



On approval of risk assessment criteria and of checklist on compliance with the legislation in the scope of rendering of the state services

Invalidated Unofficial translation

Joint order of the Chairman of the Agency of the Republic of Kazakhstan on Civil Service Affairs and Anti-Corruption of October 31, 2018 № 253 and Minister of National Economy of the Republic of Kazakhstan of October 31, 2018 № 51. Registered with the Ministry of Justice of the Republic of Kazakhstan on November 1, 2018 № 17671. Abolished by the joint order of the Chairman of the Agency for Civil Service Affairs of the Republic of Kazakhstan dated November 23, 2022 No. 233 and the Minister of National Economy of the Republic of Kazakhstan dated November 25, 2022 No. 89

Unofficial translation

Footnote. Abolished by the joint order of the Chairman of the Agency for Civil Service Affairs of the Republic of Kazakhstan dated November 23, 2022 No. 233 and the Minister of National Economy of the Republic of Kazakhstan dated November 25, 2022 No. 89 (effective from 01.01.2023).

We hereby **ORDER**:

1. To approve the attached:

1) risk assessment criteria on compliance with the legislation in the scope of rendering of the state services in accordance with Appendix 1 to this joint order;

2) checklist in the scope of rendering of the state services on compliance with the requirements of the Law "On State Services", the Rules of state control over the quality of rendering of the state services, standards and regulations of state services in accordance with Appendix 2 to this joint order.

2. Joint order No. 32 of the Chairman of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption dated February 9, 2017 and No. 68 of the Minister of National Economy of the Republic of Kazakhstan dated February 15, 2017 "On Approval of Risk Assessment Criteria and of Checklist on Compliance with the Legislation in the Scope of Rendering of the State Services "(registered in the Register of State Registration of Regulatory Legal Acts under No 14909, published March 28, 2017 in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan) shall be deemed to have lost force.

3. In accordance with the procedure established by law, the Department of State Services of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption shall:

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

2) within ten calendar days after the state registration of this joint order, direct its copies in the Kazakh and Russian languages to the Republican State Enterprise on the Right of Economic Management of the “Republican Center for Legal Information” of the Ministry of Justice of the Republic of Kazakhstan for official publication and inclusion in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) place this joint order on the Internet resource of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption.

2. Control over the execution of this joint order shall be entrusted to the Deputy Chairman of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption, responsible for monitoring and assessment of the quality of state services rendering.

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

*Chairman of the Agency
of the Republic of Kazakhstan
for Civil Service Affairs and
Anti-Corruption*

_____ A. Shpekbayev

*Minister of National Economy
of the Republic of Kazakhstan*

_____ T. Suleimenov

“AGREED”

Chairman of the Committee on Legal
Statistics and Special Accounts of
the General Prosecutor's Office
of the Republic of Kazakhstan

_____ K. Zhakipbayev

" ____ " _____ 2018

Appendix 1
to Joint Order № 253 of the
Chairman of the Agency of
the Republic of Kazakhstan
for Civil Service Affairs
and Anti-Corruption
dated October 31, 2018 and № 51
of the Minister of
National Economy
of the Republic of Kazakhstan
dated October 31, 2018

Criteria for assessing the degree of risk on compliance with the legislation in the scope of rendering of the state services

Chapter 1. General Provisions

1. These risk assessment criteria for compliance with legislation in the scope of rendering of state services (hereinafter referred to as Criteria) are developed in accordance with the Entrepreneurial Code of the Republic of Kazakhstan of October 29, 2015, the Law of the Republic of Kazakhstan of April 15, 2013 "On State Services", and The rules for the formation by the state bodies of the risk assessment system and the form of checklists approved by Order №. 3 of the acting Minister of the National Economy of the Republic of Kazakhstan dated July 31, 2018 (registered in the Register of State Registration of Regulatory Legal Acts under № 17371) to resolve issues regarding the assignment of inspected subjects to a particular risk group.

