



On approval of the Rules for holding a competition for international air routes and issuing certificates for international air routes for provision of services for transportation of passengers, baggage, cargo and mail

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated November 19, 2010 No. 1221. Abolished by Decree of the Government of the Republic of Kazakhstan dated December 15, 2023 No. 1128

Unofficial translation

Footnote. Abolished by Decree of the Government of the Republic of Kazakhstan dated December 15, 2023 No. 1128 (effective ten calendar days after the date of its first official publication)

Footnote. The title as amended by the Decree of the Government of the Republic of Kazakhstan dated 04.03.2013 No. 208 (shall be enforced twenty-one calendar days after the first official publication).

In accordance with subparagraph 53) of Article 13 of the Law of the Republic of Kazakhstan dated July 15, 2010 "On the use of the airspace of the Republic of Kazakhstan and aviation activities", the Government of the Republic of Kazakhstan **DECIDES:**

1. To approve the attached Rules for holding a competition for international air routes and issuing certificates for international air routes for provision of services for transportation of passengers, baggage, cargo and mail.

Footnote. Paragraph 1 as amended by the Decree of the Government of the Republic of Kazakhstan dated 04.03.2013 No. 208 (shall be enforced twenty-one calendar days after the first official publication).

2. To recognize as invalid some decisions of the Government of the Republic of Kazakhstan in accordance with the appendix to this decree.

3. This decree enters into force twenty-one calendar days after the date of the first official publication.

*Prime-Minister of the
Republic of Kazakhstan*

K. Massimov

Approved
by the decree of the Government
of the Republic of Kazakhstan
dated November 19, 2010 № 1221

The Rules for holding a competition for international air routes and issuing certificates for international air routes for provision of services for transportation of passengers, baggage, cargo and mail

Footnote. The Rules as amended by the Decree of the Government of the Republic of Kazakhstan dated 04.03.2013 No. 208 (shall be enforced twenty-one calendar days after the first official publication).

1. General provisions

1. These Rules for holding a competition for international air routes and issuing certificates for international air routes for provision of services for transportation of passengers, baggage, cargo and mail (hereinafter referred to as the Rules) determine the procedure for holding a competition for airlines for the right to carry out regular air transportation of passengers, baggage, cargo and mail on an international air route, qualification requirements for participants in the competition, the procedure for issuing a certificate for international air routes for provision of services for transportation of passengers, baggage, cargo and mail.

2. The competition is held in order to determine the airline to provide services for transportation of passengers, baggage, cargo and mail and issue certificates for international air routes.

The competition for international air routes is held for air routes for which restrictions are established on the number of air carriers or the frequency of flights in accordance with intergovernmental agreements, in the following cases:

- 1) opening of a new air route;
- 2) distribution of additional frequencies on the existing international air route in accordance with the changes made to the intergovernmental agreement;
- 3) distribution of released frequencies in case of refusal to operate an international air route by an air carrier.

Footnote. Paragraph 2 as amended by the Decree of the Government of the Republic of Kazakhstan dated 28.09.2017 No. 598 (shall be enforced twenty-one calendar days after the day of its first official publication).

3. The organizer of the competition for international air routes is the Civil Aviation Committee of the Ministry for Investments and Development of the Republic of Kazakhstan (hereinafter referred to as the authorized body).

Footnote. Paragraph 3 as amended by the Decree of the Government of the Republic of Kazakhstan dated 28.09.2017 No. 598 (shall be enforced twenty-one calendar days after the day of its first official publication).

4. An airline that meets the qualification requirements established by these Rules can take part in the competition.

5. Each international air route put up for the competition is a separate lot.

6. When compiling tender documentation, the requirements of intergovernmental agreements on the number of carriers, permitted frequencies and carrying capacities on the international air route are taken into account.

7. The competition is recognized as valid if at least two participants of the competition who meet the conditions of the competition submitted applications for the international air route put up for the competition, except for the cases provided for in paragraph 37 of these Rules.

8. The winner (winners) of the competition receives a certificate for an international air route for provision of services for transportation of passengers, baggage, cargo and mail (hereinafter referred to as the certificate for an international air route).

