



On approval of the Rules for Posting Draft Regulatory Legal Acts on the Internet Portal of Publicly Available Legislative Instruments

Unofficial translation

Order No. 849 of the Acting Minister of Justice of September 30, 2021. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 5, 2021 under No. 24634

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Under sub-paragraph 55-1) of paragraph 16 of the Regulations of the Ministry of Justice of the Republic of Kazakhstan, approved by Decree No. 1120 of the Government of the Republic of Kazakhstan of October 28, 2004, **I HEREBY ORDER:**

1. That the attached Rules for Posting Draft Regulatory Legal Acts on the Internet Portal of Publicly Available Legislative Instruments shall be approved.

2. That, in the manner prescribed by law, the Department for Registration of Regulatory Legal Acts of the Ministry of Justice of the Republic of Kazakhstan shall ensure the state registration hereof.

3. That the Vice-Minister in charge of Justice of the Republic of Kazakhstan shall be entrusted with the supervision of the execution hereof.

4. That this order shall become effective on the date of its first official publication.

Acting Minister

N. Pan

“APPROVED BY”

Minister of Digital Development,
Innovations and Aerospace Industry
of the Republic of Kazakhstan

“APPROVED BY”

Minister of Information and
Social Development
of the Republic of Kazakhstan

Approved
by Order of the Acting
Minister of Justice of the
Republic of Kazakhstan
No. 849 of September 30, 2021

Rules for Posting Draft Regulatory Legal Acts on the Internet Portal of Publicly Available Legislative Instruments

Chapter 1. General provisions

1. These Rules for Posting Draft Regulatory Legal Acts on the Internet-Portal of Publicly Available Regulatory Legal Acts (hereinafter referred to as the Rules) have been developed as per sub-paragraph 55-1) of paragraph 16 of the Regulations of the Ministry of Justice of the Republic of Kazakhstan, approved by Decree of the Government of the Republic of Kazakhstan No. 1120 of October 28, 2004, and establish the procedure for posting of the draft regulatory legal acts on the Internet-portal of publicly available regulatory legal acts.

2. The following terms shall be used herein:

1) Internet-Portal of Publicly Available Regulatory Legal Acts (hereinafter - the Portal) - a component of the e-government web portal, providing placement of draft regulatory legal acts and other information under the Law of the Republic of Kazakhstan “On Access to Information” for the public discussion procedure;

2) an automated portal workstation (hereinafter referred to as an APW) - an application designed to manage the settings and content that is hosted on the Portal and provided by the operator of the e-government information and communication infrastructure”;

3) information user - a natural or legal person requesting and (or) using the information;

4) information with restricted access - information classified as state secrets, personal, family, medical, banking, commercial and other secrets protected by law, as well as official information marked “For Official Use”;

5) e-Government information and communication infrastructure operator (hereinafter referred to as operator) is a legal entity determined by the Government of the Republic of Kazakhstan, responsible for ensuring the functioning of the e-Government information and communication infrastructure assigned thereto;

6) e-government web portal - an information system providing a “one-stop solution” access to all consolidated government information, including the regulatory framework, and to public and other services provided in electronic form.

Chapter 2. Procedure for posting draft regulatory legal acts on the Portal

3. Developed drafts of regulatory legal acts not containing information with restricted access, accompanied by explanatory notes and comparative tables thereto (in cases of amendments and (or) additions to regulatory legal acts), except for draft regulatory legal acts of the President of the Republic of Kazakhstan, developed by the Office of the First President of the Republic of Kazakhstan - Elbasy, the Presidential Administration of the Republic of Kazakhstan, shall be posted for public discussion on the Portal before being submitted to the public authorities concerned for approval.

An explanatory note to the draft regulatory legal act shall contain the rationale for the adoption of the draft, with a detailed description of the objectives, tasks and main provisions of the draft, shall be presented in a form that provides general information on the draft and shall contribute to raising public awareness.

4. Draft regulatory legal acts shall be posted on the Portal in the Kazakh and Russian languages. Draft regulatory legal acts shall be posted through the APW by the staff of the drafting public authorities, to be determined by the public authorities themselves. The operator shall provide access to the APW to the staff of the drafting public authorities based on requests from the drafting public authorities.

The operator shall train the authorised staff of the public authorities drafting the regulatory acts on how to work with the APW.

5. The time limit for posting draft regulatory legal acts on the Portal for public discussion may not be less than ten working days.

