



**On approval of the Rules for formation, maintenance and use of the Unified Information System for the Protection of Consumer Rights**

*Unofficial translation*

Order of the Minister of Trade and Integration of the Republic of Kazakhstan dated December 15, 2020 No. 293-HK. Registered with the Ministry of Justice of the Republic of Kazakhstan on December 15, 2020 No. 21800

Unofficial translation

**ILLI note!**

**This order shall come into force from January 1, 2021.**

In accordance with subclause 12) of article 5 of the Law of the Republic of Kazakhstan dated May 4, 2010 "On Protection of Consumer Rights", **I HEREBY ORDER:**

1. To approve the attached Rules for formation, maintenance and use of the Unified Information System for the Protection of Consumer Rights.

2. The Committee for Protection of Consumer Rights of the Ministry of Trade and Integration of the Republic of Kazakhstan in accordance with the procedure, established by the legislation of the Republic of Kazakhstan, shall ensure:

1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) placement of this order on the Internet resource of the Ministry of Trade and Integration of the Republic of Kazakhstan;

3. Control over implementation of this order shall be entrusted to the supervising Vice Minister of Trade and Integration of the Republic of Kazakhstan.

4. This order shall come into force from January 1, 2021 and is subject to official publication.

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

*B. Sultanov*

" A G R E E D "

Ministry of  
and Social  
of the Republic of Kazakhstan

Information  
Development

" A G R E E D "

Ministry of  
of the Republic of Kazakhstan

Agriculture

" A G R E E D "

Agency for Protection and  
of the Republic of Kazakhstan

Promotion of Competition

Ministry of Education of the Republic of Kazakhstan	" A G R E E D "
Ministry of Healthcare of the Republic of Kazakhstan	" A G R E E D "
Ministry of Labor and Social Protection of Population of the Republic of Kazakhstan	" A G R E E D "
Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan	" A G R E E D "
Ministry of Finance of the Republic of Kazakhstan	" A G R E E D "
Ministry of Culture and Sports of the Republic of Kazakhstan	" A G R E E D "
Ministry of Foreign Affairs of the Republic of Kazakhstan	" A G R E E D "
Ministry of Emergency Situations of the Republic of Kazakhstan	" A G R E E D "
Ministry of National Economy of the Republic of Kazakhstan	" A G R E E D "
Ministry of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan	" A G R E E D "
Ministry of Internal Affairs of the Republic of Kazakhstan	" A G R E E D "
Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan	" A G R E E D "

## **Rules for formation, maintenance and use of the Unified Information System for the Protection of Consumer Rights**

### **Chapter 1. General Provisions**

1. These Rules for formation, maintenance and use of the Unified Information System for the Protection of Consumer Rights (hereinafter referred to as the Rules) have been developed in accordance with the Law of the Republic of Kazakhstan dated May 4, 2010 "On Protection of Consumer Rights" (hereinafter referred to as the Law) and shall determine the procedure for the formation, maintenance and use of the Unified Information System for the Protection of Consumer Rights (hereinafter referred to as the – UISPCR).

2. Basic concepts used in these Rules are as follows:

1) an electronic copy of a document – a document, fully reproducing the form and information (data) of the original document in digital form;

2) state bodies in the field of consumer rights protection (hereinafter - the state bodies) – central state bodies that carry out functions in the field of consumer protection;

3) the authorized body in the field of consumer rights protection (hereinafter - the authorized body) - a state body that carries out management and intersectoral coordination in the field of consumer protection;

4) an appeal - a proposal, statement, complaint, request or response, sent to the entity considering the appeal, or to an official, individual or collective written, oral or in the form of an electronic document, video conferencing, video message;

5) an electronic document - a document in which information is presented in electronic digital form and certified by means of an electronic digital signature;

6) an electronic digital signature - a set of electronic digital symbols created by means of an electronic digital signature and confirming the authenticity of an electronic document, its ownership and the invariability of its content.

3. The UISPCR is an information system designed to automate the process of receiving and considering consumer appeals, their systematization and accounting at all levels of the consumer protection system.

4. Through UISPCR, consideration of consumer appeals shall be ensured at all levels of the consumer protection system by:

1) sellers (manufacturers, performers) of goods (works, services), initiators (organizers) of games;

2) public associations of consumers, associations (unions), legal consultants who are members of the chamber of legal consultants and provide legal assistance, and other persons in accordance with the legislation of the Republic of Kazakhstan (hereinafter referred to as the representatives of the legitimate interests of consumers);

3) subjects of pre-trial settlement of consumer disputes;

4) the authorized body, state bodies.