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

1) risk - the probability of violation of the rights, freedoms and legitimate interests of service recipients in the provision of state services;

2) risk assessment criteria - a set of quantitative and qualitative indicators related to the direct activity of the inspected subject (entity), features of sectoral development and factors affecting this development, allowing to assign the inspected subjects to different degrees of risk;

3) objective criteria for assessing the degree of risk (hereinafter referred to as objective criteria) are criteria for assessing the degree of risk used to select the inspected subjects depending on the degree of risk in the scope of rendering of state services and not directly dependent on the inspected subject;

4) subjective criteria for assessing the degree of risk (hereinafter - subjective criteria) - criteria for assessing the degree of risk, used to select the inspected subjects, depending on the performance of the inspected subject;

5) inspected subjects - central state bodies, local executive bodies of regions, cities of republican significance, capital, districts, cities of regional significance, akims of districts in cities, cities of district significance, rural settlements, villages, rural districts, as well as individuals and legal entities that provide state services in accordance with the legislation of the Republic of Kazakhstan.

3. The definition of the inspected subjects according to the degrees of risk is carried out by means of objective and subjective criteria, on the assessment of the degree of risks.

4. With respect to inspected subjects classified as high-risk, preventive control shall be carried out with a visit to the control subject.

Chapter 2. Objective criteria

5. The definition of objective criteria shall be carried out by means of the following stages:

- 1) risk determination;
- 2) grouping and distribution of subjects of control according to degrees of risk (high and not classified as high).

Risk determination shall depend on the number of rendered state services, and on the possibility of an occurrence of event that is adverse for the legitimate interests of individuals and legal entities, the state.

6. According to objective criteria, classification of control subjects into risk levels shall be carried out in the following manner:

1) subjects of control shall be assigned to high risk in the event of rendering by the inspected subject of more than one hundred thousand state services in the last six months preceding the approval of the schedule for conducting preventive control with a visit to the subject of control, and (or) in the existence of received appeals to the authorized body for assessment and control over the quality of state services rendering from individuals and (or) legal entities;

2) subjects of control shall not be assigned to a high degree of risk in the event of rendering by the inspected subject of less than one hundred thousand state services in the last six months preceding the approval of the schedule for conducting preventive control with a visit to the subject of control.

Chapter 3. Subjective criteria

7. Subjective criteria shall be determined on the basis of the following information sources:

- 1) results of previous preventive control with a visit to the control subject;
- 2) presence of confirmed complaints and appeals on the quality of the rendered state services received from individuals or legal entities;
- 3) results of monitoring reporting and information provided by the inspected subjects, and also obtained from information systems of the state bodies;
- 4) analysis of official Internet resources of state bodies, mass media;
- 5) results of the analysis of information, reported data submitted by authorized bodies and organizations upon request, public monitoring of the quality of state services rendering.

8. Subjective criteria are developed on the basis of the requirements of the Legislation of the Republic of Kazakhstan in the scope of rendering of the state services listed in the checklist, which are divided into three degrees of violation: gross, significant and insignificant.

Distribution of violations of the requirements of the legislation of the Republic of Kazakhstan in the scope of rendering of the state services into gross, significant and insignificant violations is elaborated in the Appendix to these Criteria.

9. Based on the information sources indicated in paragraph 7 of these Criteria, the subjective criteria for the degree of risk of the inspected subjects in compliance with the legislation in the scope of rendering of the state services shall be determined in accordance with the Appendix to these Criteria.

In terms of the degree of risk, the inspected subject shall be assigned to:

1) a high degree of risk - with an indicator of the degree of risk from 61 to 100 inclusive, and preventive control shall be carried out in relation to it with a visit to the subject of control;

2) not related to a high degree of risk - with an indicator of the degree of risk from 0 to 60 inclusive, and no preventive control shall be carried out in relation to it with a visit to the subject of control.

