



On the approval of the Rules for doing military service in the Armed Forces, other troops and military formations of the Republic of Kazakhstan

Unofficial translation

Decree of the President of the Republic of Kazakhstan dated May 25, 2006 № 124.

Unofficial translation

Footnote. The name was amended in the Kazakh language, the text in the Russian language is not amended by the Decree of the President of the Republic of Kazakhstan dated 05.10.2019 № 182.

Pursuant to subparagraph 9) of paragraph 2 of Article 5 of the Law of the Republic of Kazakhstan "On Defense and the Armed Forces of the Republic of Kazakhstan" **I DECREE:**

Footnote. Preamble - as amended by the Decree of the President of the Republic of Kazakhstan dated 19.08.2024 № 626 (effective ten calendar days after the date of its first official publication).

1. To approve the attached Rules for doing military service in the Armed Forces, other troops and military formations of the Republic of Kazakhstan.

Footnote. Paragraph 1 was amended in the Kazakh language, the text in Russian is not amended by the Decree of the President of the Republic of Kazakhstan dated 05.10.2019 № 182.

2. The government of the Republic of Kazakhstan shall take measures on implementation of this Decree.

3. This Decree shall be enforced from the date of its first official publication.

APPROVED
by the Decree of the
President of the
Republic of Kazakhstan
dated May 25, 2006 № 124

RULES for doing military service in the Armed Forces, other troops and military formations of the Republic of Kazakhstan

Footnote. The Rules are in the wording of the Decree of the President of the Republic of Kazakhstan dated 21.06.2013 № 585 (shall be enforced from the date of its first official publication).

1. General provisions

1. These Rules for doing military service in the Armed Forces, other troops and military formations of the Republic of Kazakhstan (hereinafter - the Rules) shall determine the

procedure for doing military service by conscription and under the contract by the citizens of the Republic of Kazakhstan.

Servicemen of special state bodies shall do military service taking into account the specifics established by the Law of the Republic of Kazakhstan “On special state bodies of the Republic of Kazakhstan” (hereinafter -the Law “On special state bodies”).

Footnote. Paragraph 1 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 19.08.2024 № 626 (effective ten calendar days after the date of its first official publication).

2. The following basic definitions are used in the Rules:

1) selection committee - a commission created in military units (institutions) of the Armed Forces, other troops and military formations of the Republic of Kazakhstan (hereinafter referred to as the Armed Forces, other troops and military formations), on the selection of citizens entering military service under a contract;

1-1) Presidential reserve of the supreme command and leadership of the Armed Forces and National guard of the Republic of Kazakhstan (hereinafter-the Presidential reserve) - a list of military servants, who have passed a special selection procedure, established by these Rules for promotion to higher positions of the Armed Forces and National guard of the Republic of Kazakhstan;

2) staff-official category - the military rank provided for a military position by the staff of a military unit (institution);

3) an authorized body – the state body, which structure provides for doing military service

Footnote. Paragraph 2 as amended by decrees of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 05.10.2019 № 182; dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

2. Doing military service

3. Doing military service in peace and wartime includes training in military educational institutions, implementing educational programs of technical and professional, post-secondary and higher, postgraduate education, conscription, voluntary admission to military service under the contract, promotion, appointment to a military position and moving through military service, rotation, dismissal from military service, certification, vacation, military trainings, other circumstances (events), determined by the legislation of the Republic of Kazakhstan.

Footnote. Paragraph 3 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

4. Citizens of the Republic of Kazakhstan shall do military service in the Armed Forces, other troops and military formations under the contract voluntarily or by conscription in accordance with these Rules, taking into account the features, established by the legislation of the Republic of Kazakhstan.

The first heads of the authorized bodies shall approve the instructions for the application of the Rules.

Footnote. Paragraph 4 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 05.10.2019 № 182; dated 05.10.2019 № 182; as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

5. A military personnel undergoing military service on conscription, in peacetime after six months of military service and when he passes a compulsory training course in one of the military registration specialties, can be sent voluntarily, including as part of a unit or military unit (institution), to fulfill international obligations to maintain peace and security outside the Republic of Kazakhstan.

Footnote. Paragraph 5 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

6. The period of participation of military servants in fulfillment of international obligations on maintaining peace and security outside the Republic of Kazakhstan (peacekeeping operations), combat operations shall be determined by the Minister of Defense of the Republic of Kazakhstan, in anti-terrorist operations-by the Chairman of the Committee for national security of the Republic of Kazakhstan.

7. Encouragement and bringing of military servants to disciplinary liability shall be made in the order, established by the disciplinary charter, and also these Rules.

3. Beginning, terms and end of military service

8. The beginning of military service shall be considered:

1) for the conscripted to military service (military trainings) – the day of publication of the order of the corresponding commander (chief) on the departure from local body of military governance (region, city of republican significance and capital city) to the place of military service (trainings);

2) for those who entered military service under the contract - the day of publication of the order of the commander (head) of the military unit (institution) on enrollment in the lists of the military unit (institution), and in the State Security Service of the Republic of Kazakhstan - the day of publication of the order for personnel;

3) for the admitted to military educational institutions, implementing programs of technical and professional, postsecondary and higher education, if they were not military servants, for military educational institutions from the date of issuance of the order of the

chief of military educational institution on enrollment in the lists of students, with the exception of lancers, and upon admission to a foreign military educational institution from the date of issuance of the order of the head of the authorized body on direction to study;

4) for lancers, who completed a second course of training in military educational institutions, implementing educational programs of technical and professional education based on secondary education, - from the day of publication of the order of the chief of military educational institution on continuation of studies, transfer to the third year and appointment to a military position of a variable structure of a cadet.

Footnote. Paragraph 8 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

9. The terms of military service are established by the Law of the Republic of Kazakhstan “On military service and the status of military servants” (hereinafter -the Law) and shall expire:

1) for those doing military service by conscription -not later than the last day of the last month of expiration of military service by conscription;

2) for those doing military service under the contract - on the corresponding date of the last month of the contract expiration term, unless otherwise provided by these Rules.

In cases when the expiration of the term of military service falls on a month in which there is no corresponding number, the specified term shall expire on the last day of this month

The day of the end of military service is considered to be the day of exclusion from the lists of a military unit (institution) in connection with dismissal from military service (the end of military training), as well as transfer to special state and law enforcement agencies of the Republic of Kazakhstan, issued by order of the commander (chief) of a military unit (institution), with the exception of the State Security Service of the Republic of Kazakhstan, where dismissal is formalized by order of the first leader.

Footnote. Paragraph 9 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication); dated 19.08.2024 № 626 (effective ten calendar days after the date of its first official publication).

10. The period of time for which a military personnel arbitrarily left a military unit (institution) or a place of military service (military fees), as well as the time of serving a criminal or administrative sentence in the form of arrest, shall not be counted in the military service period.

The beginning of the period of unauthorized abandonment of a military unit (institution) or place of military service (military fees) shall be the time when the military personnel

actually left the location of the military unit (institutions) or places of service (military fees), as well as unjustified non-arrival of him within the prescribed period to the place of military service (military training camp), ending - the time of appearance of the military personnel himself in the military unit (institution), military authorities or law enforcement agencies or the time of his detention.

Footnote. Paragraph 10 - as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

11. The total duration of military service (length of service) of a military personnel shall include all the time of his military service both on conscription and under a contract, as well as the time of military training.

The total duration of military service shall be calculated both in calendar and preferential calculation in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Paragraph 11 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

4. Conclusion and termination of the contract

12. The contract on military service (hereinafter referred to as the contract) shall be concluded voluntarily by a citizen of the Republic of Kazakhstan with an authorized official in writing in a standard form approved by the Minister of Defense of the Republic of Kazakhstan in agreement with the first heads of authorized bodies:

1) appointed to a military position with the staff-positional category of the highest officers , - with the first head of the authorized body, except for those appointed by the President of the Republic of Kazakhstan;

2) appointed to a military position with a full-time official category of ordinary, sergeant and officers (with the exception of the highest staff officers), - with the corresponding authorized official from the commander (head) of the military unit (institution) and above;

3) entering the military educational institution of the Republic of Kazakhstan, implementing programs of secondary technical and professional, higher education - with the head of the institution;

4) is excluded by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication);

5) entering a military educational institution implementing programs of secondary technical and professional, higher education (military faculty) of another state - with the head of the structural subdivision of the authorized body in charge of training abroad;

6) the lancer when transferring to the third year of study at the military educational institution implementing educational programs of technical and professional education – with the head of this educational institution.

With military personnel serving in military service, contracts shall be concluded in accordance with paragraphs 1) and 2) of the first part of this paragraph.

The first head of the authorized body shall determine the authorized officials empowered to conclude a contract on doing military service with the citizens of the Republic of Kazakhstan.

Footnote. Paragraph 12 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its official publication); dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

13. The contract shall be concluded when entering military service under the contract.

The new contract shall be concluded with military servants doing military service under the contract, in cases of:

1) changes in the composition determined by Article 19 of the Law;

2) enrollment in military educational institution (military faculty);

3) expel from a military educational institution that shall not be the basis for dismissal from military service for negative reasons, a military personnel who served in military service under a contract before entering a military educational institution, except for the case provided for by paragraph 10 of Article 26 of the Law;

4) extending the term of military service;

5) moving from one authorized body to another.

Footnote. Paragraph 13 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

14. The contract shall be drawn up in at least two copies, in the state and Russian languages each, and signed by the persons who concluded it. The signature of the official who concluded the contract shall be sealed, while one copy shall be attached to the personal file of the person who concluded the contract, and the second copy shall be given to his hands under the signature.

The contract shall enter into force from the date of issuing the order of the authorized official, who shall be granted this right in accordance with the list of officials who have the right to issue orders for the conclusion of the contract, appointment to military positions, movement, release, dismissal from military service of military personnel, as well as awarding them a military rank (orders for personnel) (hereinafter referred to as the list of officials). The list of officials shall be approved by the first head of the authorized body.

Footnote. Paragraph 14, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

15. The contract shall be terminated in the cases established by paragraph 2 of Article 37 of the Law.

Contracts concluded before reaching the maximum age of the state in military service before the enactment of the Law shall apply until the military personnel reach the maximum age established by paragraph 1 of Article 25 of the Law.

Footnote. Paragraph 15, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

16. A military personnel having expressed a desire for further military service under the contract, at least two months before the expiration of the current contract, in accordance with the established procedure, shall submit a report on the conclusion of a new contract to the commander (head) of the military unit (institution).

