



On approval of the Rules for issuing permits on operation of a vessel floating under the flag of a foreign state in the Kazakhstani sector of the Caspian Sea

Unofficial translation

Order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated July 16, 2019 № 512. Registered in the Ministry of Justice of the Republic of Kazakhstan on July 19, 2019 № 19057.

Unofficial translation

In accordance with subparagraph 55-6) of paragraph 3 of Article 4 of the Law of the Republic of Kazakhstan dated January 17, 2002 "On Merchant Shipping" and subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan dated April 15, 2013 "On Public Services" **I HEREBY ORDER:**

Footnote. The preamble is in the wording of the order of acting Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 10.04.2020 № 192 (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

1. To approve the attached Rules for issuing a permit on operation of a vessel floating under the flag of a foreign state in the Kazakhstani sector of the Caspian Sea.
2. The transport Committee of the Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan, in the manner established by the legislation, shall ensure:
 - 1) state registration of this order in the Ministry of Justice of the Republic of Kazakhstan;
 - 2) within ten calendar days from the date of state registration of this order, sending it in the 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" for official publication and inclusion to the Standard control bank of regulatory legal acts of the Republic of Kazakhstan;
 - 3) placement of 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 assigned to the supervising Vice-Minister of Industry and Infrastructural Development of the Republic of Kazakhstan.
4. This order shall be enforced upon expiry of twenty-one calendar days after its first official publication.

*Minister of Industry and
Infrastructural Development
of the Republic of Kazakhstan*

R. Sklyar

“AGREED”

National Security
Committee of the

Republic of Kazakhstan
“AGREED”
Ministry
of National Economy
of the Republic of Kazakhstan

“AGREED”
Ministry
of Digital Development,
Innovations and Aerospace
Industry of the
Republic of Kazakhstan

Approved by
by the order of the
Minister of Industry and
Infrastructural Development of the
Republic of Kazakhstan
dated July 16, 2019 № 512

Rules for issuing a permit for the operation of a vessel floating under the flag of a foreign state in Kazakhstani sector of the Caspian Sea

Footnote. The rules are in the wording of the order of acting Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 10.04.2020 № 192 (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

Chapter 1. General provisions

1. These Rules for issuing a permit for the operation of a vessel floating under the flag of a foreign state in Kazakhstani sector of the Caspian Sea (hereinafter-the Rules) have been developed in accordance with subparagraph 55-6) of paragraph 3 of Article 4 of the Law of the Republic of Kazakhstan dated January 17, 2002 "On Merchant Shipping "and subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan dated April 15, 2013 "On Public Services" (hereinafter - the Law) and shall determine the procedure for issuing a permit for the operation of a vessel floating under the flag of a foreign state in Kazakhstani sector of the Caspian Sea.

2. These Rules shall apply to all vessels floating under the flag of a foreign state (hereinafter- foreign vessels) attracted by Kazakhstani shipowners to carry out activities within the Kazakhstani sector of the Caspian Sea.

A Kazakhstani vessel owner is a legal entity or an individual of the Republic of Kazakhstan operating a vessel on its own behalf, regardless of whether he/she is the owner of the vessel or uses it on any other legal basis.

Chapter 2. The procedure for issuing a permit for the operation of a vessel floating under the flag of a foreign state in Kazakhstani sector of the Caspian Sea

3. A permit for the operation of a vessel floating under the flag of a foreign state in Kazakhstani sector of the Caspian Sea (hereinafter- a permit) shall be issued in any form by the authorized body in the field of merchant shipping (hereinafter- the authorized body) to a Kazakhstani shipowner for carrying out cabotage and activity related to operations for subsoil use, liquidation the consequences of subsoil use, as well as to the construction of hydraulic structures and conducting rescue operations (hereinafter- an applicant).

4. In order to obtain a permit, an applicant shall submit an application for a permit for the operation of a vessel floating under the flag of a foreign state in Kazakhstan sector of the Caspian Sea (hereinafter-an application) in the form according to Appendix 1 to these Rules to the authorized body through the web portal of "electronic government" (hereinafter - the portal).

