



## **On approval of the Rules for the development and approval of the annual report on the state of business regulation in the Republic of Kazakhstan**

### *Invalidated Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated December 31, 2015 No . 1149. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 07/17/2023 No. 603

#### *Unofficial translation*

**Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 07/17/2023 No. 603 (effective after ten calendar days after the date of its first official publication).**

**Takes effect from January 1, 2016.**

In accordance with subparagraph 3) of paragraph 1 of article 84 of the Entrepreneur Code of the Republic of Kazakhstan dated October 29, 2015 the Government of the Republic of Kazakhstan HEREBY DECREES:

1. To approve the attached Rules for the development and approval of the annual report on the state of business regulation in the Republic of Kazakhstan.
2. This decree takes effect from January 1, 2016 and is subject to the official publication.

*Prime Minister  
of the Republic of Kazakhstan*

*K. Massimov*

Approved  
by decree of the Government  
of the Republic of Kazakhstan  
dated December 31,2015 no.1149

## **Rules for the development and approval of the annual report on the state of business regulation in the Republic of Kazakhstan**

**Footnote. The Rules as amended by the decree of the Government of the Republic of Kazakhstan dated November 09, 2018 no. 735 (takes effect upon the expiry of ten calendar days from the day of its first official publication).**

### **Chapter 1. General provisions**

1. These Rules for the development and approval of the annual report on the state of business regulation in the Republic of Kazakhstan (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 3) of paragraph 1 of

article 84 of the Entrepreneur Code of the Republic of Kazakhstan dated October 29, 2015, and shall establish the procedure for preparation and approval of the annual report on the state of business regulation in the Republic of Kazakhstan.

2. These Rules shall use the following definitions:

1) the authorized body for business – a state body carrying out management and cross-sectoral coordination in the field of business development and support ( hereinafter referred to as the authorized body);

2) the report on the state of business regulation (hereinafter referred to as the report ) – a report prepared by the regulating state body carrying out management in the correspondent spheres of state management;

3) the annual report on the state of business regulation in the Republic of Kazakhstan (hereinafter referred to as the annual report) – a report prepared by the authorized body;

4) the report on the state of regulatory impact analysis (hereinafter referred to as the report on RIA) – a report prepared by the local executive body of a region, cities of republican significance, capital, carrying out management in the field of business;

5) regulating state bodies – state bodies, carrying out management in a separate branch or are of state management, in which the state control and supervision are carried out, regulatory instruments have been enforced or is planned for enforcement.

## **Chapter 2. Procedure for development and approval of the annual report on the state of business regulation in the Republic of Kazakhstan**

3. The annual report shall be prepared by the authorized body on the basis of reports and reports on RIA by results of the year, following the reporting one.

4. Reports / reports on RIA shall be place on the internet-resource of the regulating state bodies/local executive bodies of a region, cities of republican significance, capital , carrying out management in the field of business, and shall be submitted to the authorized body no later than February 10 of the year following the reporting one.

5. The report shall contain the following information:

1) on authorization documents in the form according to annex 1 to these Rules;

2) on state control and supervision in the form according to annex 2 to these Rules;

3) on information instruments in the form according to annex 3 to these Rules;

4) on self-regulatory organizations in the form according to annex 4 to these Rules;

5) on analysis of regulatory impact in the form according to annex 5 to these Rules.

6. Information of regulating state bodies, stipulated by subparagraphs 1), 2), 3) 4) and 5) of paragraph 5 of these Rules, shall be subject to analysis and shall be accompanied by analytical notes:

1) analytical note to information on authorization documents, which shall contain:

number and name of authorization documents in spheres regulated by the state body;

number and name of authorization documents that are entered in accordance with international treaties (indicating the details of the act and its structural element);

number of issued authorization documents for the reporting period;

information on the work done to reduce administrative barriers (transfer to a lower level, cancellation of an authorization document, optimization of terms for issuing and requirements for issuing an authorization document).

Note: one general analytical note shall be filled out for all authorization documents related to the competence of a state body;

2) analytical note to information on state control and supervision, which shall contain:

the results of the analysis of the current situation in the spheres of state control and supervision in comparison with the previous similar period;

dynamics (decrease and increase) of quantitative and qualitative indicators based on the results of state control and supervision;

the effectiveness of state control and supervision, providing risk reduction, the likelihood of harm to life and human health, the environment, the legitimate interests of individuals and legal entities, the property interests of the state as a result of the activities of the subject of control and supervision compared with the previous period;

information on measures to stimulate business entities to comply with legislative requirements in connection with state control and supervision based on the promotion of bona fide audited entities, concentration of control and supervision on violators;

information on the implementation and improvement of alternative forms of control and supervision in the spheres of control and supervision, ensuring the safety of life and human health, the environment, compliance with the legitimate interests of individuals and legal entities, property interests of the state;

proposals on improvement of legislation on state control and supervision;