The decision on extension of the military service term under the contract of the authorized official, who has been granted this right in accordance with the list of officials, shall be issued by the order and brought in writing to the attention of a servant under the signature.

In case of refusal in prolongation of the military service term under the contract, the written notification with indication the reasons of refusal shall be brought to the attention of a military servant under the signature.

A military personnel serving under a contract and who has made a decision on dismissal from military service due to the end of the contract, at least two months before the expiration of the contract, shall notify the authorized official in writing of his decision.

In case of expiration of the term of the existing contract during stay of a military servant on maternity leave or additional leave for caring the child until he/she reaches the age of three years, a servant shall conclude a new contract after the leave within two months or resign from military service in the manner determined by these Rules.

Footnote. Paragraph 16, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

17. The military servants appointed to the positions by the President of the Republic of Kazakhstan, shall do military service in the corresponding position without concluding the contract. The status of military servants doing military service under the contract remains for them.

Contracts, concluded by this category of military servants prior to appointment to specified position shall terminate.

18. After dismissal of a servant from the position, appointed by the President of the Republic of Kazakhstan, he/she shall enter into a new contract or resign from military service in the manner determined by these Rules.

5. Selection of candidates from the citizens for admission to military service under the contract

19. Selection of candidates for admission to military service under the contract shall be carried out in the following order:

- 1) acceptance of documents required for admission to military service under the contract;
- 2) passing a medical examination;
- 3) determination of compliance with the level of physical fitness;
- 4) determination of the level of professional training and compliance with the existing military accounting specialty (education) considered for the appointment of a military position;
- 5) passing a test of psychological suitability.

20. A citizen of the Republic of Kazakhstan who shall not be in military service, who has expressed a desire to enter military service under a contract, shall submit an application to the head of the local military administration or to the commander (head) of the military unit (institution).

A citizen of the Republic of Kazakhstan living outside the Republic, who has expressed a desire to enter the military service under the contract, shall submit an application only upon arrival at a permanent place of residence in the Republic of Kazakhstan.

Footnote. Paragraph 20, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

21. The application shall specify:

- 1) surname, name, patronymic (if specified in the identity document) of the citizen, number, month and year of his/her birth, place of residence;
- 2) the name of the authorized body with which the citizen wants to conclude a contract, military unit (institution);
- 3) the period for which the contract is expected to be concluded.

The citizen shall represent the following together with the application:

- 1) personal data on the form of the established sample;
- 2) personally signed autobiography;
- 3) original and copy of identity and citizenship document;
- 4) copies of education documents (notarized in case of failure to submit the originals for verification);
- 5) a copy of the work record if available;
- 6) certificate on the absence of criminal record;
- 7) information on submission of the declaration on income and property for himself/herself and the spouse;
- 8) the characteristic from the last place of service (work or study).

When receiving documents, the relevant official verifies the copies of documents with their originals (in case of submission for verification) and returns the originals to the citizen.

Individuals who have not previously served in military service, who have not studied at the military department, shall submit a document confirming the passage of military training in a specialized organization of the Ministry of Defense, with the exception of women.

Footnote. Paragraph 21 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

22. Applications of citizens who have expressed a desire to enter military service under the contract shall be registered in accordance with the legislation of the Republic of Kazakhstan. The citizen, whose application is registered and accepted for consideration shall be the candidate, entering military service under the contract (hereinafter-the candidate).

The candidate shall be checked for compliance with the requirements specified in Article 38 of the Law.

The procedure for consideration of applications and documents of candidates in the authorized bodies shall be determined by their first heads.

23. For candidates for military service, requiring work with information constituting state secrets, a special verification for admission to state secrets shall be carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan. Admission to the military service of such candidates shall be made only after the completion of a special check for admission to state secrets. The organization of a special check for admission to state secrets shall be assigned to local military administration bodies or military units (institutions).

Footnote. Paragraph 23 - as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

24. A personal file shall be drawn up for a candidate by a local military administration body or military unit (institution).

Footnote. Paragraph 24 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

25. Medical examination shall be carried out by the permanent medical commission of the local executive body of the region, the city of republican significance, the capital city, cities and districts.

By agreement of the heads of authorized bodies, a medical examination of candidates can be carried out in military medical (medical) subdivisions, regardless of departmental subordination.

Footnote. Paragraph 25 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official

publication); dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

26. The procedure for medical examination and the composition of medical commissions shall be determined by the Rules for conducting military medical examination.

Footnote. Paragraph 26 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

27. Documents (personal file) of the candidate corresponding to the established requirements for entering military service under the contract shall be considered by the selection commission.

The selection commission shall check the compliance of the candidate's education of military accounting specialty with military position for which he/she is considered, physical fitness of the candidate to the requirements established by the first head of the authorized body, the professional suitability of the candidate for the position on the basis of the data of professional and psychological selection.

Actions for professional and psychological selection shall be carried out by appropriate specialists. At the same time, the level of intellectual development, psychological suitability for military service, professional and personal qualities of the examined candidates necessary for military service shall be evaluated.

The procedure for formation and work of selection commissions, the procedure and methodology for conducting actions for professional and psychological selection shall be determined by the authorized body.

28. By the results of psychological selection one of the following conclusions about suitability of the candidate for military service under the contract on concrete military positions shall be taken:

- 1) "recommended";
- 2) "not recommended".

Footnote. Paragraph 28 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

29. In respect of candidates entering military service under the contract, a special check shall be carried out in the manner determined by the Committee for national security of the Republic of Kazakhstan.

30. In respect of persons entering military service under the contract on the positions, the list of which is approved by the head of the authorized body, a check with the use of psychophysiological and polygraph researches shall be conducted in the manner, determined by the head of the authorized body. Conducting of psychophysiological and polygraph researches shall be organized by the authorized bodies, the structure of which provides for doing military service.

Footnote. Paragraph 30 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

31. The grounds for refusal to accept a candidate for military service under the contract shall be:

- 1) non-compliance with the requirements specified in Article 38 of the Law;
- 2) results of the special check preventing admission to military service under the contract, or refusal of the candidate to pass it;
- 3) non-compliance with the requirements for the level of physical fitness;
- 4) the results of psychophysiological and polygraph researches preventing the admission to military service under the contract.

6. Selection of candidates from the military servants for admission to military service under the contract

32. A military personnel who shall undergo military service on conscription and has expressed a desire to enter military service under a contract, shall submit a report to the commander (head) of a military unit (institution) (a military personnel of officer personnel - one month before the expiry of the term of military service on conscription).

Footnote. Paragraph 32 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

33. The report of a military personnel who shall undergoing his military service on conscription and has expressed a desire to enter military service under a contract shall be registered and accepted by the commander (head) of the military unit (institution) for consideration. The commander (head) of the military unit (institution) shall consider the report of a military personnel undergoing military service on conscription, and shall make a decision on it within ten working days.

A military servant whose report is accepted for consideration shall be the candidate.

Footnote. Paragraph 33, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

34. The commander (head) of the military unit (institution), having considered the report, shall give instructions on:

- 1) conducting a medical examination of the candidate;
- 2) carrying out measures for professional and psychological selection;
- 3) conducting a special audit in the procedure determined by the Chairman of the National Security Committee of the Republic of Kazakhstan;
- 4) conducting psychophysiological and polygraphological research with candidates for military positions, the list of which has been approved by the head of the authorized body;

5) verification of the compliance of the level of education, professional and physical training of the candidate with the established requirements for military personnel serving under the contract;

6) consideration of the candidacy of a military personnel by the selection committee of a military unit (institution).

Footnote. Paragraph 34 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

35. Special check for admission to state secrets shall be conducted in the manner and terms, established by the legislation in case of consideration of the candidate for military service under the contract to the position providing for work with the data constituting state secrets. Conclusion of a contract for doing military service and appointment to a military position of such candidates shall be made only after the completion of a special check for admission to state secrets.

36. The decision on compliance (non-compliance) of the candidate with the requirements established for those entering the military service under the contract, on the recommendation of the certification (selection) commission of the military unit (institution), shall be made by the commander (head) of the military unit (institution).

The decision shall be brought to a military servant under the signature.

Footnote. Paragraph 36, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

37. Documents after registration shall be submitted for consideration to the authorized official for conclusion of the contract in accordance with these Rules.

7. Conclusion of contracts when extending the terms of military service with military personnel who have reached the age limit of their condition in military service

Footnote. The title of chapter 7 - in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

38. The term of military service shall be extended for a military servant, who has reached the age limit state for military service, on his report by the head of the authorized body by concluding a new contract for up to five years in the cases provided by paragraph 2 of Article 25 of the Law.

Footnote. Paragraph 38 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

39. The following shall be taken into account when making a decision to extend the term of military service beyond the age limit state for military service:

- 1) professional training and experience in the position;
- 2) suitability for doing military service on health reasons.

40. The persons, specified in paragraph 38 of these Rules, shall submit the report on conclusion of a new contract to the authorized official for extension the term of military service beyond the age limit state for military service in term of at least four months before the expiration of the current contract.

The following shall be submitted together with the report:
official characteristics on the holding position;
conclusion of the military-medical commission.

41. The decision of the first head of the authorized body on extension the term of military service shall be drawn up by the order and brought to the attention of the serviceman at least one month before the expiration of the contract.

42. In case of refusal to extend the term of military service a written notification, indicating the reasons for refusal shall be brought to the attention of a military servant under the signature at least one month before he/she reaches the age limit of state for military service or until the expiration of the current contract.

When a military servant is on vacation, treatment, a business trip, the notification shall be brought on the day of arrival at a permanent place of military service.

8. Appointment to military positions

43. The appointment of a military personnel to a military position shall be made on the basis of qualification requirements for the categories of military positions of a state body approved by the first head of the authorized body, taking into account the level of education, professional training, experience in official activities, the state of health of the military personnel and other circumstances provided for by these Rules.

Footnote. Paragraph 43 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

44. The appointment of military personnel to military positions must ensure their use in the main or one-profile military accounting specialty.

The list of one-profile military accounting specialties shall be approved by the first head of the authorized body.

If it is necessary to use military personnel in military positions in a new military accounting specialty for them, their appointment to these positions must be preceded by appropriate retraining.

Footnote. Paragraph 44 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

45. Presence of a military servant in one military position shall be allowed for the term not exceeding 5 years. At the same time, the time spent in military positions in the state security Service of the Republic of Kazakhstan may be established for a longer period by the decision of its first head.

