



On approval of the Rules for exercising control over Kazakhstani and foreign ships and Kazakhstani aircraft involved in subsoil use operations and support of subsoil use operations Title as amended by the Resolution of the Government of the Republic of Kazakhstan dated October 28, 2019 No. 804 (shall be enforced upon expiry of twenty one calendar days after the day of its first official publication)

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated December 2, 2016 № 759.

Unofficial translation

Footnote. Title as amended by the Resolution of the Government of the Republic of Kazakhstan dated October 28, 2019 No. 804 (shall be enforced upon expiry of twenty one calendar days after the day of its first official publication)

In accordance with subparagraph 12-1) of Article 55 of the Law of the Republic of Kazakhstan dated January 16, 2013 "On State Border of the Republic of Kazakhstan", the Government of the Republic of Kazakhstan **hereby ORDERS:**

1. To approve the attached Rules for exercising control over Kazakhstani and foreign vessels and Kazakhstani aircraft involved in subsoil use operations and support for subsoil use operations.

Footnote. Clause 1 as amended by the Decree of the Government of the Republic of Kazakhstan dated October 28, 2019 No. 804 (shall be enforced upon expiry of twenty one calendar days after the day of its first official publication)

2. This order shall be enforced upon expiry of twenty-one calendar days after the day of its first official publication.

*Prime Minister
of the Republic of Kazakhstan*

B. Sagintayev

Approved
by order No. 759 of the Government
of the Republic of Kazakhstan
dated December 2, 2016

Rules

for exercising control over Kazakhstani and foreign ships and Kazakhstani aircraft involved in subsoil use operations and support for subsoil use operations

Footnote. The rules as amended by the Resolution of the Government of the Republic of Kazakhstan dated October 28, 2019 No. 804 (shall be enforced upon expiry of twenty one calendar days after the day of its first official publication)

Chapter 1. General provisions

1. These Rules for exercising control over Kazakhstani and foreign vessels and Kazakhstani aircraft involved in subsoil use operations and support for subsoil use operations (hereinafter - the Rules) are developed in accordance with subparagraph 12-1) of Article 55 of the Law of the Republic of Kazakhstan dated January 16, 2013 of the year "On the State Border of the Republic of Kazakhstan" (hereinafter referred to as the Law) and determine the procedure for exercising control over Kazakhstani and foreign vessels (hereinafter referred to as vessels) and Kazakhstani aircraft (hereinafter referred to as aircraft) involved in subsoil use operations and support of subsoil use operations, solely in terms of compliance by these courts with the conditions of permits for repeated crossing of the State Border of the Republic of Kazakhstan (hereinafter referred to as the permit) issued to them by the Frontier Service of the National Security Committee of the Republic of Kazakhstan (hereinafter referred to as the Border Service) in accordance with the procedure for issuing permits for repeated crossing the State Border of the Republic of Kazakhstan by Kazakhstani and foreign vessels and Kazakhstani aircraft involved in subsoil use operations and support for subsoil use operations, approved by the Government of the Republic of Kazakhstan in accordance with subparagraph 12-1) of Article 55 of the Law.

2. Control over the vessels that have received permission is carried out by the Border Guard Service.

Control over the aircraft that have received permission is carried out by the Border Guard Service together with the Armed Forces of the Republic of Kazakhstan.

In accordance with subparagraph 1) of paragraph 1 of Article 70 of the Law, the Air Defense Forces of the Armed Forces of the Republic of Kazakhstan exercise control over the observance of the procedure for crossing the State Border of the Republic of Kazakhstan while protecting the State Border of the Republic of Kazakhstan in airspace.

3. Passengers carried by ships and aircraft involved in subsoil use operations and support for subsoil use operations are controlled in accordance with the list of passengers provided by an individual entrepreneur or legal entity, branch, or representative office, on which an official of the Border Service makes a mark on the passage of control.

4. Cargo and goods carried by ships and aircraft involved in subsoil use operations and support for subsoil use operations are imported into the territory of the Republic of Kazakhstan in accordance with the customs legislation of the Eurasian Economic Union and the customs legislation of the Republic of Kazakhstan.

The movement of goods and goods imported into the territory of the Republic of Kazakhstan in compliance with the requirements of the customs legislation of the Eurasian

Economic Union and the Republic of Kazakhstan into the water space of the Kazakhstani sector of the Caspian Sea from the territory of the Republic of Kazakhstan is carried out without customs control.

