

## On approval of the Rules for issuing a film distribution certificate

### *Unofficial translation*

Order of the Minister of Culture and Sports of the Republic of Kazakhstan No. 125 as of May 3, 2019. Registered with the Ministry of Justice of the Republic of Kazakhstan on May 8, 2019, No. 18639.

### Unofficial translation

Pursuant to subparagraph 6) of Article 5 of the Law of the Republic of Kazakhstan “On Cinematography” **I hereby ORDER:**

**Footnote. Preamble - as amended by the order of acting Minister of Culture and Sports of the Republic of Kazakhstan dated 06.01.2022 No. 2 (shall be enforced ten calendar days after the date of its first official publication).**

1. To approve the appended Rules for issuing a film distribution certificate.
2. In accordance with the procedure established by the legislation of the Republic of Kazakhstan, the Culture and Art Department of the Ministry of Culture and Sports of the Republic of Kazakhstan 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 electronic form in Kazakh and Russian to the Republican State Enterprise with the Right of Economic Management “Institute of Legislation and 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) within two calendar days of the entry into force of this order, place it on the website of the Ministry of Culture and Sports of the Republic of Kazakhstan;
  - 4) within two working days of the implementation of measures, provided for in this paragraph, submit information about the implementation of measures to the Legal Department of the Ministry of Culture and Sports of the Republic of Kazakhstan.
3. The control over the execution of this order shall be assigned to the supervising deputy minister of culture and sports of the Republic of Kazakhstan.
4. This order shall take effect ten calendar days of its first official publication.

Minister of Culture and Sports of  
the Republic of Kazakhstan

A. Mukhamediyuly

"AGREED"

Ministry of Digital Development,  
Defense and Aerospace Industry of

## **Rules for issuing a film distribution certificate**

**Footnote.** The rules are in the wording of the order of the Minister of Culture and Sports of the Republic of Kazakhstan dated May 11, 2020 No. 118 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Chapter 1. General provisions**

1. These Rules for issuing a film distribution certificate (hereinafter referred to as the Rules) have been developed pursuant to subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan “On State Services” (hereinafter referred to as the Law) and subparagraph 6) of Article 5 of the Law of the Republic of Kazakhstan “On Cinematography” and establish the procedure for issuing a film distribution certificate (hereinafter referred to as a state service).

**Footnote.** Paragraph 1 - as amended by the order of acting Minister of Culture and Sports of the Republic of Kazakhstan dated 06.01.2022 No. 2 (shall be enforced ten calendar days after the date of its first official publication).

2. The state service shall be provided by the Culture Committee of the Ministry of Culture and Sports of the Republic of Kazakhstan (hereinafter referred to as the service provider) to individuals and legal entities (hereinafter referred to as the service recipient) in accordance with these Rules.

**Footnote.** Paragraph 2 - as amended by the order of acting Minister of Culture and Sports of the Republic of Kazakhstan dated 05.12.2022 No. 352 (shall be enforced ten calendar days after the date of its first official publication).

3. A film distribution certificate (hereinafter- a distribution certificate) is a document of the established form certifying the right of an individual or legal entity to distribute a film on the territory of the Republic of Kazakhstan, which indicates technical information about the film, information about the creators, age category and genre of the film.

### **Chapter 2. The procedure for provision of a public service**

4. To receive the state service, the service recipient shall file an application to the service provider in the form of Appendix 1 to these Rules with the attachment of documents (hereinafter referred to as the application) indicated in paragraph 8 of the List of main requirements for the provision of the state service “Issue of a film distribution certificate” in accordance with Appendix 2 to these Rules (hereinafter referred to as the List) through the “

electronic government” web portals [www.egov.kz](http://www.egov.kz), [www.elicense.kz](http://www.elicense.kz) (hereinafter referred to as the Portal).

The main requirements for the state service, including characteristics of the process, form, content and the service rendering result, as well as other information taking into account the state service rendering specifics, are set out in the List.

The authorized body in cinematography shall direct information on the procedure for providing the state service and on the changes and additions to these Rules to the Unified Contact Center, the operator of the information and communication infrastructure of the “electronic government”, as well as the service providers within 3 (three) working days after the state registration of the relevant regulatory legal act with the justice authorities.

**Footnote. Paragraph 4 - as amended by the order of acting Minister of Culture and Sports of the Republic of Kazakhstan dated 05.12.2022 No. 352 (shall be enforced ten calendar days after the date of its first official publication).**

The list of basic requirements for the provision of public services, including the characteristics of the process, form, content and result of provision, as well as other information, taking into account the specifics of provision of public services, are set out in the standard.

5. The service provider's office on the day of receipt of the application shall carry out acceptance, registration and transfer it to the responsible structural division for execution.

