

On Support of the Use of Renewable Energy Sources

Unofficial translation

The Law of the Republic of Kazakhstan dated 4 July 2009 No. 165-IV.

Unofficial translation

Information for users!

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This Law determines the goals, forms and directions of support for the use of renewable energy sources, and also regulates the mechanism for supporting the energy recycling of waste and the use of secondary energy resources.

Footnote. Preamble as amended by the Laws of the Republic of Kazakhstan dated 09.11.2020 No. 373-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 01.04.2021 No. 26-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. GENERAL PROVISIONS Article 1. The basic definitions used in this Law

The following basic definitions shall be used in this Law:

1) auction price - the price for the purchase of electrical energy produced by a facility for the use of renewable energy sources, the facility for energy waste disposal, determined on the auction results and not exceeding the level of the corresponding maximum auction price by the single electric energy buyer;

1-1) auction - a process organized and conducted by the organizer of auctions in the electronic system on the basis of an auction and aimed at selecting projects for construction of new facilities for the use of renewable energy sources, taking into account the plan for placement of these facilities, facilities for energy waste disposal and determining the auction prices of electric energy produced by facilities for the use of renewable energy sources, facilities for energy waste disposal;

1-2) organizer of auction sales is a legal entity, determined by the authorized body, carrying out organization and conduct of auction sales in accordance with the procedure provided for by this Law;

1-3) qualified consumers - a person or a group of persons, which includes energy-producing organizations using fossil fuels for the production of electrical energy, and (or) energy-producing organizations that own, on ownership right or on other legal grounds, the operating (put into operation after 1 January 2018 and not included by the authorized

body in the list of energy producing organizations using renewable energy sources) facilities for the use of renewable energy sources and (or) operating (put into operation after January 1, 2021) facilities for the use of secondary energy resources, whose generated electrical energy is consumed in full by the said person or group of persons or sold to a single electrical energy purchaser at a centralized auction;

1-4) renewable energy sources - energy sources that are continuously renewable due to naturally occurring natural processes, including the following types: solar radiation energy, wind energy, hydrodynamic water energy; geothermal energy: heat of the soil, groundwater, rivers, reservoirs; as well as anthropogenic sources of primary energy resources: consumer waste, biomass, biogas and other fuel from consumer waste used for the production of electrical and (or) thermal energy;

2) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (effective from 01.07.2023);

3) tariff for support of renewable energy sources - a tariff for the sale by a single purchaser of electrical energy produced by facilities for the use of renewable energy sources, waste-to-energy disposal facilities, established by a single purchaser of electrical energy for qualified consumers of industrial complexes and direct consumers in accordance with the rules for determining the tariff on support of renewable energy sources approved by the authorized body;

4) settlement and financial center for support of renewable energy sources (hereinafter - the settlement and financial center) - a legal entity determined by the authorized body, which is a party to contracts for the purchase and sale of electrical energy produced by facilities for the use of renewable energy sources and facilities for waste-to-energy disposal, in accordance with the legislation of the Republic of Kazakhstan that was in effect before the date of this Law enforcement;

5) an energy producing organisation that uses renewable energy sources - a legal entity that carries out production of electric and (or) heat energy with the use of renewable energy sources;

5-1) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (effective from 01.07.2023);

6) costs for supporting the use of renewable energy sources - costs of a single purchaser for the purchase of electrical energy produced by facilities for the use of renewable energy sources, facilities for waste-to-energy disposal, costs of services for organizing balancing of production and consumption of electrical energy, costs incurred in the balancing market of electric energy (less income), costs of forming a contingent reserve and costs associated with the implementation of its activities;

7) the authorised body on implementation of state policy in the field of support of the use of renewable energy sources - a state body that carries out implementation of state policy in the field of support of the use of renewable energy sources;

7-1) installation using renewable energy sources - technological and auxiliary equipment with the use of renewable energy sources, designed for generating electric and thermal energy ;

8) an object on use of renewable energy sources - technical devices intended for production of electric and (or) heat energy with the use of renewable energy sources and constructions and infrastructure interrelated with them that are technologically necessary for operation of object on use of renewable energy sources and being in a balance of owner of an object on use of renewable energy sources;

8-1) target indicators for development of the renewable energy sector - a planned indicator of the share of the volume of electricity generated by facilities for the use of renewable energy sources, flood electricity in the total volume of electricity production, as well as indicators of the total installed capacity of facilities for the use of renewable energy sources, including by types;

9) targeted assistance to individual consumers (hereinafter - targeted assistance) is compensation of a part of individual consumers costs for the purchase of facilities using renewable energy sources of Kazakhstani production by the state;

9-1) renewable energy sources of Kazakhstani production - renewable energy sources produced by Kazakhstani producers and:

defined in accordance with the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan as fully produced in the Republic of Kazakhstan;

Defined as sufficiently processed in the Republic of Kazakhstan in accordance with the criteria of sufficient processing established by the legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan;

9-2) secondary energy resources - energy resources formed as complementary product in the process of industrial production in relation of using ferroalloy, coke and blast-furnace gases used for the production of electrical energy;

9-3) an energy producing organization using secondary energy resources - a legal entity that produces electrical energy using secondary energy resources;

9-4) an object for the use of secondary energy resources - technical devices intended for the production of electrical energy using secondary energy resources, and structures and infrastructure interconnected with them, technologically necessary for the operation of an object for the use of secondary energy resources and being on the balance sheet of the owner of the object for the use of secondary energy resources;