The application shall be accompanied by electronic copies of the documents specified in the list of basic requirements to the provision of a public service "Issuance of a permit for the operation of a vessel floating under the flag of a foreign state in Kazakhstani sector of the Caspian Sea" (hereinafter- List of basic requirements for the provision of a public service) in accordance with Appendix 2 to these Rules.

The list of basic requirements for the provision of a public service is provided in accordance with Appendix 2 to these Rules.

The total period for consideration of documents and issuance of a permit by the authorized body shall be 9 (nine) working days.

The authorized body shall, within three working days after the state registration of the regulatory legal act, send information about amendments and (or) additions made to these Rules, determining the procedure for the provision of a public service to the service provider, operator of the information and communication infrastructure of "electronic government" and to the Unified Contact Center.

Footnote. Paragraph 4 as amended by the order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 02.06.2023 № 406 (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

5. A permit shall be issued taking into account the protection of national interests, safety of navigation of vessels and environmental protection in Kazakhstani sector of the Caspian Sea in the absence of free vessels of a similar type with similar technical characteristics, floating under the State flag of the Republic of Kazakhstan and capable to carry out activity for which a foreign vessel is attracted, in accordance with paragraphs 9 and 10 of these Rules.

6. A permit shall be issued for each foreign vessel for the period specified in the agreement (contract), on the basis of which a foreign vessel is attracted to perform specific types of work, but not more than 1 (one) year.

An agreement (contract) shall be concluded between a Kazakhstani shipowner applying for a permit and the owner of a foreign vessel or a shipowner leasing a foreign vessel or a customer of works (services) for the performance of which a foreign vessel is attracted.

7. When transferring a vessel to another shipowner to perform other types of work under another agreement (contract), it is necessary to obtain a new permit in accordance with the procedure established by these Rules.

8. The authorized body shall carry out the acceptance and registration of documents on the day of their receipt.

When the applicant applies after the end of working hours, on weekends and holidays, the acceptance of an application and issuance of the results of provision of a public service shall be carried out on the next working day.

The service provider shall, within 2 (two) working days from the date of receipt of the service recipient's documents, check the completeness of the submitted documents.

If the service recipient submits an incomplete package of documents, the service provider within the specified time frame shall issue a reasoned refusal to further consider the application in accordance with Appendix 3 to these Rules.

If there are grounds provided for in paragraph 9 of the List of basic requirements for the provision of a public service, the service provider shall notify the service recipient of the preliminary decision on refusal to provide the public service, as well as the time and place (method) of the hearing for the opportunity to express the service recipient's position on the preliminary decision.

Notice of the hearing shall be sent at least 3 (three) working days before the end of the period for providing the public service. The hearing shall be held no later than 2 (two) working days from the date of receipt of the notification.

Based on the results of the hearing, the service provider shall issue to the service recipient a positive result or a reasoned refusal to provide a public service. The result of the provision of a public service, signed with an electronic digital signature of the deputy head of the authorized body, shall be sent to the applicant in the form of an electronic document through the portal.

Information about documents certifying the identity of the owner (in relation to individuals) or about the state registration of the legal entity-owner (in relation to legal entities) shall be pulled from the relevant state information systems through the gateway of "electronic government".

Footnote. Paragraph 8 as amended by the order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 02.06.2023 № 406 (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

9. If the applicant submits a full package of documents specified in paragraph 4 of these Rules, an employee of the authorized body shall post an application on the internet resource of the authorized body within 1 (one) working day to determine the presence or absence of

free vessels of a similar type with similar technical characteristics, floating under the State flag of the Republic of Kazakhstan and capable to carry out activities for which a foreign vessel is attracted.

Footnote. Paragraph 9 as amended by the order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 31.03.2022 № 172 (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

10. If, within 3 (three) working days from the date of posting the application on the internet resource of the authorized body, Kazakhstani shipowners do not send information about the possibility to carry out activities for which a foreign vessel is attracted by their vessels under the State flag of the Republic of Kazakhstan, it shall be considered that there are no free vessels of the same type with similar technical characteristics

Footnote. Paragraph 10 as amended by the order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 31.03.2022 № 172 (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

11. If the conclusion is positive, the employee of the authorized body, within 1 (one) working day, shall draw up and send the permit to the applicant's "personal account" on the portal, or if the conclusion is negative, within the specified time frame, shall prepare and send to the applicant a reasoned refusal to issue a permit.

