

Energy Law of the Republic of Kazakhstan: Problems and Perspectives

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Abstract: The problems of legal regulation of energy relations are covered in this study. The actuality of the research is focused on the energy complex and serious potential of natural resources of the country, emphasizing the significance in modern state of Kazakhstan. It is paid attention to the researchers point of view related to crucial issues such as correlation of energy, natural resources and environmental laws. The study also provides a detailed analysis of national legislation and practice of its application in the study area and proposes concrete ways for their improvement.

Key words: Energy, energy legislation, renewable energy, natural resources and environmental laws, Kazakhstan

INTRODUCTION

The study of energy sector legal framework of Kazakhstan's economy shows that currently there is a process of dynamic development in the energy legislation of the country. This is due to the fact that the energy sector provides vital interests of the society and state. We cannot imagine our modern life without the modern benefits of civilization, gas and electricity without gasoline, etc. On the other hand, global trends in energy policy will require a flexible and well-coordinated organization of life and energy complex of the country and their legal registration, respectively.

As we know, currently there is a need for large-scale investments in the energy sector which is associated with increasing energy demand and infrastructure aging of the energy industry. Increasing demand for energy, constant fluctuation of rising prices for oil and gas on a global scale it is also the reality of today. It is important that the energy sector is closely linked with the use of natural resources and the state, on the one hand as the owner of these resources and on the other hand as the guarantor of the public interest, must fulfill the environmental and other obligations of the country in other words, the norms of international legal conventions and directives, ratified by our country. All the above suggests that the problems and prospects of energy law of Kazakhstan require thorough study and justification of theoretical concepts.

MAIN RESEARCH RESULTS

In Kazakhstan, the process of stirring up the power legislation development is observed, >10 regulations are adopted in recent years. For example, RK laws "On Energy Saving", "On Gas and Gas Supply", "On Support of

Renewables Use", "On the Main Pipeline", etc. Process of activization of law-making activity is objective need and modern world calls as before the countries suppliers and countries consumers of energy demand cardinal revision of earlier operating priorities. Acceptance by our country >30 international conventions of only ecological character and directives of EU demand their performance. Therefore, the Kazakhstan jurisprudence has to reflect on power branch problems of the legislation, the purpose of which is to assist in Kazakhstan's entry into a top 30 competitive countries of the world on the basis of developing new technologies and services that will allow to provide transition from raw to innovative type of economy seriously. Actually, mining law, oil law and law on subsoil use are positioning the attention on legal support of raw sector of economy whereas the modern energy sector of economy has to develop in an innovative way. In this plan practice of the developed world countries which went on other way where the emphasis is placed on mobilization of alternative energy sources use.

For example, Germany has the state program "One Hundred Thousand Solar Roofs" for several years and the USA a similar program "Million Solar Roofs". For example, in 2011, Germany developed 20% of the electricity from the renewable power and in 2050 it plans to increase this level to 80%. Renewable energy, compared with the traditional, creates 3 times more job vacancies. This proves that the development of renewable energy sources is not only economically and environmentally beneficial but also socially. If we talk about the use of wind resources, the annual growth of global wind energy is 30%. In Germany, the cost of wind energy in 2011 was below the coal. Today, the share of wind energy in the energy mix of Asian region is about 34%. The best results have been achieved by China. Every year in the period

from 2006-2011, China has doubled its wind power capacity and will continue to build capacity at the same pace in the next few years.

In 2009, Kazakhstan adopted a special law “On support of renewable energy” which has been criticized by both scholars and entrepreneurs due to the accumulated problems of its application in practice. This is because our legal science is behind the practice and does not give clear answers on what legal algorithm to develop this industry. We can agree with the opinion that the practice shows “special convergence of legal regulation of relations in the field of primary non-renewable mineral and energy resources use, primarily oil and gas because they as subjects of legal regulation (in respect of which legal norms are established), basically have a simple chemical formula of oil mixture and range from simple gaseous methane, consisting of a standard set of molecules-one carbon atom and four hydrogen atoms, CH_4 to more complex octane C_8H_{18} , a component of crude oil”.

