



On approval of the Rules for the interaction of state bodies of the Republic of Kazakhstan when introducing measures based on the interests of national security

Invalidated Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated August 12, 2021 No. 550. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 08/03/2023 No. 641

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 08/03/2023 No. 641 (effective after ten calendar days after the date of its first official publication).

In accordance with paragraph 3 of Article 18-4 of the Law of the Republic of Kazakhstan dated April 12, 2004 "On Regulation of Trading Activities", the Government of the Republic of Kazakhstan **HEREBY RESOLVES:**

1. To approve the attached Rules for the interaction of state bodies of the Republic of Kazakhstan when introducing measures based on the interests of national security.
2. This Resolution shall come into effect ten calendar days after the day of its first official publication.

*Prime Minister
of the Republic of Kazakhstan*

A. Mamin

Approved
by Resolution of the
Government of the
Republic of Kazakhstan
dated August 12, 2021 No. 550

The Rules for the interaction of state bodies of the Republic of Kazakhstan when introducing measures based on the interests of national security

Chapter 1. General Provisions

1. These Rules for the interaction of state bodies of the Republic of Kazakhstan when introducing measures based on the interests of national security (hereinafter referred to as the Rules) have been developed in accordance with paragraph 3 of Article 18-4 of the Law of the Republic of Kazakhstan "On Regulation of Trading Activities" and shall determine the procedure for interaction between state bodies of the Republic of Kazakhstan when introducing measures based on the interests of national security.

2. The following concepts shall be used in these Rules:

1) state bodies - central executive state bodies of the Republic of Kazakhstan, state bodies of the Republic of Kazakhstan, directly subordinate and accountable to the President of the Republic of Kazakhstan;

2) authorized body in the field of regulation of trading activities (hereinafter referred to as the Authorized body) - the central executive body that forms the trade policy and exercises management, as well as inter-industry coordination in the field of trading activities;

3) competent body of a foreign state - a state body of a foreign state, a union of foreign states;

4) concerned parties - a manufacturer of goods, an association of producers of goods, with the majority of participants being producers of such goods, consumers of goods (if they use the goods in the manufacturing of products) and associations of such consumers, public associations of consumers (if the goods are consumed mainly by individuals), exporters and importers of goods;

5) applicant - a state body, a manufacturer of goods, an association of producers of goods, with the majority of participants being producers of such goods.

Chapter 2. The procedure for the interaction between state bodies of the Republic of Kazakhstan when introducing measures based on the interests of national security

3. The authorized body, based on the applicant's request containing information on the list in accordance with the Annex to these Rules, shall conduct an analysis to determine the impact of the import of goods on national security within 90 (ninety) calendar days (hereinafter referred to as the Analysis).

4. The authorized body within its competence shall:

1) inform the concerned parties, as well as the competent authority of the foreign state, about the start of the analysis;

2) request from state bodies, and concerned parties the position and (or) information, including confidential, necessary for analysis, through official correspondence;

3) interact with foreign institutions of the Republic of Kazakhstan, competent authorities of a foreign state, representatives of foreign states, unions of foreign states and international organizations on the issues of the analysis;

4) after notifying state bodies and concerned parties if necessary, hold consultations with them.

5. State bodies within their competence shall:

1) consider the materials and requests received from the authorized body and within 10 (ten) working days from the date of their receipt, unless otherwise specified in the request, ensure the submission of information, formed position, statistical data

and other information necessary for analysis, including confidential (of restricted distribution), in accordance with the procedure established by law;

2) participate as necessary in consultations and meetings on analysis issues upon sending the relevant request of the authorized body.

6. Foreign missions of the Republic of Kazakhstan shall provide:

1) sending notifications, materials and requests received from the Ministry of Foreign Affairs of the Republic of Kazakhstan (hereinafter referred to as the Ministry of Foreign Affairs) and the authorized body to the competent authorities of a foreign state within 3 (three) working days from the date of receipt in a formal manner;

2) sending materials, requests and other information from the competent authority of a foreign state to the authorized body within 1 (one) working day from the date of receipt in the working order, 3 (three) working days - in a formal manner.

7. The Ministry of Foreign Affairs ensures:

1) sending notifications, and materials from the authorized body through diplomatic channels to the competent authority of a foreign state within 3 (three) working days from the date of receipt in a formal manner;

2) sending materials, requests and other information received through diplomatic channels from the competent authority of a foreign state to the authorized body within 1 (one) working day from the date of receipt in the working order, 3 (three) working days - in a formal manner.

8. Information submitted by concerned parties to the authorized body shall be considered confidential if this person submits justifications indicating that the disclosure of such information will provide an advantage in competitive conditions to a third party or will entail adverse consequences for the person who submitted the information or for the person from whom this information was obtained. Confidential information shall not be disclosed without the permission of the concerned party who submitted it, except for the cases provided for by the legislation of the Republic of Kazakhstan.

9. Based on the results of the analysis, the authorized body shall send a proposal on the application of measures introduced based on the interests of national security for consideration by the Interdepartmental Commission of the Republic of Kazakhstan on foreign trade policy and participation in international economic organizations.

10. If recommendations are made on the application of introduced measures, based on the interests of national security, the Interdepartmental Commission of the Republic of Kazakhstan on foreign trade policy and participation in international economic organizations, the authorized body, in accordance with the procedure established by law, shall develop a draft resolution of the Government of the Republic of Kazakhstan on the introduction of measures introduced based on out of national security interests.

11. The authorized body shall inform the competent body of the third party about the application of introduced measures, based on the interests of national security through diplomatic channels through the Ministry of Foreign Affairs.

Annex
to the Rules for the interaction
of state bodies of the Republic of
Kazakhstan
when introducing measures based
on the interests of national security
Form

List of information provided by the applicant

1. Information about the applicant (address, telephone, fax, e-mail, place of registration, last name, first name, patronymic of the head (if any)).

2. Description of the goods, concerning the import of which it is proposed to apply introduced measure based on the interests of national security (indicating the country of origin and the 10-digit code of the commodity nomenclature of foreign economic activity of the Eurasian Economic Union).

3. Available information about the producers of imported goods of a foreign state.

4. Information about national producers and consumers of goods.

5. Information on changes in the volume of import and export of goods to the territory of the Republic of Kazakhstan for 3 (three) calendar years preceding the date of application.

6. Information on changes in the volume of production, and consumption of goods on the territory of the Republic of Kazakhstan for 3 (three) calendar years preceding the date of application*.

7. Information about the current and planning documents of the state planning system and projects for the production of goods**.

8. Information about the presence of a threat to national security, including financial and economic indicators.

9. Information about other factors and conditions for the import of goods that could have an impact on the national security of the Republic of Kazakhstan.

Note:

* - not to be filled in if the applicant is a state body;

** - to be filled in if the applicant is a state body.