Depending on the conditions and specifics of military service, the first head of the authorized body may establish the time spent in one position for a shorter period for the certain categories of military positions.

Considering the requirements for the performance of duties in the occupied military position, as well as professional qualities of military servants, according to the decision of the authorized official who is granted the right for appointment to the position in accordance with the list of officials, a military servant may be left in the position for a second term in the interests of military service in the manner determined by these Rules.

For the roster of positions of political civil servants, officials and other persons appointed and dismissed by the President of the Republic of Kazakhstan and (or) in agreement with him, elected on the recommendation of the President of the Republic of Kazakhstan, also appointed and dismissed in agreement with the Administration of the President of the Republic of Kazakhstan, approved by the Decree of the President of the Republic of Kazakhstan dated July 31, 2023 № 290 "On certain issues of personnel policy in the system of state authorities" (hereinafter -the roster of positions), the terms of service in military positions are not established.

Footnote. Paragraph 45 as amended by the decrees of the President of the Republic of Kazakhstan dated 04.05.2014 № 814; dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 19.08.2024 № 626 (effective ten calendar days after the date of its first official publication).

46. A citizen having enrolled in a military educational institution implementing educational programs of technical and professional, higher education shall be appointed to the military position of a variable cadet and cadet with a full-time category of ordinary or sergeant personnel.

A military personnel who does not have a military rank of officer, having enrolled in a military educational institution, shall be relieved of his previously held military position and appointed to a military position of a variable cadet with a full-time official category of ordinary or sergeant personnel.

A military personnel undergoing military service under a contract, having enrolled in a military educational institution implementing educational programs of postgraduate education, shall be relieved of his previously military position and appointed to a military position of a variable composition of a student, postgraduate, doctorate or adjunct of the Armed Forces, other troops and military formations, with the exception of students using distance learning technologies.

Ulan, transferred to the third year of education, as well as a citizen based on general secondary education or a military personnel enrolled in military educational institutions implementing educational programs of technical and vocational, higher education, shall be appointed to the military position of a variable cadet or cadet or military intern of the Armed Forces, respectively.

Upon admission to a military educational institution, a military personnel (citizen) shall retain the previously assigned military rank.

Footnote. Paragraph 46 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

47. Military personnel not enrolled in a military, special educational institution or postgraduate studies, master's degree or doctoral studies of a military educational institution shall return to military units (institutions), from which they had been sent for admission to the specified educational institution, to previous military positions.

Footnote. Clause 47 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

48. Military servants, who have graduated from military educational institutions or adjuncture, Master courses or doctorate of military educational institution shall be appointed to military positions, subject to replacement by the persons with necessary level of education, as well as, if by the list of military positions and military ranks relevant to them in the Armed Forces, other troops and military formations, approved by the President of the Republic of Kazakhstan (hereinafter – the list of military positions), they correspond to the same or higher military ranks, than military ranks at these specified military servants.

Such military servants shall be appointed to other military positions related on a profile of preparation (in exceptional cases shall be enlisted in the order of the commander (chief) for further appointment to a military position) if it is impossible to appoint to the specified military positions.

Footnote. Paragraph 48 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

49. The following conditions shall be observed when appointing to military positions:

1) military personnel of the relevant composition shall be appointed to military positions with regular and official categories of ordinary, sergeant and officers.

In the absence of vacant positions non-commissioned military personnel, with their consent, can be appointed to positions of ordinary personnel, with the exception of those who have graduated from military educational institutions and military departments;

2) appointment to military positions of the military servants enlisted in the order of the corresponding commanders (chiefs) shall be made in the shortest possible time not exceeding

the terms established by paragraph 5 of Article 21 of the Law unless otherwise established by the Law "On Special State Bodies";

3) if a military servant is denied access to information constituting state secrets, or he/she is deprived of this access, he/she shall be appointed in accordance with the established procedure to a military position not related to access to information constituting state secrets.

Footnote. Paragraph 49, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

50. Military personnel of lower positions or citizens may be temporarily appointed to vacant military positions in the procedure determined by the first head of the authorized body. In this case, the official salary for persons of civilian personnel (employees) shall be established according to the occupied military position.

Persons of civilian personnel (employees) temporarily appointed to military positions, when appointing military personnel to these military positions, shall be appointed to other positions, and if it is impossible to appoint to other positions, they are dismissed in accordance with the established procedure.

Footnote. Paragraph 50 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

51. Military servants shall be appointed to higher, equal or lower military positions.

52. Military position shall be considered the highest, if it corresponds to the higher level of military position, or higher rank, provided by a list of military positions than former military position, and at equal levels of military positions and military ranks - a higher level of military administration body.

53. Appointment of a military servant to the highest military position shall be made in the order of promotion.

The preferential right when appointed to the highest military position shall be granted to a military personnel who is in reserve for nomination to the highest military position, recommended for such a military position by the attestation commission of a military unit (institution) in which he undergoes military service, who has shown high professional qualities and organizational abilities in the performance of military service duties or previously appointed to a lower military position in connection with organizational and staff activities.

Footnote. Paragraph 53, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

54. Military positions shall be considered equal if they correspond to equal levels of military positions, equal military ranks provided for in the list of military positions, as well as equal level of military administration bodies.

55. Appointment of a military servant to an equal military position shall be made:

- 1) in order of rotation;
- 2) in connection with organizational and staff actions;
- 3) for expedient use of a servant on military service;
- 4) for family reasons, according to the report of a military personnel serving in military service under a contract, if there are conditions provided for in paragraph 2) of paragraph 3 of Article 26 of the Law, which are confirmed by an act of examination of family and property status according to a standard form approved by the Minister of Defense of the Republic of Kazakhstan, in agreement with the first heads of authorized bodies;
- 5) for health reasons in accordance with the conclusion of the military medical commission.

Footnote. Paragraph 55 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

56. Military position shall be considered lowest, if it corresponds to the lowest level of military position or the lower military rank, provided by the list of military positions than former military position, and in case of equality of positions and ranks - a lower level of military administration body.

57. Appointment to the lowest military position shall be made:

- 1) with the consent of a military servant:
 - in connection with organizational and staff activities - in the absence of a vacant military position equal to his/her training profile;
 - for family reasons, as defined in subparagraph 2) of paragraph 3 of Article 26 of the Law, which shall be confirmed by an act of examination of family and property status;
 - for health reasons in accordance with conclusion of the military medical commission;
 - according to the personal report of a military servant;
 - during stay at the disposal of the commander (chief), except for the circumstances determined by subparagraph 3) of paragraph 5 of Article 21 of the Law;
- 2) without the consent of a military servant:
 - according to the conclusion of the certification commission, not lower than one level;
 - in a disciplinary manner for committing disciplinary offenses that shall not be grounds for termination of the contract, not less than one step;
 - military personnel of ordinary and sergeants, temporarily appointed to vacant military positions of officers, in cases of reduction of these military positions or appointment of military personnel of the corresponding composition to these military positions;
 - in cases provided by the legislation of the Republic of Kazakhstan for commission of corruption offenses.

Footnote. Paragraph 57, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

57-1. The removal of a disciplinary penalty from a military personnel in the form of a reduction in a military position by one step shall not entail his restoration in a previously military position.

Footnote. Chapter 8 as added by paragraph 57-1 in accordance with the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

58. Presentation or other documents (report, transfer plan, distribution plan) shall be drawn up in a standard form, approved by the Minister of Defense of the Republic of Kazakhstan in agreement with the first heads of the authorized bodies when appointing a military servant to a military position, release from military position, enlistment at the disposal of the commander (chief), dismissal, promotion, reduction, deprivation of military rank, and conclusion of a new contract.

Footnote. Paragraph 58 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

59. Military personnel serving sentences in the form of arrest cannot be appointed to the highest military position.

Footnote. Paragraph 59 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

9. Assignment of temporary performance of duties on a military position

60. In connection with the official need, a military personnel may be assigned temporary performance of duties in an equal or higher military position, which he does not occupy, in a military unit (institution), where he undergoes military service:

1) for a vacant (unoccupied) military position - a military personnel shall be relieved of his duties in the occupied military position, but is not relieved of his military position and paid a monetary allowance for a military position, to the performance of the duties of which he is temporarily admitted;

2) for a non-vacant (occupied) military position - in cases of temporary absence of the military personnel occupying it or removal of the military personnel occupying it from military position, but for a period of no more than two months. At the same time, the military personnel is paid a monetary allowance for the military position that he occupies.

Footnote. Clause 60 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

61. The assignment of temporary performance of duties for a vacant military position to a serviceman and his release from performance of duties on the military position he holds shall be carried out by an official who has the right to appoint to this military position.

The period of temporary performance of duties in a vacant military position shall not exceed three months.

If there is a need to urgently fill a vacant military position, the commander (chief) of the military unit (institution) which has the military position shall be permitted to assign temporary performance of duties for a vacant military position to servicemen of the corresponding force for a period of no more than three months with a written notification to the chief who has the right to appoint to this military position.

Footnote. Paragraph 61 - as amended by the Decree of the President of the Republic of Kazakhstan dated 19.08.2024 № 626 (effective ten calendar days after the date of its first official publication).

61-1. The assignment of temporary performance of duties for vacant military positions in accordance with subparagraph 1) of paragraph 60 and paragraph 61 of these Rules shall not apply to the positions specified in the roster of positions subject to approval by the Administration of the President of the Republic of Kazakhstan.

For official purposes, the temporary performance of duties for the vacant military positions specified in the roster of positions subject to approval by the Administration of the President of the Republic of Kazakhstan shall be assigned for no more than three months to one of the deputies, or, in their absence, to other officials of these military command bodies.

Footnote. The Rules have been supplemented by Paragraph 61-1 pursuant to the Decree of the President of the Republic of Kazakhstan dated 19.08.2024 № 626 (effective ten calendar days after the date of its first official publication).

62. The assignment of temporary duties to a military personnel for a non-vacant military position shall be carried out by the commander (head) of a military unit (institution).

The commander (head) of the military unit (institution), in case of his temporary absence, shall assign temporary performance of duties to one of the deputies, in their absence - to another official.

Footnote. Paragraph 62 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

62-1. Due to the official necessity and the impossibility of assigning duties for a non-vacant military position to a military personnel, the temporary performance of duties for this military position for the duration of the military personnel's stay, holding this military position on parental leave until he reaches the age of three, is assigned to a citizen with an appropriate education and specialty, related in the profile of the corresponding military specialty, and work experience in the specialty.

