

## **On approval of standard requirements to the Procedure for organizing and holding a public hearing**

### *Invalidated Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated December 31, 2015 No . 1191. It became invalid by the Decree of the Government of the Republic of Kazakhstan dated 18.03.2021 No. 151 (effective after ten calendar days after the date of its first official publication).

#### *Unofficial translation*

**Footnote. It became invalid by the Decree of the Government of the Republic of Kazakhstan dated 18.03.2021 No. 151 (effective after ten calendar days after the date of its first official publication).**

In accordance with paragraph 3 of article 21 of the Law of the Republic of Kazakhstan dated November 2, 2015 “On the Public Councils” the Government of the Republic of Kazakhstan HEREBY DECREES:

1. to approve the attached standard requirements to the Procedure for organizing and holding a public hearing.
2. This decree shall be put into effect from the date of its first official publication.

*Prime Minister  
of the Republic of Kazakhstan*

*K. MASSIMOV*

Approved  
by decree no.1191 of the  
Government  
of the Republic of Kazakhstan  
dated December 31, 2015

## **Standard requirements to the Procedure for organizing and holding a public hearing**

### **1. General provisions**

1. These Standard requirements to the Procedure for organizing and holding a public hearing (hereinafter - the Standard requirements) разработаны in accordance with paragraph 3 of article 21 of the Law of the Republic of Kazakhstan dated November 2, 2015 “On the Public Councils” (hereinafter - the Law) and shall establish the Standard requirements to the procedure of organizing and conducting a public hearing.

2. These Standard requirements shall use the following main definitions:

1) a public hearing – the procedure of public control, performed by means of conducting a meeting for a public discussion of:

draft budget programs of the administrator of budget programs, draft strategic plans or programs of development of territories, draft state and governmental programs;

draft regulatory legal acts related to rights, freedoms and obligations of citizens;

appeals of individuals and legal entities on the improvement of public administration and organization of transparent work of the state apparatus, including the observance of standards of the official ethics;

socially significant decisions of state bodies on the issue related to their compliance with public interests;

2) the authorized body – the republican or local state administrative body, determined by paragraphs 5 and 6 of article 1 of the Law of the Republic of Kazakhstan “On the Public Councils”;

3) Commission for areas of activities (hereinafter - the commission) – a collegial body, formed by the public council from among its members, including organizational actions for the preparation and conduct of public hearings;

4) the invitees – representatives of state bodies, mass media, scientific, trade unions and other organizations, as well as experts and other specialists, invited according to the decision of the Public Council for participation in the public hearing.

## **2. Standard requirements to the procedure of organizing a public hearing**

3. The public hearing shall be conducted on the initiative of the members of the Public Council. The decision of conducting the public hearing shall be entered into the minutes of the meeting of the Public Council.

4. The public hearing shall be conducted by the Public Council within the time limits, agreed with the republican or local state administrative body, determined by paragraphs 5 and 6 of article 1 of the Law.

5. The decision on conducting a public hearing shall indicate:

1) the theme of the public hearing;

2) date of the public hearing;

3) the commission, which will perform preparation and conducting the public hearing, as well as elaboration of recommendations following its results.

6. On the basis of the decision of the Public Council on conducting the public hearing, the head of the authorized body or an official, authorized by him, no later than five working days from the date of decision, shall determine the structural subdivision, responsible for performance of organizational and material-technical provision of activities of the commission on preparation of conducting the public hearing.

7. The Commission shall prepare and conduct a public hearing in the following order:

1) determines a list of specific issues to be discussed on the theme of public hearing

;

2) draws up a work plan, distributes duties among the members of the commission, determines the list of tasks for preparing the public hearing;

3) no later than thirty days before the date specified, ensures the publication of the theme and the list of issues of the public hearing in the mass media and on the Internet resources of the authorized body.