When the service recipient applies after the end of working hours, on weekends and holidays, in accordance with labor legislation, the acceptance of applications and issuance of the results of provision of public services shall be carried out on the next working day.

6. An employee of the responsible structural division of the service provider, within 2 (two) working days from the date of registration of the application shall check the completeness of the submitted documents.

The service provider receives information about the identity documents of the service recipient, state registration (re-registration) of a legal entity, and registration as an individual entrepreneur from the relevant state information systems through the "electronic government" gateway.

7. When the service recipient submits an incomplete package of documents and (or) expired documents, an employee of the service provider's responsible structural unit, within 2 (two) working days from the application registration date, shall prepare a reasoned rejection of the application in the form of an electronic document signed with an electronic digital signature ( hereinafter – EDS) of the head of the authorized body in cinematography ( hereinafter – the authorized body) and send it to the applicant's personal account of the Portal

**Footnote. Paragraph 7 - as amended by the order of acting Minister of Culture and Sports of the Republic of Kazakhstan dated 06.01.2022 No. 2 (shall be enforced ten calendar days after the date of its first official publication)**

8. If the service recipient provides a full package of documents, an employee of the service provider's responsible structural unit, within 6 (six) working days from the application registration date, shall examine the presented documents and generate a draft result of the rendered state service in the form of Appendix 3 to these Rules.

When identifying grounds for rejecting the state service, the service provider shall notify the service recipient of the preliminary decision to refuse to provide the state service, as well as the time and place (method) of the hearing to allow the service recipient to express a position on the preliminary decision.

Notification about the hearing shall be sent at least 3 (three) working days before the end of the term for the state service provision. The hearing shall be held no later than 2 (two) working days from the notification date.

**Footnote. Paragraph 8 - as amended by the order of acting Minister of Culture and Sports of the Republic of Kazakhstan dated 06.01.2022 No. 2 (shall be enforced ten calendar days after the date of its first official publication)**

9. An employee of the service provider's structural unit shall direct the generated draft result of the rendered state service for approval (signing) to the administration within 1 (one) working day.

The grounds for rejecting the state service, established by the legislation of the Republic of Kazakhstan, are indicated in paragraph 9 of the List.

**Footnote. Paragraph 9 - as amended by the order of acting Minister of Culture and Sports of the Republic of Kazakhstan dated 05.12.2022 No. 352 (shall be enforced ten calendar days after the date of its first official publication).**

10. The result of provision of public service shall be sent to the "personal account" of the service recipient in the form of an electronic document signed by the EDS of the authorized person of the service provider.

11. The Service provider shall ensure that data on the stage of provision of public service are entered into the information system for monitoring the provision of public services in accordance with subparagraph 11) of paragraph 2 of Article 5 of the Law.

12. In cases where the authorized body has not issued a distribution certificate within the established time frame or has not submitted a reasoned refusal to issue a distribution certificate, then the distribution certificate shall be considered issued from the date of expiry of the terms for their issuance.

The authorized body shall issue a corresponding distribution certificate no later than two working days from the date of expiry of the term for issuing a distribution certificate.

Distribution and screening of films on TV channels shall be carried out in accordance with the legislation of the Republic of Kazakhstan on television and radio broadcasting.

13. In case of establishing the unreliability and (or) distortion of information about the film, which previously served as the basis for issuing a distribution certificate, the authorized body shall suspend the validity of a distribution certificate.

The validity of a distribution certificate shall be suspended for the period necessary to eliminate the reasons that led to suspension of a distribution certificate, but for no more than sixty calendar days.

The decision to suspend the validity of a distribution certificate shall be executed by the order of a person who issued it, or a person replacing him/her, and within three working days from the moment the circumstances are revealed by the authorized body and come into force from the day an individual or a legal entity who received a distribution certificate is notified of the taken decision.

The validity of a distribution certificate is renewed by the order of the person who suspended the a distribution certificate, or a person replacing him/her, within three working days from the date of registration of a written application of an individual or a legal entity who received a distribution certificate, on elimination of circumstances that previously led to suspension of a distribution rental certificate.

If the circumstances that previously served as the basis for suspension of a distribution certificate are not eliminated, in the event of a dispute, the authorized body shall revoke the distribution certificate in the court.

### **Chapter 3. The procedure for appealing decisions, actions (inaction) of the service provider and (or) its officials, on the issues of public services provision**

14. Complaint against the decision, actions (inaction) of the service provider regarding the state service rendering shall be sent to the administrative body, to the authorized body for assessing and monitoring the state service quality, in accordance with the legislation of the Republic of Kazakhstan.

The complaint shall be submitted to the service provider whose decision, action (inaction) is being appealed.

