



On approval of the Rules for compensation for harm (damage) caused to the victims due to emergency situations of natural character

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated December 19, 2014 No. 1358.

Unofficial translation

In accordance with subparagraph 62) of Article 11 of the Law of the Republic of Kazakhstan dated April 11, 2014 "On Civil Protection", the Government of the Republic of Kazakhstan **HEREBY RESOLVES:**

1. To approve the attached Rules for compensation for harm (damage) caused to the victims due to emergency situations of natural character.
2. This Resolution shall enter into force upon expiry of ten calendar days after the day of its first official publication.

*Prime-Minister
of the Republic of Kazakhstan*

K. Massimov

Approved
by the Resolution
of the Government of the
Republic of Kazakhstan
dated December 19, 2014 №1358

Rules

for compensation for harm (damage), caused to the victims due to emergency situations of natural character

1. General provisions

1. These Rules for compensation for harm (damage) caused to the victims due to emergency situations of natural character (hereinafter-the Rules) have been developed in accordance with subparagraph 62) of Article 11 of the Law of the Republic of Kazakhstan dated April 11, 2014 "On Civil Protection" and shall determine the procedure for compensation for harm (damage) caused to the health and property of an individual as a result of an emergency situation of natural character.

2. The requirements of these Rules shall not apply to temporary structures, household and other buildings that are not classified as real estate objects in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities, as well as to illegally constructed objects, valuable clothing, luxury items or items made of precious metals, items of artistic value, and property that was the subject of insurance at the

time of the occurrence of emergency situations, subject to compensation in the manner determined by the civil legislation of the Republic of Kazakhstan, at the expense of the insurer.

In certain cases, during natural emergencies, a dwelling includes a structure intended for temporary (seasonal) residence, which has been destroyed or rendered uninhabitable for the owners and their families, who do not have another residence in their ownership at the time of the declaration of the emergency in the territory of the administrative-territorial unit.

Footnote. Paragraph 2 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304; with amendments introduced by the Resolution of the Government of the Republic of Kazakhstan dated 04.06.2024 № 435.

2. The procedure for compensation for harm (damage), caused to the victims due to emergency situations of natural character

3. Compensation for harm (damage) caused to victims by natural emergencies shall be made to the extent necessary to meet the minimum needs of the victims, at the expense of the budget funds of local executive bodies provided for liquidation of the consequences of natural emergencies in accordance with the budget legislation of the Republic of Kazakhstan, and (or) at the expense of organizations, voluntary contributions from citizens, foundations and public associations, and other sources that do not contradict the current legislation of the Republic of Kazakhstan.

Footnote. Paragraph 3 – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 20.04.2024 № 312 (effective from the date of its signing and subject to official publication).

3-1. The following property necessary to meet the minimum needs of the victims shall be subject to compensation:

- 1) a residential house, apartment or building intended for temporary (seasonal) residence, provided for in paragraph 2 of these Rules;
- 2) farm animals;
- 3) items for storing and preparing food - a refrigerator, a gas stove (electric stove) and a cupboard;
- 4) furniture for eating – table and chair;
- 5) furniture for sleeping – bed (sofa);
- 6) means of informing citizens - television (radio);
- 7) clothing care items - washing machine;
- 8) water supply and heating items (in the absence of centralized water supply and heating) - a water supply pump, a water heater and a heating boiler (portable stove).

Compensation for harm (damage) caused to victims by natural emergencies, in accordance with subparagraph 2) of this paragraph, shall be made in the manner established by the agro-industrial complex authority.

Compensation for harm (damage) caused to victims by natural emergencies, in pursuance of subparagraphs 3) - 8) of this paragraph, shall be made in accordance with the assessment of the amount of damage caused, but no more than 150 monthly calculation indices.

Footnote. Chapter 2 as supplemented by paragraph 3-1 pursuant to the Resolution of the Government of the Republic of Kazakhstan dated 20.04.2024 № 312 (effective from the date of its signing and subject to official publication; as amended by the Resolution of the Government of the Republic of Kazakhstan dated 23.04.2024 № 317 (effective from the date of its first official publication).

3-2. If the owner, his/her spouse and minor children have several structures intended for temporary (seasonal) residence, as provided for in the part two of paragraph 2 of these Rules, only one of the structures shall be subject to compensation.

Footnote. Chapter 2 has been supplemented with paragraph 3-2 - in accordance with the Resolution of the Government of the Republic of Kazakhstan dated 04.06.2024 № 435.

4. Victims who have suffered harm to their health as a result of an emergency situation of natural character shall be provided with medical assistance by healthcare organizations within the guaranteed volume of free medical care in accordance with the legislation of the Republic of Kazakhstan in the field of healthcare.

4-1. To compensate for harm (damage) provided for in paragraph 3 of these Rules, the local executive body shall establish a commission to assess and compensate for material damage caused to victims (hereinafter referred to as the Commission).

The regulations on the Commission shall be determined by the local executive body.

Footnote. Chapter 2 as supplemented by paragraph 4-1 pursuant to the Resolution of the Government of the Republic of Kazakhstan dated 20.04.2024 № 312 (effective from the date of its signing and subject to official publication;

5. Victims who have suffered material damage, within thirty calendar days from the date of occurrence of the emergency situation shall submit an application for compensation for material damage, completed in the form according to Appendix 1 to these Rules to the local executive body.