9-5) an energy producing organization using energy waste disposal - a legal entity that produces energy received from energy waste disposal in accordance with this Law and the environmental legislation of the Republic of Kazakhstan;

9-6) reserve fund - a fund formed by the settlement and financial center, the money of which is kept in a special bank account and used only to cover cash gaps and debts of the settlement and financial center to energy-producing organizations using renewable energy

sources arising from non-payment or delay in payment on the part of conditional consumers for the electricity supplied to them, produced by facilities for the use of renewable energy sources;

9-7) flood electrical energy - electrical energy generated by energy-producing organizations (hydroelectric power plants) during the period of environmental water releases in accordance with the water legislation of the Republic of Kazakhstan in the amount in accordance with the actual balance of production and consumption of electrical energy in the Republic of Kazakhstan and sold to the settlement and financial center at the limit tariff for electricity in the manner prescribed by this Law;

9-8) direct consumers - wholesale consumers provided with electrical energy from energy-producing organizations that are part of the same group of persons, in accordance with concluded bilateral agreements;

10) fixed tariff – a tariff on purchase of electric energy produced by objects on use of renewable energy sources by accounting and finance centre according to the procedure established by this Law;

10-1) industrial complex - wholesale consumers provided with electrical energy from the generating sources available in their composition on the right of ownership, lease or other property right;

11) the authorised body - a central executive body that carries out administration and intersectoral coordination in the field of support of the use of renewable energy sources;

11-1) maximum auction price is the maximum value of the auction price for electricity;

12) individual consumer of electric and (or) heat energy (hereinafter - individual consumer) is an individual or legal entity consuming electrical and / or heat energy from the facility for the use of renewable energy sources operating autonomously in non-electrified settlements and (or) settlements where the centralized power supply is economically impractical;

13) net consumer of electricity (hereinafter - net consumer) is an individual or legal entity who provides fully or partly its own consumption of electrical energy from the facility for the use of renewable energy sources owned by it on the right of ownership or other proprietary right connected to the distribution electric network and equipped with separate accounting systems for the volumes of electricity consumption from the network and the volumes of supply to it, with a total installed capacity of up to 100 kilowatts, including combined installation of renewable energy sources;

14) zone of consumption of electric energy - a part of the unified electric power system of the Republic of Kazakhstan, in which there are no restrictions of a technical nature that prevent the consumption of electric energy produced by an object for the use of renewable energy sources and secondary energy resources, an object for energy waste disposal, and flood electric energy.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 128-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after the day its first official publication); dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication) ;dated 26.12.2017 № 124-VI (shall be enforced dated 01.01.2018); dated 09.11.2020 No. 373-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 07.12.2020 No. 380-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 No. 401-VI (shall be enforced from 01.07.2021); dated 01.04.2021 No. 26-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2021 No. 87-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 06.02.2023 No. 194-VII (shall come into effect from 01.04.2023; dated 19.04.2023 No. 223-VII (effective from 01.07.2023).

Article 2. The legislation of the Republic of Kazakhstan in the field of support of the use of renewable energy sources

1. The legislation of the Republic of Kazakhstan in the field of support of the use of renewable energy sources is based on the Constitution of the Republic of Kazakhstan, consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. Social relations arising in the field of manufacturing and turnover of biofuel shall be regulated by the legislation of the Republic of Kazakhstan on the state regulation of manufacturing and turnover of biofuel.

3. Social relations arising in the process of production, transmission and consumption of electric and (or) heat energy and that are not regulated by this Law, shall be regulated by the legislation of the Republic of Kazakhstan on electric power industry.

3-1. The provisions of this Law regulating the procedure for application of fixed tariffs and auction prices for the purchase of electricity produced by renewable energy sources do not apply to:

energy producing organizations having facilities for the use of renewable energy sources which operating term exceeded the payback period established in the feasibility study approved and agreed with the authorized body or local executive body;

hydroelectric power stations with installations located in one hydroelectric complex, with a total capacity of over thirty five megawatts and (or) reservoirs providing more than a daily period of regulation, with the exception of those commissioned after January 1st , 2016.

3-2. The provisions of this Law relating to qualified nominal consumers apply to a group of persons if one of such persons is established control with respect to another person, and if such persons are under the control of one person.

Control is understood as the possibility of an individual or a legal entity, directly or indirectly (through a legal entity or through several legal entities) to determine decisions taken by another legal entity through one or more of the following actions:

- 1) disposal of more than fifty percent of voting shares (stakes in the authorized capital, units) of a legal entity;
- 2) exercising the functions of the executive body of the legal entity.

The ability of an individual or legal entity to indirectly determine decisions made by another legal entity, in accordance with subparagraph 1) of part two of this paragraph, shall be understood to be the disposal by each subsequent legal entity of more than fifty percent of the voting shares (stakes in the authorized capital, shares) of another legal entity.

A group of persons is treated as a single qualified nominal consumer.

4. If an international treaty ratified by the Republic of Kazakhstan establishes rules other than those contained in this Law, then the rules of an international treaty shall be applied.