At least three working days from the complaint receipt date, the service provider, the official whose decision, action (inaction) is being appealed, shall direct it and the administrative file to the complaint handling authority.

In this case, the service provider, official, whose decision, action (inaction) is being appealed, has the right not to direct the complaint to the authority if within three working days he takes a decision or other administrative action that fully satisfies the requirements specified in the complaint.

Unless otherwise provided by law, legal actions may be taken after a pre-action examination.

The service recipient's complaint received by the service provider, in accordance with paragraph 2 of Article 25 of the Law, is subject to examination within 5 (five) working days from its registration date.

A service recipient's complaint received by the authorized body for assessing and monitoring the state services quality is subject to consideration within 15 (fifteen) working days from its registration date.

Unless otherwise provided by the laws of the Republic of Kazakhstan, legal actions may be taken after a pre-action examination in accordance with paragraph 5 of Article 91 of the Administrative Procedure Code of the Republic of Kazakhstan.

Footnote. Paragraph 14 - as amended by the order of acting Minister of Culture and Sports of the Republic of Kazakhstan dated 05.12.2022 No. 352 (shall be enforced ten calendar days after the date of its first official publication).

Appendix 1  
to the Rules for issuing  
a film distribution certificate  
form

\_\_\_\_\_  
(full name of the body, issuing  
a film distribution certificate  
surname, name, patronymic  
(if any)  
of the head of the body)  
from \_\_\_\_\_  
(full name of a legal entity,  
surname, name, patronymic  
(if any)  
of the head of a legal entity  
or surname, name, patronymic  
(if any)  
of an individual )

## Application

Footnote. Appendix 1 - as amended by the order of acting Minister of Culture and Sports of the Republic of Kazakhstan dated 05.12.2022 No. 352 (shall be enforced ten calendar days after the date of its first official publication).

I hereby request for a distribution certificate for the film:

\_\_\_\_\_  
(title of the film)

BIN / IIN: (automatically) \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
Postcode: \_\_\_\_\_

Country / region / district / locality: \_\_\_\_\_

Street: \_\_\_\_\_

House / building number: \_\_\_\_\_

House index: \_\_\_\_\_

Phone number: \_\_\_\_\_

E-mail address (e-mail): \_\_\_\_\_

Information about the film

Title of the film: \_\_\_\_\_

Country of production: \_\_\_\_\_

Production studio: \_\_\_\_\_

Production year: \_\_\_\_\_

Film format: \_\_\_\_\_

Running time of the film: \_\_\_\_\_

Scriptwriter (s): \_\_\_\_\_

Director (s) -staging director (s): \_\_\_\_\_

Operator (s) –director (s) \_\_\_\_\_

Artist (s) - director (s): \_\_\_\_\_

Music author (s): \_\_\_\_\_

Producer (s): \_\_\_\_\_

Number of film parts: \_\_\_\_\_

Film genre: \_\_\_\_\_

Film language: \_\_\_\_\_

The presence of dubbing or subtitles, or off-screen translation (except for films of limited distribution and films, distributed and shown on TV channels): \_\_\_\_\_

Film type: \_\_\_\_\_

Film rights on the territory \_\_\_\_\_

belong to: \_\_\_\_\_

Film use rights category: \_\_\_\_\_

The term of the rights to use the film is from: \_\_\_\_\_ to: \_\_\_\_\_

Age category symbol: \_\_\_\_\_

(business identification number - for a legal entity; individual

identification number - for an individual)

I agree to the use of information provided for in the list of main requirements for the state service

“Issue of a film distribution certificate”, which constitutes a secret protected by law, contained in information systems.

Appendix 2  
to the Rules  
for issuing a film  
distribution certificate

Footnote. Appendix 2 - as amended by the order of acting Minister of Culture and Sports of the Republic of Kazakhstan dated 05.12.2022 No. 352 (shall be enforced ten calendar days after the date of its first official publication).

List of main requirements for the state service “Issue of a film distribution certificate”		
1.	Name of the service provider	Culture Committee of the Ministry of Culture and Sports of the Republic of Kazakhstan.
2.	The state service rendering method	Web portals of the “electronic government” <a href="http://www.egov.kz">www.egov.kz</a> , <a href="http://www.elicense.kz">www.elicense.kz</a>
3.	The state service rendering term	7 (seven) working days, if an incomplete package of documents and (or) expired documents are submitted 2 (two) working days
4.	The state service rendering form	Electronic (fully automated)
5.	The state service rendering result	The film distribution certificate in the form approved by the <u>order</u> of the Minister of Culture and Sports of the Republic of Kazakhstan dated April 1 2019 No.82 “On approval of the form of a film distribution certificate” (registered in the Register of State Registration of Regulatory Legal Acts under No. 18473) or a reasoned response about rejecting the state service
6.	Amount of the service recipient's fee charged for the state service and ways of collecting it in cases provided for by the legislation of the Republic of Kazakhstan	Free of charge
		1) the service provider - Monday to Friday, in accordance with the established work schedule from 9.00 to 18.30, except for weekends and holidays, according to the Labor Code of the Republic of Kazakhstan and <u>Article 5</u> of the Law of the Republic of Kazakhstan “On holidays in the