Refusal to issue a permit is carried out on the grounds provided for in the List of basic requirements for the provision of a public service.

Footnote. Paragraph 11 as amended by the order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 02.06.2023 № 406 (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

12. In case of disagreement with a motivated refusal to issue a permit on the basis of presence of Kazakhstani free vessels of a similar type capable to carry out activities for which a foreign vessel is attracted, the applicant re-submits the application with the following additional documents attached:

1) a conclusion of a recognized foreign classification society in any form (if necessary to substantiate the technical unsuitability of a Kazakhstani vessel to carry out works);

2) the technical specification of the customer of works for the vessel, required for the execution of the order, in any form.

Documents in a foreign language shall be provided with a notarized translation into Kazakh or Russian. An electronic copy of the notarized translation shall be attached to the document in a foreign language.

13. The authorized body ensures the entry of data on the stage of provision of a public service into the information system for monitoring the provision of public services.

When providing a public service through the state information system of permits and notifications, data on the stage of rendering a public service shall automatically be transferred to the information system for monitoring the provision of public services.

14. Information on the issued permits shall be sent by the authorized body to the Border service of the National Security Committee of the Republic of Kazakhstan.

Upon the expiration of the permit, the foreign vessel shall be subject to departure from the territory of the Republic of Kazakhstan no later than 3 (three) working days from the date of expiry of the permit.

15. Consideration of a complaint regarding the provision of public services shall be carried out by a superior administrative body, official, authorized body for assessing and monitoring the quality of provision of public services (hereinafter referred to as the body considering the complaint).

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

The service provider, the official whose decision, action (inaction) is being appealed, no later than 3 (three) working days from the date of receipt of the complaint, shall send it and the administrative file to the body considering the complaint.

In this case, the service provider, official, whose decision, action (inaction) is being appealed, shall be entitled not to forward the complaint to the body considering the complaint if within 3 (three) working days he/she makes a decision or other administrative action that fully satisfies the requirements specified in the complaint.

A complaint of the service recipient received by the service provider, in accordance with paragraph 2 of Article 25 of the Law of the Republic of Kazakhstan “On Public Services”, shall be subject to consideration within 5 (five) working days from the date of its registration.

A complaint of the service recipient received by the authorized body for assessing and monitoring the quality of public services shall be subject to consideration within 15 (fifteen) working days from the date of its registration.

Unless otherwise provided by the laws of the Republic of Kazakhstan, an appeal to the court shall be allowed after an appeal in the pre-trial order in accordance with paragraph 5 of Article 91 of the Administrative Procedural - Processual Code of the Republic of Kazakhstan.

Footnote. Paragraph 15 as amended by the order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 31.03.2022 № 172 (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Appendix 1
to the Rules for issuing a permit for
the operation of a vessel floating
under the flag of a foreign state in
Kazakhstani sector of the Caspian Sea
Form

Application

**to obtain a permit for the operation of a vessel floating under the flag of a foreign state,
in Kazakhstani sector of the Caspian Sea**

1. Name of the vessel _____
2. Port of the vessel registration _____
3. ID number of the International Maritime Organization (if any)

4. Flag of the vessel _____
5. Type of vessel _____
6. Class of the vessel _____
7. Dimensions of the vessel: length _____ width _____ hull height _____
8. Registered tonnage: net _____ gross _____
9. Draft _____
10. Date and place of construction _____
11. Power of main engines (if any) _____
12. Owner of the vessel _____

(surname, name, citizenship, residential address, passport data
(for individuals); name, location (for legal entities)

13. Shipowner with whom the agreement (contract) has been concluded _____

(surname, name, citizenship, residential address, passport data
(for individuals); name, business identification number (if any), location (for legal entities

