



On approval of the Rules of conducting state control and supervision of the state aviation activity in flight safety matters

Unofficial translation

Order of the Minister of Defense of the Republic of Kazakhstan dated August 7, 2017 No. 424. It is registered in the Ministry of Justice of the Republic of Kazakhstan on October 23, 2017 No. 15928.

Unofficial translation

In accordance with paragraph 3 of Article 10 of the Law of the Republic of Kazakhstan “On use of airspace of the Republic of Kazakhstan and aviation activity” **I HEREBY ORDER:**

Footnote. The preamble as amended by the order of the Minister of Defense of the Republic of Kazakhstan dated 02.08.2024 № 817 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1 To approve the attached Rules of conducting state control and supervision of the state aviation activity in flight safety matters.

2 In accordance with the procedure established by the law of the Republic of Kazakhstan, the main Administration for Supervision of Flights Safety of State Aviation of the Republic of Kazakhstan shall:

1) provide the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days from the date of the state registration of this order, direct a copy thereof in paper and electronic forms in the Kazakh and Russian languages to the Republican State Enterprise with the Right of Economic Management “Republican Center of Legal Information” for official publication and inclusion in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) place this order on the Internet resource of the Ministry of Defense of the Republic of Kazakhstan after its first official publication;

4) report to the Legal Department of the Ministry of Defense of the Republic of Kazakhstan on performance of the actions provided for by subparagraphs 1), 2) and 3) of this paragraph within ten calendar days from the date of the state registration.

3. Control over the execution of this order shall be assigned to the heads of the state aviation administration bodies of the Republic of Kazakhstan.

4. This order shall be communicated to the authorized executives in the part concerning them.

5. This order shall be enforced upon expiry of ten calendar days after the date of its first official publication.

Minister of Defense
of the Republic of Kazakhstan
Colonel General

S. Zhasuzakov

“AGREED”

Chairman of the National
Security Committee
of the Republic of Kazakhstan
_____ K. Massimov

" ___ " _____ 2017

“AGREED”

Minister of Internal Affairs
of the Republic of Kazakhstan
Colonel General of Police
_____ K. Kassymov

" ___ " _____ 2017

Approved
by order № 424
of the Minister of Defense
of the Republic of Kazakhstan
dated August 7, 2017

Rules of conducting state control and supervision of the state aviation activity in flight safety matters Chapter 1. General Provisions

1. These Rules of conducting state control and supervision of the state aviation activity in flight safety matters (hereinafter referred to as the Rules) determine the procedure for conducting state control and supervision of the state aviation activity in flight safety matters and apply to:

- 1) state aviation administration bodies;
- 2) state institutions in whose use the state aircraft are;
- 3) units whose activity is associated with the provision and operation of state aircraft.

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

1) the body of control and supervision of the state aviation activity in flight safety matters (hereinafter - the flight safety body) - a structural unit of the Ministry of Defense of the Republic of Kazakhstan, exercising control and supervision of the state aviation activity in flight safety matters;

2) inspected entities - legal entities, persons indicated in paragraph 1 of these Rules, also the aviation staff whose activity is subject to inspection by the flight safety authority.

3. The management bodies of the state aviation shall include:

1) Office of the Commander-in-Chief of the Air Defense Forces of the Armed Forces of the Republic of Kazakhstan;

2) Chief Command of the National Guard of the Republic of Kazakhstan;

3) Aviation Service of the National Security Committee of the Republic of Kazakhstan.

Footnote. Paragraph 3 as amended by the order of the Minister of Defense of the Republic of Kazakhstan dated 22.04.2021 № 249 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

4. Control and supervision of the activity of institutions in whose use the state aircraft are, and units whose activity is associated with the provision and operation of state aircraft, but that are not subordinate to state aviation administration bodies, shall be carried out directly and through the administration bodies to which these institutions and units are subordinate.

5. State control and supervision of the state aviation activity in flight safety matters shall be carried out by the flights safety body in the form of inspection and / or in the form of supervision.