In this case, the person of civilian personnel (employee) shall be paid an official salary for the military position that he holds.

Upon entering the military service of a military personnel in this military position, the person of civilian personnel (employee) shall be dismissed.

Footnote. Chapter 9 as added by paragraph 62-1 in accordance with the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

10. Enlistment at the disposal of the commander (chief)

63. To resolve the issues of further military service upon release from position, military servants shall be enlisted at the disposal of the direct chief, having the right to issue orders on personnel by an official, having the right of appointment to a military position.

64. Enlistment of a military servant at the disposal of the commander (chief) shall be allowed in cases and for the terms which are determined by paragraph 5 of Article 21 of the Law unless otherwise is established by the Law "On Special State Bodies".

65. The officials at whose disposal are military servants, shall approve the list of their duties.

11. Release from military position

66. A military servant shall be released from the occupied military position in case of transfer, rotation, dismissal from military service.

67. Release of a military servant from the occupied military position shall be made by the authorized official to whom the right of appointment to this military position according to the list of officials is granted.

12. Transfer of military servants

68. Transfer of a military servant - a change in his official position or place of military service.

Transfer shall be made in the following cases:

- 1) appointment to a military position;
- 2) rotation;
- 3) secondments;
- 4) enlistment at the disposal on the grounds specified in subparagraphs 1), 2) of paragraph 5 of Article 21 of the Law, unless otherwise established by the Law "On Special State Bodies";
- 5) enrollment in military educational institutions implementing programs of higher and postgraduate education;

6) transfer from one authorized body to another, the structure of which provides for doing military service;

7) amendments in the point of permanent deployment of a military unit (institution) or subdivision.

Footnote. Paragraph 68, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

69. The movement of a military personnel when changing the point of permanent deployment of a military unit (institution) or subdivision, carried out in accordance with the development programs of the Armed Forces, other troops and military formations, as well as the appointment to an equal military position, regardless of the point of permanent deployment of a military unit (institution) or subdivision, shall be carried out without his consent by the decision of the commander (chief), who shall be granted this right by the first head of the authorized body.

Footnote. Paragraph 69 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

70. Transfer of a military servant shall be made only after delivery of affairs and position in the order, established by the legislation of the Republic of Kazakhstan, but in time no more than one month.

The beginning of the surrender of cases and positions shall be determined by the commander (head) of the military unit (institution) from the moment of receipt of an extract from the order for personnel or a written notification on the movement of a military personnel, but no later than seven days from the moment of admission, and for a military personnel who is on vacation or on treatment, from the day of his arrival.

Exclusion from the lists of a military unit (institution) shall be made the next working day after the approval of acts of transitions of cases and positions.

Transfer of military servants to the Armed Forces, other troops and military formations, special state or law enforcement agencies of the Republic of Kazakhstan shall be made in coordination with their first heads.

Footnote. Paragraph 70 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

71. Admission to military service in the Armed Forces, other troops and military formations in the order of transfer of officers of law enforcement and special state bodies with special ranks, class ranks or qualification classes shall be made in coordination with the first heads of the Armed Forces, other troops and military formations, law enforcement and special state bodies in accordance with the requirements determined in Article 38 of the Law.

Footnote. Paragraph 71 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 05.10.2019 № 182;

13. Secondment, detachment of military servants and features of doing military service by them

72. Military servants in the interests of ensuring defense and security of the state may be seconded to non-military positions to the state bodies and organizations of the Republic of Kazakhstan in coordination with the first heads, and to international organizations – in accordance with the adopted agreements (treaties).

The seconded person retains the status of a military servant, action of the previously concluded contract is not terminated.

Footnote. Paragraph 72 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

73. Secondment of military servants shall be carried out:

1) to the Administration of the President of the Republic of Kazakhstan, the offices of the Chambers of the Parliament of the Republic of Kazakhstan, the Office of the Government of the Republic of Kazakhstan - on the basis of the act of the Government of the Republic of Kazakhstan;

2) to other state bodies and organizations of the Republic of Kazakhstan-in coordination with their first heads on the basis of the act of the state body in which a servant is doing military service;

3) to international organizations-on the basis of the act of the Government of the Republic of Kazakhstan, unless otherwise established by the relevant adopted international agreements and treaties.

Footnote. Paragraph 73 as amended by the Decree of the President of the Republic of Kazakhstan dated 13.04.2023 № 195 (shall be enforced from the date of its first official publication).

74. The seconded military servants shall be paid official salaries established for the relevant categories of employees of the specified state bodies and organizations, international organizations, as well as salaries (surcharges) for military rank, established by the legislation of the Republic of Kazakhstan.

Bonuses and financial assistance to the seconded military servants shall be carried out in accordance with the procedure determined for the employees of these state bodies, organizations and international organizations.

Payment of official salaries, bonuses, material assistance, health benefits, allowances for special conditions of service and other allowances, established by the legislation of the Republic of Kazakhstan, to the seconded military servants shall be made at the expense of funds provided for the maintenance of state bodies, organizations and international organizations to which they are seconded. Other payments, as well as providing with clothing

property shall be made, respectively, at the expense of the funds provided for the maintenance of the authorized body from which military servants are seconded.

Footnote. Paragraph 74 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

75. Pension provision of the seconded military servants shall be carried out in accordance with the legislation of the Republic of Kazakhstan. At the same time the salaries for occupied positions in state bodies and organizations shall be taken into account for military servants, seconded to the state bodies and organizations, and for the seconded to international organizations – the salaries for the last position held prior to secondment.

For other payments of the lump-sum nature, the official salary for the last position held by a military servant before secondment shall be taken into account.

76. Conclusion of new contracts with military servants seconded to state bodies, organizations and international organizations shall be made in accordance with these Rules.

77. Dismissal from military service of military servants, seconded to state bodies, organizations and international organizations, their rewarding with state awards and departmental medals (breastplates) shall be made on a common basis on presentation of state bodies, organizations and international organizations, to which they are seconded.

Military servants, seconded to state bodies, organizations and international organizations, shall be promoted on a general basis in accordance with these Rules on the presentation of state bodies, organizations and international organizations, to which they are seconded, upon the expiry of the established period of service in the current military ranks, and in conformity of the awarded rank to the military rank, provided with the list of military positions to military position which they occupied immediately before the secondment.

Military servants, seconded to the state bodies of the Republic of Kazakhstan for doing military service on the positions in educational institutions, shall be promoted on a general basis in accordance with these Rules on presentation of the head of educational organization, but not higher than the military rank provided by the list of military positions for military educational institutions.

78. Attestation of military servants, seconded to the state bodies and organizations shall be made in the manner, established for the employees of relevant state bodies and organizations, and those, seconded to international organizations - in the manner established by these Rules.

79. Promotion and bringing to disciplinary responsibility of the seconded military servants shall be made in the manner, established for the employees of state bodies and organizations of the Republic of Kazakhstan within the powers of these state bodies and organizations, determined by the legislation of the Republic of Kazakhstan.

80. After the release of the seconded military servants from the positions in state bodies and organizations of the Republic of Kazakhstan, international organizations and return to

state body in which military servants are doing military service, they shall be appointed to military positions or dismissed from military service in the manner determined by these Rules

81. Military servants of the Armed Forces, other troops and military formations in the interests of ensuring defense and security of the state in cases determined by the President of the Republic of Kazakhstan may be seconded at the disposal of the Head of the Administration of the Presidential of the Republic of Kazakhstan without the release from their occupied military position and saving monetary allowance.

Bonuses, pension provision, conclusion of new contracts, promotion, dismissal from military service, rewarding with state awards and departmental medals (breastplates) of this category of military servants shall be carried out on general bases in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Paragraph 81 as amended by the Decree of the President of the Republic of Kazakhstan dated 05.10.2019 № 182.

14. Rotation

82. Rotation of military servants shall be carried out as part of doing military service to enhance the combat readiness of the troops as well as for the purpose of service necessity or ensuring more effective use of professional capacity of the military servicemen.

83. The conditions for rotation shall be:

1) stay in one military position beyond the term, established in accordance with the paragraph 45 of these Rules;

2) passing of military service in one garrison (or military unit (division) in the area with heavy climatic conditions) over the term, determined taking into account the competences and specifics of doing military service by the first head of the authorized body.

84. Rotation of military servants shall be carried out in the following order and terms.

According to the results of the year, a rotation plan of military servants shall be drawn up, in respect of whom the conditions, determined in paragraph 83 of these Rules have come.

The rotation plan does not include military servants:

1) determined by paragraph 3 of Article 22 of the Law;

2) in the year of the end of the contract;

3) within three years until they reach the age limit of the state in the military service;

4) in case of impossibility of their appointment to equal or higher military positions.

A list of military servants shall be drawn up simultaneously with the rotation plan, who are not included in the rotation plan for further military service in the occupied positions within the established term on the basis of paragraph 45 of these Rules.

A rotation plan and a list of military servants, not included in the rotation plan, shall be drawn up in the manner and in the form, determined by the first head of the authorized body

and shall be approved by the authorized official, who in accordance with the list of officials is granted the right of appointment to military positions included in the specified plan and list.

In case of occurrence of circumstances requiring changes to the rotation plan or the list of military servants not included in the rotation plan, the decision on making changes shall be made by the official, who approved them.

Rotation of the military servants shall be carried out on the basis of the rotation plan within the year following after its approval taking into account the organization of military service by appointment of military servants to military positions in the manner, determined by these Rules.

Footnote. Paragraph 84, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

15. Promotion

85. Military ranks shall be awarded to military servants personally. Military rank can be the first or the next.

86. Military ranks shall be awarded to the military servants:

1) of senior officers – by the President of the Republic of Kazakhstan-the Supreme Commander of the Armed Forces of the Republic of Kazakhstan on the proposal of the first head of the authorized body;

2) colonel (captain of the first rank) – by the first heads of the authorized bodies;

3) other military ranks - by the officials determined by the first heads of the authorized bodies according to the list of officials.

86-1. Military rank of senior officers composition:

a major-general (rear-admiral) may be awarded to a military servant after three years of service as a colonel (captain of the first rank) in the position preceding the position of a senior officer, and at least one year of service on the position of a senior officer;

lieutenant-general (vice-admiral) may be awarded to a military servant, who is in the military rank of major-general (rear admiral) for at least three years;

colonel-general (admiral) may be awarded to a military servant who is in the military rank of lieutenant-general (vice-admiral) for at least three years.