Footnote. Article 2 as amended by the Laws of the Republic of Kazakhstan dated 04.07.2013 № 128-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after the day its first official publication); dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 03.01.2022 No. 101-VII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Chapter 2. STATE REGULATION IN THE FIELD OF SUPPORT OF THE USE OF RENEWABLE ENERGY SOURCES

Article 3. Objectives and forms of state regulation in the field of support of the use of renewable energy sources

1. State regulation in the field of support of the use of renewable energy sources shall be carried out in order to create favourable conditions for production of electric and (or) heat energy with the use of renewable energy sources to reduce energy consumption of economy and influence of electric and (or) heat energy production sector on environment and increase the use shares of renewable energy sources during production of electric and (or) heat energy.

2. State regulation in the field of support of the use of renewable energy sources for production of electric and (or) heat energy shall include:

1) approval and implementation of the plan of placement facilities for the use of renewable energy sources, taking into account the targets indicators for the development of renewable energy sector;

1-1) establishment of fixed tariffs and marginal auction prices;

1-2) provision of targeted assistance;

2) *Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012);*

3) *Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

4) creating conditions for training and education of Kazakhstani personnel and conducting of scientific research in the field of use of renewable energy sources;

5) technical regulation;

6) adoption of regulatory legal acts in the field of use of renewable energy sources.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV (shall be enforced from 30.01.2012); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 128-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after the day its first official publication); dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 4. Principal directions of state regulation in the field of support of the use of renewable energy sources

State regulation in the field of support of the use of renewable energy sources is carried out in the following principal directions:

1) creation of favourable conditions for construction and operation of objects on use of renewable energy sources;

2) stimulation of production of electric and (or) heat energy with the use of renewable energy sources;

3) provision of investment preferences to legal entities that carry out the design, construction and operation of objects for the use of renewable energy sources, in accordance with the Entrepreneurial Code of the Republic of Kazakhstan;

4) creation of favourable conditions for effective integration of objects on use of renewable energy sources into unified electric energy system and heat system and market of electric and heat energy;

5) assistance in performance of international obligations of the Republic of Kazakhstan on reducing emission of greenhouse gases.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 128-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after the day its first official publication).

Article 5. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

1) develop principal directions of state policy in the field of use of renewable energy sources;

2) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

3) - 7) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

7-1) approve the rules for determining fixed tariffs and marginal auction prices;

7-2) approve the fixed tariffs;

7-3) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

8) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

8-1) provides state financial support to the settlement and financial center in case of its impossibility to fulfill its obligations to energy-producing organizations using renewable energy sources, due to the insufficiency of its income from the sale of electricity generated by facilities for the use of renewable energy sources;

8-2) approves the rules for providing state financial support to the settlement and financial center;

9) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (effective ten calendar days after the date of its first official publication).

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011); as amended by the Laws of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 128-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 07.12.2020 No. 380-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2023 No. 223-VII (effective ten calendar days after the date of its first official publication).

Article 6. Competence of the authorised body

The authorised body shall:

1) form and implement state policy in supporting the use of renewable energy sources;

2) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

3) develops and approves technical regulations in the field of the use of renewable energy sources and makes proposals for the improvement of national standards in the field of design, construction, operation and safety of objects for the use of renewable energy sources for production of electrical and (or) thermal energy;

4) develops and approves normative legal acts in the field of use of renewable energy sources;

5) approves the plan of placement facilities for the use of renewable energy sources, taking into account the target indicators for the development of the renewable energy sector;

5-1) develops and approves the rules for formation of a plan of placement facilities for the use of renewable energy sources;

5-2) approves the target indicators for the development of the renewable energy sector;

5-3) develops and approves the procedure for recalculation and redistribution of the corresponding share of electric energy for a qualified nominal consumer based on the results of a calendar year by the calculation and financial center;

5-4) coordinates the qualified nominal consumers with the type of renewable energy sources, capacity and location of the object for the use of renewable energy sources in accordance with the plan of placement facilities for the use of renewable energy sources and technical capabilities of the unified electric power system of the Republic of Kazakhstan;

5-5) develops and approves the rules for organization and conduct of auction sales, including the qualification requirements for the auction participants, the content and procedure for filing an application, the types of financial security of the application for participation in the auction and the conditions for their entry and return, the procedure for summing up the results and determining the winners;

5-6) determines the organizer of the auction sales;

5-7) determines the terms of the auction sales, planned capacity by the type of renewable energy sources, the proposed zones (areas) of placement facilities for the use of renewable energy sources in accordance with the plan of placement facilities for the use of renewable energy sources;

5-8) approves the marginal auction prices;

6) is excluded by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 128-V (shall be enforced upon expiry of ten calendar days after its first official publication);

7) approves the procedure and monitors the use of renewable energy sources and the sale of planned facilities for the use of renewable energy sources;

8) develops and approves the procedure and terms for determining the nearest point of connection to electric or heat networks and connecting facilities for the use of renewable energy sources, facilities for energy waste disposal;

8-1) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

9) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication);

9-1) develops and approves a standard contract for connecting facilities for the use of renewable energy sources, facilities for energy waste disposal, as well as the procedure and terms for its conclusion;

9-2) develops and approves the rules for formation and use of the reserve fund;

10) approve the rules for the centralized purchase and sale by a single purchaser of electrical energy produced by facilities for the use of renewable energy sources, waste-to-energy disposal facilities, the corresponding standard forms of agreements of a single purchaser of electrical energy with energy-producing organizations using renewable energy sources, waste-to-energy disposal, industrial complexes, direct consumers and qualified consumers;

10-1) develop the rules for determining fixed tariffs;

10-2) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

10-3) develops and approves the rules for formation of a list of energy-producing organizations using renewable energy sources and places it on its Internet resource;

