



On approval of the Rules for the provision of public services "Making a note of marine protest in case of shipwreck of vessels of the Republic of Kazakhstan, located abroad"

Unofficial translation

Order of the Minister of Foreign Affairs of the Republic of Kazakhstan dated May 27, 2020 No. 11-1-4/167. Registered with the Ministry of Justice of the Republic of Kazakhstan on May 28, 2020 № 20752

Unofficial translation

In accordance with Article 10, subparagraph 1) of the Law of the Republic of Kazakhstan dated April 15, 2013 on public services, **I hereby ORDER:**

1. To approve the attached Rules for the provision of public service "Making a note of marine protest in case of shipwreck of vessels of the Republic of Kazakhstan, located abroad."
"

2. The Department of Consular Service of the Ministry of Foreign Affairs of the Republic of Kazakhstan shall:

1) ensure, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) place this order on the official Internet resource of the Ministry of Foreign Affairs of the Republic of Kazakhstan;

3) within ten working days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, submit to the Department of Legal Service of the Ministry of Foreign Affairs of the Republic of Kazakhstan information on the implementation of the measures provided for in subparagraphs 1) and 2) of this paragraph.

3. Control over the execution of this order shall be entrusted to the First Deputy Minister of Foreign Affairs of the Republic of Kazakhstan.

4. This order shall enter into force upon expiry of ten calendar days after the date of its first official publication.

*Minister of Foreign Affairs
Republic of Kazakhstan*

M. Tileuberdi

" A G R E E D "

Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan

" A G R E E D "

Ministry of Digital Development,

Rules for the provision of public services "Making a note of marine protest in case of shipwreck of vessels of the Republic of Kazakhstan, located abroad"

Chapter 1. General provisions

1. Rules for the provision of public services "Making a note of marine protest in case of shipwreck of vessels of the Republic of Kazakhstan, located abroad." (hereinafter referred to as the Rules) have been developed in accordance with Article 230 of the Law of the Republic of Kazakhstan dated January 17, 2002 "On merchant shipping" (hereinafter referred to as the Law on merchant shipping) and Article 10, subparagraph 1) of the Law of the Republic of Kazakhstan dated April 15, 2013 "On public services" (hereinafter referred to as the Law on public services) and shall determine the procedure for the provision of public services by foreign institutions of the Republic of Kazakhstan to make a note on maritime protest in case of shipwreck of vessels of the Republic of Kazakhstan located abroad.

2. Note of marine protest - a document made on the basis of the application of the vessel's captain (hereinafter referred to as the service recipient), data from the vessel's logbook, a survey of the vessel's captain and, if necessary, other members of the vessel's crew.

3. A note of marine protest shall be filed if the incident has occurred:

- 1) at the seaport within twenty-four hours of the incident;
- 2) during the navigation of the vessel within twenty-four hours from the arrival of the vessel or the vessel's captain at the first seaport after the incident.

In the event of an incident occurring during a voyage, a marine protest may be filed at the time of arrival of the ship or the ship's captain at a port other than the first port after the incident, in order to avoid significant time losses and the cost of entering the first port after the incident.

The public service "Making a note of marine protest in case of shipwreck of vessels of the Republic of Kazakhstan located abroad" (hereinafter referred to as the public service) shall be provided by foreign institutions of the Republic of Kazakhstan (hereinafter referred to as the service provider).

Chapter 2. Procedure for provision of public service

4. For receiving of public service the service recipient at the personal address shall provide to the service provider the application (with specification: personal data of the captain

, the name of the vessel, citizenship of the captain, port of a registration of the captain, the information about the owner of the vessel, the route of the movement of the vessel, coordinates of the accident, character and volume of the transported cargo, the number of passengers, the essences of sea incident (sea accident), consequences of sea incident) and the following documents:

- 1) identification document of the service recipient (original for identification);
- 2) ship's logbook and its extract (original for reconciliation and copy);
- 3) original of the document confirming payment of consular fee.