The highest military rank may be awarded ahead of time by the decision of the President of the Republic of Kazakhstan.

Footnote. Chapter 15 is supplemented by paragraph 86-1 in accordance with the Decree of the President of Kazakhstan dated 30.04.2016 № 243.

87. Military ranks of officers composition shall be awarded by the Minister of Defense of the Republic of Kazakhstan.

88. The first military ranks shall be considered:

1) for officers composition – a lieutenant;

2) for sergeant personnel - junior sergeant (foreman of the second seniority);

3) for ordinary personnel - private (sailor).

Footnote. Paragraph 88, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

89. The military rank "lieutenant" shall be awarded to:

1) the military servant not having a military rank of officers, who graduated from the higher military educational institution under the program of higher education (military faculty);

2) a military servant not having a military rank of officers, who graduated from the higher military educational institution of the foreign state which education program according to the legislation of the country of education provides for first promotion of officers after completion of education;

3) a citizen who has completed the full course of military training under the reserve officers program and passed the established exams - after the organization of higher and (or) postgraduate education;

4) the citizen (military servant), not having military rank of officers, with higher education and having completed a full course of military training under the program of reserve officers, entered military service under the contract on a military position for which the staff provides a military rank of officers (or doing military service under the contract), - at appointment to a corresponding military position;

5) a citizen (military personnel) who shall not have a military rank of officer, who has a higher education, entered military service under a contract for a military position for which by the staff it is provided for the military rank of officer - when appointed to the corresponding military position, but not earlier than one year of continuous military service in officer military positions (in special state bodies of the Republic of Kazakhstan - when appointed to the corresponding military position);

6) a military servant, not having the military rank of officers, with higher education-after completion of military training for reserve officers in case of registration for the officer position of a military unit according to mobilization plans in accordance to the list of missing specialties, approved by the Minister of Defense of the Republic of Kazakhstan, but not earlier than a year after graduation.

Footnote. Paragraph 89, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

90. The first military rank of officers shall be awarded by the first head of the authorized body, in which structure the passage of military service is provided.

91. The military rank "private" ("sailor") shall be awarded to the citizens not having a military rank:

1) upon conscription or enlistment in military service under the contract;

2) upon enrolling in the reserve;

3) upon enrolling in a military educational institution, implementing programs of secondary technical and professional, higher education (military faculty).

92. The military rank "corporal" ("senior sailor") shall be awarded to the privates and sailors who have successfully mastered the specialty, upon appointment to the positions for which the appropriate military ranks are provided by the list of military positions, but not earlier than six months.

93. The military rank "junior sergeant" ("foreman of the second class") shall be awarded to military servants, who have graduated from a military educational institution at the level of secondary technical and professional education.

94. The military rank "junior sergeant" ("foreman of the second class") and the subsequent ones shall be awarded to military servants, having necessary level of preparation and education, appointed to the corresponding positions, in the order determined by the first head of the authorized body.

94-1. The military rank "junior sergeant of the reserve" ("foreman of the second seniority of the reserve") shall be awarded to a citizen who has completed the full course of military training under the reserve sergeant program and passed the established exams.

The military rank "Junior sergeant of the reserve" ("foreman of the second seniority of the reserve") shall be awarded by the head of the local military administration body (region, city of republican significance and capital) on the proposal of the head of the military department.

Footnote. Chapter 15 as added by paragraph 94-1 in accordance with the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

95. The next military rank shall be awarded to a military servant upon expiration of the term of service in the previous military rank if he/she holds a military position for which equal or higher military rank is provided by the list of military positions.

96. Military servants shall not be awarded with the next military rank, as well as the first military rank of officer composition according to subparagraphs 4), 5) of paragraph 89 of these Rules in the presence of unexpunged disciplinary sanction, in respect of whom a criminal case has been instituted, as well as being at the disposal of the corresponding commanders (heads) (including at temporary performance of duties on vacant or non-vacant positions).

Footnote. Paragraph 96 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

97. The term of service in military ranks shall be calculated from the date of promotion.

The time of serving a criminal sentence or administrative penalty in the form of arrest, appointed by the verdict (decision) of the court, shall not be counted in the length of service for the assignment of the next military rank.

When entering the military service, the term of service in the military rank shall be calculated taking into account the term of service in the reserve.

Footnote. Paragraph 97 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

98. Military servants, studying full-time at military educational institutions in the adjuncture, Master courses, doctorate, shall be awarded the next military ranks upon expiration of the established term of service in the current military ranks, and in compliance of the awarded rank to the military rank, provided by the list of military positions to military positions which they occupied prior to entering the study.

99. The next military rank may be awarded ahead of time to military servants who are exemplary performing military duty, having shown high professionalism and diligence at carrying out combat duty or performance of other duties of military service, but not higher than the military rank provided by the list of military positions on the military positions occupied by them.

An early military rank shall be awarded upon expiry of at least half of the established term of service in military rank, and in compliance of the awarded rank to the military rank in accordance with the list of military positions, but no more than two times in the period of military service.

100. Military servants of officers composition, carrying out teaching and scientific activities and having a scientific degree, as well as officers of medical specialties, carrying out medical activities, may be awarded the next military rank of colonel, inclusive one step above the military rank provided by the occupied military position.

101. While serving a criminal sentence or administrative penalty in the form of arrest, a military personnel cannot be awarded a military rank.

Footnote. Clause 101 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

102. The next military rank shall be awarded to a military servant after passage of military trainings to the positions for which equal or higher military rank is provided by the list of military positions, in the manner, established by the Minister of Defense of the Republic of Kazakhstan.

103. Reserve officers with high training and extensive experience in the specialty and holding senior public positions in the state bodies of the Republic of Kazakhstan, elected (appointed) to the representative bodies of the Republic of Kazakhstan, for whom reservation

for mobilization from conscription to the Armed Forces, other troops and military formations is provided, the next military rank in the reserve may be awarded regardless of passage of military trainings in the manner, established by the Minister of Defense of the Republic of Kazakhstan.

Footnote. Paragraph 103 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 05.10.2019 № 182.

104. Reserve officers, with the exception of persons having high training and extensive experience in the specialty and holding senior public positions in the state bodies of the Republic of Kazakhstan, elected (appointed) to the representative bodies of the Republic of Kazakhstan, for whom reservation for mobilization from conscription to the Armed Forces, other troops and military formations is provided, the next military rank "colonel of the reserve" shall be awarded in accordance with these Rules upon introduction of the martial law.

Footnote. Paragraph 104 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 05.10.2019 № 182.

16. Reduction, deprivation of military rank and restoration in military rank

105. Reduction of military servants (liable for military service) in military rank by one step, their deprivation of military rank and restoration in military rank shall be made:

1) senior officers composition– by the President of the Republic of Kazakhstan-the Supreme Commander of the Armed Forces of the Republic of Kazakhstan;

2) officers composition (except for senior officers composition) – by the first head of the authorized body;

3) other military ranks – in accordance with the list of officials.

Servicemen (military liable) who have committed intentional criminal offenses shall be deprived of their military rank by a court verdict that has entered into legal force, according to which the military personnel was sentenced to additional punishment in the form of deprivation of military rank.

Footnote. Paragraph 105 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

106. Restoration in the former military rank of the servant, reduced in military rank by one step shall be made irrespective of the occupied staff position not earlier than in six months from the date of reduction, at exemplary behavior and the conscientious relation to service. At the same time, the time of stay of a servant in a reduced military rank shall not be calculated in the period of service in the restored military rank. Repeated reduction of military rank shall not be allowed.

107. Military conscription officers, reduced in military rank to the military rank of "junior sergeant" ("foreman of the second seniority"), shall be transferred to the sergeant staff with

simultaneous appointment to military positions of the corresponding composition and undergo military service until the expiration of the established term of military service.

Appointment shall be made by the order on staff of the authorized official, who, according to the list of officials is granted the right of appointment to the position which was held by the servant directly before reduction in a military rank. Dismissal shall be made in the manner determined for the military personnel of urgent military service.

Footnote. Paragraph 107, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

108. A military personnel (military liable), deprived of the military rank of officer or sergeant, shall be transferred to the military registration of ordinary personnel with the military rank of "private."

Footnote. Paragraph 108 - as amended by Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication)..

109. The person, deprived of a military rank, except for senior officers composition, shall be restored the military rank only in cases of when the court passes an acquittal or decides to terminate the criminal case on rehabilitating grounds. The person, deprived of military rank of senior officers composition, the military rank shall be restored by the decision of the President of the Republic of Kazakhstan.

17. Types of leaves

110. Military servants shall be granted leaves:

- 1) annual basic;
- 2) short-term for family circumstances;
- 3) maternity, adopted a newborn child (children);
- 4) additional;
- 5) vacational;
- 6) educational;
- 7) sabbatical;
- 8) due to illness;

9) short-term in the form of encouragement (only for military servants of urgent military service).

111. Leave shall be granted on the basis of the order of the commander (chief) of the military unit (institution).

Footnote. Clause 111 - as amended by Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

112. The duration of leave shall be determined in accordance with the legislation of the Republic of Kazakhstan.

113. Military servants upon arrival to a place of leave shall be registered in the bodies conducting military account.

114. For the period of stay in all types of leaves (except for stay in maternity leave, leave on care of the child till reaching the age of three years) the monetary allowance remains for the military servant.

18. Provision of annual basic leave

115. Annual basic leave shall be granted to military servants at any time of the year, taking into account the alternation of periods of their use, as well as maintenance of combat readiness of the military unit and in accordance with the leaves schedule. The leaves schedule shall be made for each calendar year taking into account categories of the military servants, enjoying privileges according to the legislation of the Republic of Kazakhstan, and is brought to the attention of all military servants.

During the vacation, movement shall not be carried out and dismissal from military service of a military personnel shall not be allowed at the initiative of a military unit (institution), with the exception of the liquidation of a military unit (institution).

Footnote. Paragraph 115, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

116. The duration of annual basic leave granted to a servant doing military service under the contract shall be determined in accordance with paragraphs 1, 2 of Article 46 of the Law. The duration of leave to military servants of officers composition on conscription shall be determined in the manner established for the military servants doing military service under the contract.

117. The duration of annual basic leave to a military servant in the year of entry to military service under the contract (conscription) and year of dismissal shall be established by dividing the duration of annual leave by twelve, and multiplying the number of days by the number of full months of military service in the year of entry to military service or dismissal (including granted leave).

