

On certain issues of automatization of the procedure of state registration of regulatory legal acts

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated March 7, 2018 No. 113.

Unofficial translation

The Government of the Republic of Kazakhstan **HEREBY DECREES:**

1. To approve the attached Temporary Rules for state registration of regulatory legal acts (hereinafter referred to as the Temporary Rules).

2. To determine the expiration date of a legal act specified in paragraph 1 of this decree as June 30, 2018.

3. To extend the Temporary Rules for the period of conducting the pilot project on automatization of the procedure of state registration of regulatory legal acts to the ministries of information and communications, culture and sports of the Republic of Kazakhstan, akimats, maslikhats of Pavlodar region and the Revision Commission of Pavlodar region.

4. The Ministry of Information and Communications of the Republic of Kazakhstan jointly with the Ministry of Culture and Sports of the Republic of Kazakhstan and Joint Stock Company “National Information Technologies” (by agreement) shall ensure technical support of information systems and equipment as well as preservation of electronic documents for the period of conducting the pilot project on automatization of the procedure of state registration of regulatory legal acts in the state bodies.

5. **Invalidated by the Resolution of the Government of the Republic of Kazakhstan dated 13.07.2023 No. 560 (shall be enforced ten calendar days after the date of its first official publication).**

6. Central and local state bodies shall take measures arising from this decree.

7. Control over realization of this decree shall be entrusted to the Deputy Prime Minister of the Republic of Kazakhstan Zhumagaliyev A.K.

8. This decree shall come into force upon the date of its first official publication.

*Prime Minister
of the Republic of Kazakhstan*

B. Sagintayev

Approved
by the decree no.113 of the
Government
of the Republic of Kazakhstan
dated March 7, 2018

1. These Temporary Rules for state registration of regulatory legal acts (hereinafter referred to as the Temporary Rules) determine the procedure for state registration of regulatory legal acts of the Ministers of information and communications of the Republic of Kazakhstan, culture and sports of the Republic of Kazakhstan, including regulatory legal orders of the heads of the departments of the named central state bodies (hereinafter referred to as the central state bodies), as well as regulatory legal decisions of maslikhats, regulatory legal decrees of akimats, regulatory legal decisions of akims, regulatory legal decrees of the Revision Commission for Pavlodar region (hereinafter referred to as the local state bodies).

These Temporary Rules shall not apply to the regulatory legal acts marked as “Restricted”

Chapter 2. Procedure of state registration of regulatory legal acts

2. Regulatory legal acts of central and local state bodies shall be submitted to the Ministry of Justice of the Republic of Kazakhstan or to the Department of Justice of Pavlodar region within three working days from the date of their approval.

In the event of coordination of a regulatory legal act with the concerned state bodies, the mentioned act shall be submitted for state registration within three working days from the date of coordination by the latter of the concerned state bodies.

3. Regulatory legal acts on recognition of regulatory legal acts ceased to be in force, as well as suspension of regulatory legal acts or their certain norms shall be submitted for state registration in accordance with the procedure and within the time limits specified in paragraph 2 of these Provisional Rules.

Alterations and (or) additions entered to the regulatory legal acts, passed the state registration shall be subject to state registration in accordance with the procedure, established by these Temporary Rules.

4. For the purposes of state registration of a regulatory legal act the Ministry of Justice of the Republic of Kazakhstan or the Department of Justice of Pavlodar region shall be submitted the following documents in the form of an electronic document at the intranet portal of state bodies (hereinafter referred to as the IPSB) certified by the electronic digital signature:

- 1) a transmittal letter in the format *.doc or *.docx;
- 2) a regulatory legal acts in Kazakh and Russian languages in the format *.doc or *.docx;
- 3) a statement of justification in the Kazakh and Russian languages in the form, approved by the order of the Minister of Justice of the Republic of Kazakhstan dated October 21, 2016 no. 912 “On approval of the form of a statement of justification to a regulatory legal act” (registered in the register of state registration of regulatory legal acts as no. 14355), in the format *.doc or *.docx;

- 4) expert opinions of the National Chamber of Entrepreneurs of the Republic of Kazakhstan and accredited associations of the subjects of private entrepreneurship in Kazakh

and Russian languages in the format *pdf, in the event if the regulatory legal act affects the interests of the subjects of private entrepreneurship;

5) recommendation of the public council in Kazakh and Russian languages in the format *pdf, in the event if the regulatory legal act affects the rights, freedoms and duties of citizens;

6) comparative table of the previous and revised version of a regulatory legal act with the relevant justification of the entered amendments in Kazakh and Russian languages *doc or *docx in the event if any alterations and (or) additions are entered into the regulatory legal act;

7) a document about entrusting relevant duties in Kazakh and Russian languages in the format *pdf in the event if the regulatory legal act has been signed by a person, performing the duties of the first head of the state body;

8) relevant expert opinions in Kazakh and Russian languages in the format *pdf, the performance of which have been stipulated by the current legislative acts of the Republic of Kazakhstan.

5. The attached statement of justification shall be signed by the head of the legal department of the body that issued the act, in the event of his absence, by the person acting as the head of the legal department of the body.

In the event of submission of a joint regulatory legal act, the attached statement of justification shall be signed by the head of the legal department of the body, submitted it for the state registration, in and in the event of his absence - by the person, performing his duties.

In the event of the absence of the legal department in the state body, the statement of justification shall be signed by the head of the relevant structural subdivision, developed this regulatory legal act, and in the event of his absence - by the person, performing the duties of the head of the relevant structural subdivision.