Chapter 2. Carrying out state control and supervision of the state aviation activity in flight safety matters

Paragraph 1. Conduct of inspection

6. Checking of the inspected entity is a form of control and supervision carried out by the control and supervision bodies by performing one of the following actions:

1) visiting the inspected entity by an executive of the flight safety authority;

2) requesting the necessary information regarding the inspection subject, with the exception of requesting information during the supervision conduct;

3) calling the inspected entity in order to obtain information on its compliance with the requirements established by the Law of the Republic of Kazakhstan “On use of airspace of the Republic of Kazakhstan and aviation activity”.

Footnote. Paragraph 6 as amended by the order of the Minister of Defense of the Republic of Kazakhstan dated 02.08.2024 № 817 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

7. Inspection of the subject shall be carried out on the basis of the warrant signed by the head of the flight safety body (hereinafter the Warrant).

8. Inspections of the checked entities are classified into planned and unscheduled.

A scheduled inspection is assigned with respect to the checked entity on the annual inspection plan.

Unscheduled inspection- is inspection appointed by the flight safety body with respect to the inspected entity in order to eliminate imminent threat to human life and health, environment, and legitimate interests of individuals, legal entities, and the state.

9. Annual inspection plan shall be drawn by the flight safety body in order to prevent threats to human life and health, environment, legitimate interests of individuals, legal entities, and the state.

10. The annual inspections plan till November 1 of the year preceding the year of holding scheduled inspections shall be approved by the head of the flight safety body and sent to the institutions and units specified in these Rules.

11. Changes to the annual inspection plans shall be allowed by the decision of the head of the flight safety body only in the part of changing of the inspections timing. In this event, the head of the administration body shall notify the head of the flight safety body of the need to change the inspection timing no later than thirty calendar days before the planned inspection date.

12. Scheduled inspections of the inspected entities shall be carried out at the intervals determined by the flight safety body, but not more than once a year.

13. The flight safety body shall notify the inspected entity in writing of the scheduled inspection at least thirty calendar days before its commencement, indicating the timing and subject of the inspection.

14. The grounds for an unscheduled inspection shall be:

1) receipt of information and complaints from individuals and legal entities about causing or about the threat of causing substantial harm to life, human health, environment and legitimate interests of individuals, legal entities, the state;

2) receipt of information about aviation incidents.

15. The flight safety body shall notify the inspected entity of the unscheduled inspection at least one day before the inspection commencement, indicating the subject of the inspection.

16. Inspections shall be carried out both in relation to one inspected entity, and in respect of several inspected entities simultaneously.

17. Scheduled inspections are classified into complex and thematic.

A complex inspection is an inspection of the activity of the inspected entity on a range of issues related to compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of state aviation.

A thematic inspection is an inspection of the activity of the inspected entity on individual issues related to compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of state aviation.

18. Conducting other types of flight safety inspections not established by these Rules shall not be allowed.

19. The scope of planned (both complex and thematic) inspections shall be determined by the inspection plan approved by the head of the flight safety body.

20. Inspection of crew members of a multi-seat aircraft, able to place inspectors, shall be carried out on board the aircraft in flight by the flight and engineering staff of the flight safety body. In the absence of possibility of placing inspectors on board the aircraft, the inspection shall be carried out based on the results of a training flight on the basis of objective control materials.

21. The inspection timing shall be established by the head of the flight safety body, issuing from the scope of the forthcoming work, and also the tasks assigned, and shall not exceed thirty business days.

22. With a significant scope of inspection, the timing for it may be extended once by the head of the flight safety body (or by a person replacing him) for no more than thirty working days.

23. In the event of extending the inspection time, the flight safety body shall draw up an inspection extension report, indicating the number and date of the inspection warrant execution and the ground for the extension.

The inspection extension report shall be executed in duplicate and signed by the executive of the flight safety body conducting the inspection, and the authorized person of the inspected entity.

One copy of the report shall be stored with the flight safety body, and the second copy shall be directed to the authorized person of the inspected entity.