Taking into account the current realities of RK energy complex development it is vital to use alternative and renewable energy sources, development of private ownership of energy resources, trends in the convergence of legal regulation of non-renewable and renewable energy sources, it is also necessary to expand the boundaries of the “mining law” which is based on relations within the use and protection of natural resources of the Earth. As we can see, the mining law or law on subsoil has its own circle of regulated relations and it cannot provide the regulation of relations associated with the operation of the entire energy sector including wind, solar and other renewable energy. But at the same time there is a close connection and interaction between these areas of law. Firstly, subsurface use which results in the exploration and production of minerals such as oil, gas, coal, ultimately aims at the extraction of energy. Secondly, it is the mining law to regulate the use of critical energy resources such as oil, gas and coal. However, each of these sectors has its own goals and objectives, principles and system, legislation.

All this demonstrates the need for careful study and analysis of a range of public relations in the energy sector and theoretical study of the energy law as a branch of Kazakhstan law. Kazakhstan has significant reserves of fossil energy sources. Proven oil reserves are estimated at 30 billion barrels, putting Kazakhstan on the 10th place in the world on this indicator. Reserves of uranium (>800 thousand tons) Kazakhstan ranks the second in the world after Australia and in terms of its production the first. The accumulated potential in the mining and metals sectors creates the opportunities for expansion of added value chains and development of related services.

There is a high potential for developing the renewables (further-R). In particular, the potential of wind energy development is estimated at >900 billion kWh a year. Possible power of solar energy development in Kazakhstan makes from 1300-1800 kWh on square meter. Also there is a considerable potential for bioenergy production. Possibilities of the hydroenergy sector development are estimated approximately at 22 GW, about 10% of which are mastered now.

A logical question arises: can we talk about the formation of energy law as a branch of law? According to the majority of scientists, formation of independent law branch is set to the following conditions: degree of originality of any relationship; their share; inability to resolve the relationship with the rules in other sectors; necessity of using a special control method.

According to N.B. Mukhitdinov the principles, functions, industries are of a particular value in the question of recognition of group norms as law branches as well as two interrelated factors: first, internal ordering of the rules, allowing them in their unity to act as an independent element of the legal system in general; secondly, ability of this group of legal norms to interact with similar elements of a single system of law.

Foreign scientists are interested in theoretical issues of energy law, for example, Candidate of Law Seliverstov S.S. is notable for his personal position to the definition of “energy law”. So, the scientist suggests to define energy law by notions “energy resource” and “natural resource”.

Energy resource is the totality of energy origin. Energy resources and natural resources are closely connected. Naturally taken energy resources are natural resources. Some energy resource could be produced in the result of human actions, for example, electric power and steam energy. If energy efficiency is considered as energy resource it will be anthropogenic production and human activity.

Studying interrelation of energy and natural resources researcher has come to the conclusion: “energy resource” and “natural resource” concepts are complicated due to their features. The types of energy resource:

- Natural energy resources-land energy, solar energy, hydraulic power
- Derivative energy resources-fossils and production to be converted into electric and heat power
- Energy conservation as indirect energy resource

Classifying the types of energy resource S.S. Seliversytov believes that the basis of energy resources

is energy law of social relations and might have different definitions due to different domains of law. He provides the following definition of energy law.

Subject of energy law is exploration of individual and legal entities' energy resource, use, production, refining, storage, transportation, distribution, trade and social relations based on industrial, investment, regulation activities. Rules of energy law can be binding and optional. Energy law is comprehensive and complex concept because it consists of administrative law, civil law, environmental law and rules of tax law. For this reason, the energy law is the subject of a complex nature. Based on this analysis energy law might have the following definition.

Energy law is exploration of individual and legal entities' energy resource, use, production, refining, storage, transportation, distribution, trade and social relations based on industrial, investment, regulation activities.

Australian scientist A. Bradbrook has similar view. He investigates not only energy law but also problems of energy law and constant development, types of alternative energy and its legal regulations. The researcher suggests defining the position of energy law via energy resource. According to his view, energy law is coordination of rights and obligations for use or production of energy recourse between individual and government, government and state. Of course, the position of Western scholar needs some corrections in domestic doctrine due to peculiarities of legal mechanism. However, regulatory object of energy law can be determined by classification of energy law to primary and derivative, exhaustible and inexhaustible. For example, oil, natural gas, coal, solar energy, wind energy, biofuels, geothermal energy, etc. relate to this list. Thus, classification of energy resources helps to define the direction of energy law. The main idea of researcher is study of energy law and environment in close connection (Bradbrook, 1996).