14. Planned activities of the vessel indicating the name, date and validity term
of the agreement (contract) _____

15. Navigation area in Kazakhstani sector of the Caspian Sea

16. Period for which a permit is required _____.

17. Reasons for disagreement with Kazakhstani shipowners regarding the possibility of
carrying out

an activity for which a foreign vessel is attracted by their own vessels
under the State flag of the Republic of Kazakhstan (if any)

I do confirm the accuracy of the information submitted and the documents attached
I agree to the use of information constituting a secret protected by the law,
contained in information systems

Annex 2
to the Rules for permit
for the operation of a vessel,
under the flag of a foreign state, in
Kazakhstan sector,
of Caspian Sea

Footnote. Annex 2 as amended by the order of the Minister of Transport of the Republic of Kazakhstan dated 16.08.2024 № 283 (shall enter into force upon expiry of sixty calendar days after the day of its first official public

List of basic requirements for the provision of public services "Issue of permission to operate a vessel flying the flag of a foreign state in the Kazakhstan sector of the Caspian Sea "

1	Name of public service	Issuance of a permit to operate a vessel flying the flag of a foreign state in the Kazakhstan sector of the Caspian Sea
2	Name of service provider	Committee of Railway and Water Transport of the Ministry of Transport of the Republic of Kazakhstan
3	Methods of public service provision	e-government web portal (hereinafter referred to as the portal)
4	Term of public service provision	The term of provision - nine (9) working days. The service provider shall check the completeness of the submitted documents. If the fact of incompleteness of the submitted documents is established, the service provider within two working days shall give a reasoned refusal to further consideration of the application.
5	Form of public service provision	Electronic (partially automated)
6	Result of public service provision	Permission to operate a vessel flying the flag of a foreign state in the Kazakhstan sector of the Caspian Sea, or a motivated response to the refusal to provide public services. The form of the result of the public service provision: electronic. The result of the public service provision in the form of an electronic document signed by an electronic digital signature (hereinafter referred to as the EDS) of an authorized person of the service provider shall be sent and stored in the "personal account" of the service recipient.

7	The amount of payment charged from the service recipient in the public service provision, and methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	Public service shall be provided free of charge to individuals and legal entities
8	Service provider and information objects schedule	<p>1) service provider - from Monday to Friday, in accordance with the established work schedule from 9.00 to 18.30, with the exception of weekends and holidays, according to the Labor Code of the Republic of Kazakhstan (hereinafter referred to as the Code) with a lunch break from 13.00 to 14.30;</p> <p>2) portal - around the clock, with the exception of technical breaks in connection with repair work (when the service recipient applies after the end of working hours, on weekends and holidays according to the Code, applications shall be received and the results of the provision of state services shall be issued the next working day);</p> <p>Addresses of places for the public service provision shall be posted on the www.egov.kz portal and on the Internet resource of the Ministry of Transport of the Republic of Kazakhstan: www.gov.kz (in the subsection "Public services" of the section "Committee of railway and water transport").</p>
		<p>application for permission to operate a vessel flying the flag of a foreign state in the Kazakhstan sector of the Caspian Sea.</p> <p>Electronic copies of the following documents are attached to the application:</p> <p>a classification certificate or other document confirming the technical fitness of the vessel.</p> <p>For passenger vessels additionally: passenger certificate; insurance policy for compulsory carrier liability insurance to passengers *.</p> <p>For vessels intended for oil transportation in the amount of two thousand tons or more additionally:</p>