24. Inspection shall be suspended in the following events:

1) involvement of the audited entity in the actions scheduled on the plan of the state body that is in charge of this audited entity;

2) conducting of special studies, tests, before the flight safety authority obtains their results;

3) the need to obtain information and documents from the foreign states that are of significant importance in the framework of the carried out inspection, for a period of over thirty working days before the control and supervision body obtains the information and documents.

25. The inspected entity shall be notified of the inspection suspension or resumption three working days before the inspection suspension or resumption.

26. Upon suspension or resumption of inspection, a report shall be drawn up on the inspection suspension or resumption, indicating the number and date of the inspection warrant execution and the ground for the suspension.

The report on suspension (resumption) of the inspection shall be executed in two copies and signed by the official of the flight safety body conducting the inspection and the authorized person of the inspected entity.

One copy of the report shall be stored with the inspection entity.

27. Calculation of the suspended inspection timing shall be continued from the day it is resumed.

28. Re-inspection of the entity, on which the inspection was suspended and not resumed within thirty calendar days from the date of completion of the events indicated in subparagraph 1) of paragraph 24 of these Rules, and from the day of receipt of the results, information and documents indicated in subparagraph 2) and 3) of paragraph 24 of these Rules shall not be allowed.

29. Executives of the flight safety authority who arrived to conduct the inspection of an entity shall present:

- 1) an order (warrant) for the inspection appointment;
- 2) Identity Card.

Footnote. Paragraph 29 as amended by the order of the Minister of Defense of the Republic of Kazakhstan dated 16.07.2020 № 327 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

30. When conducting an inspection by executives of the flight safety authority, it shall not be allowed to:

1) verify compliance with the requirements established by the legislation of the Republic of Kazakhstan, if such requirements do not fall within the competence of the control and supervision body;

2) demand to provide documents, information and materials, if they are not objects of inspection or do not relate to the subject of inspection;

3) disclose and / or disseminate information obtained in the inspection and constituting a secret protected by law, with the exception of cases provided for by the legislation of the Republic of Kazakhstan;

4) conduct an inspection of the entity, that was previously inspected, on the same subject, over the same period, with the exception of cases provided for in paragraph 14 of these Rules.

31. During the inspection, officials of the inspected entity shall:

1) provide unimpeded access of the flight safety officials to the territory and premises of the inspected entity in accordance with the objectives and subject of inspection upon presentation of the documents referred to in paragraph 29 of these Rules;

2) present to the executives of the flight safety body the documents (information) on paper and electronic media or their copies for inclusion in the inspection findings report in compliance with the requirements for the state secrets protection;

3) provide access to the automated databases (information systems) in accordance with the objectives and subject of inspection;

4) refrain from introducing amendments and additions to the checked documents during the inspection period, unless otherwise provided by the legislation of the Republic of Kazakhstan;

5) provide the safety of persons who arrived to conduct the inspection at the facility, their non-exposure to harmful and hazardous production factors in accordance with the standards established for that facility.

32. The date of delivery of the inspection warrant to the audited entity shall be considered the inspection commencement.

33. If the executive of the flight safety authority has an inspection warrant, the authorized person of the inspected entity shall provide for inspection all the necessary objects, materials and information related to the inspection subject.

34. If it is impossible to provide (in full or in part) the necessary objects, materials and information for inspection, an act is drawn up in any form indicating the reasons for the non-submission.

The act shall be executed in duplicate and signed by the executive of the flight safety body conducting the inspection and the authorized person of the inspected entity.

One copy of the act shall be stored with the flight safety authority, and the second copy shall be directed to the authorized person of the inspected entity.

35. The inspection shall be carried out by executives who are indicated in the inspection warrant.

36. Executives conducting the inspection may be replaced by decision of the head of the flight safety body.

37. Upon the inspection results, the flight safety executives shall draw up the inspection findings report.

38. The inspection findings report shall be drawn up in triplicate and signed by the executives of the flight safety body that conducted the inspection.