According to domestic scholars' position, energy law is a separate area of law. Doctor of law, professor G.L. Nurtaeva, taking into account a significant role of energy in the economy of Republic of Kazakhstan, thinks that recognition of energy law as separate area can provide effective results of social relations by state regulations concerning rational use of energy. According to the researcher, recognition of energy law as separate area and determination of its subject and aims is firstly need for energy safety. State energy safety is provided based on state systematic measures. Energy sector takes key role in legal regulation defining the functions of energy market parties and their legal status. Anyway, considering

energy law as a separate branch, legal regulation of energy market is realized based on legal acts of different areas including civil law and administrative law. Studying the problems of civil law the researcher suggests energy law as separate branch in Republic of Kazakhstan. For example, some relations are regulated by tax, use of minerals, license, customs law and others by conventional norms.

Analyzing legal acts for energy market regulation the researcher says about necessity of considering energy law as separate sector because energy legislation is not systematic and due to the absence of common conceptual document.

Separation of energy law can provide common rules for all energy sectors like fuel and energy complex, oil and gas industry, electric power industry and alternative energy. Thereafter, regulating energy sector will make easy issue of laws.

Today there are different views concerning energy law as separate sector. However, there are many problems of effective regulation of energy law relations.

In this regard, the view that energy legislation has complex description in law literature might be true due to the peculiarity of energy law relation. Relating to this, we agree with the conclusion of professor Zh.S. Yelubaev, domestic scholar, Candidate of Law that energy law is separate complex branch. To his view, peculiarities of energy law relations should be defined in order to define the meaning of energy legislation. Without doubt, energy law relation is complex relation. But as we have mentioned above it connected with all branches of law. There are views in law literature about including legal regulations of land energy use sector to the category "energy legislation". Researchers substantiate their views by given criteria in agreement dedicated to energy charter. In this agreement energy law includes regulations of oil and oil production, gas, uranium, nuclear energy, coal, electrical energy and others. Thus, to their view, "energy law" should regulate relations in land energy sector. It is difficult to agree with this point of view. Because the subject and methods of "law of land energy use" and "energy law" are different. Therefore, the subject of "energy law" is relations about taking, distributing, using, preserving certain type of energy (heat, electricity, mechanical, electromagnetic, nuclear energy, etc.).

Such law cannot regulate relations concerning use of land energy. Apparently, it is the other activity of a human in the result of realizing land energy law, i.e., to get other type of energy. We agree with the view of professor Zh.S. Yelubaev because the object of energy law is not only natural resources but produced by human for example, alternative energy. Simple analysis of facts about

energy law shows that it cannot regulate relations in land energy sector. Thus, theoretical aspects should be written to differentiate these two branches of law-energy law and law about land energy use. Distinguished features and characteristics of energy law's subject from material objects and phenomena must be taken into account to do this. In most cases, these differences show necessity of energy relations' separate regulation due to the problems of natural resources energy to be turned into benefit for humans. Energy can be in certain form, state (to live to be realized) as a feature of substance and ability to research. Main states of energy are electric, mechanical, chemical, thermal and nuclear. Different types of energy have specific features. These features bind legal regulations of energy use (requirements for technical safety, energy industry, methods and rules of energy transportation, quality of energy, etc.).

Therefore, having studied works of domestic and foreign scholars, we agree with the view of the following scientist. Candidate of Law P.G. Lahno suggests the definition related to energy law: "Thermal energy law is an energy complex, branch of law which regulates not fuel but alternative energy relations".

The scholar considers energy law as enterprising law (Lahno, 2009). According to rules of state and law theory law is main element in legal system. Law regulates specific group of social relations. Branch of law consists of law institute, accessory institute, accessory branch and law norms. Every branch of law differs by independence, isolation, specifics of legal regulations and structure hierarchy.

In our opinion, energy law can be recognized as a branch of law because it meets the above criteria. First, it is the existence of relations in the sphere of the power complex functioning in the country, starting with production and ending its delivery to a consumer. It is a huge conglomerate of the energy relations arising concerning energy. What is energy as an object of law? "Energy as a subject of legal regulation is characterized by the unique features and signs, distinguishing it from other subjects and phenomena of the material world. These features in many respects predetermine the need of independent regulation of the energy relations including all the complex of problems, connected with natural resources energy transformation into the mankind benefits. And not accidentally in the theory of law it is postulated that many of the problems associated with the regulation are rooted not in the act of regulation but in the regulated object in our case, it is the energy and power. As the importance of energy including electrical energy, to ensure all the aspects of life in modern society is quite significant, we need the independent comprehensive legal

regulation of the relationships associated with the production (generation), purchase and sale, transfer (transportation) and energy consumption".