A female military servant shall be granted annual basic leave at her request before or immediately after maternity leave or at the end of maternity leave until the child reaches the age of three years.

118. Rounding off the number of incomplete days of annual basic leave in the year of entering the military service or dismissal shall be made upwards. In case when timely dismissal of the servant from military service is impossible (an exception from the lists of staff of military unit), calculation of underused time of annual basic leave with granting it to the servant shall be made on the day of his/her dismissal. The duration of annual basic leave

of the servant at early dismissal (before the expiration of the contract term), if the leave is not used earlier according to the schedule of leaves, shall be calculated in the same order.

119. Military servants who have graduated from military educational institution (military faculty) shall be provided annual basic leave after graduation from the specified educational institution for a duration depending the length of service in calendar calculation.

120. The duration of annual basic leave of military servants shall be increased by the number of days, taking into account the necessary time to travel to the place of leave and back . If an annual basic leave is provided to the military servants in parts, the time required for travel to the place of leave and back, shall be provided once.

121. According to the report of the military personnel and the decision of the commander (chief) of the military unit (institution), the provision of annual main and additional vacations to the military personnel shall be allowed sequentially without a gap between them.

Footnote. Paragraph 121 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

122. In the case when annual basic and (or) additional leave for the past year were not provided for good reasons to the servant, doing military service under the contract, the leave shall be provided next year on his report taking into account the time of travel to the place of leave and back.

The officer, doing military service by conscription, who did not use annual basic and additional leaves for good reasons, these leaves shall be provided upon dismissal from military service with exclusion from the lists of military unit the next day after the end of the last of leaves.

123. Military personnel who are sick during the annual main or additional leave (except for the year of dismissal from military service with subsequent exclusion from the lists of the military unit (institution)), the annual main or additional leave shall be extended for the corresponding number of sick days falling on vacation, except for family leave. The extension of leave in this case shall be carried out by the commander (head) of the military unit (institution) on the basis of a certificate from a military or, in its absence, a state medical and preventive institution.

Footnote. Paragraph 123 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

124. The chief of the local body of military administration on the territory of which the servant is on leave, may extend the leave for a period of not more than ten days, without taking into account the time required to travel to the place of doing military service in case of serious health state or death of a family member, close relative, close relatives of a husband (

wife), as well as emergency situations of natural or technogenic nature, that have befallen family members, close relatives, close relatives of a husband (wife) of a servant being on leave.

The head of the local military administration immediately notifies the commander (chief) of the military unit (institution) in which the specified military personnel is serving on the extension of leave to the military personnel.

Footnote. Paragraph 124, as amended by Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

19. Provision of short-term leave for family circumstances

125. Short-term family leave shall be granted to military personnel for the period: up to five days in cases:

- 1) registration of the marriage of a military personnel;
- 2) birth of a child to a military personnel;

up to ten days in cases:

- 1) serious state of health or death (death) of the spouse, close relatives of the military personnel, close relatives of the spouse of the military personnel;

- 2) natural or man-made emergencies that befell close relatives of a military personnel, close relatives of a spouse of a military personnel.

Short-term family leave in cases of registration of marriage or birth of a child shall be provided to military personnel on the basis of a report with a copy of a supporting document (civil status act, birth certificate, medical birth certificate or court decision on the fact of birth).

Short-term family leave in the event of a serious state of health of the spouse, close relatives of the military personnel, close relatives of the spouse of the military personnel shall be provided to the servicemen on the basis of a report with a confirmation document issued by a medical institution.

Short-term family leave in the event of the death (death) of the spouse, close relatives of the military personnel, close relatives of the spouse of the military personnel and in emergency situations of a natural or technogenic nature that befell close relatives of the military personnel, close relatives of the spouse of the military personnel shall be provided to the military personnel on the basis of the report. Upon arrival from vacation, a military personnel must submit a document confirming the basis for granting leave at the place of military service within ten working days.

The length of short-term family leave granted to a service member shall be increased by the number of days required to travel to and from the vacation site.

Footnote. Clause 125 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

20. Provision of maternity leave, leave to the military servants who have adopted a newborn child (children)

126. Female military servants shall be provided maternity leave of seventy calendar days prior to delivery and fifty-six (in the case of complicated childbirth or the birth of two or more children - seventy) calendar days after delivery. The calculation is made in total, and leave shall be provided completely regardless of the number of days actually used before delivery.

The specified leave shall be provided to the military servants on the basis of the certificate of temporary disability issued by the corresponding medical institution.

127. The military servant, who has adopted a newborn child (children) directly from maternity hospital, shall be provided a leave (to one of the parents) for a period from the date of adoption and till expiration of fifty-six days from the date of birth of the child.

21. Provision of additional leaves

128. Military servants shall be provided additional leaves in accordance with the legislation of the Republic of Kazakhstan.

In this case, the duration of additional leave is not included in the account of the annual basic leave.

129. Additional leave in the year of admission or dismissal from military service shall be provided to the military servants in full.

130. A military servant, registered as a candidate in accordance with the established procedure shall be provided a leave at his request from the date of registration of a servant as a candidate until the day of official publication of the election results.

131. The military servants, serving at the positions, connected with operation, storage of radioactive materials, sources of ionizing radiation, ultrahigh frequencies and (or) components of rocket fuel, as well as temporarily involved in the specified works and works on liquidation of consequences of accidents at the objects connected with operation, storage of radioactive materials, sources of ionizing radiation, ultrahigh frequencies and (or) components of rocket fuel shall be provided additional leave of up to twelve days a year according to their report. Leave shall be provided in proportion to the actual time, worked for the expired period, calculated for provision of an additional leave, by dividing the duration of additional leave by twelve and multiplying the number of received days by the number of full months of service in the specified positions or performance of the specified works.

The duration of an additional leave (in calendar days) shall be determined by the List of productions, workshops, professions and positions, the list of heavy works, works with

harmful (especially harmful) and (or) dangerous working conditions, the work in which gives the right to additional leave (hereinafter-the List), approved by the authorized state body for labor.

In those cases when military servants passed military service within a year on different positions, for which the List provides additional leave of different duration, a leave shall be provided by summing up duration of additional leave on these positions established by the List, in proportion to time actually worked in harmful working conditions, separately on each position.

Military servants, whose positions are not included in the List, but performing the relevant work with harmful working conditions in certain periods of time, shall be provided with an additional leave on the same grounds as military servants, whose positions are provided in the List.

132. Military servants participating (participated) in combat operations, anti-terroristic and peacekeeping operations, and military servants of intelligence bodies of the Ministry of Defense, participating in the performance of operational tasks in the framework of intelligence activities, shall be provided with an additional leave in accordance with Article 49 of the Law.

133. A military servant shall be provided with an additional leave at his report to care for a child until he/she reaches the age of three years:

- 1) at the choice of parents- to the mother or father of the child;
- 2) to the parent- bringing up the child alone;
- 3) to the grandmother, the grandfather, other relative or the trustee actually bringing up the child;
- 4) to the servant who adopted the newborn child (children).

Military position shall be retained by a servant for the period of additional leave.

22. Provision of vacation leaves

134. Military servants studying full-time at military educational institutions (military faculties), shall be provided vacation leaves during breaks in educational sessions, for the following terms:

- 1) winter vacation-14 days;
- 2) summer vacation-30 days.

The time required to travel to and from the holiday destination shall not be provided.

23. Provision of educational leaves

135. Military servants (except for military servants of urgent service, cadets and students) shall be provided with educational leaves for preparation and passing entrance examinations, during the period of education in educational organizations, implementing educational

programs of higher and post-graduate education, for a period, determined by the curriculum, and military servants being the applicants for academic degrees of candidate, doctor of science, doctor of philosophy (PhD) and doctor on profile, shall be provided with sabbatical leaves in the manner, established by the legislation of the Republic of Kazakhstan.

Footnote. Paragraph 135 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

136. The duration of educational leaves is established during the period of education:
1) in organizations of higher and (or) postgraduate education - no more than one month;
2) in the courses of language training - in accordance with the curricula of the authorized body.

Training leave shall be provided by the commander (head) of a military unit (institution) on the basis of a written call to an educational institution or an order to send for training.

Footnote. Paragraph 136, as amended by Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

24. Provision of sabbatical leaves

137. A military personnel undergoing military service under a contract that is an applicant for a degree, subject to a successful combination of official activities with scientific work on the recommendation of the scientific council, where he is an applicant for a degree, is provided with creative leave with a total duration of up to two months by the decision of the commander (head) of the military unit (institution).

Footnote. Clause 137 - as amended by Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

25. Provision of a sick leave

138. Sick leave is provided to the military personnel on the basis of the conclusion of the military medical commission in accordance with the Rules for conducting a military medical examination.

The duration of sick leave is not included in the annual basic and additional leaves.

Footnote. Paragraph 138, as amended by Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

26. Recall of the servant from the leave

139. A serviceman may be recalled from an annual basic leave in the event of mobilization declaration, martial law or state of emergency, in wartime and in case of service necessity in the manner determined by the first head of the authorized body.

27. Goals and objectives of attestation

140. Attestation - periodically carried out procedure to determine the level of professional training of military servants, which is conducted on the basis of a set of evaluation materials included in the attestation sheet.

The goal of attestation - a comprehensive and objective assessment of service activity, professional competence, as well as rational use and development of professional potential of military servants.

Footnote. Paragraph 140 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

141. The main objectives of attestation:

- 1) to give a comprehensive and objective description of professional and personal qualities, potential capabilities of every military servant;
- 2) to determine compliance of the attested military servants to the occupied positions and prospects of their further office use;
- 3) to determine expediency of prolongation of service terms of military servants doing military service under the contract;
- 4) to determine the directions for improving training (retraining) of education of military servants;
- 5) to form a personnel reserve of military servants for service promotion or direction to study;
- 6) to develop recommendations to military servants on elimination of available deficiencies.

28. Conducting of attestation

142. Attestation of military servants doing military service under the contract shall be conducted by the decision of the first head of authorized body at least once in three years.

The procedure of performing activities for organization and conducting attestation of military servants in the authorized bodies shall be determined by their first heads. The attestation sheet shall be issued in the form approved by the Minister of Defense of the Republic of Kazakhstan in coordination with the first heads of the authorized bodies.

Footnote. Paragraph 142 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

143. The plan of preparation and conducting attestation shall be developed after determination of terms, categories and standard scheme of certification of military servants.