In the event that one gross violation has been detected, the degree of risk 100 shall be assigned to the control subject and preventive control shall be carried out in relation to it with a visit to the control subject.

In the event that no gross violations have been identified, then to determine the risk degree indicator, the total indicator on violations of a significant and insignificant degree shall be calculated.

To determine the indicator of significant violations, a coefficient of 0.7 shall be applied and this indicator shall be calculated using the following formula:

$$\Sigma P_3 = (\Sigma P_2 \times 100 / \Sigma P_1) \times 0,7,$$

Where:

ΣP_3

- is an indicator of significant violations;

ΣP_1

- the required number of significant violations;

ΣP_2

- the number of identified significant violations;

To determine the indicator of insignificant violations, a coefficient of 0.3 shall be applied and this indicator shall be calculated using the following formula:

$$\Sigma P_H = (\Sigma P_2 \times 100 / \Sigma P_1) \times 0,3,$$

Where:

ΣP_H

- is an indicator of minor violations;

ΣP_1

- the required number of minor violations;

ΣP_2

- the number of identified minor violations;

The general risk degree indicator (ΣP)

ΣP

) is calculated on a scale from 0 to 100 and is determined by summing up the indicators of significant and minor violations using the following formula:

$$\Sigma P = \Sigma P_{\Sigma} + \Sigma P_H,$$

Where:

ΣP

- is a general indicator of the degree of risk;

ΣP_{Σ}

- an indicator of significant violations;

ΣP_H

- an indicator of insignificant violations.

Chapter 4. Final Provisions

10. Preventive control with a visit to the control subject (object) shall be carried out not more than once a year.

11. Preventive control with a visit to the control subject (object) shall be carried out on the basis of semi-annual lists of preventive control with a visit to the control subject (object), approved within the term before December 10 of the year preceding the year of the preventive control with a visit to the subject of control, and before May 10 of the current calendar year on the order of the head of the authorized body for the assessment and control over the quality of rendering of the state services or the person performing his duties.

12. Lists of preventive control with a visit to the subject (object) of control shall be compiled taking into account the priority of the subject (object) of control with the highest indicator of the degree of risk according to subjective criteria.

Appendix
to risk assessment criteria for
compliance with the Legislation
of the Republic of Kazakhstan
in the scope of rendering of
the state services

Subjective criteria for the degree of risk of inspected subjects on compliance with the legislation in the scope of rendering of the state services

№	Criteria	Degree of violation
According to results of previous preventive control with a visit to the subject of control (the degree is established in the event of non-compliance with the following requirements)		
1	Relevance of the report on completion of public discussion of the draft standard of the state service , in respect to comments and proposals of individuals and legal entities whose rights, freedoms and lawful interests are affected by the standards of state services received during the public discussion, which shall be posted on the "electronic government" web portal , Internet resource of the state body	Significant
2	Compliance by the central state body with the procedure for development and approval, also changes, additions and cancellations of the state service standard, subject in a mandatory manner to public discussion within thirty calendar days from the date of its placement for public discussion on the "electronic government" web portal and Internet resource of the state body	Significant
3	Observance by the central state body of a three-month term for the development and approval of a state service standard from the day of approval of the Register of state services or introduction of changes and (or) amendments to it	Significant
4	Observance of three working days for updating of information on the procedure for rendering of the state service on the web portal of the "electronic government" and Internet	Insignificant