For drafts of subordinate regulatory legal acts developed under the instructions of the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan or the Prime Minister of the Republic of Kazakhstan with a term of execution not exceeding thirty calendar days, as well as those providing for decisions on approval of budgets of all levels, the term of posting for public discussion shall be reduced to five calendar days.

For draft regulatory legal acts providing for decisions on the establishment (cancellation) of a quarantine zone with the introduction of a quarantine regime in the relevant territory, the establishment (removal) of quarantine and (or) restrictive measures in cases stipulated by the legislation of the Republic of Kazakhstan in the field of veterinary medicine, declaring an emergency of a natural or technogenic nature, as well as developed in connection with temporary restrictive measures due to an unfavourable epidemiological situation, including quarantine, or in implementation of decisions of the State Commission for Emergency Situations under the President of Kazakhstan established under the Law of the Republic of Kazakhstan of February 8, 2003 “On Emergency Situation” (hereinafter, the State Commission), the time limit for posting for public discussion shall be one calendar day.

6. Comments and/or proposals with a brief justification for the draft regulatory legal act shall be posted on the Portal by the operator provided that the following conditions are met:

- 1) the user is registered on the e-government web portal;
- 2) comments and/or proposals do not contain obscene language, abusive language, advertising or other information not related to the draft regulatory legal act;
- 3) a specific structural element of the draft regulatory legal act, (section, article, paragraph, subparagraph) in relation to which the proposal is made and/or a comment is made, is specified.

Comments and/or proposals from users of information received after the deadline set by the public authority responsible for the public discussion of drafts shall not be considered.

7. Submitted recommendations of the Public Council, expert opinions of the National Chamber of Entrepreneurs of the Republic of Kazakhstan and members of the Expert Council on the draft regulatory legal act shall be placed on the Portal in the Kazakh and Russian languages.

If the Public Council, the National Chamber of Entrepreneurs of the Republic of Kazakhstan and the members of the Expert Council fails to provide recommendations and expert conclusions within the deadline set by the public authority-developer, the draft regulatory legal act shall be considered to be agreed without comments.

8. Within one working day, the operator shall verify that the comments and/or proposals of users of the information comply with the requirements hereof and shall decide whether or not to publish them.

If the comments and/or proposals do not meet the requirements laid down herein, the operator shall refuse to publish them, stating the reasons.

9. The public authorities preparing draft regulatory legal acts shall consider the comments and/or proposals within three working days of receipt and publish the decision to accept or reject them on the Portal, indicating the grounds for the comments and/or proposals.

Should they disagree with the expert conclusions and/or recommendations of the Public Council, the drafting authorities shall also post on the Portal the formed position with the grounds for the disagreement.

10. Following the results of consideration of comments and (or) proposals in the public authorities developing draft regulatory legal acts, within three working days after completion of public discussion of the posted drafts, the authorised employees of these public authorities shall prepare and publish on the Portal through the APW the preliminary version of the report on completion of public discussion of draft regulatory legal act in the form as per Annex hereto (hereinafter referred to as the report).

Within one working day following the day on which the report was published on the Portal, additional discussions on the draft regulatory legal acts shall be held by the public authorities that draft the regulatory legal acts, considering the published report, at a time determined by them in an "on-line" mode. Once the additional discussion has been completed, the authorised staff of the drafting public authorities shall compile and publish the final version of the report on the Portal.

Annex
to the Rules for Posting Draft
Regulatory Legal Acts on the
Internet Portal of Publicly
Available Legislative Instruments
Document form

Report on the completion of the public debate on the draft regulatory legal act

“ _____ ”

(name of the draft regulatory legal act)

Date of publication of the draft: _____

Date of report generation: _____

Total votes of information users “for” the project: _____

Total votes of information users “against” the project: _____

Total number of comments and/or proposals: _____

Total responses: _____

Total votes by users of the information “for” (proposal): _____

Total votes of information users “against” (proposal): _____

Type of the regulatory legal act: _____

Category: _____

Public authority: _____

No. s/o	Date of creation	Author	The commented structural part of the regulatory legal act	Text of the information user's comment and/or proposal	Text of the government response	Number of votes by users of the information “for” the proposal	Number of votes by users of the information “against” the proposal
1. 1. Those received during the public consultation process, excluding those actors referred to elsewhere in this report							
2. Received from members of the Public Council							
3. Received from the members of the Expert Council							
4. Received from the National Chamber of Entrepreneurs of the Republic of Kazakhstan							