

On approval of the Rules for provision of public service "Issuance of a special permit for overflight over territory of restricted zones and flight restriction zones after agreement with the State Security Service of the Republic of Kazakhstan and with national security authorities"

Unofficial translation

Order of the Minister of Defense of the Republic of Kazakhstan dated June 2, 2020 No. 250. Registered in the Ministry of Justice of the Republic of Kazakhstan on June 4, 2020 No. 20818.

Unofficial translation

In accordance with subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan "On public services," **I hereby ORDER:**

Footnote. Preamble – in the wording of the order of the Minister of Defense of the Republic of Kazakhstan dated 01.02.2023 No. 67 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

1. To approve the attached Rules for provision of a public service "Issuance of a special permit for overflight over the territory of restricted zones and flight restriction zones after agreement with the State Security Service of the Republic of Kazakhstan and with the national security authorities."

2. The Office of the Commander-in-Chief of the Air Defense Forces of the Armed Forces of the Republic of Kazakhstan, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, to ensure:

- 1) state registration of this order in the Ministry of Justice of the Republic of Kazakhstan;
- 2) placement of this order on the Internet resource of the Ministry of Defense of the Republic of Kazakhstan after its official publication;
- 3) submission of information to the Legal Department of the Ministry of Defense of the Republic of Kazakhstan on implementation of the measures provided for in subparagraphs 1) and 2) of this paragraph within ten calendar days from the date of state registration.

3. The First Deputy Minister of Defense - Chief of the General Staff of the Armed Forces of the Republic of Kazakhstan is authorized to control the execution of this order.

4. This order is communicated to the officials in the part concerning them.

5. This order comes into effect upon the expiration of twenty one calendar days after the day of its first official publication.

*Minister of defense of
the Republic of Kazakhstan*

N. Yermekbayev

"AGREED"

State Security Service of the
Republic of Kazakhstan

"AGREED"

National Security Committee of the
Republic of Kazakhstan

"AGREED"

Ministry of digital development,
innovations and aero-space industry of the
Republic of Kazakhstan

Approved
by the order of the
Minister of defense of the
Republic of Kazakhstan
dated June 2, 2020 № 250

Rules

for provision of public service "Issuance of a special permit for overflight over the territory of restricted zones and flight restriction zones after agreement with the State Security Service of the Republic of Kazakhstan and with the national security authorities"

Chapter 1. General provisions

1. These Rules of the public service "Issuance of a special permit for overflight over the territory of restricted zones and flight restriction zones after approval by the State security service of the Republic of Kazakhstan and the national security authorities" (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan "On public services" and shall determine the procedure for issuing a special permit for flying over the territory of restricted zones and zones of restriction of flights in the airspace of the Republic of Kazakhstan.

Footnote. Paragraph 1 - in the wording of the order of the Minister of Defense of the Republic of Kazakhstan dated 01.02.2023 No. 67 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

2. The public service "Issuance of a special permit to fly over the territory of prohibited zones and restricted flight zones after agreement with the State Security Service of the Republic of Kazakhstan and with the national security authorities" (hereinafter referred to as the public service) is provided by the Ministry of Defense of the Republic of Kazakhstan (hereinafter referred to as the service provider) to individuals and legal entities (hereinafter referred to as service recipients).

Footnote. Paragraph 2 - as amended by the order of the Minister of Defense of the Republic of Kazakhstan dated 07.12.2021 No. 847 (shall be enforced sixty calendar days after the day of their first official publication).

Chapter 2. Procedure for provision of public service

3. In order to receive a public service, service recipients shall apply in the form set out in Annex 1 to these Rules (hereinafter referred to as the "application") via the "e-government" web portal of the www.egov.kz (hereinafter referred to as the "portal").