5. Submissions in the field of protection of consumer rights, considered through the UISPCR, shall be:

1) appeals of consumers to sellers (manufacturers, performers) of goods (works, services) with a claim to eliminate violations of their rights and legitimate interests, as well as to compensate for the loss (harm) caused by these violations due to defects in goods (work, services));

2) consumer appeals to the initiators (organizers) of games with a claim for the quality of goods (works, services) transferred (performed, rendered) in the form of a prize;

3) consumers' appeals to the subjects of pre-trial settlement of consumer disputes for the protection and restoration of their violated rights and legitimate interests, compensation for loss (harm) caused by defects in goods (work, services), compensation for moral damage;

4) consumer appeals to the authorized body and state bodies in order to take measures within their competence in relation to sellers (manufacturers, performers), initiators (organizers) of games that have violated their rights and legitimate interests in the field of consumer protection;

5) consumers' appeals to the authorized body and state bodies in order to take measures within their competence in relation to the subjects of pre-trial settlement of consumer disputes and (or) representatives of the legitimate interests of consumers due to their ineffective activities to resolve consumer disputes and (or) protect their rights and legitimate interests;

6) appeals of public associations of consumers, associations (unions) to the authorized body and state bodies, including based on the results of public control, in order to take measures within their competence in relation to persons who released and sold goods (performed work and provided services) that do not correspond the established requirements for safety and quality; in order to assess the quality of goods (works, services) in case of receipt of statements, complaints from consumers; in order to assist in considering the fact of violation of the rights and legitimate interests of consumers.

Petitions to the court concerning the issues of the protection of consumer rights shall not be subject to sending through the UISPCR.

6. The UISPCR shall ensure the public availability of information, including information about sellers (manufacturers, contractors), in respect of whom applications and complaints

from consumers have been received, taking into account the requirements of the legislation of the Republic of Kazakhstan on personal data and their protection.

7. The results of the public control carried out with the recommendations of the commission formed for performance of public control are posted in UISPCR within thirty calendar days from the date of the public control, indicating the date, place and information about the seller (manufacturer, performer).

Collection, processing and protection of personal data in the UISPCR shall be carried out in accordance with the legislation of the Republic of Kazakhstan on personal data and their protection.

## **Chapter 2. Procedure for formation, maintenance and use of the Unified Information System for the Protection of Consumer Rights**

8. The authorized body shall ensure the formation and maintenance of the UISPCR and its mobile version.

Formation and maintenance shall be carried out by entering into the UISPCR information and reporting received from sellers (manufacturers, executors), government agencies, subjects of pre-trial settlement of consumer disputes, representatives of legitimate interests of consumers through UISPCR, including through the media on violations of the legislation of the Republic of Kazakhstan on consumer protection.

In the UISPCR, the authorized body shall ensure the placement of a list of subjects of pre-trial settlement of consumer disputes.

9. State authorities, subjects of pre-trial settlement of consumer disputes, shall ensure that the UISPCR includes information on the results of the considered consumer appeals, as well as the reasons for refusing to consider them.

The subject of pre-trial settlement of a consumer dispute, no later than the thirtieth day of the month following the reporting quarter, shall submit quarterly information on the results of consideration of consumer appeals to the authorized body.

Consumer appeals shall be considered by sellers (manufacturers, performers) through the UISPCR when they voluntarily register in it within the time limits set forth in article 42-4 of the Law.

10. The UISPCR shall be used to organize the reception and consideration of consumer appeals by sellers (manufacturers, executors), an authorized body, state bodies, subjects of pre-trial settlement of consumer disputes, representatives of legitimate interests of consumers, initiators (organizers) of games.

A consumer whose rights and legitimate interests are violated shall apply through the UISPCR to the seller (manufacturer, performer), the initiator (organizer) of the games, representatives of the legitimate interests of consumers, to the authorized body, state bodies, or to the subject of pre-trial settlement of a consumer dispute.

To send an appeal, a consumer, is required to perform the following functions:

- 1) authorization of access;
- 2) formation (drawing up) of the appeal, annexes to the appeal, if necessary;
- 3) sending and confirmation of receipt of the appeal.

The authorized body, state bodies and subjects of pre-trial settlement of consumer disputes ensure:

- 1) accounting of calls (registration of incoming and outgoing calls);
- 2) control of the execution of the appeal;
- 3) search for an appeal;
- 4) storage of references.

11. Upon receipt of an appeal only on paper, the registration of such a document in the UISPCR shall be carried out by creating an electronic copy of the document in PDF, TIFF, JPEG, JPG formats.

12. The UISPCR terminal and application interface shall be provided in Kazakh and Russian languages.

13. The functioning of the UISPCR shall be carried out in the existing networks and communications of state bodies.

14. Maintenance of the UISPCR shall be carried out by experts in the field of information and communication technologies.

15. When forming, maintaining and using the UISPCR, the Uniform requirements in the field of information and communication technologies and information security, approved by the Resolution of the Government of the Republic of Kazakhstan dated December 20, 2016 No. 832 shall be taken into account.