10-4) is excluded by the Law of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after the day its first official publication);

10-5) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (effective from 01.07.2023);

10-6) approves the rules for functioning of balancing electricity market;

10-7) develops and approves the rules for providing targeted assistance to individual consumers;

10-8) determine the procedure for the purchase of electrical energy by digital miners, who are wholesale consumers of electrical energy, from the financial settlement center;

11) coordinate the interaction of state bodies, subjects of private entrepreneurship and scientific and scientific and technical activity in relation to development and use of renewable energy sources;

12) carry out international cooperation in the field of the use of renewable energy sources;

13) carry out other powers provided 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.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 128-V (shall be

enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after the day its first official publication); dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.11.2020 No. 373-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 07.12.2020 No. 380-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.02.2023 No. 194-VII (shall come into effect from 01.04.2023; dated 19.04.2023 No. 223-VII (enforcement see Art. 3).

Article 6-1. Competence of the authorised body on implementation of state policy in the field of support of the use of renewable energy sources

The authorised body on implementation of state policy in the field of support of the use of renewable energy sources shall:

- 1) implement state policy in the field of support of the use of renewable energy sources;
- 2) carry out monitoring of connection of objects on use of renewable energy sources to electric or heat networks of energy producing organisations in accordance with the legislation of the Republic of Kazakhstan on electric power industry;
- 3) carry out other powers provided 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.

Footnote. Chapter 2 is supplemented by Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7. Competence of local executive bodies of oblasts, cities of national importance and the capital

A footnote. Title of Article 7 with the change introduced by the Law of the Republic of Kazakhstan dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Local executive bodies of regions, cities of national importance and the capital:

- 1) *is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*
- 2) *is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

3) coordinate the projects of construction of facilities for the use of renewable energy sources located in the subordinated territory for production of thermal energy supplied to the centralized heating system;

3-1) reserves and provides land plots for the construction of facilities for the use of renewable energy sources in accordance with the land legislation of the Republic of Kazakhstan;

3-2) provide targeted assistance to individual consumers;

4) carry out other powers imposed on local executive bodies by the legislation of the Republic of Kazakhstan in behalf of local state administration.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 128-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after the day its first official publication) ; dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 07.12.2020 No. 380-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 7-1. Obligations of participants in the production, transmission and purchase of electrical energy produced by facilities for the use of renewable energy sources and secondary energy resources, facilities for energy waste disposal

Footnote. The heading of Article 7-1 as amended by the Law of the Republic of Kazakhstan dated 09.11. 2020 No. 373-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 01.04.2021 No. 26-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. Energy transmission organizations, to the networks of which facilities for the use of renewable energy sources, facilities for energy waste disposal are connected, are obliged to submit to the settlement and financial center on a monthly basis, determined on the basis of the readings of commercial electricity metering devices, information on the volumes of electricity supplied by facilities for the use of renewable energy sources, energy waste disposal facilities in their network.

2. Excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (effective from 01.07.2023).

2-1. Qualified nominal consumers bear the obligations stipulated by subparagraphs 2) and 3) of clause 2, as well as by paragraphs 6, 6-1, 6-2 and 8 of this article.

Qualified conditional consumers are required to annually conclude agreements with the settlement and financial center for the purchase of electricity produced by energy producing organizations using renewable energy sources, energy waste disposal, and flood electricity in accordance with the standard form.

During the construction of a facility for the use of secondary energy resources, qualified conditional consumers, not later than three hundred and sixty-five days before the commissioning of the facility, notify the authorized body and the system operator of the construction of the facility for the use of secondary energy resources, indicating the type of secondary energy resources, the volume of capacity and location.

3. The single purchaser of electrical energy shall:

1) purchase, in the manner established by this Law, from energy producing organizations using renewable energy sources and waste- energy disposal, the planned electricity volume:

under purchase and sale agreements between the settlement and financial center and the energy producing organization - at a fixed tariff in effect on the date of conclusion of the agreement, taking into account the indexation provided for in paragraph 2 of Article 8-1 of this Law;

under sales and purchase agreements concluded by it or the settlement and financial center with an energy-producing organization - at auction prices determined on the auction results, taking into account the indexation provided for in paragraph 2 of Article 8-1 of this Law;

2) pay for the electrical energy purchased in accordance with subparagraph 1) of this paragraph in the manner prescribed by the Law of the Republic of Kazakhstan “On Electric Power Industry”.

4. The single electrical energy purchaser shall enter into contracts for the purchase and sale of electrical energy with energy-producing organizations using renewable energy sources , which are supported in accordance with this Law, and included by the authorized body in the list of energy-producing organizations using renewable energy sources, and purchase electrical energy within fifteen years from the date of commencement of comprehensive tests, during which the electrical energy was supplied to the unified electric power system of the Republic of Kazakhstan, or from the expiration date of the submission of the act of acceptance of the facility into operation in accordance with the purchase and sale agreement, whichever comes first.

4-1. The single purchaser of electrical energy shall enter into contracts for the purchase and sale of electrical energy with energy-producing organizations that use waste-to energy recycling, supported in accordance with this Law and the environmental legislation of the Republic of Kazakhstan, and included in the register of auction winners, and purchases electrical energy within fifteen years from the date of commencement of comprehensive tests, during which electrical energy was supplied to the unified electrical power system of the Republic of Kazakhstan.