Requirements for the public service provision, including the description of the process, form, content and result of the public service provision, as well as other information, taking into account the peculiarities of the public service provision, shall be set out in the List of basic requirements for the public service provision of "Issuance of a special permit for flying over the territory of restricted zones and flight restriction zones after approval by the State security service of the Republic of Kazakhstan and the national security authorities" in accordance with Annex 2 to these Rules (hereinafter referred to as the List).

Footnote. Paragraph 3 - in the wording of the order of the Minister of Defense of the Republic of Kazakhstan dated 01.02.2023 No. 67 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

4. When submitting an application through the portal, after receiving the request by the responsible structural unit, the status of acceptance of the request for the provision of the public service and the date of issuance of the result of the provision of the public service is sent to the "personal account" of the service recipient.

Information about identity documents, registration (re-registration) of a legal entity, registration of an individual entrepreneur, or about the start of activity as an individual entrepreneur, is received by the responsible structural unit of the service provider from the relevant state information systems, through the e-government gateway.

Footnote. Paragraph 4 - as amended by the order of the Minister of Defense of the Republic of Kazakhstan dated 07.12.2021 No. 847 (shall be enforced sixty calendar days after the day of their first official publication).

5. If the service recipient submits an incomplete package of documents according to the list provided for in paragraph 8 of the List, through the portal, the service provider shall send a refusal to further consider the document and shall return the appeal by sending a notification to the service recipient's personal account in the form of an electronic document signed by an electronic digital signature (hereinafter referred to as the EDS) of the authorized person of the service provider.

Footnote. Paragraph 5 - in the wording of the order of the Minister of Defense of the Republic of Kazakhstan dated 01.02.2023 No. 67 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

6. The responsible structural unit of the service provider, within one working day from the date of registration of the application, forms a request and sends it to the State Security

Service of the Republic of Kazakhstan and the National Security Committee of the Republic of Kazakhstan to coordinate the flight over the territory of restricted zones and flight restriction zones.

7. After receiving a response from the above authorities, the responsible structural unit of the service provider shall within two working days form a permit to fly over the territory of restricted zones and flight restriction zones in accordance with Annex 3 to these Rules, or a reasoned refusal to provide public service in accordance with Annex 4 to these Rules.

At the same time, if there are grounds for refusal to provide a public service provided for in Paragraph 9 of the List to these Rules, the service provider shall notify the service recipient of a preliminary decision on refusal to provide a public service, as well as the time and place (method) of hearing for the opportunity to express a position to the service recipient by a preliminary decision.

A notice of hearing shall be sent at least three (3) working days prior to the completion of the term of the public service. The hearing shall be held no later than two (2) working days from the date of notification.

By results of hearing the service provider shall make out result of public service provision

Footnote. Paragraph 7 - in the wording of the order of the Minister of Defense of the Republic of Kazakhstan dated 01.02.2023 No. 67 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

8. The result of the provision of the public service is sent to the "personal account" of the service recipient in the form of an electronic document certified by an electronic digital signature (hereinafter referred to as the EDS) of the authorized person of the service provider.

Footnote. Paragraph 8 - as amended by the order of the Minister of Defense of the Republic of Kazakhstan dated 07.12.2021 No. 847 (shall be enforced sixty calendar days after the day of their first official publication).

9. Refusal to provide public services shall be carried out in accordance with paragraph 9 of the List.

Footnote. Paragraph 9 - in the wording of the order of the Minister of Defense of the Republic of Kazakhstan dated 01.02.2023 No. 67 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

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

When introducing amendments and (or) additions to the Rules, the service provider shall send to the operator of the information and communication infrastructure of the "electronic government," to the Unified contact center information about such amendments and (or)

additions within ten working days after state registration with the justice bodies of the relevant regulatory legal act.

Footnote. Paragraph 10 - in the wording of the order of the Minister of Defense of the Republic of Kazakhstan dated 01.02.2023 No. 67 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

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

11. A complaint against decisions, actions (inaction) of the service provider and (or) their employees on the provision of public services is filed in the name of the head of the service provider.