3) analytical note to information on information instruments, which shall contain:

Analysis of submitted information, including:

Number and name of information instruments, stipulated by regulatory legal acts of the Republic of Kazakhstan;

information on the amount of information provided, broken down into electronic / paper format;

information on duplication of the provision of information to other regulatory state bodies;

proposals on optimization of information instruments;

4) analytical note to information on self-regulatory organizations, which shall contain:

analysis of the functioning of self-regulatory organizations in the regulated sphere (industry);

information on the number of self-regulatory organizations and on branches or spheres of government in which self-regulation is introduced;

branches or spheres of government in which self-regulation is planned;

proposals on improvement of self-regulation institutions;

5) analytical note to information on analysis of regulatory impact, which shall contain:

the number of requirements for which the regulatory impact analysis procedure was carried out;

the number of opinions received on compliance with regulatory impact analysis procedures, indicating the number of positive and negative conclusions;

analysis of the implementation of the plan for the revision of existing regulatory instruments, including:

number of requirements planned for revision;

number of revised requirements;

information on decisions made following the results of the review;

analysis of participation in training activities to conduct regulatory impact analysis, including:

information on the number of participants who took part, indicating the place and time of its holding;

analysis of financial benefits and costs (monetization) associated with the implementation of new requirements;

plans for proposed reforms in the regulatory activities of the state body for next year.

7. Report on RIA consists of information on issued opinions on the compliance by developers of draft acts of regional importance, the regional chamber and other interested parties with established procedures in the form according to annex 6 to these Rules and shall be accompanied by an analytical note.

8. The analytical note shall contain:

Reasons for issuing negative opinions, including:

failure to hold public discussions;

incorrect definition of the problem and the purpose of regulation;

lack of alternative regulatory approaches (ineffective alternatives);

failure to calculate costs (monetization);

analysis of information on an alternative analysis of regulatory impact (total number, performer);

analysis of execution of the plan of review of current regulatory instruments, including:

number of requirements, planned for review;  
number of reviewed requirements;  
information on measures taken by results of the review;  
analysis of participation in training activities to conduct analysis of regulatory impact, including:  
information on the number of participants who took part, indicating the place and time of its holding.

9. The authorized body within 60 calendar days upon receipt of reports and reports on RIA shall review them and shall prepare the annual report based on their results.

10. Within the period of preparation of the annual report, when necessary, but no later than 15 calendar days before the expiry of the period of preparation of the annual report, specified by paragraph 9 of these Rules, the authorized body shall send for reports / reports on RIA further revision to the corresponding regulating state body / local executive body of a region, cities of regional significance, capital, carrying out management in the sphere of business, which from the time of receipt of comments shall revise them within 10 calendar days.

11. The annual report shall be approved by its approval endorsing at Interdepartmental Commission for the issues of regulation of business under the Government of the Republic of Kazakhstan (hereinafter referred to as the IDC).

12. The annual report prepared by the authorized body shall be submitted for consideration by the IDC before April 30 of the year, following the reporting one.

In case if there any recommendations by the IDC concerning further revision of the annual report, the authorized body no later than 15 calendar days shall enter corresponding adjustments, and thereafter shall repeatedly submit it for consideration by the IDC.

13. The annual report from the time of its approval within 15 calendar days shall be placed at the internet-resource of the authorized body.

Annex 1  
to the Rules for the development  
and approval of the annual report  
on the state of business regulation  
in the Republic of Kazakhstan  
Form

### **Information on authorization documents\***

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**(name of state body)**

	Indicate the full name of the document that is issued to the business entity or individual in accordance with the requirements of the licensing procedure. for example:
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1.	name of authorization document	(1) Certificate of certification of seed production entities; (2) License for medical activities; (3) Registration certificate for a medicine
2.	At which level the authorization document is issued	At central level _____ By the territorial subdivision of the central state body _____ By local executive body _____ By the branch (territorial subdivision) of organization, subordinated to the state body _____
3.	Date of introduction of the authorization document	Date of adoption of the last regulatory legal act establishing the procedure for issuing a permit document. The date of adoption of regulatory legal acts establishing changes in the procedure is not indicated.
4.	Does the legislation provide for maximum deadlines for issuing an authorization document from the moment of filing an application?	No ____ Yes ____ Number of days ____ Working days ____ calendar days ____ are used
5.	Name of international treaties and article number, on the basis of which the authorization document is issued	Write the full name of the international treaty in accordance with which the authorization document has been introduced, the number and (or) the name of the article (s) or chapter (chapters) of the international treaty determining the need for the introduction of the authorization document
6.	Is there a fee for issuing the authorization document? If yes, indicate its size.	No ____ Yes ____ price ____ tenge/Monthly Calculated Index /other
7.	Description of the problem that the introduction of the authorization document should have solved or the problem that it solves today	The description of the problem that the authorization document solves or aims to solve should be consistent with the goals for the introduction of the authorization document declared in the legislation of the Republic of Kazakhstan and regulatory legal acts . The description of the problem in this part should not be declarative, but should give a reasoned answer, showing a causal relationship between the declared goal of the introduction (existence) of resolution

