



On approval of the Rules for the provision of compulsory services by natural monopoly entities and quasi-public entities within competition protection and restriction of monopolistic activities

Unofficial translation

Order No. 6 of the Minister of National Economy of the Republic of Kazakhstan as of January 16, 2019. Registered with the Ministry of Justice of the Republic of Kazakhstan on January 22, 2019, No. 18217.

Unofficial translation

In accordance with subparagraph 7-1) of Article 90-6 of the Entrepreneurial Code of the Republic of Kazakhstan, **I HEREBY ORDER:**

Footnote. Preamble - as amended by the order of the Chairman of the Agency for the Protection and Development of Competition of the Republic of Kazakhstan dated July 12, 2023 No. 9 (shall come into force ten calendar days after the day of its first official publication).

1. To approve the appended Rules for the provision of compulsory services by natural monopoly entities and quasi-public entities within competition protection and restriction of monopolistic activities.

2. In accordance with the procedure established by the legislation of the Republic of Kazakhstan, the Committee for the Regulation of Natural Monopolies, Protection of Competition and Consumer Rights shall:

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

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

3) place this order on the website of the Ministry of National Economy of the Republic of Kazakhstan after its official publication;

4) within ten working days of the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, submit information on the implementation of measures, provided for in subparagraphs 1), 2) and 3) of this paragraph, to the Legal Department of the Ministry of National Economy of the Republic of Kazakhstan.

3. The control over the execution of this order shall be assigned to the supervising vice-minister of national economy of the Republic of Kazakhstan.

4. This order shall take effect ten calendar days after its first official publication.

*Minister of National Economy of
the Republic of Kazakhstan*

T.Suleimenov

Approved by Order № 6 as of
January 16, 2019 of the Minister of
National Economy of the
Republic of Kazakhstan

Rules for the provision of compulsory services by natural monopoly entities and quasi-public entities within competition protection and restriction of monopolistic activities

Chapter 1. General provisions

1. These Rules for the provision of mandatory services by subjects of natural monopolies and the quasi-public sector within the framework of protecting competition and limiting monopolistic activities (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 7-1) of Article 90-6 of the Entrepreneurial Code of the Republic of Kazakhstan (hereinafter referred to as the Code) and shall determine the procedure for the provision of mandatory services by subjects of natural monopolies and the quasi-public sector within the framework of protecting competition and limiting monopolistic activities.

Footnote. Paragraph 1 - as amended by the order of the Chairman of the Agency for the Protection and Development of Competition of the Republic of Kazakhstan dated July 12, 2023 No. 9 (shall come into force ten calendar days after the day of its first official publication).

2. These Rules shall be aimed at simplifying the procedure for obtaining services that are mandatory for individuals and legal entities in accordance with Article 163-1 of the Code and provided for in the List of mandatory services provided by subjects of natural monopolies and the quasi-public sector, within the framework of protecting competition and limiting monopolistic activities.

Footnote. Paragraph 2 - as amended by the order of the Chairman of the Agency for the Protection and Development of Competition of the Republic of Kazakhstan dated July 12, 2023 No. 9 (shall come into effect ten calendar days after the day of its first official publication).

3. The following basic concepts are used in the Rules:

1) compulsory services provided by natural monopoly entities and quasi-public entities within competition protection and restriction of monopolistic activities (hereinafter referred to as Compulsory services) - activities (actions, processes) carried out by natural monopoly entities and (or) quasi-public entities, which are mandatory for individuals and legal entities in accordance with the legislation of the Republic of Kazakhstan, and also confirm their right to carry out their activities or actions (operations), and a failure to obtain such services entails administrative or civil liability;

2) quasi-public entities - state enterprises, limited liability partnerships, joint-stock companies, including national management holdings, national holdings, national companies, whose founder, participant or shareholder is the state, as well as subsidiaries, associated and other legal entities that are affiliated with them in accordance with the legislative acts of the Republic of Kazakhstan;

3) a natural monopoly entity - an individual entrepreneur or legal entity engaged in the production of goods, performance of works and (or) provision of services to consumers in the context of a natural monopoly;

4) service recipients - consumers (individuals and legal entities) using the services provided by natural monopoly entities and quasi-public entities in order to carry out tasks related to their activities;

5) an authorized body - a state body in charge of a particular area.