4-2. Based on the auction results, the single electrical energy purchaser shall enter into contracts for the purchase and sale of electrical energy with energy-producing organizations using renewable energy sources, supported in accordance with this Law, and included by the authorized body in the list of energy-producing organizations using renewable energy sources, and purchase the electrical energy for a period of twenty years from the date of commencement of comprehensive tests, during which the electrical energy was supplied to the unified electric power system of the Republic of Kazakhstan, or from the expiration date of the submission of the act of acceptance of the facility into operation in accordance with the purchase and sale agreement, whichever comes first.

4-3. The settlement and financial center and energy producing organizations (hydroelectric power plants) engaged in the production and supply of flood electric energy to the network annually, until January 31 of the current year, concludes agreements for the sale and purchase of flood electric energy in accordance with the standard form approved by the authorized body.

5. The calculation and financial center is obliged to audit the annual financial statements in accordance with the Law of the Republic of Kazakhstan "On Auditing" and present its results to the authorized body.

6. Energy-producing organizations using renewable energy sources, secondary energy resources, waste-to-energy disposal, including energy-producing organizations that are part of a qualified consumer, shall:

1) monthly provide the single electrical energy purchaser with information on the actual daily generation and supply volumes in the electrical energy network no later than the fifth day of the month following the month of supply;

2) annually, by the twentieth of December, send information to the single electrical energy purchaser on the forecast generation and supply volumes to the electrical energy network for the coming year, broken down by month;

3) submit to the regional power grid company and (or) the system operator daily and monthly (ten calendar days before the start of the month) schedules for the electrical energy supply;

4) ensure compliance with daily schedules for the production of electrical energy in accordance with the legislation of the Republic of Kazakhstan.

6-1. Along with the obligations specified in paragraph 6 of this article, energy-producing organizations using renewable energy sources, secondary energy resources, energy waste disposal with an installed capacity of at least one megawatt, are required to comply with the operating modes of the power plant generating installations specified by the system operator in accordance with the legislation of the Republic of Kazakhstan.

6-2. Hydroelectric power stations equipped with reservoirs are obliged to carry out intraday regulation of electric power generation in accordance with the orders of the system operator when implementing centralized operational dispatch management of the unified

electric power system of the Republic of Kazakhstan within the framework of the water regime approved by the authorized body in the field of use and protection of water fund.

6-3. After the commissioning of the facility for the use of secondary energy resources for ten years, an energy producing organization using secondary energy resources and the system operator annually conclude an agreement for provision of services for regulating electric power at a price equal to the weighted average contract price for the acquisition by the system operator of these services for a calendar year, the year preceding the year of conclusion of the contract, in the regulation range of at least twenty percent of the installed electric capacity of the facility for the use of secondary energy resources to increase or decrease.

7. Energy-producing organizations using renewable energy sources shall file an application for concluding a purchase and sale agreement with a single electrical energy purchaser for the purchase of electrical energy produced by facilities using renewable energy sources within sixty calendar days after their inclusion in the list of energy-producing organizations using renewable energy sources.

To the application for concluding the purchase and sale contract for the of electrical energy produced by facilities using renewable energy sources, the energy producing organization using renewable energy sources shall attach the following materials and documents:

- 1) copies of title documents;
- 2) information on the supplied electrical energy volumes.

7-1. Energy-producing organizations using waste-to- energy disposal shall file an application to conclude a purchase and sale agreement with a single purchaser of electrical energy for the purchase of electrical energy produced by waste-to- energy disposal facilities within sixty calendar days after their inclusion in the register of auction winners.

To the application for concluding a contract for the purchase and sale of electrical energy produced by waste-to- energy disposal facilities, the energy-producing organization using waste-to- energy disposal shall attach the following materials and documents:

- 1) copies of title documents;
- 2) information on the supplied electrical energy volumes.

8. All energy-producing organizations using renewable energy sources, secondary energy resources, waste-to- energy disposal, including energy-producing organizations that are part of a qualified consumer, and energy-producing organizations that produce and supply flood electric energy to the network, are required to have an automated commercial metering system on their facility for the use of renewable energy sources and secondary energy resources, the facility for waste-to- energy disposal. An automated commercial accounting system must be able to remotely transmit data to regional dispatch centers.

9. The legislation of the Republic of Kazakhstan on public procurement shall not apply to legal relations related to the purchase of electrical energy by a settlement and financial centre.

Footnote. Chapter 2 is supplemented by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 128-V (shall be enforced upon expiry of six months after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after the day its first official publication); dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.11.2020 No. 373-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 07.12.2020 No. 380-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 01.04.2021 No. 26-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2022 No. 177-VII (shall come into effect ten calendar days after the day of its first official publication); dated 06.02.2023 No. 194-VII (shall come into effect from 01.04.2023; dated 19.04.2023 No. 223-VII (shall come into effect from 01.07.2023).

Chapter 3. SUPPORT OF THE USE OF RENEWABLE ENERGY SOURCES Article 8. Support during designing and construction of objects on use of renewable energy sources

Footnote. Article 8 is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 8-1. Fixed rate and auction price

Footnote. The title of Article 8-1 in the new wording of the Law of the Republic of Kazakhstan dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

1. Fixed tariffs shall be approved by the Government of the Republic of Kazakhstan by validity of fifteen years for each type of renewable energy sources, the support of which is provided by the documents of the National Planning System of the Republic of Kazakhstan.