		and the mechanisms for its achievement through resolution
8.	Validity period of the authorization document (for how long is it issued)	Indicate all possible periods of validity of the authorization document in accordance with regulatory legal acts. For example, if a state body issues the authorization document for one year, or 3, or 15 years, the note "from 1 to 15 years." If the validity of the authorization document is not limited, put the mark "unlimited"
9.	Name, number of paragraph, subparagraph and article of codes and laws, decrees of the President of the Republic of Kazakhstan, name of government decrees, orders or other regulatory legal acts of state bodies, on the basis of which an authorization document is issued	Write the full name of the Law of the Republic of Kazakhstan in accordance with which the authorization document was introduced, the article number (s) of the Law of the Republic of Kazakhstan, determining the need for the introduction of the authorization document
10.	The number of authorization documents of this type / subtypes issued for the reporting period	Indicate the number of issued species / subtypes of one authorization document
11.	Number of refusals to issue the authorization document for the reporting period	Indicate the number of refusals to issue the authorization document
12.	Reasons for refusals to issue the authorization document for the reporting period	Indicate the reasons for refusals to issue the authorization document
13.	The number of verifications for compliance with the requirements of the authorization document for the reporting period	Indicate the number of verifications for compliance with the requirements of the authorization document
14.	The number of violations revealed when checking for compliance with the requirements of the authorization document for the reporting period	Indicate the number of violations revealed when checking for compliance with the requirements of the authorization document
15.	The number of penalties imposed and the total amount of fines for violations revealed when checking for compliance with the requirements of the authorization document for the reporting period	The number of penalties imposed ____ The total amount of payments received for fines ____ tenge
16.	The number of complaints filed for violation of the procedure for issuing the authorization document and their results (number of officials held liable for satisfied complaints)	Indicate the number of confirmed (satisfied) complaints and their results issued, suspended, canceled, extended, renewed and terminated permissions
	The number of suspended, reissued, canceled, extended, renewed,	The number of suspended ____ The number of reissued ____

17.	terminated and devoid of the authorization documents, for the reporting period	The number of cancelled ____ The number of renewed ____ The number of terminated ____ The number of devoid ____
18.	Reduction of administrative barriers (transfer to a lower level, cancellation of the authorization document, optimization of the terms of issue, requirements for issuing the authorization document)	Indicate the possibilities of reducing the administrative barrier when issuing the authorization document.

\* This form shall be filled in separately per each authorization document relating to the competence of the state body

Annex 2  
to the Rules for the development  
and approval of the annual report  
on the state of business regulation  
in the Republic of Kazakhstan  
Form 1

### Information of the regulating state body carrying out state control and supervision

**(name of state body)**

item no.	The sphere of state control and supervision	Business entities in terms of categories	The number of inspections conducted in a special order in relation to business entities / The number of inspections as a result of which no violations were revealed	The number of preventive control and supervision carried out with a visit to a business entity / The number of preventive control and supervision carried out, as a result of which no violations were revealed	The number of inspections carried out on the grounds, stipulated by paragraph 4 of article 129 of the Entrepreneur Code and preventive control and supervision, carried out on the grounds, stipulated by part eleven of paragraph 3 of article 141 of the Entrepreneur Code (indicate in terms of the grounds)/ The number of such inspections and preventive control and supervision carried out, as a result of which no
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					violations were revealed
1	2	3	4	5	6
1.		Small business entities			
2.		Micro-business entities			
3.		Medium business entities			
4.		Large business entities			
5.	Total:				

Continuation of the table

The number of unscheduled inspections conducted in relation to business entities * / The number of inspections as a result of which no violations were revealed	The amount of preventive control and supervision carried out without visiting a business entity	The number of suspended / resumed inspections and preventive control and supervision in relation to a business entity (excluding tax audits)	The number of executed/ nonexecuted recommendations, conclusions, certificates, notifications and instructions on the elimination of violations revealed in accordance with the results of preventive control and supervision and inspections	The number of administrative penalties imposed as a result of inspections and the amount of the administrative fine imposed as a result of inspections	The number of acts on the appointment of inspections, the registration of which is refused	The number of satisfied complaints filed on violation of the procedure for organizing and conducting inspections and preventive control and supervision with visiting and their results (the number of officials prosecuted for liability on satisfied complaints)
7	8	9	10	11	12	13

Form 2

item no.	The sphere of state control	Date of approval and name of the joint orders of the risk assessment system (criteria and checklists), changes and additions to the joint orders of the risk assessment	Increase or decrease in the requirements of checklists for the reporting period (the	Increase or decrease of bona fide business entities, as	The number/ ea of officials of the state body authorized /	The number of positive / negative opinions made as a result of the
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	a n d supervision	system (criteria and checklists) for the reporting period (if available, indicate the number and date of the order on making amendments and additions)	(number of reduced or added requirements with justifications)	well as violators compared to the previous period	assigned to exercise state control and supervision	consideration of the complaint by the appeal commission (if any)
1.	2	3	4	5	7	8
2.						
3.						

