



On approval of the Rules for the Provision of the Public Service “Issuance of a License for the Manufacture of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan”

Unofficial translation

Order No. 166-N-K of the Minister of Trade and Integration of the Republic of Kazakhstan of May 18, 2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on May 19, 2020 under No. 20667.

Unofficial translation

In pursuance of sub-paragraph 3) of paragraph 1 of article 11 of the Constitutional Law of the Republic of Kazakhstan “On State Symbols of the Republic of Kazakhstan” dated June 4, 2007 and sub-paragraph 1) of article 10 of the Law of the Republic of Kazakhstan “On Public Services” dated April 15, 2013 **I HEREBY ORDER:**

1. That the attached Rules for the Provision of the Public Service “Issuance of a License for the Manufacture of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan” shall be approved.

2. That, in the manner prescribed by the legislation, the Committee of Technical Regulation and Metrology of the Ministry of Trade and Integration of the Republic of Kazakhstan shall:

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

2) place this order on the internet resource of the Ministry of Trade and Integration of the Republic of Kazakhstan.

3. That the supervising Vice-Minister of Trade and Integration of the Republic of Kazakhstan shall be in charge of the execution hereof.

4. That this order shall be enforced twenty-one calendar days after the day of its first official publication.

*Minister of Trade and Integration
of the Republic of Kazakhstan*

B. Sultanov

“AGREED BY”

Ministry of Digital Development,
Innovation and the Aerospace Industry
of the Republic of Kazakhstan

Approved
by order of the Minister
of Trade and Integration
of the Republic of Kazakhstan
No. 166-NK dated May18, 2020

Rules for the Provision of the Public Service “Issuance of a License for the Manufacture of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan” Chapter 1. General provisions

1. These Rules for the Provision of the Public Service “Issuance of a License for the Manufacture of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan” (hereinafter - Rules) have been developed in obedience to sub-paragraph 3) of paragraph 1 of article 11 of the Constitutional Law of the Republic of Kazakhstan dated June 4, 2007 “On State Symbols of the Republic of Kazakhstan”, with subparagraph 1) of article 10 of the Law of the Republic of Kazakhstan dated April 15, 2013 “On Public Services” and determine the procedure for issuance of a license for the manufacture of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan.

2. The following basic concepts shall be used in these Rules:

1) licence - a permit of the first category issued by the licensor to an individual or legal entity to carry out a licensed activity or a sub-type of a licensed activity associated with a high level of hazard;

2) e-Government web portal www.egov.kz (hereinafter referred to as the Portal) - an information system representing a single window of access to all consolidated government information, including the regulatory legal framework, and to public services, services for issuing technical specifications for connection to networks of natural monopoly entities and services of quasi-public sector entities rendered in electronic form;

3) e-government payment gateway (hereinafter referred to as EPG) - information system automating processes of transferring information on making payments within the framework of providing paid services rendered in electronic form;

4) electronic digital signature (hereinafter referred to as EDS) - a set of electronic digital characters created by means of electronic digital signature and confirming authenticity of an electronic document, ownership and invariability of its content.

Chapter 2. Procedures for the provision of a public service

3. The public service “Issuance of a License for the Manufacture of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan” (hereinafter - public service) shall be rendered by the Committee for Technical Regulation and Metrology of the Ministry of Trade and Integration of the Republic of Kazakhstan (hereinafter - service provider) according to these Rules.

4. These Rules shall be applicable to individuals and legal entities carrying out the activity on manufacturing of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan.

5. In order to receive a public service an individual or legal entity (hereinafter - the service recipient) shall send to the service provider via the web-portal of "electronic government" www.egov.kz (hereinafter - the Portal) filling in information pursuant to the form in Annex 1 to these Rules.

6. The list of basic requirements for the provision of a public service, including the characteristics of the process, form, content and result of the provision, as well as other information with due regard for the peculiarities of the provision of a public service have been set out in Annex 2 to these Rules in the form of a standard of public service.

7. Information on identity documents, on state incorporation (re-registration) of a legal entity, on state registration as an individual entrepreneur, on payment of the license fee, on the license shall be obtained by the service provider from the respective state information systems via the EPG.

8. When the service recipient submits all necessary documents via the portal - the status of acceptance of request for the provision of public service with indication of the date of receipt of the result of public service shall be displayed in the service recipient's "personal profile".