2. The approved fixed tariffs and auction prices are annually indexed in the manner determined by the Government of the Republic of Kazakhstan.

The approved fixed tariffs, depending on the structure of project financing and economic feasibility, are subject to annual indexation taking into account the change in the exchange rate of the national currency to foreign currencies in the order determined by the Government of the Republic of Kazakhstan.

3. In order to achieve the target indicators stipulated by the documents of the state planning system of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan has the right to adjust the levels of previously approved fixed tariffs annually. The Act of the Government of the Republic of Kazakhstan on the adjustment of approved

fixed tariffs is put into effect not earlier than two years after its first official publication in periodicals distributed throughout the Republic of Kazakhstan in Kazakh and Russian.

To encourage the introduction of facilities for the use of renewable energy sources of low power, as well as providing electricity to areas with less favorable natural, climatic, technical or other conditions for the development of renewable energy sources, fixed tariffs are differentiated depending on the installed capacity of renewable energy sources.

This paragraph does not apply to existing contracts for the sale and purchase of the calculation and financial centre with energy producing organizations that use renewable energy sources.

Footnote. Chapter 3 is supplemented by Article 8-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 No. 128-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after the day its first official publication); dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 9. Support for the sale of electrical and (or) thermal energy produced by facilities for the use of renewable energy sources and secondary energy resources, facilities for energy waste disposal

Footnote. The heading of Article 9 as amended by the Law of the Republic of Kazakhstan dated 09.11. 2020 No. 373-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 01.04.2021 No. 26-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. An energy producing organisation that uses renewable energy sources, shall have the right to sell produced electric energy at its discretion by one of the following options:

1) to the single electrical energy purchaser at a fixed tariff effective as of the date of conclusion of the purchase and sale agreement between it and the financial settlement center, or at the auction price determined on the auction results, taking into account the indexation provided for in paragraph 2 of Article 8-1 of this Law ;

2) to consumers at negotiated prices in accordance with concluded bilateral agreements as required by the legislation of the Republic of Kazakhstan on the electric power industry.

An energy producing organisation that uses renewable energy sources and carries out activity in accordance with subparagraph 2) of part one of this paragraph, shall not have the right to change to sale of produced electric energy by option provided by subparagraph 1) of part one of this paragraph.

2. Costs for supporting the use of renewable energy sources shall be distributed by the single electricity purchaser in accordance with the procedure established by the authorized body, between direct consumers, industrial complexes, conditional consumers and wholesale

electricity market entities included in the list of the wholesale electricity market entities formed by the system operator who has entered into a contract for the purchase and sale of electrical energy with a single purchaser of electrical energy (hereinafter referred to as the total costs).

The costs of supporting the use of renewable energy sources attributable to direct consumers and industrial complexes shall be determined as the corresponding share of their planned electrical energy consumption in the total volume of planned national consumption (hereinafter referred to as the costs of direct consumers and industrial complexes).

Costs for supporting the use of renewable energy sources attributable to wholesale electricity market entities included in the list of the wholesale electricity market entities formed by the system operator, defined as the difference in total costs and costs of direct consumers and industrial complexes, shall be distributed between them in proportion to the share of their planned purchase of electrical energy from a single electrical energy purchaser.

At the same time, the costs of supporting the use of renewable energy sources are not distributed by a single electrical energy purchaser to a qualified consumer, except for the cases provided for in paragraphs 2-1 and 2-2 of this article.

2-1. The single electrical energy purchaser, in the manner approved by the authorized body, shall recalculate and redistribute the appropriate share of costs to support the use of renewable energy sources to a qualified consumer if the ratio of the annual volume of electrical energy generation (or the volume for a shorter period when generating electrical energy is less than one calendar year) by facilities for the use of renewable energy sources and secondary energy resources, put into operation by a qualified consumer, to the volume of electrical energy consumed by him is less than one of the two indicators listed below:

- 1) the actual share of the volume of electrical energy generated by facilities for the use of renewable energy sources and secondary energy resources in the total volume of electrical energy production in the accounting year in the Republic of Kazakhstan;

- 2) the target indicator provided for by the documents of the State Planning System of the Republic of Kazakhstan, the effect of which extends to the accounting year.

2-2. In the event that a qualified conditional consumer puts into operation a facility for the use of secondary energy resources, its share of electric energy is calculated in accordance with paragraph 2-1 of this article, but cannot be lower than the minimum value equal to that actually acquired by the qualified conditional consumer and conditional consumers, included in the structure of the qualified conditional consumer, the volume of electricity from the settlement and financial center in 2020 for the period of validity of the purchase and sale agreements of the settlement and financial center with energy-producing organizations using renewable energy sources, for facilities for the use of renewable energy sources that sold electricity to the settlement and financial center in 2020.

At the same time, the minimum amount of electrical energy to be purchased from the settlement and financial center, specified in part one of this paragraph, is proportionally

reduced by the corresponding amount of electric energy as the sale and purchase agreements of the settlement and financial center with energy-producing organizations using renewable energy sources terminate, specified in part one of this paragraph, in the manner approved by the authorized body.

3. In the event that the amount of money received by the settlement and financial center from the sale of electricity from renewable energy sources, energy waste disposal and flood electricity in accordance with subparagraph 2) of paragraph 3 of Article 7-1 of this Law is less than or exceeds the amount necessary to reimburse the costs of supporting the use of renewable energy sources and reimburse the costs of purchasing flood electricity in the current quarter, the settlement and financial center recalculates and redistributes the costs among conditional consumers of electricity for the next quarter.