The report of the regulating state body shall be completed in terms of spheres of state control and supervision according to the competence of the regulating state body and in accordance with articles 138 and 139 of the Entrepreneur Code of the Republic of Kazakhstan (hereinafter referred to as the Code) dated October 29, 2015 and is shall be intended for analysis of each sphere of state control and supervision.

The number of unscheduled inspections conducted in relation to business entities is presented in terms of the grounds, stipulated in paragraph 3 of article 144 of the Code.

Annex 3  
to the Rules for the development  
and approval of the annual report  
on the state of business regulation  
in the Republic of Kazakhstan  
Form

## Information about information instruments

**(name of state body/region)**

**The information instruments shall include submission of documents, notifications and certificates, fiscal, financial and other reporting, other documents, declaration of the composition of products, publication of the data of bankruptcy, change in the property of enterprises etc.**

item no.	Name of reporting	Reference to the structural element of a regulatory legal act	Periodicity of submission of the reporting	Form of submission of the reporting (electronic format/paper)	Goal of submission of the reporting	Entity, submitting the reporting	Opportunity for optimization of the reporting
1	2	3	4	5	6	7	8
2							

**Information about self-regulatory organizations**

**(name of state body)**

1.	Regulatory areas where self-regulation based on compulsory membership (participation) and / or self-regulatory organizations based on voluntary membership (participation) are introduced	
2.	The number of self-regulatory organizations (based on mandatory and voluntary membership (participation) in the analyzed areas	
3.	The name of self-regulatory organizations indicating the number of members in each self-regulatory organization, as well as their type of activity	
4.	The list of functions performed by regulatory authorities that are possible to transfer to self-regulation based on compulsory membership (participation)	
5.	The availability of standards and rules of self-regulatory organizations , agreed in accordance with the Law of the Republic of Kazakhstan dated November 12, 2015 “On self-regulation”	
6.	Names of potential areas or activities where self-regulation based on mandatory participation (membership) is possible	
7	The number of complaints received in the reporting year to self-regulatory organizations based on compulsory membership, the amount of damages recovered from the self-regulatory organization based on the results of complaints ____ thousand tenge.	

**Information about the analysis of regulatory impact\***

**(name of state body)**

1.	Name of regulatory instrument and (or) regulatory tightening	
2.	Name of the document, within the framework of which the regulatory instrument was introduced and (or) regulatory tightening	
3.	The number of opinions received on compliance with regulatory impact analysis procedures, with the exception of draft acts of regional significance ( indicates the total number of opinions, including positive)	
3.1.	Grounds for obtaining a negative opinion (Columns are to be filled out for each conclusion)	
	Lack of public discussions	Lack of costs ( alternative approaches for monetization) regulation Other
	1.	
	2.	
	3.	
Total		
4.	Information on an alternative regulatory impact analysis (by whom and when)	
5.	Information on the outcome of the consideration by the MDC of the introduction of a new regulatory instrument or the tightening of regulation (date and protocol number)	
6.	Date of entry into force of a regulatory instrument or regulatory tightening	
7.	Calculation of costs (monetization) from the introduced regulatory instrument or regulatory tightening	
8.	Regulatory impact analysis is carried out as part of the implementation of the review plan	No ___ Yes ___

\*To be filled in per each requirement

**Information on the issued conclusions on compliance by developers of draft acts of regional importance, the regional chamber and other concerned parties with established procedures**

**(name of the local executive body of the region, city of republican significance, capital, carrying out management in the sphere of business)**

1.	Number of issued opinions on compliance with regulatory impact analysis procedures (indicating the number of positive and negative opinions)	
2.	Number of issued conclusions on compliance with regulatory impact analysis procedures when planning the introduction of a regulatory instrument or regulatory tightening (indicating the number of positive and negative conclusions)	
3.	Number of issued opinions on compliance with regulatory impact analysis procedures as part of the implementation of the review plan (indicating the number of positive and negative opinions)	
4.	The number of regulatory instruments approved by the advisory body under the akimat of the region, city of republican significance, the capital on the interdepartmental nature of regulation or regulatory tightening (date and protocol number)	
5.	Date of entry into force of a regulatory instrument or regulatory tightening	