2. Qualification requirements for bidders for international air route

9. Airlines that meet the following qualification requirements are allowed to participate in the competition:

- 1) be registered in the Republic of Kazakhstan and have an air operator certificate;
- 2) to have a fleet of aircraft in the amount of at least three aircraft of the same passenger capacity (owned or leased for a period of at least three years), which must comply with the operating conditions of the international air route, determined by the authorized body;
- 3) have financial resources in national or foreign currency in the amount necessary to ensure flights, in accordance with the proposed schedule for the international air route for a month, excluding income expected from the moment of operation;
- 4) have a stable financial condition, confirmed by the latest audited report;
- 5) not have debts on taxes and other obligatory payments to the budget and contributions to accumulative pension funds, except for cases when the payment deadline is deferred in accordance with the legislation of the Republic of Kazakhstan;
- 6) availability of qualified personnel to manage ticket sales and resources in the booking system;
- 7) have continuous experience in regular passenger transportation (at least the last two years);
- 8) have a branch or representative office of the airline in at least two cities of the Republic of Kazakhstan;
- 9) introduce the sale of air tickets through the airline's website;
- 10) have a certificate of registration and assignment of codes in the international civil aviation organization (hereinafter referred to as ICAO);

11) have an agreement on the placement and maintenance of a resource of seats in one of the global distribution systems for the sale of air tickets, including the execution of transportation documents in electronic and paper forms;

12) have a certificate of the Airline Safety Operational Audit (IOSA) of the International Air Transport Association.

Footnote. Paragraph 9 as amended by the decrees of the Government of the Republic of Kazakhstan dated 04.03.2013 No. 208 (the order of entry into force, see Paragraph 2); dated 28.09.2017 No. 598 (shall be enforced twenty-one calendar days after the day of its first official publication).

3. Procedure for holding a competition for international air routes

10. Excluded by the Decree of the Government of the Republic of Kazakhstan dated 28.09.2017 No. 598 (shall be enforced twenty-one calendar days after the day of its first official publication).

11. The authorized body prepares tender documentation for potential participants, which includes the conditions and requirements for the organization of transportation of passengers, baggage, cargo and mail along the international air routes put up for the tender, approved by order of the authorized body.

12. After making a decision to hold a tender, the authorized body places an announcement in the mass media and the Internet resource of the authorized body on holding a tender 30 calendar days before the start of the tender, in case of a repeated tender - 15 calendar days before the start of the repeated tender.

13. To ensure the conduct of the tender and the issuance of certificates for international air routes, a competition commission (hereinafter referred to as the Commission) is formed from among the representatives of the authorized body, the composition of which is approved by the order of the authorized body.

14. The number of members of the commission must be odd and be at least five people. The commission is headed by the chairman of the commission, in his absence by the deputy chairman. The secretary of the commission is not a member of the commission and does not have the right to vote when the commission makes decisions.

15. The Commission accepts and considers competitive applications of participants, conducts a competition and determines the winners, and also considers applications for an international air route without holding a competition for the distribution of air routes for the operation of an air route, the need for which arose in the period between competitions for the distribution of international air routes.

16. The chairman of the commission, and in his absence, the deputy chairman, manage the activities of the Commission, chair the meetings of the Commission, plan the work and exercise general control over the implementation of its decisions.

17. After the announcement by the authorized body of the dates and venue of the competition, airlines wishing to take part in the competition submit the necessary documents specified in paragraph 18 of these Rules.

18. To participate in the competition, participants submit the following documents:

1) an application of the established form for participation in the competition in accordance with Appendix 1 to these Rules;

2) a copy of the certificate of state registration (re-registration) of the legal entity;

3) a copy of the civil aircraft operator's certificate with all attachments;

4) copies of insurance policies (contracts) confirming the availability of compulsory types of insurance;

5) information about the fleet of aircraft (their types, number, registration side numbers, valid certificate of airworthiness);

6) a copy of the agreement for the placement and maintenance of the resource of seats in one of the global distribution systems for the sale of air tickets, including the execution of transportation documents in electronic and paper forms;

7) a copy of the airline's registration certificate with the International Civil Aviation Organization (ICAO);

8) a bank statement on the available financial resources in the account in national or foreign currencies in the amount necessary to ensure flights in accordance with the proposed schedule for the international air route within a month, excluding income expected from the moment of operation;

9) calculations of expenses for the performance of flights, taking into account the planned load in accordance with the proposed schedule for the international air route within a month;