In case of shortage of money from a nominal consumer due to its withdrawal from the market, liquidation, the calculation and financial center distributes the corresponding share of electricity that was calculated for the above consumer to all nominal consumers in proportion to their consumption volume in relation to the total volume of electricity consumption in the Republic of Kazakhstan.

4. The costs of a conditional consumer for the purchase from the settlement and financial center of electrical energy produced by facilities for the use of renewable energy sources, facilities for energy waste disposal, and the costs for the purchase of flood electricity are reimbursed by the buyers of electricity of this conditional consumer in proportion to the corresponding share of the volume of purchased electricity of the buyer in relation to the total volume of electrical energy supplied to the network.

The effect of this paragraph shall not apply in relation to buyers of electrical energy of a conditional consumer in a proportional amount that ensures coverage of the share of renewable energy sources determined by this clause at the expense of electrical energy generated by objects of renewable energy sources and secondary energy resources that are on the right of ownership or on other legal grounds (commissioned after January 1, 2022 and not included by the authorized body in the list of energy producing organizations using renewable energy sources), as well as at the expense of objects of renewable energy sources and secondary energy resources of legal entities that are in the same group of persons with this buyer.

At the same time the effect of part two of this paragraph shall apply only subject to the conditions and term specified in paragraph 4-3 of this article.

4-1. The costs of a conditional consumer for the purchase from the settlement and financial center of electrical energy produced by facilities for the use of renewable energy sources, facilities for energy waste disposal, including flood electricity, are accounted for in accordance with subparagraph 4) of paragraph 3 of Article 7-1 of this Law.

4-2. The effect of paragraph 4 of this Article shall not apply in relation to buyers of electric energy of a conditional consumer in a proportional amount that ensures coverage of

the share of renewable energy sources defined in paragraph 4 of this article at the expense of electric energy generated by objects of renewable energy sources and secondary energy resources that are on the right of ownership or on other legal grounds (introduced in operation after January 1, 2022 and not included by the authorized body in the list of energy producing organizations using renewable energy sources), as well as at the expense of renewable energy facilities and secondary energy resources of legal entities that are with this buyer in the same group of persons.

In this case, the effect of this paragraph shall apply subject to the conditions and term specified in paragraph 4-3 of this article.

4-3. Buyers of electrical energy of conditional consumers shall notify the authorized body, settlement and financial center and system operator of the planned commissioning of a facility for the use of renewable energy sources and (or) secondary energy resources, indicating the type of renewable energy sources and (or) secondary energy resources, the volume of capacity and location their location no later than three hundred and sixty-five calendar days.

In case of failure to meet the deadlines for the planned commissioning of a facility for the use of renewable energy sources and (or) secondary energy resources specified in the notification of buyers of electrical energy of conditional consumers, the authorized body shall readjust the deadlines based on the application of this buyer.

5. Sale and purchase contracts of heat energy produced by energy producing organisations that use renewable energy sources shall be concluded for the period of no less than the payback period of construction project on use of renewable energy sources, determined in technical and economic justification of construction project on use of renewable energy sources.

6. All the heat energy produced by an object on use of renewable energy sources and supplied to centralised heat supply system of inhabited locality with parameters that correspond to parameters of coolant in centralised heat supply system, shall be purchased by energy supplying organisations of this inhabited locality.

The costs of heat energy produced by the facility for the use of renewable energy sources is included in the tariff of the energy supply organization in the order established by the legislation of the Republic of Kazakhstan on natural monopolies.

Energy producing organisation that uses renewable energy sources shall agree with energy supplying organisation the periods of delivery of heat energy in the centralised heat supply system depending on the sessional nature of heat supply.

Energy producing organisation that uses renewable energy sources shall be excused from paying services of energy transmitting organisations on transmission of heat energy during supply of heat energy.

7. Energy transmitting organizations shall be obliged to provide energy producing organizations that use renewable energy sources and secondary energy resources, with free

access for a transmission through the networks, in accordance with the legislation of the Republic of Kazakhstan.

Energy-producing organizations that use renewable energy sources and sell the generated electrical energy in accordance with subparagraph 1) of part one of paragraph 1 of this article, and energy-producing organizations (hydroelectric power plants) that produce and supply flood electric energy to the network (during the period of environmental water release and in the amount flood electricity), shall be exempted from paying for the services of energy transmission organizations for the transmission of electricity.

Buyers and their energy producing organizations that are part of the same group of persons with them, using renewable energy sources and (or) secondary energy resources (which were put into operation after January 1, 2022) for their own needs, shall be exempted from paying for the services of energy transmission organizations for the transmission of electric energy.

8. The single electrical energy purchaser and energy-producing organizations using renewable energy sources, energy-producing organizations using secondary energy resources, and energy-producing organizations using waste to energy disposal, included in the list of the wholesale electricity market entities, formed by the system operator, shall participate in the balancing electric energy market in accordance with the Law of the Republic of Kazakhstan “On Electric Power Industry”.

9. The net-consumer pays the electric power supply consumed by the energy-supplying organization servicing it at its current tariff, consumed during the billing period from the electric grid, minus the volume supplied to the power grid in the same period.

In case of exceeding the volume of electric energy supplied by the net consumer for the billing period to the electric grid, over the amount of electric energy consumed by it for the same period from the grid, the serving power supply organization pays to the net consumer at its current tariff for sale the supplied electric energy by the net consumer in the volume of the above excess.