The plans, approved by the respective commanders (chiefs) provide for the following activities:

studying the procedure of attestation by all military servants, establishment of final terms of approval, announcement and conducting of attestation;

develop a detailed certification scheme, approve it by the relevant commanders (chiefs) and send it to military units (institutions) for guidance and communication to the military;

development of the detailed scheme of attestation, its approval by the relevant commanders (chiefs) and distribution to military units (state institutions) for guidance and bringing to attention of military servants;

production and distribution of attestation sheets blanks, memos and other methodical aids to the attested ones;

discussion at military councils, meetings of senior staff of the course of attestation preparation and conducting, and also the results of attestation with setting the tasks for implementation of attestation conclusions.

Footnote. Paragraph 143, as amended by Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

144. The conclusion on the attestation results shall indicate whether the attested person corresponds or does not correspond to the occupied position, then the opinion on further, more efficient his/her office use proceeding from professional, business, moral and psychological qualities, work experience, abilities and inclinations, and also service interests shall be stated.

The following recommendations may be given:

1) on promotion to the highest position or inclusion in the personnel reserve;

2) on direction to study in military educational institution;

3) on transfer to an equal military position;

4) on transfer to a lower military position;

5) on dismissal from military service;

6) on mastering of an individual program of professional development-only in respect of military servants of special state bodies of the Republic of Kazakhstan.

Footnote. Paragraph 144 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

145. Is excluded by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

146. Military personnel shall not be subject to certification during their stay on maternity leave, for caring for a child until they reach the age of three years, training in educational

programs of postgraduate education in military, special educational institutions, educational organizations of the Republic of Kazakhstan and (or) foreign countries within the framework of the state order for the training of civil servants in educational programs of postgraduate education, with the exception of students using distance learning technologies. They are certified after entering military service no earlier than six months and no later than one year from the date of entering military service.

Footnote. Paragraph 146 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

147. The attestation material compiled for a military servant shall be subject to consideration by the attestation commission.

The attestation commission shall invite the attested military servants to the meeting in necessary cases, as well as corresponding commanders (chiefs) in whose submission are the attested military servants.

148. The approved attestations shall be declared to the attested military servants and brought to their attention under the signature.

149. The procedure for attestation of military servants seconded to international organizations shall be determined by the first head of the authorized body.

29. Attestation commissions

150. Attestation commission (Higher attestation commission) shall be a permanently acting consultative-advisory body and accountable to the appropriate commander (chief).

The higher attestation commission shall be created in the authorized body by the decision of its head.

Certification commissions shall be created in military units (institutions) by the decision of the commander (chief) of the military unit (institution), which shall be declared by order.

Footnote. Paragraph 150, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

151. Certification commissions shall also be entrusted with the consideration of issues of military service by individual servicemen by decision of the corresponding commander (chief) of the military unit (institution).

Footnote. Paragraph 151 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

30. Appeal of the decision of the attestation commission

152. The complaint on violation of the order and bias of attestation may be submitted to higher officials through the direct chief (on command) not later than three months from the date of acquaintance with the results of attestation of the person in respect of whom the attestation was conducted. At the same time, everyone has the right to judicial protection.

In case of recognition of the servant's complaint as reasonable, a repeated attestation shall be conducted.

Footnote. Paragraph 152 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

30-1. Presidential reserve

Footnote. The rules are supplemented by Chapter 30-1 in accordance with the Decree of the President of the Republic of Kazakhstan dated 05.10.2019 № 182.

152-1. Candidates included in the Presidential reserve shall be appointed to positions specified in the roster of positions.

These Rules do not apply to the position of the Minister of Defense of the Republic of Kazakhstan.

Footnote. Paragraph 152-1 - as amended by the Decree of the President of the Republic of Kazakhstan dated 19.08.2024 № 626 (effective ten calendar days after the date of its first official publication).

152-2. Approval of the Presidential reserve shall be carried out by the Head of the Administration of the President of the Republic of Kazakhstan on the proposal of the Department of military security and defense of the Security Council of the Republic of Kazakhstan (hereinafter – The Department of military security and defense) – agreed with the Secretary of the Security Council of the Republic of Kazakhstan, in accordance with these Rules.

Footnote. Paragraph 152-2 as amended by the Decree of the President of the Republic of Kazakhstan dated 03.01.2024 № 429 (shall be enforced from the date of its first official publication).

152-3. Formation of the Presidential reserve shall determine a special procedure for selection of military servants, preparation of materials, enrollment and exclusion from it. Organization of work on formation of the Presidential reserve shall be entrusted to the Department of military security and defense.

152-4. Formation of the Presidential reserve shall be carried out quarterly taking into account the forecast of the current and future needs in candidates for senior positions of the Armed Forces and the National guard of the Republic of Kazakhstan.

The presidential reserve shall be formed from the number of military servants:

1) complying to qualification requirements, including the requirements for service experience, level of education and professional training, provided for replacement of the proposed position;

2) complying to the position by the decision of the attestation commission, including those, recommended for enrollment in the personnel reserve or promotion to a higher position ;

3) not having disciplinary sanctions at the time of sending materials.

The first head of the state body may recommend the military servants, seconded to state bodies and international organizations to the Presidential reserve in compliance with the qualification requirements.

Upon the submission of the head of the structural subdivision of the Office of the Security Council of the Republic of Kazakhstan, Deputy Secretary of the Security Council of the Republic of Kazakhstan, coordinated with the first head of the state body that seconded the military servant, military servants seconded to the Office of the Security Council of the Republic of Kazakhstan who meet the requirements may be enrolled in the Presidential Reserve.

Footnote. Paragraph 152-4 as amended by the Decree of the President of the Republic of Kazakhstan dated 11.04.2023 № 194 (shall be enforced from the date of its first official publication); dated 03.01.2024 № 429 (shall be enforced from the date of its first official publication).

152-5. The selection of candidates for admission to the Presidential Reserve shall be based on the study and assessment of the personal and business qualities of servicemen, the results of their performance and the decision of the attestation commission, as well as on the points generated through the personnel information system on the basis of criteria and procedures approved by the authorized body for civil service affairs (hereinafter referred to as points).

Footnote. Paragraph 152-5 - in the wording of the Decree of the President of the RK dated 29.07.2024 № 608 (shall enter into force from the day of its first official publication).

152-6. Quarterly until 10th day of the first month of the current quarter, the personnel units of the Armed Forces and National guard of the Republic of Kazakhstan shall send the lists of military servants, recommended for enlistment in the Presidential reserve to the Administration of the President of the Republic of Kazakhstan, with attachment of following materials:

1) a submission by the first head of the state body indicating:

business and personal qualities of the serviceman;

compliance with the qualification requirements for the proposed position;

the decision of the attestation commission;

the results of checks on the records of the National Security Committee of the Republic of Kazakhstan;

the points scored;

2) information on military service (service record) with a photo of the established form;

The first head of the state body shall have the right to request characterizing materials concerning the seconded military servants from the head of the body (organization) where the corresponding military servant is serving.

In case of detection of incompleteness of the presented materials or indication of any inaccurate data in them by personnel subdivisions of state bodies, the above mentioned deficiencies can be eliminated without return by the Department of military security and defense of materials concerning the military servants, recommended for enlistment to the Presidential reserve.

Simultaneous sending materials for the enrollment of candidates in the Presidential Reserve and application for approval of appointment to the position shall not be allowed.

Footnote. Paragraph 152-6 as amended by the Decree of the President of the Republic of Kazakhstan dated 11.04.2023 № 194 (shall be enforced from the date of its first official publication); as amended by the Decree of the President of the RK dated 29.07.2024 № 608 (shall enter into force from the date of its first official publication).

152-7. The department of military security and defense shall quarterly:

1) before the 20th day of the second month of the current quarter carry out verification of validity, completeness of the submitted materials and compliance of military servants, recommended to the Presidential reserve with the requirements, established by these Rules, if necessary, pre-examine the candidates and conduct their additional check;

2) before the 20th day of the last month of the current quarter form the list of military servants, recommended to the Presidential reserve by the results of materials consideration;

3) inform the first heads of state bodies within ten days after the approval of the Presidential reserve.

Footnote. Paragraph 152-7 as amended by the Decree of the President of the Republic of Kazakhstan dated 11.04.2023 № 194 (shall be enforced from the date of its first official publication).

152-8. The Department of Military Security and Defense, after forming the list of candidates for the Presidential Reserve, coordinates it with the Secretary of the Security Council of the Republic of Kazakhstan, after which it submits it to the Head of the Administration of the President of the Republic of Kazakhstan for approval.

Based on the results of consideration of applications for enlistment in the Presidential reserve, the Head of the Administration of the Presidential of the Republic of Kazakhstan shall make one of the following decisions:

1) to enlist in the Presidential reserve;

2) refuse to enlist in the Presidential reserve.

Footnote. Paragraph 152-8 as amended by the Decree of the President of the Republic of Kazakhstan dated 11.04.2023 № 194 (shall be enforced from the date of its first official

publication); as amended by the Decree of the President of the Republic of Kazakhstan dated 03.01.2024 № 429 (shall be enforced from the date of its first official publication).

152-9. Personnel subdivisions of state bodies shall inform the military servants on their enlistment in the Presidential reserve within ten working days from the date of receipt of the extract from the approved list of the Presidential reserve.

152-10. The term of stay of the military servant in the Presidential reserve shall not exceed three years. Persons, enlisted in the Presidential reserve, but not appointed during their stay in it to higher executive positions, may be re-enlisted on a general basis.

Unless otherwise decided by the Head of State or the Head of his Administration, the minimum term of stay in the Presidential Reserve for appointment to senior management positions must be at least three months.

Footnote. Paragraph 152-10 as amended by the Decree of the President of the Republic of Kazakhstan dated 11.04.2023 N 194 (shall be enforced from the date of its first official publication).

152-11. Exclusion of a military servant from the Presidential reserve shall be made in the following cases:

- 1) bringing him/her to criminal prosecution for committing a criminal offense;
- 2) bringing him/her to court to administrative responsibility for a deliberate offence;
- 3) bringing him/her to disciplinary responsibility for committing a corruption offense;
- 4) imposition of disciplinary sanctions on him/her in the form of a warning about incomplete official compliance, reduction in position by one step, reduction in military rank by one step;
- 5) filing a report on exclusion from the Presidential reserve;
- 6) dismissal him/her from military service;
- 7) expiration of the period provided for in paragraph 152-10 of these Rules;
- 8) transfer to special state and law enforcement bodies, civil defense bodies, other troops and military formations;
- 9) reduction him/her in position or transfer to a lower military position by results of the assessment.