If it is not possible to declare a note of marine protest within the time limits specified in paragraph 3 of these Rules, the reasons for this shall be indicated in the marine protest application.

The service provider shall reproduce copies of documents confirming the identity of the service recipient, and then shall return the originals to the service recipient.

A list of the main requirements for the provision of public service, including the characteristics of the process, the form, content and result of the provision, as well as other information taking into account the peculiarities of the provision of public service, shall be given in the public service standard "Making a note of marine protest in case of shipwreck of vessels of the Republic of Kazakhstan located abroad" according to Annex 1 to these Rules.

5. The service provider shall receive and register the application on the day the service recipient shall apply.

If the service recipient presents an incomplete package of documents according to the list, and (or) documents with expired validity, the service recipient shall refuse to receive the application, and at the same time the service recipient shall issue a receipt refusing to receive the application.

At submission of the necessary package of documents by the service recipient to the service provider, according to the list, confirmation of adoption of the application on paper shall be the mark in his copy with the indication of date of reception, a surname, name, middle name (if any) the accepted person and time of reception of an application and the package of documents.

6. The service provider shall verify within one working day the documents submitted by the service recipient for compliance with the requirements of the Merchant Shipping Law and these Rules, and the validity of the submitted documents.

7. Based on the results of verification, the service provider shall fill in and issue to the service recipient a note of marine protest in a form in accordance with Annex 2 to these Rules within one working day, and certify it with his signature and seal, or provide a motivated response to the refusal to provide public service.

8. The total period of public service provision shall be three working days.

The maximum time allowed to wait for a document package to be verified shall be 30 minutes.

The maximum allowable service time of the service recipient shall be 10 minutes.

9. Public service may be refused on the following grounds:

1) establishment of inaccuracy of documents submitted by the service recipient for receiving the state service and (or) data (information) contained in them;

2) non-conformity of the service recipient and (or) the submitted data and information necessary for the provision of public service with the requirements of these Rules.

10. In accordance with Article 5, paragraph 2, subparagraph 11), of the Public Services Law, the service provider shall ensure the entry of data into the information system for monitoring the provision of public services on the stage of the provision of public services in accordance with the procedure established by the authorized body in the field of informatization.

Chapter 3. Procedure for appealing decisions, actions (inactions) of central state bodies, as well as service providers and/or their officials on the provision of public services

11. A complaint about the decisions, actions (inactions) of the service provider on the provision of public services may be submitted to the head of the service provider, to the authorized body for the assessment and control of the quality of public services, in accordance with the legislation of the Republic of Kazakhstan.

The service recipient's complaint to the service provider pursuant to Article 25, paragraph 2, of the Public Services Law shall be considered within five working days from the date of its registration.

The complaint received by the service recipient to the authorized body for the assessment and control of the quality of public services shall be subject to consideration within fifteen working days from the date of its registration.

In cases of disagreement with the results of the provision of public services, the recipient applies to the court in accordance with Article 4, paragraph 1, subparagraph 6), of the Public Services Law.

Annex 1
to Rules for public service
provision "Making a note of
marine protest in case of
shipwreck of vessels of the
Republic of Kazakhstan,
located abroad"

Standard of public service "Making a note of marine protest in case of shipwreck of vessels of the Republic of Kazakhstan, located abroad"

1	Name of the service provider	Foreign institutions of the Republic of Kazakhstan
2	Methods of provision of public service	Acceptance of documents and issuance of the results of public service provision shall be carried out through the service provider.