Purchase and sale of electricity from net consumers by the power supply organization is carried out in accordance with the Rules for the purchase and sale of electricity from net consumers, developed and approved by the authorized body.

10. The state provides targeted assistance to individual consumers in the amount of fifty percent of the cost of installations for the use of renewable energy sources with a total capacity of not more than five kilowatts in the manner determined by the authorized body. The targeted assistance is paid after the commissioning of installation for the use of renewable energy sources.

11. An individual consumer received targeted assistance on acquisition of installation on use of renewable energy sources, shall not have the right to carry out sale of electric and (or) heat energy produced on this installation to other consumers.

Footnote. Article 9 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 No. 128-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after the day its first official publication); dated 28.12.2016 № 34-VI (shall be enforced from 01.01.2017); dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.11.2020 No. 373-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 07.12.2020 No. 380-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 01.04.2021 No. 26-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2021 No. 87-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII (shall come into effect from 01.07.2023).

Article 10. Support during connection of objects on use of renewable energy sources to electric or heat networks of energy transmitting organisation and transmission of electric and (or) heat energy

1. Newly constructed facilities for the use of renewable energy sources, as well as reconstructed facilities, irrespective of the commissioning period, are connected to the nearest point of the electric or thermal grids of energy transmission organization, corresponding to the voltage class or the coolant parameters in the common heat supply network.

1-1. An energy producing organization planning the creation (expansion, reconstruction) of new or existing facilities for the use of renewable energy sources, and an energy transmission organization, to which electrical grids the facilities for the use of renewable energy sources are directly connected, are obliged to conclude a standard agreement on connection of facilities for the use of renewable energy sources in the manner and within the terms specified by the authorized body for implementation of the state policy in the field of supporting the use of renewable energy sources jointly with the authorized body in the electric power industry. At the same time, the concluded contract provides for the responsibility of the energy producing organization that plans to create (expand, reconstruct) new or existing facilities for the use of renewable energy sources and the energy transmission organization, to which electrical grids the renewable energy facilities are directly connected, for failure to fulfill or improperly fulfill its conditions .

2. Energy transmitting organisations shall provide unimpeded and non-discriminatory determination of the closest access point of electric or heat networks that corresponds to the voltage class or parameters of the coolant in the common heat supply network, and connection of objects on use of renewable energy sources.

3. In the case of limiting the capacity of electric networks of energy transmission organizations, the priority should be given to the transmission of electrical energy produced

by an energy producing organization using renewable energy sources. This requirement does not apply to the periods of liquidation of emergency violations in the unified power system of the Republic of Kazakhstan by the system operator.

4. When forming daily dispatch schedules for the supply and consumption of electrical energy to the electric grids of the unified electric power system of the Republic of Kazakhstan, supplies from facilities for the use of renewable energy sources shall be included in it in priority order.

This priority does not apply to renewable energy facilities participating in the capacity market, as well as renewable energy facilities that do not sell electrical energy to a single purchaser of electrical energy under long-term purchase and sale agreements for electrical energy concluded in accordance with the legislation of the Republic of Kazakhstan on support and development of renewable energy sources.

5. In case of expansion and reconstruction of existing electric and heat networks by power transmission organizations to connect facilities for the use of renewable energy sources, the relevant costs are included in the tariffs of energy transmission organizations in the manner established by the legislation of the Republic of Kazakhstan on natural monopolies.

6. The costs associated with the construction of a network from the facility for the use of renewable energy sources to the point of connection to the network of the energy transmission organization, with connection to the grid, the transfer of energy from the facility for the use of renewable energy sources to the point of connection to the network of the energy transmission organization and measurement of the supplied energy are assigned on the owner of the facility for the use of renewable energy sources.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 04.07.2013 № 128-V (shall be enforced upon expiry of six months after its first official publication); dated 28.04.2016 № 506-V (shall be enforced upon expiry of sixty calendar days after the day its first official publication); dated 28.12.2016 № 34-VI (shall be enforced from 01.01.2017); dated 19.04.2023 No. 223-VII (shall come into effect from 01.07.2023).

Chapter 4. FINAL AND TRANSITIONAL PROVISIONS

Footnote. The title of Chapter 4 in the new wording of the Law of the Republic of Kazakhstan dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 11. Liability for violation of the legislation of the Republic of Kazakhstan in the field of support of the use of renewable energy sources

Violation of the legislation of the Republic of Kazakhstan in the field of support of the use of renewable energy sources shall entail liability established by the Laws of the Republic of Kazakhstan.

Article 11-1. Transitional provisions

The norms of this Law regulating the procedure for application of fixed tariffs for the purchase of electricity produced by renewable energy sources are only applicable to contracts concluded by the calculation and financial center with energy producing organizations using renewable energy sources before the provisions on application of the auction prices.

Paragraph 9 of Article 7-1 of this Law shall apply to contracts concluded by the settlement and financial centre with energy-producing organizations using renewable energy sources from January 1, 2022.

Footnote. Chapter 4 is supplemented by Article 11-1 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2022 No. 177-VII (shall come into effect ten calendar days after the day of its first official publication).

Article 12. The order of the entry into force of this Law

This Law shall enter into force upon expiration of ten calendar days after the day of its first official publication.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 11.07.2017 № 89-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

*The President
of the Republic of Kazakhstan*

N. Nazarbayev