	resource of the state body after approval, change or addition of the state service standard	
5	Provision of full and reliable information to service recipients about the procedure for state services rendering	Significant
6	Availability of documents (certificates, diplomas, etc.) confirming improvement of skills of employees in the sphere of state services rendering, as well as training in skills of communication with disabled people	Insignificant
7	Observance by central state and local executive bodies of thirty calendar days in the development and approval of the state service procedure after putting into effect the state service standard	Significant
8	Availability of the list of necessary documents and sample forms for their filling in the locations of service recipients and the State Corporation	Significant
9	Ensuring entering of data on the information system of monitoring of rendering of the state services on the stage of rendering of the state services	Significant
10	Informing on request of service recipients on the stage of the state service execution	Significant
11	Provision of state service free of charge, the free provision of which is guaranteed by the laws of the Republic of Kazakhstan	Gross
12	Placement of state services standards on the web portal of "electronic government", Internet resource of the central state and local executive body	Significant
13	Non-admission of requesting from service recipients of the documents that can be obtained from information systems	Significant
14	Non-admission of requesting redundant documents from service recipients	Gross
15	Rendering of a state service at an incomplete package of documents	Gross

16	Compliance of the service provider with the work schedule	Gross
17	Compliance of the service provider with the business processes of the state service rendering	Significant
18	Motivated refusal in state service rendering	Gross
19	Compliance with the terms of state services rendering	Gross
20	Compliance with requirements of informing service recipients about results of the examination of complaint, subject to examination within five working days from the date of its registration	Gross
21	Availability of analytical statement to the report with relevant materials (copies of orders, protocols, resolutions, letters, references, official notes, photographic materials) confirming the information indicated in the reporting form on the work on the internal control over the quality of state services rendering	Significant
22	Conducting at least once a year of public discussions of reports on activities in rendering of the state services with the involvement of service providers, concerned individuals and legal entities, subject to annual placement on the web portal of "electronic government", Internet resources and other media	Insignificant
According to confirmed complaints and appeals received from individuals and legal entities about the quality of state services rendering		
24	Presence of one or more confirmed complaints or appeals received from individuals and legal entities about the quality of state services rendering	Gross
25	Violation of the terms of examination within five working days of the complaint of the service recipient sent to the state body, the State Corporation	Significant
According to the results of monitoring of reports and information submitted by inspected subjects, and also received from the information systems of state bodies		
	Failure to submit timely the reporting information to the authorized body for the assessment	

26	and control over the quality of state services rendering on internal control over the quality of state services rendering with an analytical note on a quarterly basis before the 10th day of the month following the reporting period in accordance with the Rules of the State Control	Insignificant
27	Failure to submit to the authorized body for the assessment and control of the quality of state services rendering on a quarterly basis, the reporting information on internal control over the quality of state services rendering in accordance with the Rules of the State Control	Gross
28	Presence of violations of the timeframe for the state services rendering established by the standards of state services rendering, in the reported data of the inspected subjects on internal control over the quality of state services rendering	Significant
29	Presence of complaints about the quality of state services rendering in the reporting information of the inspected subjects on internal control over the quality of state services rendering	Significant
30	Failure to provide reliable and (or) full information in the reporting information on internal control over the quality of state services rendering in accordance with the report forms provided for by the Rules of the State Control	Gross
According to the analysis of official Internet resources of state bodies, mass media		
31	Non- placement on the website of the inspected subject of the results of control over the quality of state services rendering	Significant
32	Non- placement of the standards of state services rendering on the web portal of "electronic government", Internet resources of the inspected subject	Significant
33	Non-placement by the inspected subject of the report information on the activities on the state services rendering on the web portal of "electronic government", Internet resources and other media	Significant