9. On the day of receipt of electronic request the service provider shall receive and register it.

According to the labor legislation of the Republic of Kazakhstan, in case the service recipient applies after the end working hours, on weekends and holidays, an acceptance of electronic enquiry and delivery of the result of state service rendering shall be performed on the next working day.

10. The service provider shall verify the completeness of the submitted documents and (or) information within 1 (one) working day from the moment of registration of the electronic request.

If the service recipient submits a full package of documents and (or) information, the territorial division of the service provider, in accordance with paragraph 2 of Article 51 of the Law of the Republic of Kazakhstan “On Permits and Notifications”, within 2 (two) working days from the date of registration of the electronic request, shall visit the service recipient to draw up a conclusion on the compliance or non-compliance of the service recipient with the qualification requirements approved by the order of the Acting Minister for Investments and Development of the Republic of Kazakhstan dated January 23, 2015 No. 50 “On approval of qualification requirements for carrying out activities for the manufacture of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan, and the list of documents, confirming compliance with them" (registered in the Register of state registration of regulatory legal acts under No. 10381).

Footnote. Paragraph 10 is in the wording of the order of the Minister of Trade and Integration of the Republic of Kazakhstan dated 04.11.2021 No. 583-NK (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

11. In case the service recipient fails to submit a complete set of documents in accordance with the list, and (or) documents with expired validity, the service provider shall refuse further consideration of the application within 1 (one) business day and a notice shall be sent to the service recipient's "personal profile" in the form of an electronic document signed with EDS of authorized person of the service provider.

12. The term for the provision of a public service when issuing a license and re-issuing a license shall be 7 (seven) working days.

The result of a public service shall be sent to the "personal account" in the form of an electronic document certified by the digital signature of the authorized person of the service provider.

Footnote. Paragraph 12 is in the wording of the order of the Minister of Trade and Integration of the Republic of Kazakhstan dated 04.11.2021 No. 583-NK (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

12-1. In accordance with Article 73 of the Administrative Procedural Code of the Republic of Kazakhstan (hereinafter - the APC of the RK), before making a decision on refusal to provide a public service, the service provider, no later than 3 (three) working days before the end of the term for consideration of a public service shall send a preliminary decision to the service recipient.

The service recipient shall submit or object to the preliminary decision of the service provider no later than 2 (two) working days from the date of its receipt.

Footnote. The rules have been supplemented by paragraph 12-1 in accordance with the order of the Minister of Trade and Integration of the Republic of Kazakhstan dated 04.11.2021 No. 583-NK (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

13. Pursuant to sub-paragraphs 1), 2), 3), 4), 5), 6) of paragraph 1 of Article 32 of the Law of the Republic of Kazakhstan dated April 5, 2014 "On Permits and Notifications", the grounds for refusal to render a public service when obtaining a license or reissuing a license shall be:

1) engaging in a type of activity is prohibited by the laws of the Republic of Kazakhstan for this category of entities;

2) the license fee shall not be paid for the right to engage in certain types of activities in case of application for a license to engage in certain types of activities;

3) the applicant does not meet the qualification requirements;

4) the issuing of the license to the service recipient has not been approved by the approving state body;

5) a court judgement entered into force has prohibited the service recipient to engage in certain types of activities;

6) the court has prohibited the applicant to obtain a licence on the basis of the provision of a court order.

14. The service provider shall ensure that data on the stage of delivery of the public service is entered into the information monitoring system of public service delivery in conformity with the procedure established by the authorized body in the field of informatization.

When rendering a public service via the state information system of permits and notifications, the data on the stage of rendering a public service shall be automatically entered in the information system of monitoring of rendering a public service.

15. In case of failure of the information system, the service provider shall immediately notify the operator of the information and communication infrastructure of the "e-government" by sending a request to the unified support service by e-mail to: sd@nitec.kz with the mandatory provision of information on the name of the public service, number and code of the administrative application document or unique identification number of the application, number and code of the administrative document, or a unique identification number of the approval document, the individual identification number/business identification number of the service recipient, attaching step-by-step screenshots from the time of authorisation until the error occurred, indicating the exact time of the error.

Chapter 3. Procedure for appealing against decisions, actions (inaction) of the service provider and (or) its officials concerning the provision of public services

16. To appeal decisions, actions (inactions) of the service provider and (or) its officials regarding the provision of public services, the complaint shall be filed no later than 3 (three) months from the day the service recipient became aware of the adoption of an administrative act or the commission of actions (inactions) by the service provider:

- to the body considering the complaint (higher administrative body and (or) official);
- to the authorized body for assessing and monitoring the quality of public services;
- addressed to the management of the service provider directly providing the public service.