The legislation of Kazakhstan does not contain a definite answer to what energy is. The Civil Code of RK contains a number of articles, regulating the order and conditions of implementing the contract of power supply, in other words, civil law considers energy as a transaction subject as goods. The law on power supply provides the definition only for energy resources as a combination of natural and manufactured carriers of energy, stored energy of which is currently used or may be used in future economic and other activities as well as the forms of energy (nuclear, electrical, chemical, electromagnetic, thermal and other forms of energy) (Article 1 of the law "On energy saving and energy efficiency"). In the legislation on renewable energy the following definition is introduced: these are the sources of energy, continuously renewable due to natural processes, including the following types: solar radiation, wind energy, hydraulic energy of water; geothermal energy: heat of soil, groundwater, rivers, ponds as well as anthropogenic sources of primary energy resources: biomass, biogas and other fuels from organic wastes, used for the production of electrical and/or thermal energy. If we consider the relations in the sphere of the energy complex functioning, they are diverse. In a broad sense they include the relations, arising in the sphere of exploration, extraction and use of minerals, the final processing of which is aimed at energy production. Secondly, these are the relations in the sphere of nuclear, atomic energy use. Thirdly, these are the relations, arising in the process of using alternative energy sources and finally, the relations, arising in the field of electricity, gas and others. Fourth, these are ownership, other laws and contractual relations. The most basic combines all these relations which is the production and use of energy as "special" goods, "goods" without which we cannot imagine our life activity, its presence indicates the stability and sustainability of economic and if you want, political activities of the country in regional and global scales. Existing Kazakhstan legislation regulates the entire range of these relations but without taking into account their main unifying beginning. Just the same, it complicates the process of effective legal regulation of the whole complex of power relations. We support the position that "we do not regulate power, relations associated with the production, generation, use and consumption of energy; we regulate separate primary energy sources, energy resources, mineral and energy resources and their use". Actually, Kazakhstan legislation is based on the principle of regulating relations in the

sphere of subsoil use, use of nuclear and alternative energy. The use of services in the energy sector often remain outside the attention of a legislator, “therefore, further improvement of legislative regulation of activities in the energy sector should be based on strategic options industry development and on the experiences of law enforcement”.

Can we talk about the presence of energy legislation in Kazakhstan? Definitely, we can because all these relations are regulated by the complex regulations. For example, relations in the sphere of exploration, extraction and use of minerals in the Earth bowels are governed by the law “on subsoil and subsoil use”. The public relations in the field of atomic energy use are governed by the law “on atomic energy use”. Along with it there are laws “on support of renewables use”, law “on power supply and energy efficiency”, law “on gas and gas supply” and others. All the above suggests that in the legislation of Kazakhstan energy legislation is established and steadily growing which includes normative legal acts of different levels.

Main strategic documents for determination of aims and objectives of energy sector in Kazakhstan and mechanism of state energy policy:

The “Kazakhstan-2050” Strategy of RK President dated December 14, 2012, address to the people of Kazakhstan “Formed new state political directions”, Resolution of the Republic of Kazakhstan’s for development of thermal energy complex until 20130 approved by decree of the Republic of Kazakhstan’s government dated June 28, 2014, resolution for stable development of the Republic of Kazakhstan according to renovated resources and energy resources as a factor of stable development of economy in the Republic of Kazakhstan to provide effective use.

“Effective use of new energy in the Republic of Kazakhstan for stable development until 2024” Strategy of Environment Protection Ministry approved by decree of President dated 14.10.2015.

Besides, resolution for stable development of the Republic of Kazakhstan according to renovated resources and energy resources as a factor of stable development of economy in the Republic of Kazakhstan to provide effective use dated 2007-2024. “Effective use of new energy in the Republic of Kazakhstan for stable development until 2024” Strategy of Environment Protection Ministry approved by decree of President dated 14.10.2015.

In addition to the above mentioned, other normative legal document and strategies regulate legal relations concerning alternative energy use.

In general, the system of legal regulation and energy complex includes several levels in itself. Namely, elements of common law and special legislation which contains special provisions, reflecting the specifics of this sphere of relationships. General legislation is represented by: RK Civil Code; RK Land Code; RK Tax Code; RK Budget Code; RK Customs Code, etc. But there is also special laws on subsoil, on renewable, on power supply, on gas supply, on atomic energy, etc. Thus, we see there are several levels of legal regulation: general and special legislation as well as developed technical regulation and finally, regulation of international legal in the form of firstly, international agreements.

