



## On approval of the Rules for issuance of protection obligations

### *Unofficial translation*

Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated April 2, 2020 No. 78. Registered with the Ministry of Justice of the Republic of Kazakhstan on April 6, 2020 № 20307.

### *Unofficial translation*

Pursuant to subparagraph 16) of Article 10 of the Law of the Republic of Kazakhstan “On the Protection and Use of Historical and Cultural Heritage Sites” **I hereby ORDER:**

**Footnote. Preamble - as amended by the order of the Minister of Culture and Sports of the Republic of Kazakhstan dated 31.12.2021 No. 419 (shall be enforced ten calendar days after the date of its first official publication).**

1. To approve the attached Rules for issuance of protection obligations.
2. To recognize as invalid the order of the Minister of Culture and Sports of the Republic of Kazakhstan dated February 27, 2015 No. 74 "On approval of the Rules for issuing protection obligations for monuments of history and culture" (registered with the Register of State Registration of Regulatory Legal Acts under No. 10677, published on April 17, 2015 in the information and legal system "Adilet").
3. In accordance with the procedure established by the legislation, the Department for Culture and Art of the Ministry of Culture and Sports of the Republic of Kazakhstan shall:
  - 1) ensure the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;
  - 2) within two working days after the entry into force of this order, place on the Internet resource of the Ministry of Culture and Sports of the Republic of Kazakhstan;
  - 3) within two working days after the implementation of measures stipulated by this paragraph, submit information on the implementation of measures to the Department of Legal Service of the Ministry of Culture and Sports of the Republic of Kazakhstan.
4. Control over the execution of this order shall be entrusted to the supervising Vice-Minister of Culture and Sports of the Republic of Kazakhstan.
5. This order shall enter into force upon expiry of ten calendar days after the date of its first official publication.

*Minister of Culture and Sports  
of the Republic of Kazakhstan*

*A. Raimkulova*

Approved by the order  
of the Minister of Culture and Sports  
of the Republic of Kazakhstan  
dated April 2, 2020 № 78

## **Rules for issuance of protection obligations**

**Footnote. Rules - as amended by the order of the Minister of Culture and Sports of the Republic of Kazakhstan dated 31.12.2021 No. 419 (shall be enforced ten calendar days after the date of its first official publication).**

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

1. These Rules for issuance of protection obligations have been developed pursuant to subparagraph 16) of Article 10 of the Law of the Republic of Kazakhstan “On the Protection and Use of Historical and Cultural Heritage Sites” (hereinafter referred to as the Law) and determine the procedure for issuing protection obligations (hereinafter referred to as protection obligations).

2. The following basic concepts are used in these Rules:

1) protection obligation - a document recording the condition of a historical and cultural monument at the time of execution of this document and the conditions of maintenance of the historical and cultural monument by the owner or user of the history and culture monument;

2) owner - an individual or legal entity exercising the right of ownership, use and disposal of a history and culture monument, with the exception of the right to eliminate it independently;

3) user - an individual or legal entity who, in accordance with the Law, is granted the right to use a history and culture monument on the basis of an agreement with its owner.

### **Chapter 2. Procedure for issuance of protection obligations**

3. Protection obligations shall be drawn up and issued to individuals and legal entities who are owners and users of buildings and objects included in the State lists of historical and cultural monuments.

4. Protection obligations shall be drawn up and issued by local executive bodies of oblasts, cities of republican status, the capital (hereinafter referred to as local executive bodies) to the owner and user of a history and culture monument within a month from the date of receipt of the final decision on giving the history and culture monument the corresponding status.

Protection obligations shall be drawn up and issued by local executive authorities in accordance with the form of the Appendix to these Rules.

5. If a history and culture monument is in the common shared ownership of several individuals and (or) legal entities, the protection obligations shall be drawn up and issued to each of them separately and shall be subject to fulfillment by each of the owners of their obligations.

6. Owners of history and culture monuments shall notify local executive bodies of considered or accomplished changes in property rights.

7. If new information about history and culture monuments is revealed, local executive bodies shall make changes and/or additions to the protection obligation, executed in the form of minutes.

Appendix  
to the Rules  
for issuance of  
protection obligations

Form

**Protection obligation No.** \_\_\_\_\_

" \_\_\_\_ " \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
(full name of the organization)

represented by \_\_\_\_\_

\_\_\_\_\_  
surname, first name, patronymic (if any) of the person in charge, position  
drawing up the protection obligation)

acting under \_\_\_\_\_

\_\_\_\_\_  
,  
(No. and date of the document, validating the authority for drawing up)

further named “ \_\_\_\_\_ ”,

on the one hand, (name of the local executive body)

and \_\_\_\_\_

\_\_\_\_\_  
(surname, first name, patronymic (if any) – for an individual),

\_\_\_\_\_  
(full name of the organization – for a legal entity)

represented by \_\_\_\_\_

(surname, first name, patronymic (if any) of the head of the organization),

acting under \_\_\_\_\_

\_\_\_\_\_  
(No. and date of the document, validating the right of ownership/use of the history and culture monument)

further named “owner/user”, on the other hand, collectively referred to as the “parties” in accordance with subparagraph 7) of Article 11 of the Law of the Republic of Kazakhstan “On the Protection and Use of Historical and Cultural Heritage Sites” (hereinafter – the Law) have

drawn up this protection obligation, recording the condition of the history and culture monument at the time of execution of this document and conditions of maintenance of the history and culture monument by the owner or user.

Data on the condition of the history and culture monument

Name of the history and culture monument \_\_\_\_\_

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Information on the condition of the monument at the time of the protection obligation issuance

(general description, internal and external architectural features and details of the history and

culture monument, its technical condition and the condition of the surrounding grounds, photo)

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Conditions for maintaining the history and culture monument by the owner or user. Within the current legislation of the Republic of Kazakhstan, owners and users shall provide the following conditions for maintaining the history and culture monument:

1) take measures to ensure the preservation of the history and culture monument;

2) provide access to the history and culture monument for scientific, educational, tourist, information and educational purposes in the manner and within the limits established by agreements with local executive bodies, except for the cases provided for in part two of Article 16 of the Law;

3) comply with fire safety requirements.

Additional conditions of maintenance for owners:

1) coordinate projects of scientific and restoration work on the history and culture monument with the authorized or local executive body, depending on the category of the history and culture monument;

2) coordinate the movement and alteration of the history and culture monument with the authorized body for the protection and use of historical and cultural heritage sites or the local executive body, depending on the category of the history and culture monument. By agreement of the parties, the protection obligation may provide for other conditions for the maintenance of the history and culture monument, depending on its type and climatic characteristics of the area in which it is located. Independent elimination of a history and culture monument shall be prohibited.

Validity term of the protection obligation

The protection obligation shall take effect from the day it is signed by the parties.

The protection obligation shall terminate in the event of exclusion of the history and culture monument from the State lists of historical and cultural sites, and also in the event of a change in owners or users.

Date of the protection obligation registration: " \_\_\_ " \_\_\_\_\_ 20\_\_ .

Originated by: \_\_\_\_\_  
surname, first name, patronymic (if any), position)

Details of the parties

Local executive bodies  
Full name of the organization  
BIN  
Address, contact details;  
Seal (if available)

Owner/User  
for individuals:  
Surname, first name, patronymic (if any);  
IIN;  
Address, Contact details;  
for legal entities:  
Full name of the organization, BIN:  
Surname, first name, patronymic (if any)  
of the head of the organization;  
Address, contact details;  
Seal (if available)