The service recipient's complaint in accordance with paragraph 2 of Article 25 of the Law shall be subject to consideration:

by a service provider directly providing a public service within 5 (five) working days from the date of its registration;

by the authorized body for assessing and monitoring the quality of public services within 15 (fifteen) working days from the date of its registration.

The term for consideration of a complaint by a service provider, an authorized body for assessing and monitoring the quality of public services in accordance with paragraph 4 of Article 25 of the Law shall be extended by no more than 10 (ten) working days in cases of need:

- 1) to conduct an additional study or inspection based on a complaint or an on-site inspection;
- 2) to obtain additional information.

In case of extension of the term for consideration of a complaint, the official authorized to consider complaints, within 3 (three) working days from the date of extension of the term for consideration of the complaint, shall inform in electronic form (when filing a complaint electronically) the applicant who filed the complaint about the extension of the term for consideration complaints indicating the reasons for the extension.

If a complaint is received in accordance with paragraph 4 of Article 91 of the APC of the RK, the service provider shall send it to the body considering the complaint within 3 (three) working days from the date of its receipt. The complaint shall not be sent by the service provider to the body considering the complaint if a favorable act is adopted or an administrative action is taken that fully satisfies the requirements specified in the complaint.

The term for consideration of the complaint by the body considering the complaint shall be 20 (twenty) working days from the date of receipt of the complaint.

Footnote. Paragraph 16 is in the wording of the order of the Minister of Trade and Integration of the Republic of Kazakhstan dated 04.11.2021 No. 583-NK (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

17. In case of disagreement with the decision of the body considering the complaint, the service recipient shall apply to another body considering the complaint or to the court in accordance with paragraph 6 of Article 100 of the APC of the RK.

Footnote. Paragraph 17 is in the wording of the order of the Minister of Trade and Integration of the Republic of Kazakhstan dated 04.11.2021 No. 583-NK (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Annex 1
to the Rules
for the Provision
of a public service
"Issuance of a license
to carry out activities
on the manufacture
of the National Flag
of the Republic of Kazakhstan
and the National Emblem
of the Republic of Kazakhstan"

The form of information on compliance with the qualification requirements for the implementation of activities for the manufacture of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan

Footnote. Appendix 1 is in the wording of the order of the Minister of Trade and Integration of the Republic of Kazakhstan dated 04.11.2021 No. 583-NK (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

1. Availability of documents on standardization:

name of the standard _____

number of the standard _____

- 2.*Availability of production technological base_____
3. *Name of technological equipment_____
4. Name of the means for measuring and monitoring the presence of a color atlas (name)

(date of issue of verification/metrological attestation certificates, name of the bodies that issued the certificates, period of use of the certificate)

5. Certificates of verification or metrological attestation, number of the certificate of verification/metrological attestation _____ date of issue of the certificate of verification/metrological attestation _____ name of the body that issued the certificate _____ validity period of the certificate _____

6. Availability of a master model of each standard size produced of the National Emblem of the Republic of Kazakhstan with the attachment of a positive test result for compliance with the requirements of ST RK 989 “National Emblem of the Republic of Kazakhstan. Technical specifications” from an accredited testing laboratory_____

7. Availability of a production reference sample of each produced standard size of the National Emblem of the Republic of Kazakhstan with the attachment of a positive test result for compliance with the requirements of ST RK 989 “National Emblem of the Republic of Kazakhstan. Technical specifications” from an accredited testing laboratory_____

8. Availability of a certificate of origin of goods in the form CT-KZ for manufactured products of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan in accordance with the requirements of ST RK 989 “National Emblem of the Republic of Kazakhstan. Technical conditions” and (or) ST RK 988 "National Flag of the Republic of Kazakhstan. General technical conditions" _____".