It is an objective and logical process which is typical for all countries due to the fact that power relations are regulated by the state to the desired extent, what is testified by the history of energy development of the society and state, especially after the energy crisis and the “Arab Oil Embargo” of 1973. The degree of originality of power relations their specific weight and inability to resolve relationships with norms of other law branches require such legal mechanisms of legal regulation of these relations which would correspond to the modern principles of energy security of the country which were first used in the USA in 1947 when the legislative document was adopted, “regulating actions of the state in the sphere of national security”. I.S. Shchepanskiy writes that “energy security is an important part of national security and is closely linked with environmental, resource, economic, industrial, radiation and other types of security. Its provision should be on the local (production), regional, national and international (global) levels, taking into account the principles of sustainable development, involving the right of citizens to favorable environment, rational use of natural including renewable resources, more rapid adoption of effective measures to prevent environmental degradation, environmental and technological disasters” (Lahno, 2009). It is important not to confuse the concept of “energy security” and “security of power engineering”. If in the first case we are talking about warranty for energy delivery to consumers; secondly, it is only about the domestic stability of the functioning of energy complex in the country. For Kazakhstan and as for Russia, energy security in many manifestations has sharp interrelated environmental, economic, social and political character (Brinchuk, 2007).

Now there are three approaches to energy security. In the first approach, the security of energy sector of the state is an indispensable factor which ensures the maintenance of economic security at the appropriate level. In turn, the economic security, along with the political, social, military and others forms the national security of

the state and its citizens. This approach can be applied when developing a strategy for energy security to energy-abundant regions where energy problems can be put aside and where it is more important to develop other industries, infrastructure, etc. The second approach involves the influence of the state national security which of course is constantly changing due to the continuous development of society on the economic level and subsequently at the level of energy security of the state. This approach can be used when developing a strategy for countries with energy focus. Third, approach assumes reasonable and uniform combination of energy and economic policy in the elaboration of long-term development strategy of the region as a whole. This approach can be used when developing a strategy for energy security which would take into account a range of factors of external and internal environment including the dependence on import of energy sources. Kazakhstan should choose its own path of energy security, not forgetting its international obligations for example, the EU directive on renewable energy which provides a number of mandatory national targets for the share of renewable energy (EC, 2009).

As we see, new tendencies of ecological and power policy of the EU required the review of Kazakhstan power policy principles and maintenance of the relations with the EU. Since 1996 Kazakhstan began preparing for accession for the Kyoto Protocol; on March 26, 2009 Kazakhstan ratified it within which the measures for creating national system of monitoring and reporting on greenhouse gas emissions, state register of carbon units, national plan of quota distribution and also creation of the quotas trade market are taken.

After signing of Kyoto Protocol, Kazakhstan started creation of a standard basis for supporting the renewables. The positive result of state regulation in this area is creating favorable conditions for construction and operation of objects on the use of renewables and stimulating production of electric and (or) thermal energy with the use of renewables.

As the statistics shows, according to the volume of greenhouse gas emissions in the atmosphere the main pollutant is the country's energy sector. The ecological legislation of the Republic of Kazakhstan holds a policy of tightening environmental requirements in this area. Following the policy of "green" development in 2013 Kazakhstan introduced serious innovations in the system of state regulation in the sphere of emissions and removals of greenhouse gases into the Ecological Code. As a primary method of reducing emissions by >20% in the EU the Emissions Trading System was proposed, allowing "to urge" energy market participants by the market methods to introduce innovations and widely use

possibilities of alternative power engineering. Kazakhstan successfully adopts positive European experience and introduces the trade market in quotas for greenhouse gas emissions and other market mechanisms, directed on reducing greenhouse emissions. For example, national plan of distributing quotas for greenhouse gas emissions for 2014-2015 is approved in which the total amount of quotas for greenhouse gas emissions economic branches and volumes of quotas for nature users are established.

Regulation of the relations in this sphere involves almost all the branches of law which is explained by the fact that power relations are complex in their content. For example, ownership and contractual relations are governed by the civil law, responsibility-administrative, criminal and civil laws, etc. All of the above suggests that we are dealing with a new and rapidly developing area of law-energy law which has its own subject of legal regulation, its own system of law, principles of legal regulation of these relations. And, most importantly, it has the state will and interests in the regulation of energy relations.