In the event of the absence of the legal department in a local body, the statement of justification shall be signed by the person, performing functions of a lawyer in the body, submitted this act for the state registration, or by the first head of the local body, in the event of his absence - by the person, performing the duties of the first head of the local body.

6. In the event of failure to provide an expert opinion by accredited associations of private entrepreneurship, the National Chamber of Entrepreneurs of the Republic of Kazakhstan, as well as recommendations by a public council within the deadline established by the central and local government body, the draft regulatory legal act shall be considered agreed without comments.

The term established by the body-developer for submission of an expert opinion on a draft regulatory legal act affecting the interests of private entrepreneurship shall not be less than ten working days from the date of its receipt to accredited associations of private entrepreneurship entities, the National Chamber of Entrepreneurs of the Republic of Kazakhstan.

7. In case of disagreement with the expert opinion of the National Chamber of Entrepreneurs of the Republic of Kazakhstan and (or) accredited associations of private

entrepreneurship, as well as recommendations of the public council, the body that adopted the regulatory legal act shall attach a letter to the regulatory legal act stating the reasons for the disagreement.

8. State registration of regulatory legal acts of central state bodies shall be carried out by the Ministry of Justice of the Republic of Kazakhstan, local state bodies by the Department of Justice of Pavlodar Region within fifteen working days from the date of receipt of documents.

Joint regulatory legal acts shall be recognized invalid or suspended by central or local state bodies that have jointly adopted them.

This procedure shall also apply to acts adopted in coordination with other government agencies.

The duration of the terms, established by the first part of this paragraph, during the passage of the stages provided for by paragraph 9 of these Interim Rules, shall not be suspended.

9. The procedure of state registration of a regulatory legal act shall include the following four stages:

The first stage – within eight working days, legal expertise shall be carried out to determine whether the act contains a rule of law and to decide on the need for its state registration, determining the compliance of the regulatory legal act with the legislation of the Republic of Kazakhstan.

According to the results of the first stage, sending to central or local state bodies a notification about making the decision on state registration of a regulatory legal act or a letter in the form of an electronic document via the IPSB on existence of remediable comments or letters in the form of an electronic document on the refusal of state registration.

After sending a notification of a decision on state registration of a regulatory legal act, the Ministry of Justice of the Republic of Kazakhstan or the Department of Justice of Pavlodar Region shall carry out the procedures stipulated in the part two of the third stage and the fourth stage within two working days;

The second stage – within four working days upon receipt of the letter in the form of an electronic document via the IPSB existence of remediable comments central and local state bodies shall resolve the comments of the Ministry of Justice of the Republic of Kazakhstan or the Department of Justice of Pavlodar region, by results of which the central and local state bodies shall submit to the Ministry of Justice of the Republic of Kazakhstan or the Department of Justice of Pavlodar region a regulatory legal act revised subject to comments by a transmittal letter in the form of an electronic document certified by the electronic digital signature via the IPSB in Kazakh and Russian languages in the format *.doc or *.docx;

The third stage – within two working days from the date of repeated receipt via the IPSB of the regulatory legal act revised subject to comments, the Ministry of Justice of the

Republic of Kazakhstan or the Department of Justice of Pavlodar region shall conduct verification for the purpose of resolving the comments, as well as compliance of the regulatory legal act with the legislation of the Republic of Kazakhstan.

According to the results of verification in the event of resolving the comments and compliance of the regulatory legal act with the legislation of the Republic of Kazakhstan:

1) a opinion on state registration of a regulatory legal act of the central state body shall be approved by the Minister of Justice of the Republic of Kazakhstan or his deputy, of the local state body - by the head of the Department of Justice of Pavlodar region;

2) the regulatory legal act shall be automatically entered to the register of state registration of the regulatory legal acts with assignment of state registration number to it.

In cases of failure to resolve the comments and inconsistencies of the regulatory legal act with the legislation of the Republic of Kazakhstan, as well as non-delivery of the regulatory legal act subject to resolving of comments within the terms, stipulated by the second stage, the Ministry of Justice of the Republic of Kazakhstan or the Department of Justice of Pavlodar region shall send a refusal of state registration of the regulatory legal act by a letter in the form of an electronic document via the IPSB to the body, submitted the regulatory legal act.

The fourth stage - within one working day from the date of approval of the opinion on state registration of the regulatory legal act the body, submitted the regulatory legal act, shall be sent an opinion on the state registration of the regulatory legal act with assignment to the regulatory legal act of a number of state registration by a letter in the form of an electronic document via the IPSB.

10. Maintenance of the register of state registration of regulatory legal acts shall be performed by the Ministry of Justice of the Republic of Kazakhstan and the Department of Justice of Pavlodar region.

The Form of an opinion on the state registration of a regulatory legal act, as well as the register of the state registration of regulatory legal acts is approved by the order of the Ministry of Justice of the Republic of Kazakhstan dated November 10, 2016 no. 1007 “On certain issues of state registration of regulatory legal acts” (registered in the register of state registration of regulatory legal acts as no.14411).

11. A regulatory legal act, submitted for state registration may be revoked from the state registration via the IPSB for the purposes of development by initiative of the state body-developer itself.

Return of the regulatory legal act from the state registration shall be carried out via the IPSB within two working days from the date of receipt of the corresponding letter of revocation.

Within fifteen calendar days from the date of receipt of the letter of revocation of a regulatory legal act, the head of the central or local government body, or, if he is absent, the person performing his duties, shall accept the act of revocation of the regulatory legal act and

shall send a copy to the Ministry of Justice of the Republic of Kazakhstan or to the Department of Justice of Pavlodar region in the form of an electronic document via the IPSB.

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