When a draft regulatory legal act is considered at a public hearing, its full text shall also be published for public familiarization, but no later than ten calendar days before its date;

4) determines the list of invitees and sends them official appeals with copies of all documents submitted to the public hearing, with a request to give their recommendations and suggestions on issues submitted for discussion;

5) assists participants in the public hearing in obtaining the information required them for preparation of recommendations on the subject of the public hearing;

6) organizes preparation of a draft final minutes in the form according to the annex to these Standard Requirements, consisting of recommendations and proposals on each of the issues, submitted for the public hearing;

7) notifies the population about the public hearing no later than ten days before the date of the meeting. The published information shall contain the information on the theme and issues of the public hearing, the time and the venue of the hearing, the contact information of the commission;

8) registers the participants of the public hearing.

8. Participants in a public hearing eligible to speak shall be the invitee and citizens who have registered to speak before the beginning of the meeting.

A public hearing conducted at the republican level may be participated by citizens, who passed the registration before its beginning.

A public hearing conducted at the local level, may be participated by the population of the corresponding administrative-territorial unit, who passed the registration before its beginning.

### **3. Standard requirements to the procedure of conducting a public hearing**

9. Before the beginning of a public hearing, the commission shall register the participants.

10. The chairperson of the Public Council (or a person, substituting him) (hereinafter - the chairperson) shall open the public hearing, announce the theme of its conducting, the agenda, the rules for speeches of participants.

11. During the course of the public hearing, a minutes shall be kept, registering the date and the venue of the public hearing, the number of the present, surnames, names, patronymics (if any) of the chairperson and the secretary of the public hearing, the agenda, the content of the speeches.

12. The time of the speech of invitees and other participants of the public hearing shall be determined based on the number of speakers and the time allotted for the meeting.

13. After the end of the invitee's speech, the chairperson shall give the right to the participants of the public hearing to ask clarifying questions to the invitee and additional time to answer questions. The time to answer questions may not exceed the time of the main invitee's speech.

14. Withdrawal by the invitees of their recommendations and/or accession to recommendations, raised by other invitees of the public hearing shall be allowed.

15. After the end of the speeches of the invitees on all issues on the agenda of the public hearing, the chairperson shall give the floor to the participants of the public hearing who have registered to speak in the order of priority determined during registration.

16. The chairperson shall summarize results of the public hearing after all speeches.

17. According to the results of the public hearing, the final minutes shall be adopted, which is signed by the chairperson and the secretary of the public hearing.

The final minutes shall be considered adopted if more than half of the present members of the Public Council voted for it.

18. The final minutes of the public hearing shall include:

1) information about compliance with the legislation of the Republic of Kazakhstan by the controlled state bodies and their officials;

2) recommendations on the elimination of the provisions revealed during the public hearing, which infringe or limit the rights and legitimate interests of individuals and legal entities;

3) proposals for amendments and additions to regulatory legal acts.

19. The Commission, not later than five days from the date of adoption of the final protocol of public hearings, shall ensure its publication on the Internet resources of the authorized body and (or) in printed periodicals.

20. Recommendations adopted on the basis of the final minutes shall be sent within ten days by the chairperson of the Public Council to:

1) state bodies, the subjects of the public control;

2) state bodies, authorized to perform the control over the activities of state bodies for investigation and taking measures;

3) mass media.

21. The relevant state body shall provide a reasoned response, signed by the first head or his deputy, according to sub-paragraphs 5) and 6) of paragraph 1 of article 5 of the Law within a month, and according to sub-paragraph 1) of paragraph 1 of article 5 of the Law - within ten working days from the date of receipt of the recommendations of the Public Council.

**Final Minutes  
of a public hearing**

The public hearing has been assigned by decision \_\_\_\_\_

No. \_\_\_\_\_ dated " \_\_ " \_\_\_\_\_ 201\_\_ .

Theme of the public hearing: \_\_\_\_\_

Date and venue: \_\_\_\_\_

item no.	Issues for discussion	Information on the observance by controlled state bodies and their officials of the legislation of the Republic of Kazakhstan	Recommendations, including those on elimination of provisions, infringing or limiting the rights and legitimate interests of individuals and legal entities, detected during the course of a public hearing	Proposals on making amendments to the regulatory legal acts of the Republic of Kazakhstan	Remarks
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Chairperson  
of a public hearing  
Secretary  
of a public hearing