Chapter 2. Procedure for exercising control over vessels involved in subsoil use operations and support for subsoil use operations

5. Before the ship leaves the port (basing point), sea checkpoint or other place where the passage through the State Border of the Republic of Kazakhstan is carried out into the water space of the Kazakhstani sector of the Caspian Sea, but not later than four hours, an individual entrepreneur or legal entity, a branch, a representative office planning to enter the water space of the Kazakh sector of the Caspian Sea, or the captain of the ship (officer in charge of the navigational watch) verbally notify the territorial subdivision of the Border Guard Service, in the area of responsibility of which the port (basing point), sea checkpoint or another place where the passage through the State border of the Republic of Kazakhstan is carried out, on the readiness of the ship to exit and specify the route of the ship in case of a change in the route declared when submitting documents for issuing a permit

Footnote. Clause 5 as amended by the Decree of the Government of the Republic of Kazakhstan dated April 29, 2020 No. 259 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

6. Upon arrival on board the vessel, the officials of the Border Guard Service shall arrange for the observation and inspection of the vessel. The captain of the ship (officer in charge of the navigational watch) submits to the officials of the Border Service the permit, the composition of the ship's crew, certified by the head of the territorial division of the Border Guard, the list of the ship's passengers and identity documents of the ship's crew members and passengers. The officials of the Border Guard Service, after checking the documents for the accuracy of the information contained in them and the correctness of their execution, return them to the ship's captain (officer in charge of the watch).

Footnote. Clause 6 as amended by the Resolution of the Government of the Republic of Kazakhstan dated April 29, 2020 No. 259 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

7. Officials of the Border Guard Service also check for the following documents:

1) a certificate of the right to sail a vessel under the State flag of the Republic of Kazakhstan or permission to operate a vessel flying the flag of a foreign state in the Kazakh sector of the Caspian Sea;

2) the logbook;

3) certificates of ship safety for equipment and supplies.

8. Officials of the Border Guard Service conduct an oral questioning of the captain (officer in charge of the watch) and crew members of the vessel, as well as inspection of the vessel together with the captain (officer in charge of the watch).

9. Upon completion of the control, the Border Guard Officer marks the permit. The official of the Border Guard Service sends information about the results of the measures taken to the territorial subdivision of the Border Guard Service.

Footnote. Clause 9 as amended by the Decree of the Government of the Republic of Kazakhstan dated April 29, 2020 No. 259 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

10. Vessels shall enter the water space of the Kazakh sector of the Caspian Sea from ports (basing points), a sea checkpoint or other place where a pass through the State border of the Republic of Kazakhstan is carried out, after completion of control on the vessel by officials of the territorial subdivision of the Border Service.

The exit of vessels into the water space of the Kazakhstani sector of the Caspian Sea is carried out by persons who are included in the crew of the vessel, certified by the head of the territorial division of the Border Guard Service.

Footnote. Clause 10 as amended by the Decree of the Government of the Republic of Kazakhstan dated April 29, 2020 No. 259 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

11. When in the water space of the Kazakh sector of the Caspian Sea, in accordance with the permit, the following requirements are observed:

1) the captain of the ship (officer in charge of the watch) maintains constant radio communication with the territorial subdivision of the Border Guard Service, informs about each fact of crossing the State Border of the Republic of Kazakhstan indicating the geographical coordinates of the location of the ship and makes an entry about this in the logbook;

2) in the event of failure of technical control devices that ensure continuous automatic transmission of information about the position of the vessel, the captain of the vessel (officer in charge of the watch) informs the territorial subdivision of the Border Guard Service about the reasons for the failure.

If it is impossible within four hours to eliminate the reasons that led to the failure of the technical means of control ensuring the constant automatic transmission of information about the ship's position, the ship's captain (officer in charge of the watch) informs the territorial division of the Border Guard Service and returns to the port (basing point) a sea checkpoint or other place where a pass through the State Border of the Republic of Kazakhstan is carried out to eliminate the malfunction;

3) at the request of the officials of the Border Guard Service, the captain of the ship (officer in charge of the watch) submits information regarding the location of the vessel and

other necessary information related to the repeated crossing of the State Border of the Republic of Kazakhstan by the vessel.