The complaint of the service recipient, received by the service provider directly providing the public service, in accordance with paragraph 2 of Article 25 of the Law "On Public Services" is subject to consideration within five working days from the date of its registration.

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

When applying through the portal, information on the procedure for appealing can be obtained by calling the single contact center for provision of public services.

Pre-trial consideration of a complaint on the provision of public services is carried out by a higher administrative body, an authorized body for assessment and control over the quality of provision of public services (hereinafter referred to as the body considering the complaint).

The complaint is submitted to the service provider, whose decision, action (inaction) is being appealed.

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

At the same time, the service provider, whose decision, action (inaction) is being appealed, has the right not to send a complaint to the body considering the complaint, if it adopts a favorable administrative act within three working days, makes an administrative action that fully satisfies the requirements specified in the complaint.

Unless otherwise provided by law, the appeal to the court is allowed after an appeal in the pre-trial procedure.

Footnote. Paragraph 11 - as amended by the order of the Minister of Defense of the Republic of Kazakhstan dated 07.12.2021 No. 847 (shall be enforced sixty calendar days after the day of their first official publication).

12. In case of disagreement with the results of the provided public service, the service recipient has the right to appeal to court in the manner prescribed by the legislation of the Republic of Kazakhstan.

Chapter 4. Other requirements, taking into account the specifics of provision of public service, including those provided in electronic form

13. The service recipient has the opportunity to receive a public service in electronic form through the portal, subject to the availability of an EDS.

14. Addresses of places of rendering public service are posted on the Internet resource of the Ministry of Defense of the Republic of Kazakhstan: www.mod.gov.kz.

15. The service recipient has the opportunity to receive information on the status of provision of a public service in remote access mode by contacting the service provider by phone numbers, indicated on the Internet resource of the Ministry of Defense of the Republic of Kazakhstan www.mod.gov.kz and the Unified Contact Center 1414.8800080 7777.

16. Information on procedure for provision of a public service can be obtained by calling the Unified Contact Center at 1414, 8 800 080 7777.

Appendix 1
to the Rules for provision of public
service "Issuance of a special
permit to fly over the territory of
prohibited zones and restricted
flight zones after agreement with
the State Security Service of the
Republic of Kazakhstan and with
the national security authorities"

Form

Ministry of defense of the
Republic of Kazakhstan

Footnote. Appendix 1 - as amended by the order of the Minister of Defense of the Republic of Kazakhstan dated 07.12.2021 No. 847 (shall be enforced sixty calendar days after the day of their first official publication).

Application

I ask you to issue a special permit to fly over the territory of the restricted zone (restricted areas) and/or restricted flight zone (s).

1. Aircraft type, aircraft identification

(state and registration identification mark of the aircraft)

(for an unmanned aerial vehicle in the absence of a state and registration identification marks of the aircraft the brand of the unmanned aerial vehicle is indicate) and an individual or legal entity that is its operator, indicating:

for an individual - the surname and initials of the owner, IIN;

for a legal entity - the name of the organization, BIN.

2. Designation of the restricted zone (s) and restricted flight zone (s)

(designation of zones: UAP-..., UAR-..., as indicated in the documents of the aeronautical information), points (indicating geographic coordinates) of entry, exit from the restricted zone (restricted flight zone):

3. Flight performance period (indicating the start and end dates of flights, but not more than one calendar year):

4. Purpose of the flight:

Application date:

For an individual:

(surname, name, patronymic (if any) (signature)

For legal entity:

(name of organization) (position) (signature)

Annex 2
to the Rules for provision of public service "Issuance of a special permit to fly over the territory of prohibited zones and restricted flight zones after agreement with the State Security Service of the Republic of Kazakhstan and with the national security authorities"

Footnote. Annex 2 – in the wording of the order of the Minister of Defense of the Republic of Kazakhstan dated 01.02.2023 No. 67 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

List of the main requirements for the public service provision "Issuance of a special permit for flying over the territory of restricted zones and flight restriction zones after approval by the State security service of the Republic of Kazakhstan and the national security authorities"