Note:

*If the applicant is not the owner of the production premises or technological equipment, then the lease agreement shall be indicated

Annex 2
to the Rules for the Provision of
the Public Service “Issuance of a
License for the Manufacture of the
National Flag of the
Republic of Kazakhstan
and the National Emblem
of the Republic of Kazakhstan”
No. 166-NK dated May 18, 2020

Public Service Standard “Issuance of a License for the Manufacture of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan”

Footnote. Appendix 2 as amended by the order of the Minister of Trade and Integration of the Republic of Kazakhstan dated 04.11.2021 No. 583-NK (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

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| 1 | Name of the service provider | The Committee for Technical Regulation and Metrology of the Ministry of Trade and Integration of the Republic of Kazakhstan. |
| 2 | Ways for providing the public service (access canals) | The acceptance of an application and the issuance of the result of a public service shall be carried out via the e-government web portal: www.egov.kz. |
| 3 | The term of provision of a public service | When issuing or re-issuing a license – 7 (seven) working days |
| 4 | Form of public service delivery | Electronic (fully automated). |
| 5 | Result of public service delivery | <p>The result of the public service shall be a license, reissue of the license for the manufacture of the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan, or a reasoned refusal to render the public service in the cases and on the grounds specified in paragraph 10 of the Rules of the public service.</p> <p>The form of delivery of the result of the public service: electronic.</p> <p>The result of the public service shall be sent to the service recipient's "personal profile" in the form of an electronic document certified by an electronic digital signature (hereinafter - EDS) of the service provider's authorised person.</p> |
| 6 | Size of the fee charged to the recipient of a public service and the manner in which it is charged in cases stipulated by the legislation of the Republic of Kazakhstan | <p>A public service shall be provided on a fee basis to natural and legal persons (hereinafter the service recipient).</p> <p>When providing a public service, a licence fee for the right to engage in certain types of activities shall be paid to the budget in compliance with paragraph 4 of Article 554 of the Code of the Republic of Kazakhstan dated December 25, 2017 “On Taxes and Other Obligatory Payments to the Budget (Tax Code)” as follows:</p> <p>1) the licensing fee for the right to engage in a given type of activity shall be 10 monthly calculation</p> |

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| | | <p>indices (hereinafter referred to as "MCI");</p> <p>2) The license fee for the re-issuance of a license shall be 1 MCI.</p> <p>Payment shall be made in cash and non-cash form via second-tier banks and organisations carrying out certain types of banking transactions or through the e-Government Payment Gateway (hereinafter referred to as EPG).</p> |
| 7 | Working hours | <p>1) The portal shall operate 24 hours a day, except for technical breaks related to repair works (when the service recipient applies after working hours, on weekends and public holidays according to the labour legislation of the Republic of Kazakhstan, acceptance of applications and issuance of results of public service provision shall be carried out on the next working day).</p> <p>2) service provider - Monday through Friday inclusive from 9:00 am to 06:30 pm, with lunch break from 01:00 pm to 02:30 pm, except weekends and public holidays, according to the labor laws of the Republic of Kazakhstan and Article 5 of the Law of the Republic of Kazakhstan dated December 13, 2001 "On Holidays in the Republic of Kazakhstan".</p> <p>The addresses of the public service shall be available on the Ministry's website: www.beta.egov.kz, under 'Public Services'.</p> |
| 8 | List of documents required for the provision of the public service | <p>In order to obtain a licence, the service recipient shall fill in the information in accordance with the qualification requirements form pursuant to Annex No. 1 to these Rules on the Portal.</p> |
| | Grounds for refusal of the public service established in compliance | <p>1) engaging in a type of activity is prohibited by the laws of the Republic of Kazakhstan for this category of entities;</p> <p>2) the license fee has not been paid for the right to engage in certain types of activities when applying for a license for the type of activity;</p> |

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| 9 | with sub-paragraphs 1), 2), 3), 4), 5), 6) of paragraph 1 of Article 32 of the Law of the Republic of Kazakhstan “On Permits and Notifications” dated April 5, 2014 | <p>3) the applicant does not meet the qualification requirements;</p> <p>4) the issuing of the license to the service recipient has not been approved by the approving state body;</p> <p>5) there is an effective court sentence prohibiting the service recipient to engage in a certain type of activity;</p> <p>6) the applicant is barred from obtaining a licence by the court on the basis of the bailiff's submission.</p> |
| 10 | Other requirements factoring in the specifics of the public service, including that provided electronically and via the State Corporation | <p>1) The addresses of the places where the public service is provided shall be available on the website of the portal: www.egov.kz.</p> <p>2) the service recipient shall have the possibility to receive the public service electronically via the Portal on condition of availability of EDS.</p> <p>3) the service recipient shall be able to obtain information on the procedure and status of the provision of the public service in remote access mode through the "personal office" of the portal, as well as a single contact centre for the provision of public services: 1414.</p> <p>4) Contact telephone numbers of reference services on public service delivery: 8 (7172) 75-05-60, 75-05-25.</p> |