9	List of documents and information requested from the service recipient for the public service provision	<p>certificate of insurance or other financial support of civil liability for oil pollution damage from ships *.</p> <p>In case of disagreement with the reasoned refusal to issue a permit on the basis of the presence of Kazakhstani free vessels of a similar type capable of carrying out activities for which a foreign vessel shall be involved, the applicant shall resubmit the application with the attachment of the following additional documents:</p> <ol style="list-style-type: none"> 1) conclusion of a recognized foreign classification society in any form (if it is necessary to justify the technical unsuitability of a Kazakhstani vessel to perform work) ; 2) the technical specification of the customer of work on the vessel required to fulfill the order, in any form. <p>Documents in a foreign language shall be provided with a notarized translation into Kazakh or Russian. An electronic copy of the notarized translation shall be attached to the document in a foreign language.</p> <p>The service provider shall receive information about the identity document of an individual, registration (re-registration) of a legal entity from the relevant state information systems through the " electronic government" gateway.</p>
10	Grounds for refusal to provide public services established by the Laws of the Republic of Kazakhstan	<ol style="list-style-type: none"> 1) establishing the inaccuracy of the documents submitted by the applicant for obtaining a permit, and (or) the data (information) contained in them; 2) non-compliance of the applicant and (or) submitted materials, objects, data and information necessary for issuing a permit with the requirements established by these Rules; 3) in relation to the applicant there is a court decision (verdict) that has entered into legal force on the prohibition of activities or certain types of activities requiring a certain public service;

		<p>4) in relation to the applicant there is a court decision that has entered into legal force, on the basis of which the applicant shall be deprived of a special right related to receiving public services;</p> <p>5) lack of consent of the service recipient provided in accordance with Article 8 of the Law of the Republic of Kazakhstan "On personal data and their protection" to access personal data of limited access that shall be required for the public service provision.</p>
11	Other requirements, taking into account the specifics of the public service provision, including those provided in electronic form	<p>The service recipient shall have the opportunity to receive information on the procedure and status of the provision of public services in the remote access mode through the "personal account" of the portal, as well as a unified contact center for the public service provision.</p> <p>Contact numbers of reference services on the public service provision shall be indicated on the Internet resource www.gov.kz, a unified contact center on the public service provision: 1414.</p>

Note:* a certificate of insurance or other financial support of civil liability for damage from oil pollution from ships shall be issued in the manner approved by the Order of the Minister of Transport and Communications of the Republic of Kazakhstan dated July 17, 2002 № 251-I (registered in the Register of State Registration of Regulatory Legal Acts № 1956), the insurance policy for compulsory insurance of the carrier's liability to passengers shall be issued in the manner prescribed by the Law of the Republic of Kazakhstan "On Insurance Activities."

If a classification certificate or other document confirming the technical suitability of the vessel and a passenger certificate shall be issued by a foreign classification society, an unrecognized authorized body in the field of merchant shipping in the manner prescribed by the Law, confirmation from a recognized classification society shall be required in accordance with the Law of the Republic of Kazakhstan "On Merchant Shipping."

Appendix 3
to the Rules for issuing a permit for
the operation of a vessel floating
under the flag of a foreign state in
Kazakhstani sector of the Caspian Sea

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[Name of the MA in the state language)
details of the MA in the state language



[Name of the MA (in Russian)]
details of the MA in Russian

Motivated refusal

Number: [Number]

Date of issue: [Date of issue]

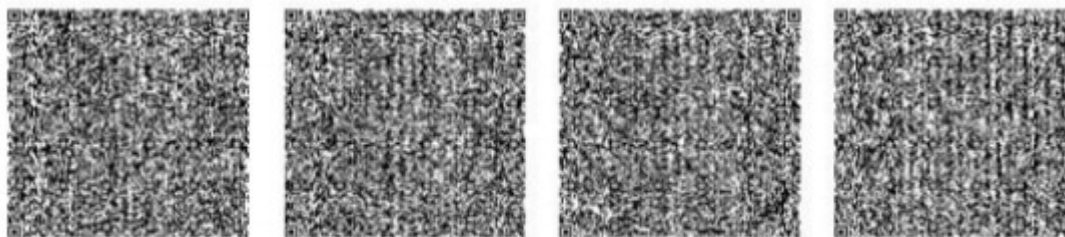
[Applicant's name]

[Name of the MA], having considered your application from [Date of application] of the year № [Application number], informs about the refusal to issue a permit to operate a vessel floating under the flag of a foreign state in Kazakhstani sector of the Caspian Sea.

[Reason for refusal].

[Position of the signer]

[surname, name, patronymic (if any) of the signer]



Данный документ согласно пункту 1 статьи 7 ЗРК от 7 января 2003 года «Об электронном документе и электронной цифровой подписи» равнозначен документу на бумажном носителе.