



## **On approval of the Rules and terms for assigning the status of the National Maritime Carrier**

### *Unofficial translation*

Order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated June 25, 2019 no. 425. Registered with the Ministry of Justice of the Republic of Kazakhstan on July 1, 2019 no. 18946.

### *Unofficial translation*

In accordance with clause 1 of article 4-1 of the Law of the Republic of Kazakhstan dated January 17, 2002 "On Merchant Shipping" I HEREBY ORDER:

1. To approve the attached Rules and terms for assigning the status of the National Maritime Carrier.

2. The Transport Committee of the Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan in accordance with the procedure established by the law shall ensure:

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

2) within ten calendar days from the date of state registration of this order, direction of it in Kazakh and Russian languages to the Republican State Enterprise on the right of economic management "Institute of Legislation and Legal Information of the Republic of Kazakhstan" of the Ministry of Justice of the Republic of Kazakhstan for official publication and placement in the Reference Control Bank of the Regulatory Legal Acts of the Republic of Kazakhstan;

3) Posting this order on the Internet resource of the Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan.

3. Control over execution of this order shall be entrusted to the supervising vice-minister of Industry and Infrastructural Development of the Republic of Kazakhstan.

4. This order shall come into force upon expiry of ten calendar days from the date of its official publication.

*Minister*

*R. Sklyar*

Approved  
by the order of the  
Minister of Industry and  
Infrastructural Development of the  
Republic of Kazakhstan  
Dated June 25, 2019 no. 425

## **Rules and terms for assigning the status of the National Maritime Carrier**

## **Chapter 1. General provisions**

1. These Rules and terms for assigning the status of the National Maritime Carrier ( hereinafter referred to as the Rules) have been developed in accordance with clause 1 of article 4-1 of the Law of the Republic of Kazakhstan dated January 17, 2002 "On Merchant Shipping" and shall determine the procedure and terms for assigning the status of the National Maritime Carrier.

2. The following definitions shall be used in these Rules:

1) authorized body - a central executive body exercising management in the field of merchant shipping, as well as to the extent stipulated by the legislation of the Republic of Kazakhstan, - the intersectoral coordination;

2) National Maritime Carrier - a legal entity that provides services for the maritime transportation of passengers, baggage, mail, cargo in international traffic and determined by the authorized body.

## **Chapter 2. Procedure and terms for assigning the status of the National Maritime Carrier**

3. The status of the National Maritime Carrier shall be assigned for the purposes of protection of national interests as well as for increase in the share of the Republic of Kazakhstan in export-import and transit shipping.

4. The status of the National Maritime Carrier shall be assigned by decision of the authorized body to a legal entity of the Republic of Kazakhstan, which owns, on the right of ownership or other legitimate grounds, merchant ships (tankers, dry cargo vessels, ferries, container ships), registered with the ship register of the Republic of Kazakhstan and carries out maritime shipping in the international traffic.

5. Terms for assignment of the status of the National Maritime Carrier shall be:

1) at least 5 (five) years of experience of carriage of freights by sea in the international traffic;

2) existence of Kazakhstan citizens in the in the crew of ships, not less than 50%;

3) copies of the document of compliance and safety management certificate issued in accordance with the provisions of the International Convention for the Safety of Life at Sea, 1974, amended (chapter IX).

6. To confirm the compliance with the terms specified in clause 5 of these Rules, the following documents shall be submitted to the authorized body by the participant for obtaining the status of the National Maritime Carrier:

1) information on volumes of cargo transportation in international traffic for the last 5 ( five) years;

2) copies of identity documents of the crew members of ships, their qualification documents and sailor's books;

3) copies of the document of compliance and safety management certificate issued in accordance with the provisions International Convention for the Safety of Life at Sea, 1974, amended (chapter IX).

7. If there are several maritime carriers, the National Maritime Carrier shall be determined on the basis of an open tender.

8. The organizer of the open tender shall be the department of the authorized body, implementing state policy in the field of merchant shipping (hereinafter referred to as the tender organizer).

9. The organizer of the tender announces a competitive selection in the media and the official website of the authorized body, indicating the address and time for receiving applications at least 30 (thirty) calendar days before the deadline for applications.

10. To participate in the open tender, participants submit to the tender organizer an application drawn up in any form, which reflects the following information:

1) number of own or chartered merchant ships (tankers, dry cargo ships, ferries, container ships), registered with the international ship register of the Republic of Kazakhstan with the breakdown by vessel type;

2) dynamics of transportation over the past 5 (five) years (nomenclature of goods, direction of transportation);

3) number of swimming crews by citizenship of crew members;

4) structure of coastal support of vessels, including the names of agent companies in foreign ports.

The following notarized copies of documents shall be attached to the application:

1) development strategy (measures taken to build up the merchant fleet, the development of shipping, personnel potential, interaction with other ports);

2) documents confirming the information specified in the application;

3) copies of the document of compliance and safety management certificate issued in accordance with the provisions of the International Convention for the Safety of Life at Sea, 1974, amended (chapter IX);

4) certificate of quality management system;

5) audit reporting.

11. The application for participation in the tender and the attached documents shall be stitched and numbered.

12. The application and the documents attached thereto, received after the deadline for applications, shall not be accepted.

13. To consider and select submitted applications, the tender organizer shall form a commission, which includes representatives from the National Chamber of Entrepreneurship.

The chairman of the commission shall be the deputy first head of the authorized body in charge of the transport industry.

The secretary of the commission shall be the representative of the organizer of the tender, whose competence includes the development of the marine merchant fleet.

The composition of the commission shall be approved by order of the authorized body, while the total number of members of the commission is an odd number and at least 5 (five) people.

A meeting of the commission shall be deemed competent if at least two thirds of its composition are present.

14. The term for consideration by the commission of submitted applications, documents annexed to them and summing up the results of an open tender shall be 5 (five) working days from the date of the deadline.

15. Decisions on the tender shall be made by open voting and are considered adopted by a majority of votes of the total number of members of the commission present.

16. The winner of the tender shall be the applicant who has the highest rates of work experience and the share occupied in the market for the carriage of goods in international traffic, the number of Kazakhstan citizens in the crew.

If there are several applicants with the same indicators, the winner shall be the applicant with the best financial indicators.

17. The results of the open tender shall be drawn up by minutes signed by the chairman and members of the commission.

18. Based on the results of an open tender, the tender organizer shall prepare an order from an authorized body to assign the status of a National Maritime Carrier.

19. The National Maritime Carrier shall be assigned for an indefinite time.