6. If it is impossible for the victim to apply personally, his/her relatives or other persons on the basis of a power of attorney, as well as legal representatives if the victim is a minor, may apply for compensation for the harm (damage) caused.

7. The application for compensation for the damage caused shall be accompanied by:

1) a copy of an identity document of the injured person (in cases of loss or destruction of such a document due to an emergency situation of natural character, or during the liquidation period of an emergency - a temporary identity card issued by the internal affairs bodies);

2) a list of the lost and/or damaged property of the victim since the occurrence of an emergency situation of natural character or during the liquidation period of an emergency.

8. Registration of applications and documents shall be carried out by the local executive body in the register of applications for compensation for material damage in the form,

according to Appendix 2 to these Rules, with the issuance of a receipt to the victim confirming the acceptance of documents.

9. An application for compensation for material damage shall be considered within fifteen working days from the date of receipt by the local executive body of the documents specified in paragraph 8 of these Rules.

9-1. In cases of partial damage to a dwelling as a result of a natural emergency, the local executive body, based on technical inspection and estimate documentation, shall determine one of the mechanisms for its restoration by:

- 1) engaging a contracting organization to carry out repair works;
- 2) reimbursing expenses to citizens who have decided to carry out the repair works independently.

Footnote. The Rules have been supplemented with paragraph 9-1 in accordance with the Resolution of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304; is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 04.06.2024 № 435.

10. The local executive body, within ten working days from the date of registration of an application shall organize an assessment of the amount of damage caused by the appraiser. At the same time, the costs associated with the organization of an assessment shall be borne by the local executive body.

11. Determining the amount of harm (damage) caused to the property shall be carried out with participation of the victim and the appraiser.

12. Organization of assessment of the amount of damage caused includes the following steps:

- 1) selection of an appraiser by the victim;
- 2) determining the time and place of assessment conducting in agreement with the victim;
- 3) conducting of assessment of the damaged property;
- 4) familiarization of the victim with the assessment report.

13. The amount of compensation for harm (damage) shall be determined based on the expenses necessary for the restoration (repair) of damaged property, and/or the amount of property markdown due to its damage or the value of lost property at market prices in force in the area at the time of compensation for harm (damage), taking into account markdown of the lost or damaged property. Expenses for the restoration (repair) of damaged property shall be confirmed by an estimate or cost estimate for its restoration.

14. Property shall be considered destroyed if its restoration is technically impossible or economically unjustified. Restoration of property shall be considered economically unjustified if the expected expenses for the restoration of property exceed eighty percent of its market value on the day the damage occurred.

14-1. After the decision to allocate funds has been made, the local executive body, within 5 working days, shall enter into an agreement with the owner of the dwelling for the

performance of repair works by the contracting organization or for the disbursement of funds for the independent performance of the repair works.

The agreement, in the case of independent repair works, includes information regarding the obligation of the dwelling owner to provide a report on the completed restoration works with photographic documentation within six months from the date of payment.

In the event that the required report is not submitted, the local executive body shall have the right to appeal to the courts to demand the return of the allocated funds.

Footnote. The Rules have been supplemented with paragraph 14-1 in accordance with the Resolution of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

15. After the conclusion of the appraiser within three working days, the local executive body shall make a decision on allocation of funds, agreed with the authorized body for the execution of the budget of the region, city of republican significance, the capital, district and city of regional significance.

Payment shall be made to the victims within thirty calendar days after the adoption of the relevant decision.

15-1. The transfer of funds for independent repair works carried out by citizens shall be made to personal or card accounts of citizens opened in second-tier banks, the National Postal Operator, or other organizations licensed to conduct certain types of banking operations.

Footnote. The Rules have been supplemented with paragraph 15-1 in accordance with the Resolution of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

16. After the compensation of the caused (harm) damage, a corresponding entry shall be made in the register of applications for compensation of the harm (damage) caused indicating the date, amount of the compensated harm (damage) and the number of the payment document.

17. In case of disputes, issues of compensation for harm (damage) shall be resolved in the court in accordance with the legislation of the Republic of Kazakhstan.

Appendix 1
to the Rules for
compensation for harm (damage)
caused to the victims due to
emergency situations of natural
character
To whom _____
(Full name (if any)
of the chairman of the commission
for assessment and compensation
of property damage)
from _____
(full name (if any) of the resident
tel. _____

Application

on compensation for material harm (damage)

I hereby request you to compensate me for the harm (damage) caused in connection with

_____ (specify the nature of the event)

I hereby request you to compensate for the harm (damage) caused to the address: _____

_____ (region, district, city, residential address)

Bank institution № _____

Branch № _____

Personal account or card account _____

— addressed _____

(full name (if any))

IIN of the recipient № _____

I am enclosing the following documents with my application:

1. _____
2. _____
3. _____
4. _____
5. _____

" _____ " _____ 20____ Applicant

_____ FULL NAME. (if any)

(date) (month) (year) signature

Appendix 2
to the Rules for
compensation for harm (damage)
caused to the victims due to
emergency situations of natural
character

Log of registration of applications

on compensation for material harm (damage)

№	FULL NAME. (if any) of the victim as a result of an emergency situation of	Date of receipt , №	Address of residence	Reason for compensation for harm ((damage) (brief description of the place, time	Amount of material harm ((damage)	№ and date of the payment order for the issued material

	natural character			and type of emergency situation)		assistance (signature of the registrar)
1	2	3	4	5	6	7

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