The first copy of the inspection findings report with all the attachments shall be stored with the flight safety authority that conducted the inspection.

The second copy of the inspection findings report shall be directed to the inspected entity or its representative for taking measures to eliminate the identified violations and other actions.

The third copy of the inspection findings report shall be directed to the head of the administration body in charge of the inspected entity.

If necessary, additional copies of the inspection findings report are made for submission to other concerned bodies, to which the inspected entity is subordinated.

39. The inspection findings report shall be supplemented by reports (memos) on the inspection findings on certain issues, protocols (conclusions) of the studies (tests) and examinations, and other documents or their copies related to the inspection findings.

40. The inspection findings shall be reported to the head of the authorized body in the field of state aviation.

41. If there are comments and / or objections on the inspection findings, the head or representatives of the inspected entity shall state them in writing.

42. Comments and / or objections shall be attached to the inspection findings report, on which an appropriate entry shall be made in the report.

43. In the event of revealed violations during the inspection carried out by the flight safety body, a breve shall be issued to the inspected entity on eliminating the violations.

44. The breve for the elimination of identified violations shall indicate recommendations of the flight safety body to address the identified deficiencies, violations and omissions.

45. Upon the violations (deficiencies, omissions) identified as a result of inspection and recommendations specified in the order, the inspected entity shall, within ten working days,

provide the flight safety body with the information about measures which will be taken to eliminate the identified violations, indicating the terms.

Footnote. Paragraph 45 as amended by the order of the Minister of Defense of the Republic of Kazakhstan dated 02.08.2024 № 817 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

46. If the inspection does not reveal non-compliance with the legislation of the Republic of Kazakhstan, an appropriate record shall be made in the inspection findings report.

47. The day of delivery of the inspection findings report to the inspected entity, no later than the term specified in the inspection warrant, shall be considered the end of the inspection

48. An inspection shall be invalidated by the authorized state body in the field of state aviation if the flight safety authority conducted it in violation of the requirements for the organization and conduct of inspections established by these Rules.

49. Violations of the requirements of these Rules include:

- 1) absence of grounds for conducting an inspection;
- 2) absence of a warrant for inspection;
- 3) violation of the requirements of paragraph 31 of these Rules;

4) appointment of inspections by the flight safety bodies on matters beyond their competence.

50. Consideration by the authorized state body in the field of state aviation of the report of the inspected entity on cancellation of the inspection findings report due to the invalidity of the inspection shall be made within ten working days from the date of submission of the report.

51. Invalidation of the inspection shall be the ground for cancellation by the authorized body in the field of state aviation or by the court of the report on this inspection findings.

Paragraph 2. Procedure of carrying out oversight

52. Oversight of the inspected entities' activity in flight safety matters is a form of control and supervision allowing for carrying them out by the flight safety body without visiting the inspected entities.

Oversight shall be carried out over fulfillment of the recommendations developed:

- 1) on the investigation results of the aircraft accidents and incidents;
- 2) on the basis of information, documents and materials related to the activities of the inspected entities in the use of state aviation and provided by representatives of the inspected entities to the control and supervision body.

53. The list and scope of information, documents and materials referred to in paragraph 52 of these Rules, as well as frequency of their submission shall be determined by the flight safety body.

54. Oversights, depending on the regularity of their conduct, are classified into systematic, occasional and one-time.

Systematic is the oversight with the use of a regulated schedule to identify dynamics of the monitored processes.

Occasional is the oversight without a regulated schedule for its fulfillment. Repeated examination in this event shall use an itemized supervision procedure.

One-time is the oversight, which is carried out once in accordance with the goals pursued.

55. In the oversight conduct prior notification of the inspected entity is not required.

56. Upon the oversight results, analysis of the inspected entities' activity shall be carried out and resulting documents shall be drawn up (memo, conclusion and others).

57. In the event that any violations are detected during the oversight, the flight safety authority shall direct a breve to the inspected entity to eliminate the violations.