It should be noted that there is a close relationship between environmental and energy law which is due to the dynamic interaction and interdependence between the environment and its components, on the one hand and energy, on the other hand, the main sources of which are natural resources themselves. Environmental standards and requirements for energy complex activities are established in the environmental legislation which tends to constant tightening. It is in general, a global trend. Ensuring environmental security requires to be considered when determining the energy strategy of each state and vice versa in order to ensure energy security for the future we should be find out forms and methods of ensuring rational use and protection of mineral resources of the country at the legislative level, involvement in the market of alternative energy sources. The European experience of solving problems in this area clearly demonstrates above mentioned.

CONCLUSION

The energy law should be considered as a branch of law which is characterized by the existence of subject unity of public relations, specific legal principles and independent sources of law. So, there are no similar views about recognition of energy law in the Republic of Kazakhstan as separate branch.

Anyway, if we take into account the fact that social relations are constantly developing dynamic phenomenon consideration of energy law branch as separate one provides effective regulation of the relations by state mechanisms.

As studies have shown without doubt, energy legislation in the Republic of Kazakhstan is complicated system consisting of legal acts at different levels.

Necessity of legal regulation of energy, provision of energy safety, legal definition of concept “energy resource”, determination of right and duties for participants of energy relations, introduction of alternative energy use proves need of a new branch in the Republic of Kazakhstan energy law. To determine energy law in the Republic of Kazakhstan the following issues should be considered:

- Legal-regulatory status of energy: as studies have above shown, concept “energy” is recognized as the object of civil law. To our minds, energy law should have its own object. It does not meet some requirements of civil law’s object. For example, how to set up the legal regime of property rights
- Definition of the following terminology: energy resource, energy, alternative energy, new types of energy, thermal energy energy complex and others
- Subject and methods of energy law: of course, guided by common theoretical rules it is allowable to use methods of binding and optional laws in energy law. However, complexity of energy relations requires impact to promote them by additional activities
- Aims and objectives of energy law
- Hierarchy of recourses in energy law: defining of hierarchy provides prevention of contradictions in legal regulations of energy law

Recognition of energy law as branch of the law gives the following results:

- Regulatory legislation of energy relations can be in system
- Formation of legal mechanism to provide energy safety
- Regulation of energy relations based on common energy conclusions
- Borders of legal relations in the result of defining energy law’s subject. For example, circle of law of land energy use and energy law
- Common rules for all energy resources: today legal act about state support does not influence on the development of all types of alternative energy in the Republic of Kazakhstan
- Domination of republic energy interest among external energy relations of the Republic of Kazakhstan

- Impact on alternative energy development: because alternative energy is separate institute of energy law
- Prevention of negative impact of energy on environment
- Making easy the functions of law issue related to energy

In the market conditions energy relationships underwent cardinal changes which affected the level and parameters of their legal regulation. In the sphere of the energy relations, it is observed simultaneous strengthening and interaction of imperative (public) and dispositive (private) beginnings in legal regulation which testifies that the modern energy law represents public and private branch of law. According to the Constitution of RK subsoil is a state ownership and the state as the owner on the one hand and as the representative of interests of RK people, on the other hand, defines a legal regime of subsoil, namely the order and conditions of carrying out operations on subsurface use. In the regulation of energy relations, it is necessary to use private and public, proceeding, starting from the combination of enterprise freedom to the state regulation by means of laws but not individual acts. The state has to ensure stability, safety, availability of power sources, profitability in their use, ensuring our national interests. As we noted above, state interests in the field of energy security are public. This is because during the formation of “public interest” concept must proceed from the fact that: interest as a phenomenon is closely linked to the needs, specifics of which determines, ultimately, the content of interests; basis of public interest forming lies in needs, perceived as their own subjects (by people, state and society). It is the scale of needs does the interest public; means of meeting these general requirements should be legal and assume overall construction of the rule of law.

The energy legislation of sovereign Kazakhstan underwent serious changes. First, under the influence of power market transformations its normative base is updated and enriched: there are new directions of legal regulation (for example, alternative sources of energy, renewables, fixed tariffs, about production sharing agreements, about power industry, about gas supplies, about nuclear power, etc.). Secondly, the structure of power legislation has been changed. Establishing and developing of legal norms on alternative renewables, power industry, gas supplies, nuclear power is observed. Thirdly, the legislation emphasizes complex specialized contracts which contain not only private-legal but also public beginnings. Considering close interrelation of the energy legislation and law, it is possible to note that

development of the first has impact on development of internal structure of the power right that leads to changes in it.

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