



On approval of the Rules of conducting external analysis of corruption risks

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated December 4, 2017 No. 806. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 17.10.2023 No. 915

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 17.10.2023 No. 915 (effective from the date of its first official publication).

In accordance with paragraph 2 of Article 8 of the Law of the Republic of Kazakhstan dated November 18, 2015 On Combating Corruption, the Government of the Republic of Kazakhstan hereby RESOLVES:

1. To approve the attached Rules for conducting external analysis of corruption risks.
2. This resolution shall take effect from the date of its first official publication.

Prime Minister

of the Republic of Kazakhstan

B. Sagintayev

Approved
by Order No. 806
of the Government
of the Republic of Kazakhstan
dated December 4, 2017

Rules of conducting external analysis of corruption risks

Chapter 1. General Provisions

1. These Rules for conducting external analysis of corruption risks (hereinafter - the Rules) are developed in accordance with paragraph 2 of Article 8 of the Law of the Republic of Kazakhstan dated November 18, 2015 On Combating Corruption and govern the procedure for conducting external analysis of corruption risks in the activities of state bodies and organizations, quasi-public sector entities, with the exception of special state bodies (hereinafter - objects of external analysis of corruption risks).

2. These Rules shall not apply to relations in the areas of:
 - 1) supreme supervision exercised by the prosecutor's office;
 - 2) pre-trial criminal proceedings;

- 3) proceedings on administrative infractions;
- 4) justice;
- 5) operational investigative activities;
- 6) penal enforcement activities;
- 7) monitoring of compliance with requirements of the legislation of the Republic of Kazakhstan on state secrets.

Chapter 2. Conducting external analysis of corruption risks

3. The ground for external analysis of corruption risks shall be a joint decision of the senior executives of the authorized body on combating corruption (hereinafter- the authorized body) and the object of external analysis of corruption risks on conducting an external analysis of corruption risks in the activities of state bodies and organizations, quasi-public sector entities (hereinafter - joint decision), in the event of their absence, of persons performing their duties or replacing their positions.4. The joint decision shall be made on the basis of:

- 1) results of anti-corruption monitoring, including examination of applications of individuals and legal entities;

- 2) initiative application of the object of external analysis of corruption risks and decision of the authorized body on conducting it;

- 3) instructions of the President of the Republic of Kazakhstan, the Prime Minister of the Republic of Kazakhstan, the Administration of the President of the Republic of Kazakhstan, decisions and recommendations of consultative-advisory bodies under the President of the Republic of Kazakhstan.

5. External analysis of corruption risks shall be carried out in a period not exceeding 30 working days by a task group established by joint decision of the senior executives of the authorized body and the object of external analysis of corruption risks

6. External analysis of corruption risks shall be comprised of the following steps:

- 1) collection, summarizing and analysis of information regarding the external analysis object of corruption risks in accordance with the directions provided for in paragraph 7 of these Rules;

- 2) preparation, approval and signing of an analytical report in accordance with paragraphs 10, 11, 12 of these Rules.

7. External analysis of corruption risks shall be carried out in the following areas:

- 1) identification of corruption risks in regulatory legal acts affecting activities of the external analysis object of corruption risks;

- 2) identification of corruption risks in the organizational and managerial activities of the external analysis object of corruption risks.

8. Identification of corruption risks in the organizational and managerial activities of the external analysis object shall include examination of the following areas:

- 1) human resources management;
- 2) settlement of conflicts of interest;
- 3) provision of public services;
- 4) performance of licensing functions;
- 5) implementation of oversight functions;

6) other issues arising from the organizational and managerial activities of the external analysis object of corruption risks.

9. The information sources for conducting an external analysis of corruption risks shall be:

1) regulatory legal acts affecting the activities of the external analysis object of corruption risks;

2) information on directions of the external analysis of corruption risks provided by its object;

3) data of information systems of state and law enforcement bodies in accordance with directions of the external analysis of corruption risks, obtained in the order established by the legislation of the Republic of Kazakhstan;

4) results of inspections previously conducted by state authorities in relation to the object of external analysis of corruption risks;

5) results of anti-corruption monitoring in accordance with directions of the external analysis of corruption risks;

6) publications in the media;

7) applications of individuals and legal entities regarding the object of external analysis of corruption risks;

8) information on identification and prosecution of officials of the object of external analysis of corruption risks for committing corruption offenses;

9) other information, the provision of which is not prohibited by the legislation of the Republic of Kazakhstan.

Chapter 3. Results of external analysis of corruption risks

10. On the basis of results of corruption risks external analysis, an analytical report shall be prepared containing:

- 1) information on identified corruption risks;
- 2) recommendations for eliminating the identified corruption risks.

11. The analytical report shall be agreed by all the task group members and signed by officials of the authorized body and the object of the external analysis of corruption risks defined by the joint decision.

12. The analytical report shall be drawn in two copies - for the authorized body and the object of the external analysis of corruption risks and shall be presented to their senior executives within three working days after completion of the external analysis of corruption risks.

13. Within ten working days from the date of signing the analytical report, the results of external analysis of corruption risks, depending on the ground for conducting it shall be:

1) submitted for consideration by the President of the Republic of Kazakhstan, the Prime Minister of the Republic of Kazakhstan, the Administration of the President of the Republic of Kazakhstan, consultative-advisory bodies under the President of the Republic of Kazakhstan;

2) posted on the Internet resources of the authorized body and the object of external analysis of corruption risks, communicated to the individuals and legal entities, on whose applications it was conducted.

14. Within ten working days from the date of analytical report signing on the external corruption risk analysis results, the object of corruption risk external analysis shall develop and harmonize with the authorized body an action plan for eliminating the causes and conditions conducive to the commission of corruption offenses identified by the results of the external corruption risk analysis.

15. During six months from the date of signing the analytical report on results of the external corruption risks analysis, the authorized body shall monitor performance by the objects of corruption risks external analysis of recommendations on addressing the causes and conditions conducive to the commission of corruption offenses identified by the corruption risks external analysis results.

16. Information on the monitoring results of performance by the objects of corruption risks external analysis of recommendations on addressing the causes and conditions conducive to the commission of corruption offenses shall be available on the Internet resource of the authorized body.