7.	Work schedule of the service provider, the State Corporation and information objects	<p>Republic of Kazakhstan” with a lunch break from 13.00 to 14.30;</p> <p>2) portal - around the clock, excepting technical breaks due to repair work (when the service recipient contacts after the end of working hours, on weekends and holidays, in accordance with the labor legislation of the Republic of Kazakhstan the application shall be accepted and the state service result shall be issued on the next working day). Addresses of state services places are posted on: the service provider’s Internet resource: <a href="http://www.msm.gov.kz">www.msm.gov.kz</a>; portal – <a href="http://www.elicense.kz">www.elicense.kz</a></p>
8.	List of documents and information required from the service recipient for the provision of a state service	<p>1) application in the form of an electronic document certified by the applicant’s digital signature in accordance with Appendix 1 to this list of main requirements for the provision of a state service; 2) electronic copies of documents confirming the applicant’s right to the film or its use (notarized copies in Kazakh and (or) Russian languages shall be attached to documents in a foreign language); 3) annotation of the film containing information about the film, with a description of all the scenes to determine the age audience; 4) information about works used in films produced in the Republic of Kazakhstan. Information about identity documents, about state registration (re-registration) as a legal entity, about state registration as an individual entrepreneur, which are state electronic information resources, shall be retrieved by the service provider from the relevant state information systems - through the “electronic government” gateway .</p>
		<p>1) inaccurate (and) or distorted information presented by the service recipient;</p> <p>2) non-submission of documents and materials specified in paragraph 8 of this list of main requirements for the provision of the state service;</p>

9.	Grounds for rejecting the state service established by the legislation of the Republic of Kazakhstan	<p>3) if the content of the film pursues propaganda of or campaigning for a violent change of the constitutional order, violation of integrity of the Republic, undermining the security of the state, inciting social, racial, national, religious, class and clan hatred, the cult of cruelty and violence, as well as pornography;</p> <p>4) if the film is not in the Kazakh language, is not dubbed or subtitled, or is not provided with voice-over translation into the Kazakh language, with the exception of films with limited distribution;</p> <p>5) in the event that in a film produced in the Republic of Kazakhstan, other languages used together with the Kazakh language are not subtitled or provided with voice-over translation into the Kazakh language, with the exception of films with limited release;</p> <p>6) absence of the service recipient's consent, given in accordance with Article 8 of the Law of the Republic of Kazakhstan "On Personal Data and Their Protection," for access to restricted personal data that is required for the provision of the state service.</p>
10.	Other requirements given the state service rendering specifics, including those provided in electronic form and through the State Corporation	<p>The service recipient shall be given the opportunity to obtain information about the procedure and status of the state service provision in remote access mode through the "personal account" of the portal.</p> <p>Contact numbers of the help desks regarding the provision of a state service are listed on the Internet resource: <a href="http://www.msm.gov.kz">www.msm.gov.kz</a>, in the "State Services" section.</p> <p>Unified contact center: 1414, 8-800-080-7777.</p>

Appendix 3  
to the Rules for issuing  
a film distribution certificate  
form

**Film distribution certificate**

Title of the film: \_\_\_\_\_

Country of production: \_\_\_\_\_

— Production studio: \_\_\_\_\_

Production year: \_\_\_\_\_

Film format: \_\_\_\_\_

Running time of the film: \_\_\_\_\_

— Scriptwriter (s): \_\_\_\_\_

Director (s) -staging director (s): \_\_\_\_\_

— Operator (s) –director (s)

Artist (s) - director (s): \_\_\_\_\_

Music author (s): \_\_\_\_\_

Producer (s): \_\_\_\_\_

Number of film parts: \_\_\_\_\_

Film genre: \_\_\_\_\_

Film language: \_\_\_\_\_

— The presence of dubbing or subtitles, or off-screen translation (except for films of limited distribution and films, distributed and shown on TV channels): \_\_\_\_\_

— Film type: \_\_\_\_\_

Film rights on the territory \_\_\_\_\_

belong to: \_\_\_\_\_

Film use rights category: \_\_\_\_\_

The term of the rights to use the film is from: \_\_\_\_\_ to: \_\_\_\_\_

Age category symbol: \_\_\_\_\_

\_\_\_\_\_  
(surname and initials of the authorized person)

Electronic signature of the authorized person

\_\_\_\_\_