10) the original certificate of the established form of the relevant tax authority on the absence or presence of tax debts and debts on mandatory pension contributions to accumulative pension funds for more than three months preceding the date of opening envelopes with competitive bids, except for cases when the payment deadline is deferred in accordance with the legislation of the Republic of Kazakhstan, signed by the first head or a person with the right to sign (with an appropriate document confirming this right), with the seal of this tax authority (if the certificate indicates a debt, it is necessary to attach documents confirming the timing of the formation of this debt signed by the person issuing the certificate);

11) information on the availability of qualified airline personnel for resource management in global distribution systems for booking and selling air tickets;

12) audited report for the last financial year;

13) information on work experience in regular passenger transportation for the last two years;

14) a copy of the certificate of registration of a branch or representative office of the airline in at least two cities of the Republic of Kazakhstan;

15) information about the airline's website and the sale of air tickets through the website;

16) a copy of the certificate of the Airline Safety Operational Audit (IOSA) of the International Air Transport Association;

17) a long-term business plan (for three years) for the implementation of international flights on the air route;

18) competitive bids to ensure the basic conditions and requirements for the organization of transportation of passengers, baggage, cargo and mail on the international air routes put up for tender.

Footnote. Paragraph 18 as amended by the decree of the Government of the Republic of Kazakhstan dated 28.09.2017 No. 598 (shall be enforced twenty-one calendar days after the day of its first official publication).

19. The documents required for participation in the competition are submitted in the state or Russian languages in one copy, bound, with numbered pages, the last page is certified by the seal of the legal entity.

20. No inserts between lines, wiping or additions are allowed in the bid.

21. The documents listed in paragraph 18 of these Rules are sealed in an envelope, which indicates the name and address of the airline. The envelope is then sealed in an outer envelope.

22. Envelopes are addressed to the authorized body with the notes: "Open only at the competition" and "Competitive application for participation in the competition for international air routes", which are certified by the seal of the legal entity.

23. Airlines that have submitted a bid may withdraw their bid before the deadline for submitting bids. The airline's written notice of withdrawal is valid if it is received by the authorized body before the deadline for submitting bids.

24. Airlines that have withdrawn their bids re-submit a bid for participation in the competition before the deadline for submitting bids.

25. Acceptance of competitive bids for participation in the competition is carried out by the secretary of the commission by entering into the register log of competitive bids (bound, numbered, initialed by the secretary of the commission and sealed by the authorized body) and ends one working day before the date of the competition.

26. Competitive applications of airlines that do not meet the qualification requirements specified in paragraph 9 of these Rules are rejected by the Commission and are subject to return no later than three working days from the date of opening the envelopes.

27. The commission opens envelopes with competitive bids in the presence of participants or their authorized representatives, whose powers are confirmed by a power of attorney for the right to participate in the meeting of the commission.

28. During the procedure for opening envelopes with competitive bids, the Commission announces to those present the names and locations of the airlines participating in the tender, the number of frequencies proposed by them, information on the presence or absence of documents constituting the tender bid.

Not later than one working day following the day of opening the envelopes with bids for participation in the competition, the Commission draws up and signs the relevant minutes.

29. The minutes of opening the envelopes with competitive bids is signed by the members of the Commission present at the procedure for opening the envelopes, as well as by the secretary of the commission.

The authorized body no later than five working days following the day of opening the envelopes with competitive bids:

1) sends or submits a copy of the minutes for opening envelopes with competitive bids to the airlines participating in the tender or their authorized representatives;

2) publishes on the Internet resource of the authorized body the text of the signed minutes for opening envelopes with competitive bids. The information contained in the minutes of opening envelopes with applications and posted on the Internet resource of the authorized body should be available for review to all interested parties without charging a fee.

30. For airlines participating in the tender, which were absent during the procedure for opening envelopes with competitive bids for participation in the tender, a copy of the minutes for opening envelopes is provided at their written request or at the written request of their authorized representatives no later than five working days from the date of receipt by the authorized body of such request.

31. After opening the envelopes, the Commission evaluates the completeness of the submitted bid of potential participants and makes a decision on admission to participate in the competition within three working days from the moment the envelopes are opened.

32. The Commission evaluates and compares the bids that were accepted for consideration for participation in the competition, and determines the winner (winners) of the competition, taking into account the following criteria:

1) qualification data, reputation, reliability, professional and managerial competence of the personnel of the airline - participant of the competition, which will be engaged in the performance of regular flights on the international air route (flight safety status, average year of issue of the declared aircraft on the international air route, financial results of the airline, experience on regular international flights);

2) qualitative characteristics of the services offered (assessment of the service provided on board the aircraft, the development of the air ticket sales network).