Other concepts used in these Rules are applied in accordance with the current legislation of the Republic of Kazakhstan.

4. Compulsory services are provided either in electronic or paper-based form.

4-1. When providing mandatory services to individuals and legal entities, subjects of natural monopolies and the quasi-public sector shall use information objects, and shall also submit data in machine-readable form to the information objects of “electronic government”.

Footnote. The Rules are supplemented by paragraph 4-1 in accordance with the order of the Chairman of the Agency for the Protection and Development of Competition of the Republic of Kazakhstan dated July 12, 2023 No. 9 (shall be brought into force ten calendar days after the day of its first official publication).

Chapter 2. Procedure for the provision of compulsory services by natural monopoly entities and quasi-public entities within competition protection and restriction of monopolistic activities

5. The basis for the provision of compulsory services is the receipt of the service recipient’s application and/or request for a required service by natural monopoly entities and quasi-public entities (hereinafter referred to as the Entities).

6. Procedures (actions) included in the process of providing compulsory services by the Entities are as follows:

1) registration of the application and/or request for the provision of a compulsory service;

2) consideration of the submitted documents in terms of their completeness;

3) if the documents submitted by the service recipient are found to be complete, the result of the compulsory service’s provision shall be executed in accordance with the terms and requirements provided for by the legislation of the Republic of Kazakhstan in the relevant field;

4) sending the result of the compulsory service’s provision to the service recipient.

7. Applications and/or requests for the compulsory service's provision are accepted and the results of its consideration are delivered through the State Corporation, the "electronic government" web-portal or the office of the Entities.

8. The deadlines for the compulsory service's provision are established by the Entities in accordance with the legislation of the Republic of Kazakhstan in the relevant field, but may not exceed 30 (thirty) calendar days of the service recipient's submission of an application or request for the compulsory service's provision.

9. Pursuant to consideration of the application and/or request for the compulsory service's provision, the Entities decide either:

1) to issue technical specifications, a permit, a boundary line certificate, a declaration of conformity, an act of acceptance of the work on flushing and pressing newly installed equipment, an act of sealing throttling devices, an act of technical readiness of heat-consuming plants and heating networks for the upcoming heating season or another document in accordance with the legislation of the Republic of Kazakhstan in the relevant field; or

2) to refuse to issue technical specifications, a permit, a boundary line certificate, a declaration of conformity, an act of acceptance of the work on flushing and pressing newly installed equipment, an act of sealing throttling devices, an act of technical readiness of heat-consuming plants and heating networks for the upcoming heating season or another document in accordance with the legislation of the Republic of Kazakhstan in the relevant field.

In case of a refusal to issue technical specifications, a permit, a boundary line certificate, a declaration of conformity, an act of acceptance of the work on flushing and pressing newly installed equipment, an act of sealing throttling devices, an act of technical readiness of heat-consuming plants and heating networks for the upcoming heating season or another document in accordance with the legislation of the Republic of Kazakhstan in the relevant field, the Entities shall attach well-reasoned grounds to the decision on refusal to issue technical specifications in accordance with the legislation of the Republic of Kazakhstan in the relevant field.

10. When providing compulsory services, the Entities are not allowed to:

- 1) charge a fee for the provision of information on the compulsory service's provision;
- 2) require the submission of permits and other documents from state bodies, non-governmental organizations that are not related to the compulsory service's provision;
- 3) impose other requirements on the service recipient not provided for by the legislation of the Republic of Kazakhstan in the relevant field;
- 4) create unequal conditions for the provision of compulsory services;
- 5) restrict the activities of market entities.

11. In case of the service recipient's application for compulsory services, the Entities shall provide information on the cost and procedure for the provision of compulsory services.

12. The provision of compulsory services by the service recipient shall be paid for at prices and tariffs approved by the current legislation of the Republic of Kazakhstan.

Chapter 3. Final provisions

13. The procedure for the Entities' provision of compulsory services not covered by these Rules shall be regulated by the legislation of the Republic of Kazakhstan in the relevant field.

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