3	Period of public service provision	From the day the ship's captain provided the package of documents to the service provider - 3 (three) working days.
4	Form of public service provision	Paper.
5	Result of public service provision	Note on marine protest in the event of shipwreck of vessels of the Republic of Kazakhstan located abroad, or a reasoned response to the refusal to provide public service. Form of providing the result of public service provision: paper.
6	The amount of payment charged to the service recipient in the provision of public services and the methods of its collection in cases provided by the legislation of the Republic of Kazakhstan	State service shall be provided to service recipients on a paid basis at consular fees in accordance with the Code of the Republic of Kazakhstan dated December 25, 2017 "On taxes and other mandatory payments to the budget (Tax Code) "and rates of consular fees levied on the territory of the Republic of Kazakhstan," approved by Decree of the Government of the Republic of Kazakhstan dated February 20, 2019 No. 74, and rates of consular fees for consular actions in the territory of a foreign state, approved by Order of the Minister of Foreign Affairs of the Republic of Kazakhstan dated May 20, 2019 No. 11-1-4/227. Payment of the consular fee shall be made in cash or cashless form through second-tier banks or organizations carrying out certain types of banking operations.
7	Working schedule	From Monday to Friday inclusive, from 9:00 to 18:30 with a break for lunch from 13:00 to 14:30, with the exception of weekends and holidays, according to the Labor Code of the Republic of Kazakhstan dated November 23, 2015. Acceptance of documents and issuance of the results of public service provision shall be carried out from 09:00 to 17:30. Wednesday is an unacceptable day. The state service shall be provided in the order of the queue, it is possible to book the queue through the Internet resource of the service provider (if available), without accelerated service. Addresses of public service places shall be available on the Internet resource of the Ministry of Foreign Affairs of the Republic of Kazakhstan: www.mfa.gov.kz .
8	List of documents required for the provision of public services	In case of personal appeal of the ship captain to the service provider: 1) application (to specify: personal data of the captain, the name of the vessel, citizenship of the captain, port of a registration of the captain, the information about the owner of the vessel, a route of the movement of the vessel, coordinates of the incident, character and volume of the transported cargo, the number of passengers, essences of sea incident (sea accident), consequences of sea incident); 2) identification document of the service recipient (original for identification); 3) ship's logbook and its extract (original for reconciliation and copy); 4) original document confirming payment of consular fee.
9	Grounds for refusal to provide public services established by the legislation of the Republic of Kazakhstan	1) establishment of inaccuracy of documents submitted by the service recipient for receiving the state service and (or) data (information) contained in them; 2) non-conformity of the service recipient and (or) the submitted data and information necessary for the provision of public service with the requirements of these Rules.
10	Other requirements taking into account the peculiarities of public service provision, including those provided in electronic form and through the State corporation	The service recipient shall have the opportunity to obtain information on the procedure and status of public service provision through a unified contact center for public service provision. Contact numbers of reference services on the provision of public services shall be indicated on the Internet resource of the service recipient: www.mfa.gov.kz , section "Public services." Unified contact center for the provision of public services: 1414, 8 800 080 7777.

Note of marine protest

_____ (country, city) (number, month, year)

I hereby, _____ consul _____

_____ (last name, first name, patronymic (if any)) (name of foreign institution)

accepted the statement of the captain of the vessel _____

_____ (name of the vessel, owner of the vessel)

citizen _____ incident,

(surname, first name, patronymic (if any), his citizenship)

taking place _____ " ____ " during navigation (parking) of the vessel.

The incident, according to the captain's application, was as follows:

_____ (contents of the application of the captain of the vessel)

In accordance with the legislation of the Republic of Kazakhstan, I hereby got acquainted with the data of the ship's logbook provided to me by the captain (the date when the ship's logbook was handed over to the consul for review) and interviewed about the circumstances of the incident the captain himself and witnesses from among the command staff of the ship and two witnesses, the ship's crew, who showed:

1 _____

_____ (surname, first name, patronymic (if any), position, citizenship of the captain of the vessel

, witnesses, the content of their testimony.

The testimony shall be signed by the captain of the vessel and witnesses).

2 _____

3 _____

4 _____

5 _____

Registered No. _____

Recovered _____
Consul _____
(signature, seal)

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the Republic of Kazakhstan