33. The decision of the Commission is taken by open vote and is considered adopted if the majority of votes from the total number of members of the Commission is in favor of it. In case of equality of votes, the decision for which the chairman of the commission voted is considered adopted, and in case of his absence, the decision of the Commission is recognized as legitimate if at least two thirds of the total number of members of the commission are present at the voting procedure.

The absence of any member of the Commission when summing up the results of the competition is allowed if there are good reasons with the presentation of a document confirming this fact.

Based on the results of the competition, the Commission draws up and signs a protocol on the results of the competition within a period of not more than twenty calendar days from the date of opening the envelopes with competitive bids.

34. The authorized body no later than five working days following the day of signing the protocol on the results of the tender:

1) sends to the airlines participating in the tender a copy of the protocol on the results of the tender;

2) publishes on the Internet resource of the authorized body the text of the signed protocol on the results of the competition. The information contained in the protocol on the results of the competition and posted on the Internet resource of the authorized body should be available for review to all interested parties without charging a fee.

35. An agreement is concluded between the winner (winners) of the tender and the authorized body within ten calendar days from the date of signing the protocol on the results of the tender, according to which the winner (winners) of the tender assumes obligations to fulfill the submitted tender proposals (hereinafter referred to as the agreement).

36. If the winner (winners) of the tender refuses to conclude an agreement with the authorized body, the Commission starts negotiations on the conclusion of the Agreement with the participant whose tender proposal is rated the best after the winner (winners) of the tender. In case of refusal of the participant of the tender, whose tender proposals were recognized as the best after the winner of the tender, from concluding an agreement with the authorized body, the tender is recognized as not having taken place.

37. In the event that the competition is recognized by the Commission as invalid, the Commission announces a re-conduct of the competition for international air routes for which, during the earlier competition, bids were submitted by less than two

participants in the competition. In case of a repeated tender, by decision of the Commission, the tender is recognized as valid if less than two competitive applications are submitted for one international air route.

The only participant who has submitted a competitive application for a repeated competition, by decision of the Commission, is recognized as the winner, provided that he meets the qualification requirements established by paragraph 9 of these Rules.

38. Competitive bids of airlines participating in the repeated tender that do not meet the qualification requirements specified in paragraph 9 of these Rules are rejected and subject to return no later than three working days.

39. The decision of the authorized body may be appealed in court.

40. The security of the competitive bids of the airlines participating in the competition is ensured by the Secretary of the Commission. The shelf life of competitive bids is three years from the date of submission.

41. To meet the needs of the population in air traffic, the authorized body issues a certificate to airlines for an international air route without holding a competition for the distribution of air routes for the operation of an international air route, the need for which arose in the period between competitions for the distribution of international air routes.

When allocating an international air route, the need for operation of which arose between competitions, a certificate for an international air route is issued to all airlines that submitted applications, subject to the airline's compliance with the qualification requirements provided for in paragraph 9 of these Rules.

For the distribution of routes in the case specified in this paragraph of the Rules, the Commission considers applications for the issuance of certificates for international air routes, in which the period should not exceed fifteen calendar days.

4. Procedure for issuing certificates for international air routes

42. Certificates for international air routes are issued to the winner (winners) of the competition within five calendar days from the date of signing the agreement.

43. A certificate for an international air route is issued for three years.

44. The certificate indicates the type of transportation, the number of flights on international air routes per week, the period of validity, the accounting series and number.

A certificate for an international air route is issued in the form in accordance with Appendix 2 to these Rules.

45. A certificate for an international air route is a document of strict accountability.

46. A certificate for an international air route is inalienable and is not transferable to other airlines.

47. Several certificates may be issued for one international air route.

48. A previously issued certificate for international air routes is valid until the results of the next competition are summed up.

49. The authorized body revokes the certificate for international air routes from the airline in case of non-compliance with the following conditions for operating the international air route:

1) observance by the airline of the schedule, which includes the date of commencement of operation of the international air route, the performance of the established number of regular flights in a certain period of time and the use of aircraft types and (or) capacity established by the schedule on the international air route, except in cases of a threat to flight safety and (or) due to force majeure;

2) compliance with international agreements on air traffic, to which the Republic of Kazakhstan is a party;

3) the airline has an irreducible reserve of financial resources necessary to ensure regular air transportation in accordance with the approved schedule within a month, excluding expected income.