Footnote. Paragraph 152-11 as amended by the Decree of the President of the Republic of Kazakhstan dated 11.04.2023 № 194 (shall be enforced from the date of its first official publication).

152-12. The decision on exclusion of a military servant from the Presidential reserve shall be taken by the Secretary of the Security Council if there are grounds provided by paragraph 152-11 of these Rules in accordance with the materials submitted by personnel subdivisions of state bodies to the Department of military security and defense.

152-13. Military servants, excluded from the Presidential reserve on the basis of subparagraph 4) of paragraph 152-11 of these Rules may be enlisted in the Presidential

reserve not earlier than one year after the circumstances, that served as the basis for his/her exclusion, according to these Rules, have been eliminated.

152-14. Employees of law enforcement bodies, employees and military personnel of special state bodies and civil protection bodies who are in the Presidential Reserve and transferred for further service to the Armed Forces of the Republic of Kazakhstan or the National Guard of the Republic of Kazakhstan at the request of the first head of the state body may be enrolled in the Presidential Reserve if they meet the qualification requirements.

Footnote. The Rules are added with paragraph 152-14 as amended by the Decree of the President of the Republic of Kazakhstan dated 11.04.2023 № 194 (shall be enforced from the date of its first official publication).

31. Class qualification

153. In order to stimulate the development of professional skills of each military servant, the procedure of determination of class qualification shall be carried out in the order, established by the first head of the authorized body.

32. Procedure for dismissal of military servants from military service

154. The dismissal of military personnel from military service shall be carried out on the grounds defined by Article 26 of the Law. In this case, dismissal shall be made to the reserve or resignation by order of an official of an authorized body who has the right to do so in accordance with the list of officials.

The exclusion of a military personnel from the lists of a military unit (institution) shall be carried out after the surrender of business and position.

If necessary, the delivery of cases and positions shall be carried out in accordance with the procedure and terms established by the Charter of the internal service, the beginning of which is determined by the commander (head) of the military unit (institution) from the moment of receipt of the extract from the order for personnel.

In case of evasion or refusal of a military personnel to surrender cases and a position, exclusion from the lists of a military unit (institution) shall be made no later than the established period on the basis of an act signed by members of the commission and approved by the commander (head) of the military unit (institution) within three working days.

In other cases, when the military personnel has not handed over the case and position, the exclusion from the lists of the military unit (institution) is made before the expiration of the established period on the basis of the report of the direct commander (chief) indicating the material resources listed for the military personnel.

If a military personnel is on vacation, on medical treatment or on a business trip, no exclusion from the lists of a military unit (institution) is made.

Footnote. Paragraph 154 - as amended by Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

155. Early dismissal from military service of military personnel undergoing military service on conscription in accordance with paragraphs 5, 6 of Article 26 of the Law shall be carried out on the basis of the conclusion of the military medical commission, the act of examination of family and property status and other documents confirming the circumstances of dismissal from military service.

Footnote. Paragraph 155 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

156. On reaching the maximum age of the state in military service, on the expiration of the contract or on the upcoming dismissal from military service in connection with the reduction of the staff of the military unit (institution), the military personnel is notified in advance (but not later than a month) in writing by the commander (head) of the military unit (institution) or an authorized official.

The extract from the order on military personnel about dismissal of the servant from military service shall be brought to his/her attention under the signature. In cases of being of a military servant on leave, treatment or official business trip, the extract from the order shall be brought to his/her attention after arrival.

Footnote. Paragraph 156 as amended by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); dated 18.08.2022 № 986 (shall enter into force from the date of its first official publication).

157. If a military personnel performing military service under a contract has several grounds for dismissal from military service, he is dismissed on the basis chosen by him, except for the cases provided for by paragraphs 7), 8), 9), 11) of paragraph 1 of Article 26 of the Law.

Footnote. Paragraph 157 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

158. Military servants by conscription shall be dismissed from military service upon expiration of their service term, while:

1) the officers shall be dismissed by the order of the authorized official in accordance with the list of officials;

2) military servants of compulsory military service shall be dismissed by the order of the first head of the authorized body on the basis of the Decree of the President of the Republic of Kazakhstan.

159. Dismissal from military service of military personnel for health reasons shall be carried out on the basis of the conclusion of the military medical commission in accordance with the Rules for conducting a military medical examination.

The submission for dismissal from military service (for military personnel of military service - report) shall be made after the military unit (institution) receives the conclusion of the military medical commission.

Footnote. Paragraph 159 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

160. Dismissal from military service in connection with the reduction of the staff of a military unit (institution) shall be carried out in cases of lack of the possibility of appointment to other military positions and refusal of a military personnel from appointment to a lower position.

Footnote. Clause 160 - in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

161. Dismissal from military service in connection with the transition to public service or state institutions, with the exception of transfer to law enforcement or special state bodies of the Republic of Kazakhstan, shall be carried out according to the report of a military personnel upon receipt of a notification from the first head of a state body or state institution about the successful passage by a military personnel of a competition for an administrative state position and readiness to accept him into public service.

Footnote. Paragraph 161 - in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

162. Dismissal from military service of a military personnel serving under a contract in connection with a significant and (or) systematic violation of the terms of the contract against him shall be carried out on the basis of the military personnel's report and other supporting documents. In case of refusal to dismiss a military personnel from military service on this basis, the fact of compliance with the terms of the contract must be documented by the commander (head) of the military unit (institution).

Footnote. Paragraph 162 - in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

163. Dismissal of a military servant on family circumstances shall be made on the basis of conclusion of the military medical commission, the act of family and property inspection and other documents, confirming circumstances of dismissal.

164. In cases of election or appointment to the representative bodies of the Republic of Kazakhstan, a military servant shall be dismissed on the basis of the election results published in the relevant mass media.

Footnote. Paragraph 164 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

165. A military servant, in case of his/her election or appointment as a judge, shall be subject to dismissal on the basis of the corresponding act of his/her appointment or notification of the authorized body about his/her appointment.

Footnote. Paragraph 165 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

166. Dismissal of military servants in connection with termination of citizenship of the Republic of Kazakhstan shall be made by the decision of the authorized head from the date of entry into force of the relevant Decree of the President of the Republic of Kazakhstan on renunciation of citizenship of the Republic of Kazakhstan or the date of registration of loss of citizenship of the Republic of Kazakhstan by the authorized state bodies in the manner, established by the legislation of the Republic of Kazakhstan.

Footnote. Paragraph 166 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

167. Dismissal from military service due to the impossibility of further military service based on the results of a special audit of an authorized state body shall be carried out if the results of a special audit reveal circumstances that prevent a military personnel from obtaining admission to state secrets, if it is impossible to appoint him to a military position, which does not require admission to state secrets.

Footnote. Paragraph 167 - in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

167-1. Dismissal from military service of military personnel in connection with expulsion from a military, special educational institution, with the exception of cases of expulsion of graduates of military educational institutions implementing programs of technical and professional education, as well as military interns, undergraduates, doctoral students and adjuncts, shall be carried out on the basis of the order of the heads (heads) of these educational institutions on expulsion.

Footnote. The rules are supplemented by paragraph 167-1 in accordance with the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication); in the wording of the Decree of the President of

the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

168. Dismissal of military personnel from military service for negative reasons shall be carried out:

1) in connection with the entry into force of the court's conviction for committing a crime - on the basis of the court's conviction received by the military unit (institution);

2) in connection with the exemption from criminal liability for committing a crime on the basis of paragraphs 3), 4), 9), 10) and 12) of the first part of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan - on the basis of a guilty verdict of the court that entered into legal force or a decision of the criminal prosecution body approved by the prosecutor;

3) in connection with the establishment in the performance of military service duties of the fact of use of a psychoactive substance or a state of intoxication, confirmed by the results of a medical examination conducted in a medical organization, as well as refusal or evasion of its passage - on the basis of the conclusion of an internal investigation;

4) in connection with the establishment of the fact of non-medical use of narcotic drugs, psychotropic substances, their analogues during off-duty hours, confirmed by the results of a medical examination conducted in a medical organization, based on the conclusion of an internal investigation;

5) in the event of a systematic (two or more times) violation of the terms of the contract - on the basis of the conclusion of the internal investigation and after consideration of these facts by the attestation commission of the military unit (institution) in accordance with these Rules;

6) in cases of failure to provide or distortion of the information specified in paragraph 2 of Article 38 of the Law, regardless of the date of commission, - on the basis of the conclusion of an internal investigation, the results of which establish the fact that when entering the military service knowingly false documents or information that could be grounds for refusing admission to military service;

7) in connection with the deprivation of military rank in accordance with the procedure established by the legislation of the Republic of Kazakhstan - on the basis of a court conviction received by the military unit (institution), which entered into legal force, and for persons of the highest officers - upon receipt of the Decree of the President of the Republic of Kazakhstan on the deprivation of military rank;

8) due to the absence of a military personnel of a special state body or internal affairs body of the Republic of Kazakhstan in the service without a valid reason for three or more hours in a row - on the basis of the conclusion of an internal investigation;

9) in connection with violation of the established requirements for ensuring the secrecy regime, which entailed the disclosure or loss of information constituting state secrets, their carriers - on the basis of a court conviction that entered into force;

10) in cases determined by the labor legislation of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On Combating Corruption" - on the basis of the conclusion of an internal investigation;

11) in connection with the commission of an offense that discredits military service - on the basis of the conclusion of an internal investigation.

Footnote. Paragraph 168 - in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

169. Dismissal of military servants on the grounds of service non-compliance revealed by the results of attestation shall be made on the basis of the decision of the attestation commission, approved by the relevant commander (chief).

170. Dismissal from military service of the persons, who have served the established terms, shall be suspended in case of introduction of a state of emergency or martial law for the period of its action.

At the same time, the contract concluded with them shall be valid during the period of emergency or martial law.

Footnote. Paragraph 170, as amended by the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

171. Is excluded by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).

172. Persons dismissed from military service shall have the right to appeal the decision to dismiss before the higher command, as well as in court in the procedure prescribed by the Laws of the Republic of Kazakhstan.

Footnote. Paragraph 172 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 18.08.2022 № 986 (shall enter into force from the day of its first official publication).

173. Is excluded by the Decree of the President of the Republic of Kazakhstan dated 31.10.2017 № 574 (shall be enforced from the date of its first official publication).