhstan.

Article 14. The procedure for enactment of this Law

This Law comes into force on January 1, 2024.

*President
of the Republic of Kazakhstan*

K. Tokayev