34	Non-placement by the central state body that develops the state service standard, of the project of standard of the state service for its public discussion on the "electronic government" web portal, its Internet resource and (or) Internet resources of local executive bodies	Insignificant
35	Non-placement by the central state body that develops the project of the standard of state service, of the report on the completion of public discussion of the project of standard of the state service on the web portal of "electronic government", its Internet resource and (or) Internet resources of local executive bodies	Insignificant
36	Presence of one or more confirmed critical media reports regarding poor quality of state service rendering	Insignificant
According to results of the analysis of information, reporting data submitted by authorized bodies and organizations upon request, public monitoring of the quality of state services rendering		
37	Non-compliance with the timeframe for the state services rendering according to the information of the "Monitoring" Integrated Information System of the authorized body in the field of informatization	Gross
38	Non-provision of the requested information related to the state services rendering in the event of the absence of this information on the Internet resources of the inspected subjects, with the exception of information constituting state secrets , commercial and other secrets protected by law, in accordance with the Law on the State Social Order during the conduct of monitoring of the quality of rendering of state services on the state social order of the authorized body for the assessment and control over the quality of the state services rendering	Significant
39	Ineffective work of the central state body for the state services rendering on the basis of the annual assessment of the effectiveness of the state body in accordance with the interaction evaluation Methodology	Gross

Checklist in the scope of rendering of the state services on compliance with requirements of the Law “On State Services,” Rules of the state control over the quality of rendering of the state services, standards and regulations of the state services

State body that assigned the inspection _____

Act on assignment of extraordinary inspection /preventive control with a visit to control subject _____

№, date
Name of control subject _____

Business identification number of control subject _____

Location address _____

№	List of requirements	Required	Not required	Complying with requirements	Not complying with requirements
	Relevance of the report on completion of public discussion of the project of standard of the state service, in				

1	<p>respect to comments and proposals of individuals and legal entities whose rights, freedoms and lawful interests are affected by the standards of state services received during the public discussion, which shall be posted on the "electronic government" web portal, Internet resource of the state body</p>				
2	<p>Compliance by the central state body with the procedure for development and approval, also changes, additions and cancellations of the state service standard, subject in a mandatory manner to public discussion within thirty calendar days from the date of its placement for public discussion on the "electronic government" web portal and Internet resource of the state body</p>				
3	<p>Observance by the central state body of a three-month term for the development and approval of a state service standard from the day of approval</p>				

	of the Register of state services or introduction of changes and (or) additions to it				
4	Observance of three working days for updating of information on the procedure for rendering of the state service on the web portal of the "electronic government" and Internet resource of the state body after approval, change or addition of the state service standard				
5	Provision of full and reliable information to service recipients on the procedure for state services rendering				
6	Availability of documents (certificates, diplomas, etc.) confirming improvement of skills of employees in the sphere of state services rendering, as well as training in skills of communication with disabled people				
7	Observance by central state and local executive bodies of thirty calendar days in the development and approval of the state service				

	procedure after putting into effect the state service standard				
8	Availability of the list of necessary documents and sample forms for their filling in the locations of service recipients and the State Corporation				
9	Ensuring entering of data on the information system of monitoring of rendering of the state services on the stage of rendering of the state services				
10	Informing on request of service recipients on the stage of the state service execution				
11	Provision of state service free of charge, the free provision of which is guaranteed by the laws of the Republic of Kazakhstan				
12	Placement of state services standards on the web portal of "electronic government", Internet resource of the central state and local executive body				
	Non-admission of requesting from service recipients of the documents				

13	that can be obtained from information systems				
14	Non-admission of requesting redundant documents from service recipients				
15	Rendering of a state service at an incomplete package of documents				
16	Compliance of the service provider with the work schedule				
17	Compliance of the service provider with the business processes of the state service rendering				
18	Motivated refusal in state service rendering				
19	Compliance with the terms of state services rendering				
20	Compliance with requirements of informing service recipients about results of the examination of complaint, subject to examination within five working days from the date of its registration				
	Availability of analytical statement to the report with relevant materials (copies of orders, protocols,				

21	resolutions, letters, references, official notes, photographic materials) confirming the information indicated in the reporting form on the work on the internal control over the quality of state services rendering				
22	Conducting at least once a year of public discussions of reports on activities in rendering of the state services with the involvement of service providers, concerned individuals and legal entities, subject to annual placement on the web portal of "electronic government", Internet resources and other media				

Official(s) _____
 (position) signature Full name
 Head _____

_____ of inspected subject signature Full name (position)