50. When revoking a certificate for an international air route from an airline, a certificate is issued to another participant in the tender, whose tender offer is recognized as the best after the winner (winners) of the last held tender.

51. When revoking a certificate for international air routes, the authorized body sends a notification to the airline about the revocation of the certificate.

52. A certificate for an international air route is considered revoked after fifteen calendar days from the date of posting information about the revocation on the Internet resource of the authorized body.

53. The decision of the authorized body to revoke the certificate for an international air route may be appealed in court.

Appendix 1
Rules for holding a competition for
international air routes and issuing
certificates for international air
routes for provision of services for
transportation of passengers,
baggage, cargo and mail

Application

Please allow me to participate in the competition for the right to perform regular flights on the international air route

—
(name of international air route)

with the purpose of transportation _____

—
(objects of transportation are indicated)

—
Organization details:

1. Form of ownership _____

2. Year of establishment _____

3. Certificate of state registration of a legal entity

—
(number, by whom and when issued)

4. Bank details _____

(settlement account number, correspondent accounts,

—
MFO, BIN, name and location of the bank)

5. Legal address and other details _____

(postal address, telephone, telefax,

—
telex, teletype, telegraph and telephone call signs, codes ICAO, IATA, SITA,
AFTN)

6. _____

(Full name of the first head of the enterprise)

7. Attached documents _____

Head of the enterprise: Full name, signature, date.

Place of seal

Application accepted for consideration: " __ " _____ 20__ .

Appendix 2
Rules for holding a competition for
international air routes and issuing
certificates for international air
routes for provision of services for
transportation of passengers,
baggage, cargo and mail

Footnote. Appendix 2 as amended by the decree of the Government of the Republic of Kazakhstan dated 27.09.2019 No. 717 (shall be enforced twenty-one calendar days after the day of its first official publication).

**National Emblem of the
Republic of Kazakhstan
CERTIFICATE FOR INTERNATIONAL AIR ROUTE**

Issued to _____

(full name of the legal entity)

for the right to operate regular flights on the international air route

(name of air route)

with frequency _____

(number of flights allowed per week)

for the purpose of transporting passengers, baggage, cargo and mail

(objects of transportation are indicated)

The state body that issued the certificate for the international air route _____

(full name of the state body that issued the certificate)

(surname, initials and signature of the official of the authorized body or a person authorized by him)

Date of issue of the certificate: " ____ " _____ 20__

Validity of the certificate: until " ____ " _____ 20__

Certificate number _____ № _____

City Nur-Sultan

Appendix
to the Decree of the Government
of the Republic of Kazakhstan
dated November 19, 2010 № 1221

List of some decisions of the Government of the Republic of Kazakhstan that have become invalid

1. Decree of the Government of the Republic of Kazakhstan dated April 3, 2002 No. 401 "On approval of the Rules for holding a competition and issuing certificates for air routes for provision of services for transportation of passengers, baggage, cargo and mail" (CAPG of the Republic of Kazakhstan, 2002, No. 10, art.100).

2. Decree of the Government of the Republic of Kazakhstan dated September 25, 2002 No. 1052 "On amendments to the Decree of the Government of the Republic of Kazakhstan dated April 3, 2002 No. 401" (CAPG of the Republic of Kazakhstan, 2002, No. 32, art. 342).

3. Decree of the Government of the Republic of Kazakhstan dated January 22, 2003 No. 80 "On additions to the Decree of the Government of the Republic of Kazakhstan dated April 3, 2002 No. 401" (CAPG of the Republic of Kazakhstan, 2003, No. 3, art. 37).

4. Decree of the Government of the Republic of Kazakhstan dated January 7, 2004 No. 12 "On amendments and additions to the Decree of the Government of the Republic of Kazakhstan dated April 3, 2002 No. 401" (CAPG of the Republic of Kazakhstan, 2004, No. 1, art. 5).

5. Subparagraph 2) of paragraph 1 of the Decree of the Government of the Republic of Kazakhstan dated February 2, 2010 No. 61 "On amendments and additions to some decisions of the Government of the Republic of Kazakhstan on aviation issues" (CAPG of the Republic of Kazakhstan, 2010, No. 9, Art. 109).