Footnote. Clause 11 as amended by the Resolution of the Government of the Republic of Kazakhstan dated April 29, 2020 No. 259 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

12. Before the arrival of the vessel at the port (basing point), sea checkpoint or other place where the passage through the State Border of the Republic of Kazakhstan is carried out, no later than four hours, an individual entrepreneur or legal entity, branch, representative office in whose management is located the ship, or the captain of the ship (officer in charge of the navigational watch) shall verbally notify the territorial subdivision of the Border Guard Service by any means of communication. Officials of the Border Guard Service arrive at the port (basing point), sea checkpoint or other place where the passage through the State Border of the Republic of Kazakhstan is carried out, organize surveillance of the vessel, check the documents specified in paragraphs 6 and 7 of these Rules, inspection of the vessel, surveillance upon disembarkation of the ship's crew members, an oral questioning of the captain (officer in charge of the watch) and the ship's crew members is carried out

Footnote. Clause 12 as amended by the Decree of the Government of the Republic of Kazakhstan dated April 29, 2020 No. 259 (shall be enforced upon expiry of ten calendar days after its first official publication).

13. Disembarkation of crew members, people, unloading (loading) of any cargo and goods from the vessel are carried out after the end of control by the Border Guard Service. At the end of the control, an official of the Border Service makes a note in the permit about the arrival of the vessel at the port (basing point), sea checkpoint or other place where the passage through the State border of the Republic of Kazakhstan is carried out.

Chapter 3. Procedure for exercising control over Kazakhstani aircraft involved in subsoil use operations and support for subsoil use operations

14. Upon arrival on board the aircraft, the officials of the Border Guard will arrange for the observation and inspection of the aircraft. The aircraft commander (flight crew member) presents to the officials of the Border Service a permit, the composition of the aircraft crew certified by the head of the territorial subdivision of the Border Service, a list of aircraft passengers and identity documents of the aircraft crew members and passengers.

The officials of the Border Guard Service, after checking the documents for the accuracy of the information contained in them and the correctness of their execution, return them to the aircraft commander (flight crew member).

Footnote. Clause 14 as amended by the Resolution of the Government of the Republic of Kazakhstan dated April 29, 2020 No. 259 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

15. Officials of the Border Guard Service shall conduct an oral questioning of the commander and crew members of the aircraft, as well as the inspection of the vessel together with the commander (a member of the flight crew).

16. At the end of the control, the officer of the Border Guard makes an entry in the flight task (flight sheet) and makes notes in the permit. The official of the Border Guard Service sends information about the results of the measures taken to the territorial subdivision of the Border Guard Service.

Footnote. Clause 16 as amended by the Decree of the Government of the Republic of Kazakhstan dated April 29, 2020 No. 259 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

17. Aircraft take off into the airspace over the Kazakh sector of the Caspian Sea from airfields, heliports and landing sites of the Republic of Kazakhstan, including those not open for international flights, after control on the ship by officials of the territorial subdivision of the Border Guard Service.

Departure of aircraft into the airspace over the Kazakhstani sector of the Caspian Sea is carried out by persons who are included in the crew of the vessel, certified by the head of the territorial division of the Border Guard Service.

Footnote. Clause 17 as amended by the Resolution of the Government of the Republic of Kazakhstan dated April 29, 2020 No. 259 (shall be enforced upon expiry of ten calendar days after its first official publication).

18. Flights of aircraft carrying out the delivery of people, cargo and goods from the territory of the Republic of Kazakhstan to artificial islands, installations and structures, floating drilling rigs, including floating hotels located in the water space above the continental shelf, or from artificial islands, installations and structures, floating drilling rigs, including floating hotels, to the territory of the Republic of Kazakhstan, are carried out in accordance with the legislation of the Republic of Kazakhstan in the field of airspace use.

19. Officials of the Border Guard Service arrive at the basing point, organize observation of the aircraft, check the documents specified in paragraph 14 of these Rules, inspect the vessel, observe the disembarkation of the ship's crew members, conduct an oral questioning of the commander and crew members.

20. Disembarkation of aircraft crew members, people, unloading (loading) of any cargo and goods shall be carried out after the end of control by the Border Guard Service. At the end of the control, the official of the Border Guard makes a note in the permit about the arrival of the aircraft at the basing point, as well as a record of this in the flight task (flight sheet).