		Issuance of a special permit to fly over the territory of restricted zones and flight restriction zones after
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1	Name of public service	approval by the State security service of the Republic of Kazakhstan and the national security authorities
2	Name of the service provider	Ministry of Defense of the Republic of Kazakhstan
3	Methods of public service provision (Channels of the access)	E-government web portal: www.egov.kz
4	Term of public service provision	Term of provision - 7 (seven) working days
5	Form of public service provision	Electronic (fully automated)
6	Result of public service provision	Issuance of a special permit to fly over the territory of restricted zones and flight restriction zones, or a reasoned response to the refusal to provide public service
7	The amount of payment charged to the service recipient during the public service provision, and the methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	Free to individuals and legal entities
8	Service provider and information objects schedule	The service provider - from Monday to Friday from 9.00 to 18.00, with a break for lunch from 13.00 to 15.00, except for weekends and holidays, according to the labor legislation of the Republic of Kazakhstan and the service time regulations approved by the Minister of Defense.
9	List of documents and information required from the service recipient for the public service provision	Application in the form of an electronic document certified by the EDS of the service recipient. The service provider shall receive information on identity documents, registration (re-registration) of a legal entity, registration of an individual entrepreneur, or the start of activity as an individual entrepreneur from the relevant state information systems through the "electronic government" gateway.
10	Grounds for refusal to provide public services established by the legislation of the Republic of Kazakhstan	1) establishing the inaccuracy of the documents submitted by the service recipient for receiving the public service, and (or) the data (information) contained in them;
		The service recipient shall have the opportunity to receive information on the status of the public service provision in the mode of remote

11	Other requirements taking into account the peculiarities of the public service provision	<p>access via the phones of the service provider indicated on the Internet resource of the Ministry of Defense of the Republic of Kazakhstan www.gov.kz. through the "personal account" of the portal and the Unified Contact Center 1414, 8 800 080 7777.</p> <p>The service recipient shall have the opportunity to receive a public service in electronic form through the portal, provided that the EDS shall be available.</p> <p>The service recipient shall be able to obtain information on the procedure and status of the public service provision in the remote access mode through the "personal account" of the portal, the reference services of the service provider, as well as the Unified Contact Center 1414, 88000807777.</p>
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Appendix 3
to the Rules for provision of public service "Issuance of a special permit for overflight over the territory of restricted zones and flight restriction zones after agreement with the State Security Service of the Republic of Kazakhstan and with the national security authorities"
Form
To: service recipient

Permission to fly over the territory of restricted zones and flight restriction zones

Ministry of Defense of the Republic of Kazakhstan, having considered

Your application dated _____ No. _____, allows you to fly over the territory of restricted zones and flight restriction zones according to the following conditions.

Restricted zone (s) and / or flight restriction zone (s) for which permission was issued and the dates of flights over them:

№	Flight period (indicating the start and end dates of flights)	Designation of a restricted zone (s) and / or a flight restriction zone (s)
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Special conditions: _____

(the conditions for performing flights are indicated (if any))

Position

Military rank, full name (if available)

Annex 4
to the Rules for provision of
public service "Issuance of a
special permit for overflight over
the territory of restricted zones and
flight restriction zones after
agreement with the State Security
Service of the Republic of
Kazakhstan and with the national
security authorities"

Form

Who to: service recipient

_____ № _____

Refusal to issue a special permit to fly over the territory of restricted areas and flight restriction zones

Footnote. Annex 4 - in the wording of the order of the Minister of Defense of the Republic of Kazakhstan dated 01.02.2023 No. 67 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

The Ministry of Defense of the Republic of Kazakhstan, having considered your application dated _____ No. _____, reports the following.

Guided by Article 19-1 of the Law of the Republic of Kazakhstan "On public services," it shall refuse to issue a special permit for overflight over the territory of restricted zones and flight restriction zones.

Position

Military rank Full name (if any)