



## **On approval of methodical recommendations on determining standard functions of state bodies**

### *Invalidated Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated August 31, 2016 No. 489. Abolished by the Decree of the Government of the Republic of Kazakhstan dated July 13, 2023 No. 560

#### *Unofficial translation*

**Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated July 13, 2023 No. 560 (it is put into effect after ten calendar days after the date of its first official publication).**

In accordance with paragraph 1 of Article 24 of the Law of the Republic of Kazakhstan "On Legal Acts", the Government of the Republic of Kazakhstan **HEREBY RESOLVES:**

**Footnote. Preamble - as amended by the Resolution of the Government of the Republic of Kazakhstan dated January 23, 2023 No. 33.**

1. To approve the attached methodic recommendations on determining model functions of state bodies.

2. To recognize invalid the decree of the Government of the Republic of Kazakhstan dated August 24, 2011 no. 951 "On approval of Methodical recommendations on determining model functions of state bodies".

3. This decree shall come into force from the date of its signing and shall be subject to official publication.

*Prime Minister  
of the Republic of Kazakhstan*

*K. Massimov*

Approved by the  
decree of the Government  
of the Republic of Kazakhstan  
dated August 31, 2016 no. 489

## **Methodical recommendations on determining standard functions of state bodies**

**Footnote. Methodological recommendations - as amended by the Resolution of the Government of the Republic of Kazakhstan dated January 23, 2023 No. 33.**

### **Chapter 1. General Provisions**

1. These Methodical recommendations on determining standard functions of state bodies (hereinafter referred to as the Methodological recommendations) have been developed in accordance with paragraph 1 of Article 24 of the Law of the Republic of Kazakhstan "On Legal Acts" and intended for application in regulatory activity when deciding issues of establishment of functions of state bodies at the legislative and sub legislative levels.

2. The laws should establish the functions of state bodies that form the basis of their organization and activities, as well as the functions, the implementation of which affects the most important social relations specified in paragraph 3 of Article 61 of the Constitution of the Republic of Kazakhstan:

1) legal personality of individuals and legal entities, civil rights and freedoms, obligations and responsibilities of individuals and legal entities;

2) the regime of ownership and other proprietary rights;

3) the fundamentals of the organization and activities of state bodies and local self-government bodies, state and military service;

4) taxation, the establishment of fees and other obligatory payments;

5) the Republican budget;

6) issues of the judiciary and legal proceedings;

7) education, healthcare and social security;

8) privatization of enterprises and their property;

9) environmental protection;

10) administrative-territorial structure of the Republic of Kazakhstan;

11) ensuring the defence and security of the state.

All other relations are regulated by by-laws.

3. The laws shall contain the functions of the Government of the Republic of Kazakhstan on issues requiring a collegial decision, which are interdepartmental; general competence of central state bodies to adopt normative legal acts; functions of local representative and executive bodies.

4. The laws shall establish the main provisions in the regulated area - the goals, objectives, principles, competencies and powers of regulation of the relevant industry (sphere), as well as the basic concepts, scope, objects and subjects of legal relations, their rights and obligations, measures of a law restrictive nature, responsibility for violation of the law, restrictions in the regulated area, control over compliance with the law, financing from the state (warranty and guaranteeing loans, providing state support measures, subsidizing) and other important provisions.

5. The functions that ensure the implementation of the main tasks, as well as those related to the internal procedures of the activities of state bodies, and their interactions with each other, aimed at detailing and implementing the main provisions of the law, shall be determined by by-laws.

At the sub-legal level, functions shall be established, the implementation of which does not affect the public relations listed in paragraph 2 of these methodological recommendations.

Herewith, the functions of the state body at the sub-legal level should be established in the regulatory legal acts adopted by the President, the Government and the higher central state body concerning it.

6. Standard functions of state bodies shall be divided into 2 groups:

- 1) standard functions of state bodies, which must be established at the level of law;
- 2) standard functions of state bodies, which must be established at the sub-legislative level.

The list of standard functions of state bodies established by paragraph 8 of these methodological recommendations shall not be exhaustive.

## **Chapter 2. Standard functions of state bodies established at the level of law**

7. At the level of the law, it shall be recommended to establish the following functions of state bodies:

- 1) establishing the rights, and obligations of individuals and legal entities, including the limits of their restrictions;
- 2) interaction with individuals and non-state legal entities;
- 3) ensuring national, including economic, and public security, the country's defence capability, and protection of state secrets;
- 4) implementation of the administrative procedure (establishment of the rights and obligations of the parties within the framework of the administrative procedure);
- 5) formation of mechanisms for the implementation of state control and supervision  
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identification, elimination of the causes and conditions of violations of the law through inspections and other forms of control for the compliance of the activities of individuals and legal entities with the requirements established by law;

taking legal action based on the results of inspections;

- 6) establishing requirements for permit recipients and licensees, conditions for issuing permits, and licenses;
- 7) issues of forced alienation of property;
- 8) determining the grounds and conditions for conducting an examination, and inspection in the relevant area;
- 9) management of state property.

## **Chapter 3. Standard functions of state bodies, established at the subordinate level**

8. At the level of by-laws, it is recommended to establish the following functions of state bodies:

- 1) implementation of state policy in the relevant area;
- 2) determining the procedure for the provision of public services;
- 3) organization of recycling, destruction of certain goods, substances, and animals;
- 4) organization of training, advanced training and retraining of personnel in the relevant field;
- 5) involvement of experts, consultants;
- 6) approval of standards (material support), norms of need, quotas, and their distribution;
- 7) approval of projects, schemes, schedules, expenses, reimbursement of expenses;
- 8) issues of international cooperation in the relevant field;
- 9) fulfilment of the state order in the relevant area;
- 10) development and provision of support measures in the relevant industry;
- 11) regulation of issues related to testing, research, and research in the relevant field;
- 12) regulation of issues on maintaining registers, registers and cadastres, accounting, evaluation, analysis, monitoring, database and data bank in the relevant field;
- 13) classification, determination, assignment of a category, status, class or other identification of certain items;
- 14) creation of information systems, communication systems and data transmission systems, technical means, as well as information security systems;
- 15) coordination of activities of state bodies, interaction with state bodies;
- 16) delivery, and acceptance into operation of objects, projects, and their provision;
- 17) development and approval of standard documents, various plans, and technical standards;
- 18) organizational and personnel issues.